

ORDINANCE NO. 2024-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN AMENDMENT TO THE SOUTH CENTRE CITY SPECIFIC PLAN TO ALLOW "EATING ESTABLISHMENTS WITH A DRIVE-THROUGH", SUBJECT TO A CONDITIONAL USE PERMIT WITHIN THE 13<sup>TH</sup> AVENUE CORNERS DISTRICT

The City Council of the City of Escondido ("City"), California, DOES HEREBY ORDAIN as follows:

SECTION 1. The City Council makes the following findings:

- a) 4G Development & Consulting ("Applicant"), representing Chick-Fil-A, filed a land use development application, Planning Case Nos. PL23-0296, PL23-0297, and PL24-0217 ("Application"), constituting a request for a Specific Plan Amendment to amend the South Centre City Specific Plan (SCCSP) to allow "eating establishments with a drive-through" as a conditionally permitted use within the 13<sup>th</sup> Avenue Corners District, and other textual modifications related to design requirements; a Conditional Use Permit for a drive-through restaurant use; and, a Design Review Permit for the construction of a 3,124 square-foot, single-story dual-lane drive through restaurant use ("Project") on a 1.4 gross acre site located at 515 West 13<sup>th</sup> Avenue (APNs 236-161-06 and 236-161-07), within the General Plan land use designation of Specific Plan Area 15 (SPA 15) and in the Specific Plan (S-P) zoning district.
- b) The subject Property is all that real property described in Exhibit "A" which is attached hereto, and made a part thereof by this reference as though fully set forth herein ("Property").
- c) The Specific Plan Amendment was submitted to, and processed by, the Planning Division of the Development Services Department as Planning Case No. PL23-0296. The Applicant seeks approval of a Specific Plan Amendment to allow an "eating establishment with a drive-through," subject to a Conditional Use Permit, and text modifications as shown in Exhibit "B", and on file in the Planning Division, and incorporated herein as though fully set forth.

d) The Applicant concurrently submitted for a Conditional Use Permit (Planning Case No. PL23-0297) and Design Reivew Permit (Planning Case No. PL24-0217) to construct an eating establishment with a drive-through, upon adoption of this Ordinance.

e) A Specific Plan Amendment is permitted by the SCCSP and Article 61 (Administration and Enforcement) of the Escondido Zoning Code.

f) A Final Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) was prepared and adopted for the Project in conformance with the California Environmental Quality Act (“CEQA”).

g) In furtherance of the Project, the City Council adopted Resolution No. 2024-160 to adopt the IS/MND and associated Mitigation Monitoring and Reporting Program (MMRP), fully incorporated herein as though fully set forth, which analyzed the environmental impacts of the Project in its entirety, including the proposed Specific Plan Amendment.

d) The Planning Division of the Development Services Department completed its review and scheduled a public hearing regarding the Application before the Planning Commission on October 8, 2024. Following the public hearing, the Planning Commission adopted Resolution No. 2024-19, which recommended that the City Council, among other things, approve the Project, including actions to approve the Specific Plan Amendment.

SECTION 2. The City Clerk, whose office is located at 201 North Broadway, Escondido, California 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

SECTION 3. The City Council did on November 20, 2024, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

- a) Written information including all application materials and other written and graphical information posted on the project website.
- b) Oral testimony from City staff, interested parties, and the public.
- c) The City Council staff report, dated November 20, 2024, which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including the Planning Commission's recommendation on the request.
- d) Additional information submitted during the public hearing.

SECTION 4. That the City Council has reviewed and considered the Final Mitigated Negative Declaration prepared for the Project in conformance with CEQA. The Final Mitigated Negative Declaration adequately addresses all environmental issues associated with the Specific Plan Amendment, and the Project would not result in any significant impacts to the environment.

SECTION 5. That, upon consideration of the Findings of Fact/Factors to be Considered, attached as Exhibit "C" and incorporated herein as though fully set forth herein, and the City Council approves the Specific Plan Amendment as shown in Exhibit "B" hereto and incorporated by this reference.

SECTION 6. Concurrently with the action on this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described in the November 20, 2024 City Council staff report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective in the manner provided by state law.

SECTION 7. All references within this Ordinance to "Applicant" or "Developer," shall be equally applicable to the current property owner and to any successors-in-interest or assigns, whether such successors of assigns own, control, or otherwise have development authority for all, a portion, or portions of that property included within the Project site.

SECTION 8. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such

portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 9. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. The City Council authorizes all subsequent action to be taken by City Officials consistent with this Ordinance.

