

RESOLUTION NO. 2023-071

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA REDUCING THE FEE FOR ACCESSORY DWELLING UNIT APPLICATION REVIEW FROM TWO THOUSAND SIX HUNDRED NINE DOLLARS (\$2,609) TO ONE THOUSAND SEVEN HUNDRED ONE DOLLARS (\$1,701) AND ESTABLISHING THE FEE FOR PRE-APPROVED ACCESSORY DWELLING UNIT APPLICATION REVIEW AT FOUR HUNDRED SIXTY DOLLARS (\$460)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. On November 21, 1983, the City Council adopted Ordinance No. NS-1701 establishing a regulatory framework in Chapter 41 of the Santa Ana Municipal Code (SAMC) for the development of accessory dwelling units, commonly referred to as second dwelling units.
- B. On June 2, 2003, the City Council adopted Ordinance No. NS-2629 in response to changes to state accessory dwelling unit law (Assembly Bill 1866) amending certain sections of Chapter 41 of the SAMC related to the regulation of accessory dwelling units in compliance with state law.
- C. On April 3, 2018, the City Council adopted Ordinance No. NS-2940 amending Chapter 41 of the SAMC related to the regulation of accessory dwelling units in response to changes made to state accessory dwelling unit law (Assembly Bill 494, Assembly Bill 2299, Senate Bill 229, and Senate Bill 1069) which limited local governments' regulatory authority of accessory dwelling units.
- D. On April 7, 2020, the City Council adopted Ordinance No. NS-2986 amending Chapter 41 of the SAMC related to the regulation of accessory dwelling units in response to changes made to state accessory dwelling unit law (Assembly Bill 68, Assembly Bill 587, Assembly Bill 670, Assembly Bill 671, Assembly Bill 881, and Senate Bill 13) that required greater flexibility in the development of these units and further limited local regulatory authority of accessory dwelling units.
- E. On December 6, 2022, the City Council adopted Ordinance No. NS-3030 amending Chapter 41 of the SAMC related to the regulation of accessory

dwelling units in response to changes made to state accessory dwelling unit law (Assembly Bill 2221 and Senate Bill 897) continuing the trend of further limiting local governments' ability to regulate the design, siting, and development standards applicable to accessory dwelling units.


- F. Section 8-5 of the SAMC authorizes the establishment of fees and charges for permits, plan review, inspections, re-inspections, investigations, hearings or other purposes requiring fees by resolution of the City Council.
- G. On June 6, 2023, the City Council approved Resolution No. 2023-031 establishing the Miscellaneous Fees Schedule for Fiscal Year 2023-2024.
- H. Miscellaneous Fees are intended to recover the City's costs associated with delivering the corresponding services and, in accordance with state law, cannot exceed the City's actual costs in delivering said service.
- I. State laws limiting local land use controls and development standards that local governments can impose on accessory dwelling units have reduced the amount of time that Planning and Building Agency staff spend reviewing and processing individual accessory dwelling unit applications.
- J. To ensure the City's costs associated with delivering Planning and Building Agency accessory dwelling unit application review is commensurate with the corresponding service and does not exceed actual costs, the Planning and Building Agency accessory dwelling unit review fee is reduced from \$2,609 to \$1,701.
- K. Planning and Building Agency staff utilized SB 2 (Building Homes and Jobs Act, 2017) grant funds to solicit two consultants to create pre-approved accessory dwelling unit plan sets that will be made available for the public's use. These plans are near permit ready, only requiring the applicants to work with a design professional/engineer to create a site specific site plan and a drainage plan.
- L. Review of these types of plans were not contemplated in the Miscellaneous Fees Schedule for Fiscal Year 2023-2024. A new Planning and Building Agency fee for pre-approved accessory dwelling unit review of \$460 is needed.
- M. Based on analysis and evaluation of staff time, equipment, and materials, these fees are recommended as set forth below.

Section 2. The City Council hereby reduces the fee for accessory dwelling unit application review from two thousand six hundred nine dollars (\$2,609) to one thousand seven hundred one dollars (\$1,701) and establishes the fee for pre-approved accessory dwelling unit application review at four hundred sixty dollars (\$460).

Section 3. Without further action of the City Council, the above-referenced fees created by this Resolution shall be incorporated into the City's Uniform Schedule of Miscellaneous Fees for Fiscal Year 2023-2024 and updated annually.

Section 4. This Resolution, upon adoption by the City Council, shall take effect November 1, 2023, and the City Clerk shall attest to and certify the vote adopting this Resolution.

ADOPTED this 17<sup>th</sup> day of October, 2023.



Valerie Amezcua  
Mayor

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


By: Laura A. Rossini  
*for* Jonathan T. Martinez  
Assistant City Attorney

AYES:	Councilmembers	<u>Amezcua, Bacerra, Hernandez, Lopez, Penaloza, Phan, Vazquez (7)</u>
NOES:	Councilmembers	<u>None (0)</u>
ABSTAIN:	Councilmembers	<u>None (0)</u>
NOT PRESENT:	Councilmembers	<u>None (0)</u>

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, JENNIFER L. HALL, City Clerk, do hereby attest to and certify the attached Resolution No. 2023-069 to be the original resolution adopted by the City Council of the City of Santa Ana on October 17, 2023.

Date: 10/26/2023



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Jennifer L. Hall  
City Clerk  
City of Santa Ana