



**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Planning Commission Staff Report**  
**December 9, 2024**

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**Topic:** Zoning Ordinance No. 2024-03 to Amend Article II (Use Districts) of Chapter 41 (Zoning) of the Santa Ana Municipal Code in Compliance with Changes to State Law Pertaining to Accessory Dwelling Units and Make Other Minor Clarifying Changes (Citywide).

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**RECOMMENDED ACTION**

Recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment No. 2024-03 to amend several sections of Article II (Use Districts - General Provisions) of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) related to accessory dwelling units (ADUs) to maintain consistency with, and amend to reflect modifications to, state ADU law scheduled to take effect on January 1, 2025, and make other minor clarifying changes.

**EXECUTIVE SUMMARY**

On September 19, 2024, Governor Newsom signed new housing laws that included [Senate Bill \(SB\) 1211](#), amending State accessory dwelling unit (ADU) law. The bill will become effective January 1, 2025. The proposed ordinance will amend several sections of the zoning code to make [Santa Ana's local ordinance](#) (SAMC Section 41-194 et seq.) consistent with changes to State ADU law, thereby retaining Santa Ana's ability to retain local control and implement existing ADU ordinance components that remain consistent with State law, and make other minor clarifying changes. Specifically, staff proposes amendments to Santa Ana Municipal Code (SAMC) Sections 41-194 (Purpose), 41-194.1 (Definitions), 41-194.2 (Permitted zones and applicability), and 41-194.3 (Development standards) in order to comply with State ADU Law. It also proposes to update outdated references to the Government Code and change language with respect to ADU size.

**DISCUSSION**

ADUs are seen as a critical component in addressing the statewide housing shortage. As such, the California Legislature has enacted bills making changes to State ADU law in nearly every legislative session since 2016. Collectively, the bills have made changes to development and design standards that can be imposed by local agencies, the number of units that can be constructed on a property, set limits on parking standards and included

parking exemptions, required streamlined review processes, and prescribed that local ordinances that are not in compliance with state ADU law are null and void and superseded by State law.

SB 1211 is the latest bill enacted by the legislature and signed by the Governor that will make substantive changes to State ADU law. The bill increases the number of detached ADUs that can be constructed on lots with multi-family buildings, prohibits local governments from requiring replacement of uncovered parking spaces, and clarifies the definition of livable space.

To ensure Santa Ana's local ordinance remains consistent with State law, sections of Article II (Use Districts) of Chapter 41 (Zoning) relating to ADUs and JADUs that are impacted must be amended. Table 1 below and on the following page provides a summary of the changes necessary to make Santa Ana's local ADU ordinance consistent with State law.

**Table 1: ZOA No. 2024-03 Current and Proposed Text Regulations**

Item	Existing Zoning Code Regulations	Changes to State Law by AB 1211	Proposed Zoning Code Amendment
Multi-Family Buildings	Sec. 41-194.2(D) permits two detached ADUs, constructed either through new construction or conversion of existing detached accessory buildings.	<ol style="list-style-type: none"><li>Permits the construction of up to eight detached ADUs on lots developed with a multi-family building, not to exceed the number of existing primary units on the lot.</li><li>Lots proposed to be developed with a multi-family building are permitted to construct up to two detached ADUs.</li></ol>	<ol style="list-style-type: none"><li>Add Sec. 41-194.2(E) to permit the construction of up to eight detached ADUs on lots developed with a multi-family building, not to exceed the number of existing primary units on the lot.</li><li>Add Sec. 41-194.2(F) to permit the construction of up to two detached ADUs on lots proposed to be developed with a multi-family building.</li></ol>
Parking Requirements	Existing ADU ordinance provides definitions for existing carport, existing covered parking structure, and existing garage. It also states that when any of the aforementioned is demolished in conjunction with the construction of an ADU, or converted to an ADU, replacement of those parking spaces is not required.	Enumerates an additional definition for uncovered parking space that is not required to be replaced in conjunction with the construction of an ADU, or when it is converted to an ADU.	<ol style="list-style-type: none"><li>Add Sec. 41-194.1(4) to define existing uncovered parking space.</li><li>Amend Sec. 41-194.3(M) to include uncovered parking space on the list of parking that can be demolished in conjunction with the construction of an ADU without replacement of that parking being required.</li></ol>

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Livable Space	Existing ADU ordinance defines living area as interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure. The ordinance does not define livable space.	Adds a definition of livable space to mean a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.	Add Sec. 41-194.1(7) to define livable space as a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
State ADU Law Reference	References prior Government Code sections (65852.2 and 65852.22) that governed ADU development.	<a href="#">Senate Bill 477</a> relocated numerous Government Code sections into a new chapter to make State law governing ADUs and JADUs easier to read and navigate.	Update all references to the Government Code to reflect reorganization of State ADU/JADU law.
Size	Provides that conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements, at Section 41-194.3(D)	Change is not related to recent legislation but to ensure more precise and appropriate language is used—"size limits" rather than "size requirements."	Changed language at Section 41-194.3(D) replacing the term "requirements" with "limits".

### **ENVIRONMENTAL IMPACT**

Pursuant to the California Environmental Quality Act ("CEQA") and the [State CEQA Guidelines](#), adoption of this Ordinance is exempt from CEQA review pursuant to Section 15282(h) which provides a statutory exemption for the adoption of an ordinance regarding ADUs in a single-family or multifamily residential zone by a city or county to implement the provisions of [Sections 66310](#), et seq. of the Government Code as set forth in [Section 21080.17](#) of the Public Resources Code. As a result, a Notice of Exemption, Environmental Review No. 2024-96, will be filed upon adoption of this ordinance.

### **FISCAL IMPACT**

There is no direct fiscal impact associated with this action.

### **EXHIBITS**

1. Ordinance for ZOA No. 2024-03
2. Copy of Public Notice

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Submitted By:  
Holli Safran, Associate Planner

Approved By:  
Minh Thai, Executive Director of the Planning and Building Agency