



ACCESSORY DWELLING UNITS

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 65852.2 and 65852.22, or any successor statute.

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 65852.2, 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) "Junior accessory dwelling unit" or "JADU" means a unit that is no more than 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.
- (5) "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.

- (6) "Mixed-Use" for purposes of ADU development means a development that combines residential land use with one or more additional land uses where uses are physically and functionally integrated (horizontally or vertically).
- (7) "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.
- (8) "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.
- (9) "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.
- (10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

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 non-habitable square footage within the building 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. Lots developed with a multi-family building are also permitted to construct two (2) detached ADUs. Those detached ADUs may be provided through conversion of existing detached accessory buildings, garages, carports, covered parking structures, new construction, or combination thereof.

(E) 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.

(F) 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.

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 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 the one hundred fifty (150) square foot expansion. 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 requirements.
- (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 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 or more of the following applies:

1. The ADU is located within one-half (1/2) 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, or other covered parking structure 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.

Sec. 41-194.4. Historic Properties.

ADUs and JADUs shall conform to the United States Secretary of Interior's Official Standards for the Treatment of Historic Properties.

Sec. 41-194.5 Restrictive Covenant.

Prior to issuance of a building permit for a JADU, a covenant consenting that either the primary dwelling unit or the JADU be owner-occupied shall be recorded against the title of the property in the County Recorder's office and a copy filed with the Planning Division. Said covenant shall run with the land, and shall bind all future owners, heirs, successors, or assigns. The form of the deed restriction shall be provided by the City and shall provide that:

1. The JADU shall not be sold separately from the primary dwelling.
2. The unit is restricted to the approved size and attributes of this chapter.
3. The covenant restrictions run with the land and may be enforced against future purchasers.
4. The covenant restrictions may be removed if the owner eliminates the JADU.
5. The covenant restriction shall be enforced by the Executive Director of Planning and Building or his or her designee for the benefit of the City of Santa Ana. Failure of the property owner to comply with the covenant restrictions may result in legal action against the property owner and the City shall be authorized to obtain any remedy available to it at law or equity, including but not limited to obtaining an injunction enjoining use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

Sec. 41-194.6. Appeals of Executive Director decision.

Any person wanting to appeal the determination of the Executive Director of the Planning and Building Agency, or his/her designee, to disapprove plans and drawings submitted pursuant to section 41-194, et seq., or to the standards of section 41-194, et seq., may file an application for a minor exception pursuant to Article V of this chapter.

Sec. 41-194.7 Applicability to other regulations.

ADUs and JADUs must comply with any and all applicable regulations imposed in other articles of the zoning code, other city ordinances and state and federal law. Should a conflict exist between the provisions of this article and the provisions of other articles of Chapter 41 of this Code, the provisions of this article shall prevail.