



SPECIFIC DEVELOPMENT No. 78
AMENDMENT APPLICATION 05-04
NS-2696

ORDINANCE NO. NS-2696

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING THE BOWERS MUSEUM SPECIFIC DEVELOPMENT DISTRICT NO. 78 (SD-78) AND REZONING THE PROPERTY LOCATED AT 2032 NORTH MAIN STREET FROM COMMUNITY COMMERCIAL-MUSEUM DISTRICT (C1-MD) TO SPECIFIC DEVELOPMENT NO. 78 (SD-78) (AA NO. 2005-04)

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana does hereby find, determine and declare as follows:

- A. The Applicant is requesting approval of an amendment application, and a conditional use permit in order to allow the expansion of the existing museum and the allowance of ancillary uses at 2032 North Main Street.
- B. On July 25, 2005, the Planning Commission held a duly noticed public hearing and voted by a vote of 6:1 (Gartner absent) to recommend that the City Council:
 1. Approve and adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, Environmental Review No. 2005-45.
 2. Adopt an ordinance approving Amendment Application No. 2005-04 and Specific Development Plan No. 78 (SD-78).
 3. Adopt a resolution approving Conditional Use Permit No. 2005-20 as conditioned.
- C. On August 22, 2005, the Planning Commission voted to reconsider the July 25, 2005 action and voted by a vote of 6:1 (Cribb opposed) to amend two conditions.
- D. On September 6, 2005 the City Council of the City of Santa Ana held a duly noticed public hearing and at that time considered all testimony, written and oral.
- E. Amendment Application No. 2005-04 has been filed with the City of Santa Ana to adopt the Bowers Museum Specific Development District No. 78 (SD-78) and to rezone the properties located at 2032 North Main Street from Community Commercial-Museum District (C1-MD) to Specific Development No. 78 (SD-78) (AA No. 2005-04)

- F. SD-78 would allow museums and ancillary uses such as galleries, retail gift shop, general offices, conference rooms, library and boardroom, storage and fabrication shop and surface parking areas; eating establishments; theaters; banquet facilities, subject to development and operational standards set forth in SAMC 41-199.1 (with a Conditional Use Permit); uses open between Midnight to 5:00 a.m. (with a Conditional Use Permit); and establishments selling or serving alcoholic beverages (with a Conditional Use Permit).
- G. Amendment Application No. 2005-04 is consistent with the General Plan, including but not limited to its goals and policies to enhance development sites and districts which are unique community assets that enhance the quality of life. Land Use Element Goal No. 4.0.
- H. The City Council has weighed and balanced the general plan's policies and has determined that based upon this balancing that the Bowers Museum project is consistent with the purpose of the general plan.
- I. The City Council also adopts as findings all facts presented in the Requests for Council Action dated September 6, 2005 accompanying this matter. For these reasons, and each of them, Amendment Application No. 2005-04 is hereby found and determined to be consistent with the General Plan of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.
- J. The Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Review No. 2005-45, was approved and adopted by resolution which came before the City Council on September 6, 2005. This ordinance incorporates by reference, as though fully set forth herein, this resolution and the Mitigated Negative Declaration and Mitigation Monitoring Program.

Section 2. The real property located at 2032 North Main Street is hereby reclassified from Community Commercial-Museum District (C1-MD) to Specific Development No. 78 (SD-78). Amended Sectional District Map number 1-5-10 showing the above described change in use district designation, is hereby approved and attached hereto as Exhibit "A" and incorporated by this reference as though fully set forth herein. (AA No. 2004-04).

Section 3. Bowers Museum Specific Development District No. 78(SD-78) as set forth in Exhibit "B", attached hereto and incorporated as though fully set forth herein, is approved adopted in its entirety.

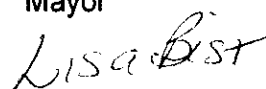
Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City 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.

ADOPTED this 19th day of September 2005.



