

17. Second Reading of Zoning Ordinance Amendment No. 2024-03 – An Ordinance of the City Council of the City of Santa Ana Amending Article II (Use Districts) of Chapter 41 (Zoning) of the Santa Ana Municipal Code relating to Accessory Dwelling Units (ADUs)

First Reading January 21, 2025 City Council meeting and approved by a vote of 7-0. Published in the OC Reporter on January 23, 2025.

Department(s):

Recommended Action: Conduct a second reading and adopt Zoning Ordinance Amendment No. 2024-03 amending Article II (Use Districts) of Chapter 41 (Zoning) of the Santa Ana Municipal Code related to accessory dwelling units to be in compliance with changes to state law enacted under Senate Bill 1211 and make other minor clarifying changes.

ORDINANCE NO. NS-3076 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING ARTICLE II (USE DISTRICTS) OF CHAPTER 41 (ZONING) OF THE SANTA ANA MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS TO BE IN COMPLIANCE WITH CHANGES TO STATE LAW ENACTED UNDER SENATE BILL 1211 AND MAKE OTHER MINOR CLARIFYING CHANGES



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
February 4, 2025

TOPIC: ADU Ordinance Amendments (Citywide) Second Reading

AGENDA TITLE

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RECOMMENDED ACTION

Conduct a second reading and adopt Zoning Ordinance Amendment No. 2024-03 amending Article II (Use Districts) of Chapter 41 (Zoning) of the Santa Ana Municipal Code related to accessory dwelling units to be in compliance with changes to state law enacted under Senate Bill 1211 and make other minor clarifying changes.

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GOVERNMENT CODE §84308 APPLIES: No

DISCUSSION

At the January 21, 2025, meeting, the City Council conducted the first reading of Zoning Ordinance Amendment No. 2024-03, a zoning ordinance amending Article II (Use Districts) of Chapter 41 (Zoning) of the Santa Ana Municipal Code relating to accessory dwelling units (ADUs) to be in compliance with changes to State ADU law enacted under Senate Bill 1211 that took effect January 1, 2025. The ordinance, approved 7:0, requires a second reading.

No changes to the ordinance were made by the City Council. A copy of the ordinance for second reading is attached to this report as Exhibit 1.

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.

EXHIBIT

1. Ordinance for ZOA No. 2024-03

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

Approved By: Alvaro Nuñez, City Manager

ORDINANCE NO. NS-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING ARTICLE II (USE DISTRICTS) OF CHAPTER 41 (ZONING) OF THE SANTA ANA MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS TO BE IN COMPLIANCE WITH CHANGES TO STATE LAW ENACTED UNDER SENATE BILL 1211 AND MAKE OTHER MINOR CLARIFYING CHANGES

WHEREAS, in Government Code section 66310, the California Legislature found and declared that, among other things, allowing Accessory Dwelling Units (“ADUs”) in zones that permit single-family and multifamily uses provides additional rental housing and is an essential component in addressing California’s housing needs; and

WHEREAS, the legislature has periodically revised State law governing local regulation of the development of ADUs and Junior Accessory Dwelling Units (“JADUs”), to which law charter cities like Santa Ana are subject; and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law, Senate Bill 1211, which amended Government Code sections 66313, 66314, and 66323; and

WHEREAS, the City of Santa Ana accordingly desires to amend and update its local regulations governing the development of ADUs and JADUs to be consistent with State ADU law as amended by SB 1211 in order to retain the ability to maintain local land use control and implement its ADU ordinance to the fullest extent possible and to make other minor clarifying changes to the City’s ordinance; and

WHEREAS, Zoning Ordinance Amendment No. 2024-03 amends and adds various sections of Chapter 41, including: Section 41-194 (Purpose), Section 41-194.1 (Definitions), Section 41-194.2 (Permitted Zones and Applicability), and Section 41-194.3 (Development Standards) and makes those other minor clarifying changes to the City’s ordinance; and

WHEREAS, the regulations contained within Zoning Ordinance Amendment No. 2024-03 are consistent with the City’s adopted General Plan, specifically the following goals and policies:

- Goal LU-1: Growing Responsibly. Provide a land use plan that improves quality of life and respects our existing community.
 - Policy LU-1.1 Compatible Uses. Foster compatibility between land uses to enhance livability and promote healthy lifestyles.
 - Policy LU-1.5 Diverse housing types. Incentivize quality infill residential development that provides a diversity of housing types and accommodates all income levels and age groups.

