

Planning and Building Agency
Planning Division
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ADAPTIVE REUSE ORDINANCE

Sec. 41-1650. Purpose. The purpose of this Adaptive Reuse Article is to provide alternative building and fire standards for the conversion of Eligible Buildings, or portions thereof, in Project Incentive Areas from Nonresidential Uses to dwelling units, guest rooms or joint living and work quarters. The alternative building standards are designed to provide a reasonable level of safety to the building occupants and are in conformance with the provisions of Section 17958.11 of the *California Health and Safety Code*.

Section 4. Section 41-1651 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Sec. 41-1651. Definitions.

- a) *Adaptive Reuse Project* – Any change of use from Nonresidential Use to dwelling units, guest rooms or joint living and work quarters in all or any portion of any Eligible Building.
- b) *Eligible Building* – Any building within a Project Incentive Area that was constructed in accordance with building and zoning codes in effect prior to July 1, 1974, or which has been determined to be a Historically Significant Building.
- c) *Historically Significant Building* – Any building that is listed on the National Register of Historic Places, the California Register of Historical Resources, or the City of Santa Ana Register of Historical Properties, or is eligible for such listing based on the criteria of each respective listing process.
- d) *Nonresidential Use* – Any use other than dwelling units, guest rooms or joint living and work quarters.
- e) *Project Incentive Area* – An area of the City eligible for an Adaptive Reuse Project. These areas include properties located in the Midtown Specific Plan Zoning District (SP-3); the Transit Zoning Code District (SD-84); the North Main Street Corridor on both sides of Main Street from Seventeenth Street to the northernmost Main Place Drive; and, the East First Street Corridor on both sides of First Street from Grand Avenue to Elk Lane.

Section 5. Section 41-1652 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Sec. 41-1652. Applicability.

The change of use of an existing, economically obsolete building into a new, more productive use such as apartments, condominiums or live/work units is permitted subject to compliance with the following standards:

- a) **Eligibility.** Projects must meet the following criteria to be an eligible Adaptive Reuse Project:

1. Project site shall be located in one of the Project Incentive Areas, as defined in section 41-1651(e).
 2. The building must be an Eligible Building, as defined in section 41-1651(b).
- b) Development Standards. Adaptive Reuse Projects shall, at a minimum, be in compliance with the following development standards:
1. The residential units shall be a minimum of 500 square feet in size.
 2. The ground floor of a multi-level building with three stories or more containing street frontage shall be used as commercial/retail space.
 3. Common area spaces for the building, such as lobbies and recreation rooms, when located on the ground floor, may not exceed 50% of the ground floor square footage.
 4. Open space shall be provided at a rate of 10 percent of the building square footage, and may be public or private and shall be disbursed throughout the building. At least 25 percent of the open space shall be in the form of a community/recreation room(s). The remaining open space may consist of private balconies (50 square feet minimum), pool and spa areas, and public courtyards. Public courtyards shall include seating areas, enhanced landscaping, barbeque areas and other amenities as determined by the Planning Division.
 5. Historically Significant Buildings shall comply with chapter 30 of this Santa Ana Municipal Code, façade easements and any other related historic guidelines, including the Secretary of the Interior Standards for any necessary exterior modifications.
- c) Project Incentives. Adaptive Reuse Projects that comply with the Development Standards are eligible for the following project incentives:
1. The project can exceed the maximum general plan density for the site provided the Adaptive Reuse Project is in compliance with the development standards.
 2. Existing building setbacks may remain and shall be considered legal nonconforming, but no further encroachments shall be permitted into any nonconforming setback.
 3. The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any rooftop construction shall be included within the height exemption.
 4. A new loading zone shall not be required if the existing building does not have an existing loading zone.
 5. New parking spaces shall not be required for any converted use within the building, but any new square footage that includes any new units shall require additional parking at a minimum rate of 2 spaces per unit.

d) Housing Opportunity Ordinance. Projects must comply with the following to be an eligible Adaptive Reuse Project:

1. Project shall comply with Article XVIII.I of the Santa Ana Municipal Code (Sections 41-1900 through 41-1910), otherwise known as the Housing Opportunity Ordinance.