Miguel A. Pulido
Mayor



APPROVED AS TO FORM:
Joseph W. Fletcher
City Attorney

By: 
Kylee O. Otto
Assistant City Attorney

AYES: Councilmembers: Alvarez, Bist, Bustamante, Christy, Garcia,
Solorio (6)

NOES: Councilmembers: None (0)

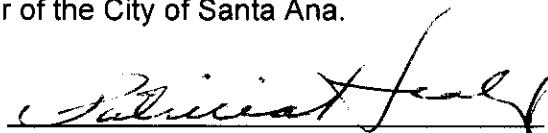
ABSENT: Councilmembers: None (0)

ABSTAIN: Councilmembers: Pulido (1)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-2696 to be the original ordinance adopted by the City Council of the City of Santa Ana on September 19, 2005 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 9/28/05



Clerk of the Council
City of Santa Ana

**BOWERS
MUSEUM**

Specific
Development
Plan No. 78
City of Santa Ana

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BOWERS MUSEUM
Specific Development Plan No. 78

Section 1. Applicability of Ordinance

The specific development zoning district for the Bowers Museum as authorized by Chapter 41, Division 26, Sec. 41-593 et/seq. of the Santa Ana Municipal Code (SAMC), is specifically subject to the standards and regulations contained in this plan for the express purpose of establishing land use regulations and standards. All other applicable chapters, articles and sections of the SAMC shall apply unless expressly stated or superseded by this ordinance.

Section 2. Purpose

The Specific Development Plan No. 78 (SD-78), consisting of standards and regulations, is hereby established for the express purpose of protecting the health, safety, and general welfare of the people of the City by promoting and enhancing the value of properties and encouraging orderly development.

Bowers Museum SD-78 sets the development and design criteria for a development consisting of approximately 3.62 acres. The purpose of this specific development plan is to permit flexibility in the site planning and design to respond to market conditions while assuring high quality development.

SD-78 specifically establishes for the property the following:

- Permitted uses
- Development standards, including building height limits, required setbacks, parking, landscaping provisions and enforcement policies
- Operational standards
- Maximum authorized development intensity
- Signage provisions

Section 3. Objectives

The objectives of the Bowers Museum Specific Development Plan No. 78, include provisions of the following:

- A long term development that is of the highest architectural quality and design.
- A landscaping plan that is complementary to a large scale museum development and sensitive to the surrounding community.
- A visually harmonious development as viewed both internally and externally.

- A development that is consistent with the District Center designation of the General Plan and which implements the spirit and intent and policies of the General Plan.
- Concentrated and internally integrated development rather than development that spreads activities into adjacent residential neighborhoods.
- A circulation system that is responsive to the needs of both vehicular and pedestrian travel.
- Provision of cultural amenities and facilities serving the visual and performing arts which are open for public patronage.
- A landmark museum facility with appropriate ancillary uses along north Main Street.

Section 4. Uses Permitted

The categories of land uses to be included within the project area are galleries, eating establishments, offices, retail, banquet facility and storage and preparation rooms. If a use is for any reason omitted from those specified as permissible or if ambiguity arises concerning the approximate classification of a particular use within the meaning and intent of this Plan, the determination shall be at the discretion of the Planning Manager. Such decision may be appealed to the Planning Commission whose decision is final.

- A. Permitted Uses.
 - a. Museums and ancillary uses such as galleries, retail gift shop, general offices, conference rooms, library and boardroom, storage and fabrication shop and surface parking areas.
 - b. Eating establishments.
 - c. Theaters.
- B. Conditionally Permitted Uses.
 - a. Banquet facilities, subject to development and operational standards set forth in SAMC 41-199.1.
 - b. Uses open between Midnight to 5:00 a.m.
 - c. Establishments selling or serving alcoholic beverages.
- C. Uses not permitted.
 - a. Schools, private or public.
 - b. Medical office or clinics.
 - c. Commercial uses with vehicular drive-through lanes or windows (i.e. drive-through restaurants, pharmacy or similar uses).
 - d. Fast food or exclusively take-out restaurants.
 - e. All other uses not expressly permitted or conditionally permitted in this ordinance.

Section 5. Maximum Permitted Building Intensity

The maximum authorized building intensity for the Bowers Museum is 91.072 square feet for museum and ancillary uses. The maximum floor area ratio allowed is 1.5.

Section 6. Development Standards

A. Building Height.

All future on-site structures will be subject to a height limitation of 35 feet above ground level, which is defined as the vertical distance measured from the curb level to the highest point of the roof surface. An additional 10 percent may be allowed for architectural features such as archway entries and towers, subject to the Executive Director of Planning and Building Agency review and approval.

B. Setbacks.

a. Main Street

i. A minimum twelve feet five inches (12'5") to the first building element or structure.

b. Twentieth Street

i. A minimum twenty-seven (27) feet to the first building element or structure.

c. Surface Parking Areas

i. A minimum landscape setback of five (5) feet from edge of sidewalk.

d. Interior Property Line Setback

i. A minimum five (5) feet of landscaping along any edge adjacent to a residential use.