- Goal LU-2: Land Use Needs. Provide a balance of land uses that meet Santa Ana's diverse needs.
 - Policy LU-2.6 Encourage Investment. Promote rehabilitation of properties and encourage increased levels of capital investment to create a safe and attractive environment.
- Goal LU-3: Compatibility of Uses. Preserve and improve the character and integrity of existing neighborhoods and districts.
 - Policy LU-3.1 Community Benefits. Support new development which provides a net community benefit and contributes to neighborhood character and identity.
 - Policy LU-3.4 Compatible Development. Ensure that the scale and massing of new development is compatible and harmonious with the surrounding built environment.
 - Policy LU-3.7 Attractive Environment. Promote a clean, safe, and creative environment for Santa Ana's residents, workers, and visitors.
- Goal HE-1: Housing and Neighborhoods. Livable and affordable neighborhoods with healthy and safe housing conditions, community services, well-maintained infrastructure, and public facilities that inspire neighborhood pride and ownership.
 - Policy HE-1.7 Historic Preservation. Support preservation and enhancement of residential structures, properties, street designs, lot patterns, and other visible reminders of neighborhoods that are considered local historic or cultural resources.
- Goal HE-2: Housing Supply and Diversity. Foster an inclusive community with a diversity of quality housing, affordability levels, and living experiences that accommodate Santa Ana's residents and workforce of all household types, income levels, and age groups.
 - Policy HE-2.1 Citywide. Designate adequate land in the General Plan Land Use Element and Zoning for the development of a range of housing types to meet the identified needs of all economic segments of the community while providing a high quality of life for all residents.
 - Policy HE-2.4 Rental Housing. Facilitate the construction of rental housing for Santa Ana's residents and workforce, with a commitment to provide rental housing for extremely low-, very low-, and low-income residents as well as moderate-income Santa Ana workers.
 - Policy HE-2.5 Diverse Housing Types. Facilitate diverse types, prices, and sizes of housing, including single-family homes, apartments, townhomes,

duplexes, mixed/multiuse housing, transit-oriented housing, multigenerational housing, accessory dwelling units, and live-work opportunities.

- Policy HE-2.6 Housing Design. Require excellence in architectural design through the use of materials and colors, building treatments, landscaping, open space, parking, and environmentally sensitive (“green”) building and design practices.
- Policy HE-2.8 Entitlement Process. Provide flexible development review and entitlement processes that facilitate innovative and creative housing solutions, offer a consistent approval process, and allow for appropriate oversight.
- Policy HE-2.10 Overcrowding Conditions. Facilitate the development of accessory dwelling units and additions and improvements to existing homes to alleviate overcrowded housing conditions.
- Goal HP-1: Historic Areas and Resources. Preserve and enhance Santa Ana’s historic areas and resources to maintain a unique sense of place.
 - Policy HP-1.1 Architectural and Design Standards. Preserve unique neighborhoods and structures in Santa Ana through implementation of the Citywide Design Guidelines and historic preservation best practices.
- Goal UD-1: Physical Character. Improve the physical character and livability of the City to promote a sense of place, positive community image, and quality environment.
 - Policy UD-1.1 Design Quality. Ensure all developments feature high quality design, materials, finishes, and construction.
- Goal UD-2: Sustainable Environment. Improve the built environment through sustainable development that is proportional and aesthetically related to its setting.
 - Policy UD-2.2 Compatibility and use with Setting. Employ buffers and other urban design strategies to encourage the compatibility of new development with the scale, bulk, and pattern of existing development.
 - Policy UD-2.4 Intentional Design. Encourage design and architecture on private and public property that accentuate focal points, activity nodes, and historic areas.
 - Policy UD-2.5 Relation to Surroundings. Ensure new development exhibits a functional, comfortable scale in relation to its neighborhood.

- Policy UD-2.6 Preserve Neighborhood Character. Preserve the character and uniqueness of existing districts and neighborhoods.

Zoning Ordinance Amendment No. 2024-03 supports and is consistent with these General Plan goals and policies of the Land Use Element, Housing Element, Historic Preservation Element, and Urban Design Element.

WHEREAS, on December 9, 2024, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning Zoning Ordinance Amendment No. 2024-03, and recommended adoption of said Zoning Ordinance Amendment No. 2024-03 by the City Council; and

WHEREAS, on January 21, 2025, the City Council held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning Zoning Ordinance Amendment No. 2024-03.

NOW, THEREFORE, the City Council of the City of Santa Ana does ordain as follows:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. Section 41-194 (Purpose) of Article II of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 41-194. Accessory Dwelling Units – Purpose.

The purpose of this section is to establish regulations for the development of accessory dwelling units and junior accessory dwelling units as defined in this section and in California Government Code sections 66310, et seq., or any successor statute.

Section 3. Section 41-194.1 (Definitions) of Article II of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 41-194.1. - Definitions.