Section 6. Section 41-1653 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Sec. 41-1653. Zoning

Residential uses shall be allowed in the Project Incentive Areas irrespective of the underlying zoning as part of an approved Adaptive Reuse Project.

Section 7. Section 41-1654 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Sec. 41-1654. Alternative Building Standards for Adaptive Reuse Projects

- a) The alternative building regulations adopted pursuant to this section shall be applicable in Project Incentive Areas. The alternative building regulations need not impose the same requirements as regulations adopted pursuant to *California Health and Safety Code* Section 17922, but in permitting repairs, alterations, and additions necessary to accommodate Adaptive Reuse Projects, the alternative building regulations shall impose such requirements as will, in the determination of the Building Official, protect the public health, safety, and welfare.
- b) Alternate Material, Design, or Method of Construction. The property owner must submit an application for an alternate material, design, or method of construction in accordance with Chapter 8 of the Santa Ana Municipal Code. Upon receipt of such application, the Building Official shall have the authority to review and grant approval when the proposed design is found satisfactory and complies with the intent of the provisions of current building codes in effect, and that the material, method or work offered is justified by current accepted performance based engineering and analysis in assessing quality, strength, effectiveness, fire resistance, durability, and safety.
- c) The Building Official shall review Adaptive Reuse Project proposals on a case-by-case basis, and may require pre-submittal meetings at his or her discretion.
- d) Nothing in this section shall be construed to allow the reduction of the seismic or fire and life safety elements of an Eligible Building where such elements provide a greater level of protection than the minimum requirements established by this section.

Section 8. Section 41-1655 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Sec. 41-1655. Alternative Fire Standards for Adaptive Reuse Projects

- a) Subject to the approval of OCFA, the use or occupancy of an Eligible Building shall be allowed to be changed as part of an Adaptive Reuse Project, and the Eligible Building is allowed to be occupied for purposes in other groups without conforming to all of the requirements of the *California Fire Code* (and the *California Building Code* when applicable) for those groups, provided the new or

proposed use is less hazardous, based on life and fire risk, than the existing use. The provisions of the *California Fire Code* (and the *California Building Code* when applicable) are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by the *California Fire Code*, provided that any such alternative has been approved.

- b) Alternative Materials and Methods (AM&M). The property owner must submit an AM&M application for any Adaptive Reuse Project to the Orange County Fire Authority (OCFA). OCFA is authorized to approve an AM&M for construction where OCFA finds that the proposed design is satisfactory and complies with the intent of the provisions of the *California Fire Code*, and that the material, method or work offered is, for the purpose intended, at least equivalent of that prescribed in the *California Fire Code* in quality, strength, effectiveness, fire resistance, durability and safety.
- c) Fire Life Safety (FLS) Report. A feasibility study or FLS report is required to be provided by the property owner to assist OCFA to identify the status of subject Adaptive Reuse Project. The FLS report is intended to identify the Eligible Building's existing features and evaluate it against the current code requirements. OCFA will review the FLS report and evaluate the proposal for final recommendations.
- d) OCFA shall review Adaptive Reuse Project proposals on a case-by-case basis, and may require pre-submittal meetings at its discretion.
- e) Modifications. Whenever there are practical difficulties involved in carrying out the provisions of the *California Fire Code*, OCFA shall have the authority to grant modifications for individual cases, provided OCFA shall first find that special individual reasons make the strict letter of the *California Fire Code* impractical and the modification is in compliance with the intent and purpose of the *California Fire Code* and that such modification does not lessen health, life and fire safety requirements.