C. Parking

The Bowers Museum has successfully utilized a parking management plan that facilitates parking in various off-site locations to supplement parking on-site. As such, the following parking is required:

- a. On-site surface parking of a minimum of 131 spaces.
- b. Off-site parking facilities totaling 576 spaces at locations, such as but not limited to, a new surface parking area at the southeast corner of Main Street and the Interstate 5 (I-5) southbound freeway on-ramp and utilization of existing parking areas at the Orange County Teachers Federal Credit Union (insert address) and Rancho Santiago office plaza (insert address).
- c. Utilization of off-site parking facilities shall be accompanied by a signed contract allowing use of parking at either after hours or for special events exclusively for the Bowers Museum. A copy of such contract(s) shall be kept on file with the Planning and Building Agency.
- d. A professional parking management company shall be utilized to coordinate and manage the parking.

D. Walls and Screening.

Any equipment, whether on the roof, side of building, or ground, shall be screened. The method of screening shall be architecturally integrated with the building in terms of materials, color, shape, and size.

E. Landscaping Standards.

All areas not used for buildings, parking or storage shall be landscaped using the following guidelines consistent with the Commercial Landscape Standards. All landscaped areas shall be irrigated using an automatic irrigation system. The project shall provide landscaping consistent with the existing landscape theme and existing improvements on-site. A six-inch raised concrete curb shall be required around all landscape planters unless approved by City Landscape Associate.

The minimum required landscaping for the project has been reflected by Exhibit A. All required setback areas shall be landscaped except for approved walkways and driveways. Landscaping throughout the project shall be in compliance with the landscape plan attached. Further, the landscape plan shall be fully implemented prior to the issuance of any certificate of occupancy.

F. Architectural Design Features.

- Exterior Materials: Exterior materials and finishes to comply with approvals granted through the Historic Resources Commission and approved materials board. Trash enclosure and similar ancillary structures are to match the texture, materials and color palette of the proposed building.
- Design Features: Shall be designed to be integrated with the existing buildings. Any new additions shall be in keeping with the original in terms of scale, rooflines, materials, and color.
- Lighting Standards/fixtures: A minimum of 1 foot candle of light shall be provided throughout the parking area. Specifications of light standards/fixtures and photometrics plan shall be submitted to Planning Division and Police Department for approval.

Section 7. Enforcement.

The penal provisions and permit requirements of the SAMC (effective as of the date of adoption of this SD-78) shall apply to all development within the Bowers Museum Specific Development Plan No. 78.

Section 8. Signage.

- A. All signage shall comply with the Santa Ana Municipal Code unless explicitly identified below.
- B. A comprehensive sign program for the entire site, including freestanding, wall, directional and permanent temporary signs and graphics shall be submitted and approved by the Planning Division prior to the issuance of any sign permit.
- C. Permanent Wall Banners will be permitted to announce special exhibits or events along the east elevation. There shall be a maximum of three (3) such banners along Main Street and architecturally integrated with the building. Such banners shall be a maximum of 10 feet wide by 16 feet high.
- D. Wall Hung Banner will be permitted to announce special exhibits or events along the east elevation. There shall be a maximum of one (1) such banner along Main Street and architecturally integrated with the building. Such banners shall be a maximum of 20 feet wide by 20 feet high.
- E. Secondary Wall Sign will be permitted along the east elevation. There shall be a maximum of one (1) secondary wall sign along Main Street and architecturally integrated with the building. Such sign shall be a maximum of one (1) foot in height by thirty (30) feet in length. Such sign shall be a pin mounted bronze anodized letters with backlit illumination.

Section 9. Refuse Collection Area and Loading.

An area to handle the delivery and refuse for the development site shall be integrated. At minimum, the refuse collection area shall provide the equivalent of five (5) bins. The loading and unloading of materials and goods shall be an area measuring a minimum twenty (20) feet by forty (40) feet and appropriately screened from view.

Section 10. Telephone, Electrical, Water, Gas and Cable.

- A. All "on-site" utilities shall be placed underground.
- B. Transformers of terminal equipment shall be visually screened from view from streets and adjacent properties and may be located in concrete vaults below grade.
- C. There shall be no exposed downspouts, scupper drains, electrical or mechanical lines on the building. All mechanical equipment shall be screened from view in an architecturally integrated manner.