As used in this section, the following words, terms or phrases have the following meanings:

- (1) "Accessory dwelling unit" or "ADU" means an attached or detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residential building. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the primary residential building is situated or will be situated. It shall have the same meaning as that term is defined in California Government Code section 66310, et. seq., as amended from time to time.

- (2) "Existing accessory structure" means an accessory structure, as defined in this chapter, which was legally established and existing prior to the submittal of an ADU or JADU application.
- (3) "Existing carport" and "Existing covered parking structure" and "Existing garage" means a building or portion of a building designed or used for parking or storage of motor vehicles that was legally established and existing prior to the submittal of an ADU or JADU application.
- (4) "Existing uncovered parking space" means a parking area without a roof or other structure that is designated for a specific building and that was legally established and existing prior to the submittal of an ADU or JADU application.
- (5) "Junior accessory dwelling unit" or "JADU" means a unit that is no more than five hundred (500) square feet in size, contained entirely within the living area of a single-family residence, provides a cooking facility with appliances, food preparation counter and storage cabinets that are of reasonable size in relation to the unit, and has independent exterior access. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure when an interior connection to the primary unit where the sanitation facilities are located is provided.
- (6) "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- (7) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (8) "Mixed-use" for purposes of ADU development means a development that combines residential land use with one (1) or more additional land uses where uses are physically and functionally integrated (horizontally or vertically).
- (9) "Multi-family building" for purposes of ADU development means a building, other than a hotel or motel, with two (2) or more attached dwelling units used to house two (2) or more families, living independently of each other.
- (10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (11) "Single-family residence" means a residential building containing one (1) or more habitable rooms with only one (1) kitchen, designed for occupancy by one (1) independent household unit with common access to, and common use of all living, kitchen and bathroom areas.
- (12) "Tandem parking" means that two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Section 4. Section 41-194.2 (Permitted zones and applicability) of Article II of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 41-194.2. - Permitted zones and applicability.

- (A) ADUs and JADUs may be permitted in all zoning districts where residential or mixed-use development is permitted.
- (B) The executive director of the planning and building agency, or his/her designee, shall review and approve or deny ministerial permits for ADUs and JADUs upon determining whether the application submitted is complete, the proposed unit conforms to all requirements of this Code, and a non-refundable application review fee in the amount established by the city council, and amended from time to time, has been paid. Applications deemed incomplete or not in full conformance with the requirements of this Code will be rejected.
- (C) Lots developed or proposed to be developed with a single-family residence or multiple detached single-family residences shall not be permitted more than one (1) ADU.
- (D) Lots developed with a multi-family building may convert existing square footage within the building not used as livable space to a minimum of one (1) ADU and a maximum that shall not exceed twenty-five (25) percent of the number of units on the lot.
- (E) Lots developed with a multi-family building are, in addition to units permissible by subsection (D), permitted to construct up to eight (8) detached ADUs; however, the number of detached ADUs shall not exceed the number of existing units on the lot. Those detached ADUs may be provided through conversion of existing detached accessory buildings, garages, carports, covered parking structures, new construction, or combination thereof.
- (F) Lots proposed to be developed with a multi-family building are permitted to construct up to two (2) detached ADUs.
- (G) A maximum of one (1) JADU shall be permitted on a lot developed or proposed to be developed with a single-family residence. For purposes of this paragraph, non-habitable spaces attached to or within the primary residence, such as an attached garage, is considered a part of the proposed or existing single-family residence and may be converted into a JADU. Lots with multiple detached single-family residences are not eligible to have a JADU.
- (H) An ADU shall only be sold or otherwise conveyed separately from the primary building on the lot if the primary building and the ADU were built or developed by a qualified non-profit corporation in accordance with Government Code Section 65852.26, as amended from time to time, and an affordable housing agreement is entered into by the applicant and the city.

Section 5. Section 41-194.3 (Development standards) of Article II of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 41-194.3. - Development standards.

The development standards in Table 41-194.3 shall be applicable to all ADUs and JADUs. Additional provisions related to ADUs and JADUs are referenced in the "Additional Provisions" column of the table. Such provisions may include references to other applicable code sections or limitations.