Section 9. Section 41-1656 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

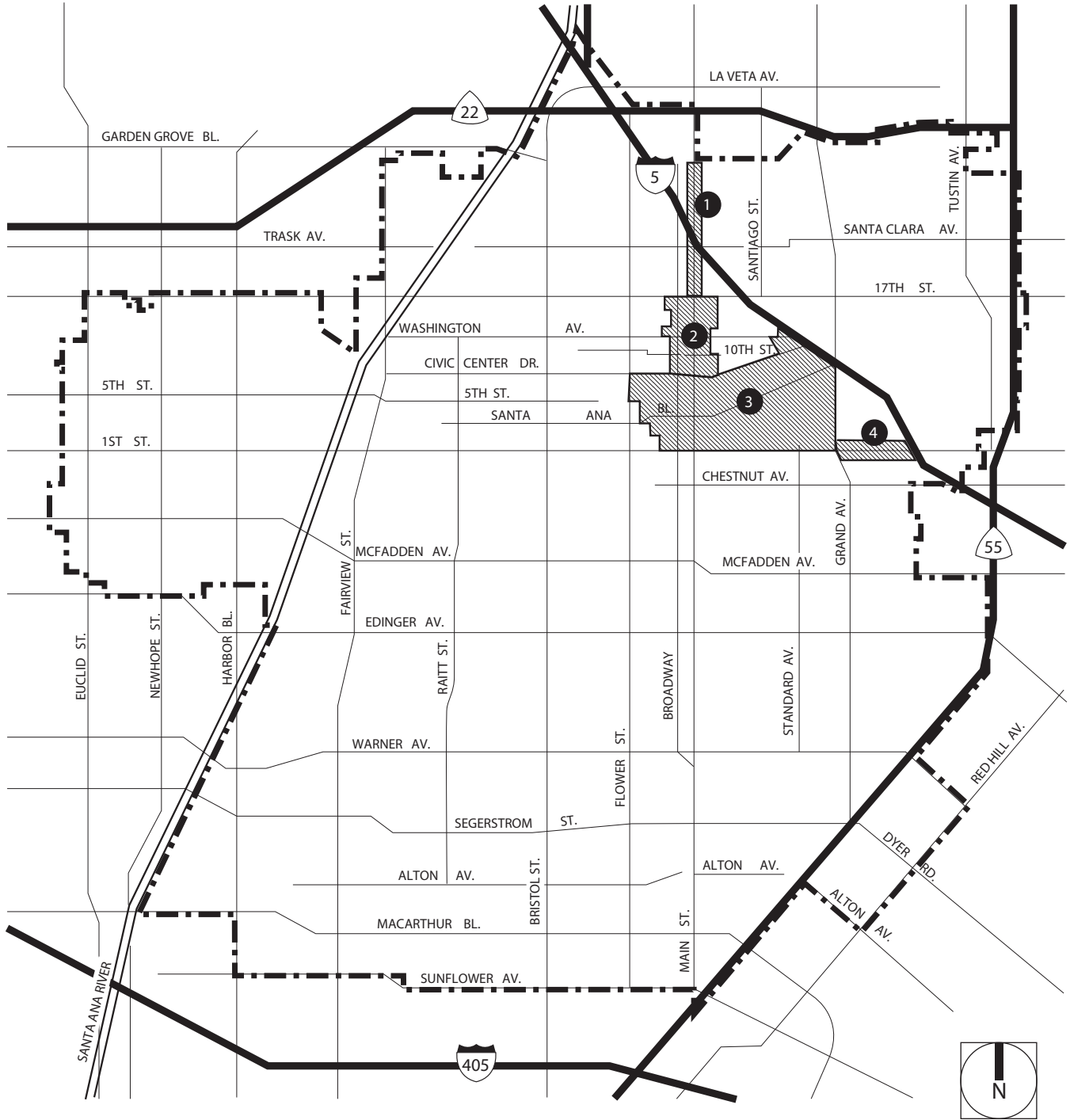
Sec. 41-1656. Alternate Public Works Agency Standards for Adaptive Reuse Projects

- a) The Public Works Agency may adopt alternate standards for projects within Project Incentive Areas. The Public Works Agency need not impose the same requirements as regulations permitting repairs, alterations, and additions necessary to accommodate Adaptive Reuse Projects, but shall impose such requirements as will, in the determination of the Executive Director, protect the public health, safety, and welfare.
- b) The Executive Director shall review Adaptive Reuse Project proposals on a case-by-case basis, and may require pre-submittal meetings at his or her discretion.

Section 10. 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. (*Ord. No. NS 2874, 12-02-14*)



Adaptive Reuse Project Incentive Areas



Adaptive Reuse Project Incentive Areas

- 1** North Main Street
- 2** Midtown
- 3** Transit Zoning Code
- 4** First/Grand Corridor

