



Planning and Building Agency  
Planning Division  
20 Civic Center Plaza  
P.O. Box 1988 (M-20)  
Santa Ana, CA 92702  
(714) 647-5804  
www.santa-ana.org

## ACCESSORY DWELLING UNITS

**Sec. 41- 194.** **Purpose.** The purpose of this section is to provide reasonable regulations for the development of accessory dwelling units on residentially zoned properties on lots developed or proposed to be developed with single-family residential dwellings. Such regulations are intended to mitigate potential impacts to neighborhoods and comply with the goals and policies of the City's General Plan and comply with requirements codified in the state Planning and Zoning Law related to accessory dwelling units in residential areas, including California Government Code section 65852.2.

**Sec. 41-194.1** **Definitions.** As used in this section, the following words, terms or phrases have the following meanings:

- (1) "Attached accessory dwelling unit" means a residential dwelling unit that is attached to or located within the living area of an existing primary dwelling unit and that provides independent living, sleeping, eating, a single kitchen for cooking, and sanitation facilities for one or more persons. An attached accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1.
- (2) "Detached accessory dwelling unit" means a residential dwelling unit that is detached from the primary dwelling unit and that provides independent living, sleeping, eating, a single kitchen for cooking, and sanitation facilities for one or more persons. A detached accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in section 18007.
- (3) "Existing accessory structure" means an accessory structure, as defined in this chapter, which was legally established and existing prior to adoption of this ordinance.
- (4) "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 adoption of this ordinance.
- (5) "Living area" is defined as the interior habitable area of a dwelling unit, but not including a garage or any accessory structure.
- (6) "Primary dwelling" means an existing single-family residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities occupied and intended for one household.

**Sec. 41-194.2 Applicability.**

- (1) The development and design standards in this section shall be applicable to all accessory dwelling units.
- (2) The Director of the Planning and Building Agency, or his/her designee, shall review and approve, or deny ministerial permits for accessory dwelling units conforming to the time limits specified by Government Code Section 65852.2 or successor provision.

**Sec. 41-194.3 Permitted Zones.**

- (1) Accessory dwelling units are permitted in all zoning districts, or on a parcel within any Specific Plan in which residential uses are permitted; or,
- (2) In the Professional (P) zoning district where there is only one legally established single-family residence, the exclusive use of the property is residential, and the continuance of the residential use is not barred by Section 41-683. In such cases, the site shall comply with the development standards in the R1 zoning district.

**Sec. 41-194.4 Use Restrictions.**

- (1) An accessory dwelling unit may be developed on a parcel that either:
  - (a) Contains only one legally established single-family residence; or
  - (b) Will have only one new detached single-family residence permitted concurrently with the accessory dwelling unit.
- (2) Only one accessory dwelling unit may be located on the lot.
- (3) The accessory dwelling unit shall not be sold separately from the primary dwelling.
- (4) The accessory dwelling unit shall not be rented for periods of less than thirty (30) days.
- (5) The primary dwelling unit or the accessory dwelling unit shall be continuously occupied by at least one person having an ownership interest in the lot.

**Sec. 41- 194.5 General Development Standards.** Accessory dwelling units shall comply with the following development standards, unless the accessory dwelling unit is described in subsection 41-194.8:

- (1) **Minimum Lot Area.** A minimum lot area of six thousand (6,000) square feet shall be required in order to establish an accessory dwelling unit.
- (2) **Maximum Size.** The maximum size of an accessory dwelling unit living area shall not exceed seven hundred fifty (750) square feet or fifty (50%) percent of the size of the living area of the primary dwelling unit on the parcel, whichever is less, and contain no more than one (1) bedroom.
- (3) **Minimum Size.** The accessory dwelling unit shall contain no less than the 220 square feet in living area the City requires for an efficiency dwelling unit which is defined in Section 17958.1 of the Health & Safety Code.
- (4) **Lot Coverage.** The lot coverage for the parcel, as that term is defined in this chapter, shall not exceed the percentage specified in the underlying zoning district.
- (5) **Design.** The design of the accessory dwelling unit shall preserve the privacy of adjacent uses and be architecturally compatible to the design of the primary dwelling by use of similar materials and textures, window types, roofing materials and roof pitch, and shall comply with the adopted Citywide Design Guidelines.
- (6) **Historic Properties.** If an accessory dwelling unit is to be constructed on a parcel identified on the federal, state or local list of historic resources, the accessory dwelling unit shall conform to the United States Secretary of Interior's official Standards for the Treatment of Historic Properties. If the proposed accessory dwelling unit is placed or constructed so as to result in a modification of the existing historic resource on the parcel, a certificate of appropriateness shall be issued by the Historic Resources Commission upon the finding that the proposed accessory dwelling unit conforms to the United States Secretary of Interior's official Standards for the Treatment of Historic Properties and does not substantially change the character and integrity of the historic property.
- (7) **Open Space.** A minimum of one thousand two hundred (1,200) square feet of usable, continuous, non-front yard open-space, excluding driveways and parking areas, shall be provided. Any open space with a minimum dimension of fifteen (15) feet by fifteen (15) feet shall be deemed continuous open space.
- (8) **Passageway.** No passageway shall be required in conjunction with the construction of an accessory dwelling unit. For the purpose of this section, "passageway" shall mean a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

**Sec. 41-194.6 Development Standards – Detached Accessory Dwelling Units.** Detached accessory dwelling units shall comply with all provisions in Sec. 41-194.5, in addition to the following:

- (1) **Setbacks.** The accessory dwelling unit shall comply with the front and side yard setback standards prescribed in the zoning district, and shall have a rear yard setback of not less than ten (10) feet.
- (2) **Maximum Height.** A detached accessory dwelling unit shall not exceed fifteen (15) feet in height, as measured from the lowest adjacent grade of the structure to the top of the structure.
- (3) **Separation.** There shall be a minimum of fifteen (15) feet separation between the primary dwelling unit and a detached accessory dwelling unit and a minimum of five (5) feet between a detached accessory dwelling unit and an accessory building. Separation shall be measured from the exterior wall of the primary dwelling unit or attached structure to the nearest wall of the accessory dwelling unit or attached structure.
- (4) **Site Planning.** A detached accessory dwelling unit shall be located behind the rear building line of the primary dwelling, and be clearly subordinate by location and size.

**Sec. 41-194.7 Development Standards – Attached Accessory Dwelling Units.** Attached accessory dwelling units shall comply with all provision in Sec. 41-194.5, in addition to the following:

- (1) **Setbacks.** The accessory dwelling unit shall comply with the setback standards for primary dwellings prescribed in the zoning district.
- (2) **Maximum Height.** The height of an attached accessory dwelling unit shall not exceed the height limit applied to a primary dwelling unit in the underlying zoning district.
- (3) **Exterior Stairs.** An attached accessory dwelling unit shall have no exterior stairs.
- (4) **Entrances.** No attached accessory dwelling unit shall have an outside door on the primary elevation of the primary dwelling unit or an outside door that is visible from the street.

**Sec. 41-194.8 Development Standards – Conversion of an Existing Structure.** An existing primary dwelling unit, existing accessory structure, or existing garage, or portion thereof, converted to an accessory dwelling unit is not subject to the development standards of subsections 41-194.5 through 41-194.7 provided that the unit complies with all of the following requirements:

- (1) **Conversion of an existing structure.** Is contained within a single-family dwelling, accessory structure or garage that was legally established prior to the adoption of this ordinance;
- (2) **Maximum Size.** Is a maximum of seven hundred fifty (750) square feet of living area in size or fifty (50%) percent of the size of the living area of the primary dwelling unit on the parcel, whichever is less;
- (3) **Minimum Size.** Is no less than the minimum 220 square feet in living area the City requires for an efficiency dwelling unit which is defined in Section 17958.1 of the Health & Safety Code;
- (4) **Setbacks:** The side and rear setbacks of the accessory dwelling unit comply with building code provisions related to life and fire safety.
- (5) **Independent Access.** Has independent exterior access from the existing residence, which shall not be located on the primary elevation of the primary dwelling;
- (6) **Independent Living Facilities.** Has independent living, sleeping, eating, a single kitchen for cooking, and sanitation facilities for one or more persons; and,
- (7) **Passageway.** No passageway shall be required in conjunction with the construction of an accessory dwelling unit. For the purpose of this section, "passageway" shall mean a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

**Sec. 41-194.9** **Parking.** All accessory dwelling units must meet the following parking standards in addition to the required off-street parking for the primary dwelling on the site.

- (1) One (1) parking space shall be provided for all accessory dwelling units regardless of number of bedrooms, unless the accessory dwelling unit is constructed as a studio without bedrooms, in which case no parking is required.
- (2) When an existing garage is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, replacement garage spaces for the primary dwelling unit shall not be required.

**Sec. 41-194.10** **Parking Exceptions.** No off-street parking shall be required for an accessory dwelling unit in any of the following circumstances:

- (1) The accessory dwelling unit is located within one-half mile of public transit. For the purposes of this section "public transit" shall mean a bus stop with fixed route express bus service that provides transit service at 15-minute intervals or better during peak commute periods.

- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the existing primary dwelling or an existing accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit. For the purposes of this section, "car-share vehicle" shall mean part of an established program intended to stay in a fixed location for at least 10 years and available to the public.

**Sec. 41-194.11 Non-conforming Properties.**

- (1) Legal nonconformities of the existing primary dwelling, except for legal nonconformities related to the parking standards of this chapter, shall be allowed to remain provided nonconformities are not expanded or any new nonconformities are created.
- (2) A lot shall comply with the current parking standards of this chapter prior to or concurrent with the establishment of an accessory dwelling unit.

**Sec. 41-194.12 Restrictive Covenant.** Prior to issuance of a building permit for an accessory dwelling unit, a covenant consenting that either the primary dwelling unit or the accessory dwelling unit shall 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 accessory dwelling unit shall not be sold separately from the primary dwelling.
- (2) The unit is restricted to the approval 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 accessory dwelling unit.
- (5) The covenant restriction shall be enforced by the 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 injunction enjoining use of the accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit.

**Sec. 41-194.13 Appeals of planning manager or zoning administrator decision.** Any person aggrieved by a determination of the planning manager to disapprove plans and drawings submitted pursuant to section 41-194, et seq., may file an application for a minor exception which shall be heard by the zoning administrator pursuant to Article V of this chapter. Such application may include a request to vary from the standards of section 41-194, et seq. The decision of the zoning administrator on such application may be appealed to the planning commission pursuant to said Article V.

**Sec. 41-194.14 Applicability to other regulations.** The provisions of this article are not intended to provide exclusive regulation of accessory dwelling units. Such uses 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.