City of Santa Ana Municipal Code Table 41-194.3

Specific Regulations	ADU		JADU	Additional Provisions
	Attached	Detached		
Minimum Size	220 sq. ft.	220 sq. ft.	220 sq. ft.	
Maximum Size	1,000 sq. ft.	1,000 sq. ft.	500 sq. ft.	(A)(B)(C)(D)
Maximum Height	Same as primary building	20 ft.	Same as primary building	(E)
Minimum Front Yard Setback	Same as primary building	Same as primary building	Same as primary building	(F)
Minimum Side Yard Setback	4 ft.	4 ft.	Same as primary building	(G)
Minimum Street Side Setback (Corner Lots)	4 ft.	4 ft.	Same as primary building	(G)
Minimum Rear Yard Setback	4 ft.	4 ft.	Same as primary building	(G)
Maximum Lot Coverage/Use Intensity	Same as zoning district	Same as zoning district	Same as zoning district	(H)
Open Space	1,200 sq. ft.	1,200 sq. ft.	-	(I)(J)
Separation from Primary Buildings	-	15 ft.	-	(K)
Separation from Accessory Buildings	5 ft.	5 ft.	Same as primary building	(K)
Minimum Parking	1 space	1 space	-	(L)(M)
Tandem Parking	Permitted	Permitted	Permitted	
Design Guidelines	Apply	Apply	Apply	

- (A) Attached ADUs shall not exceed fifty (50) percent of the size of the habitable space of the primary residence on the lot. Attached ADUs may only exceed fifty (50) percent of the size of the habitable space of the primary dwelling to accommodate an ADU up to eight hundred (800) square feet in size. In no case shall the attached ADU exceed one thousand (1,000) square feet in size.
- (B) ADUs may not exceed eight hundred (800) square feet in size in cases where both an ADU and JADU are developed or proposed on a lot.
- (C) Existing accessory structures may be converted into an ADU and may be expanded by up to one hundred fifty (150) square feet of the existing footprint. Development standards applicable to new ADUs shall not apply to one hundred fifty (150) square foot expansions. If an expansion of an accessory structure beyond one hundred fifty (150) square feet is proposed, the ADU shall be subject to and comply with all development standards applicable to a new ADU.
- (D) The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size limits.
- (E) Detached ADUs shall not exceed two (2) stories or twenty (20) feet in height, as measured from the lowest adjacent grade of the structure to the highest point of the roof on the structure. The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to height requirements.
- (F) An ADU may encroach into the required front yard setback to permit an ADU up to eight hundred (800) square feet in size. The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to setback requirements.
- (G) No minimum setback shall be required for an ADU constructed in the same location and to the same dimensions as an existing structure that encroached into a required setback that was demolished to construct the proposed unit.
- (H) Lot coverage and use intensity maximum established in zoning district may be exceeded to permit an ADU up to eight hundred (800) square feet in size. The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to lot coverage requirements.
- (I) Required open space may be reduced to permit an ADU up to eight hundred (800) square feet in size. Open space requirement shall only apply to properties developed or proposed to be developed with a single-family residence. The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to open space requirements.
- (J) Shall be usable, continuous, non-front yard open-space, excluding driveways and parking areas. Any open space with a minimum dimension of fifteen (15) feet by fifteen (15) feet shall be deemed continuous open space.
- (K) Separation requirement may be reduced to permit an ADU up to eight hundred (800) square feet in size. Separation shall be measured from the nearest points between the structures. The conversion of an existing accessory structure or a

portion of the existing primary residence to an ADU is not subject to separation requirements.

- (L) No parking for the ADU is required if one (1) or more of the following applies:
1. The ADU is located within one-half (½) mile walking distance of public transit.
 2. The ADU is located within an architecturally and historically significant historic district.
 3. The ADU is part of the proposed or existing primary residence or an existing accessory structure.
 4. When on-street parking permits are required but not offered to the occupant of the ADU.
 5. When there is a car share vehicle located within one (1) block of the ADU.
 6. The ADU is constructed as a studio, without bedrooms.
 7. When a permit application for an ADU is submitted with a permit application to create a new single-family residence or a new multifamily residence on the same lot, provided that the ADU or the lot satisfies any other criteria listed in items 1. through 6. above.
- (M) When an existing garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU, or converted to an ADU, replacement of those off-street parking spaces shall not be required. If an existing garage, carport, or other covered parking structure is demolished in conjunction with the construction of an ADU, the demolition permit shall be issued at the same time as the permit for the ADU.

Section 6. The City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the State CEQA Guidelines, which provides a statutory exemption for the adoption of an ordinance regarding second units 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 further set forth in Section 21080.17 of the Public Resources Code.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

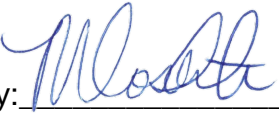
Section 8. This ordinance shall become effective thirty (30) days after its adoption.

Section 9. The City Clerk shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2025.

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____
Melissa M. Crosthwaite
Senior Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, _____, City Clerk, do hereby attest to and certify the attached Ordinance No. NS-_____ to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

City Clerk
City of Santa Ana