SECTION 11. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

SECTION 12. The Ordinance shall become effective 30 days from the date of the passage.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 4<sup>th</sup> day of December, 2024 by the following vote to wit:

AYES : Councilmembers: C. GARCIA, J. GARCIA, MORASCO, WHITE

NOES : Councilmembers: MARTINEZ

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:  
*Dane White*  
19FFE5DB8C3B409...  
DANE WHITE, Mayor of the  
City of Escondido, California

ATTEST:

DocuSigned by:  
*Zack Beck*  
A58535D0BDC1430...  
ZACK BECK, City Clerk of the  
City of Escondido, California

\*\*\*\*\*

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2024-15 passed at a regular meeting of the City Council of the City of Escondido held on the 4<sup>th</sup> day of December, 2024, after having been read at the regular meeting of said City Council held on the 20<sup>th</sup> day of November, 2024.

ZACK BECK, City Clerk of the  
City of Escondido, California

ORDINANCE NO. 2024-15

**EXHIBIT "A"**

**Legal Description**

**PLANNING CASE NOS. PL23-0296/PL23-0297/PL24-0217**

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

LOTS 9 AND 10 IN BLOCK 220 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 10, 1886. EXCEPTING FROM SAID LOT 9 THAT PORTION THEREOF GRANTED TO THE STATE OF CALIFORNIA FOR HIGHWAY PURPOSES IN DEED RECORDED MARCH 11, 1948, IN [BOOK 2708, PAGE 47](#) OF OFFICIAL RECORDS.

EXCEPTING ALSO THE INTEREST CONVEYED TO THE CITY OF ESCONDIDO BY DEED RECORDED JANUARY 7, 1976 AS FILE NO. [76-004339](#) OF OFFICIAL RECORDS.

APN: 236-161-07-00 (Affects Lot 9)

236-161-06-00 (Affects Lot 10)

**EXHIBIT "B"**

**Specific Plan Amendment**

**PLANNING CASE NOS. PL23-0296/PL23-0297/PL24-0217**

# 3.7 13TH AVENUE CORNERS DISTRICT

## 3.7.1 Setting.

Located at the intersection of Centre City Parkway and 13th Avenue, this 9-acre District consists of the parcels that create four commercially designated “corners” of the intersection. Existing uses at the time of this plan’s adoption on the west side of the intersection include a Sprouts grocery store and a sit-down casual restaurant. On the east side of Centre City Parkway a strip-commercial center and fast-food outlet on one corner, and on the remaining corner is a building that was previously a single-story motel, occupied by a camper sales business.

## 3.7.2 13th Avenue Corners District Vision.

As one of the signalized intersections along South Centre City Parkway, the 13th Avenue Corners District is a focal point along the corridor. The Pine Street Pathway is an important component of the identity of this District, making it a destination for pedestrians and bicyclists. Both public and private right-of-way will be activated along the western side of Centre City Parkway by providing amenities desirable to users of the recreational trail and commercial businesses, such as parcourse exercise equipment, play structures, and benches for enjoying the nearby food offerings, and for social interaction.

Enhanced pedestrian crosswalks are attractive, improve safety, and encourage walking in the area. Bicycle crossings are separated from the pedestrian crossings for safety of both groups of users. A unique landscape theme unifies the four corners of the district, adding to the ambiance and appearance. A public art program at this intersection further enhances the appearance of the 13th Avenue Corners and defines the district as distinct and unique. A robust wayfinding program that incorporates elements of public art further encourages walking, bicycling, and use of the nearby transit stop at the intersection of 13th Avenue and Escondido Boulevard.

## 3.7.3 13th Avenue Corners District Concepts.

### 3.7.3.1 Land Use Concepts.

The following land use concepts highlight some of the key ways land use will help achieve the vision for this district. See the Land Use Table in Chapter 4 for permitted uses in the 13th Avenue Corners District.



### **Encourage underutilized property to redevelop.**

The property at the northeast corner of Centre City Parkway and 13th Avenue is likely to redevelop over the life of the Specific Plan. Commercial development at this location is envisioned to be consistent with the other three corners of this intersection. The attractive design, character and setbacks of the existing southwest commercial building will be replicated on this parcel. Redeveloping this property is an ideal opportunity to tie the four corners together with a combination of public and private improvements.

### 3.7.3.2 Mobility Concepts:

The mobility concepts for this district encourage more walking and bicycling, and are detailed in the Mobility Chapter of this plan and outlined below:

#### ***Improve the intersection of 13th Avenue, Centre City Parkway and Pine Street.***

Intersection improvements will enhance safety, and thereby increase pedestrian and bicycling opportunities. Improvements include attractive crosswalks, integrated bike lanes, and seamless connections to the Pine Street Pathway and associated recreational amenities near this location.

#### ***Provide pedestrian amenities.***

Wayfinding signs and information kiosks will inform and direct pedestrians to nearby transit, downtown, and other nearby places of interest.

#### ***Provide bicycle parking.***

Safe, secure bicycle parking will be included as part of new development to promote biking, particularly to patronize the commercial businesses in this district.

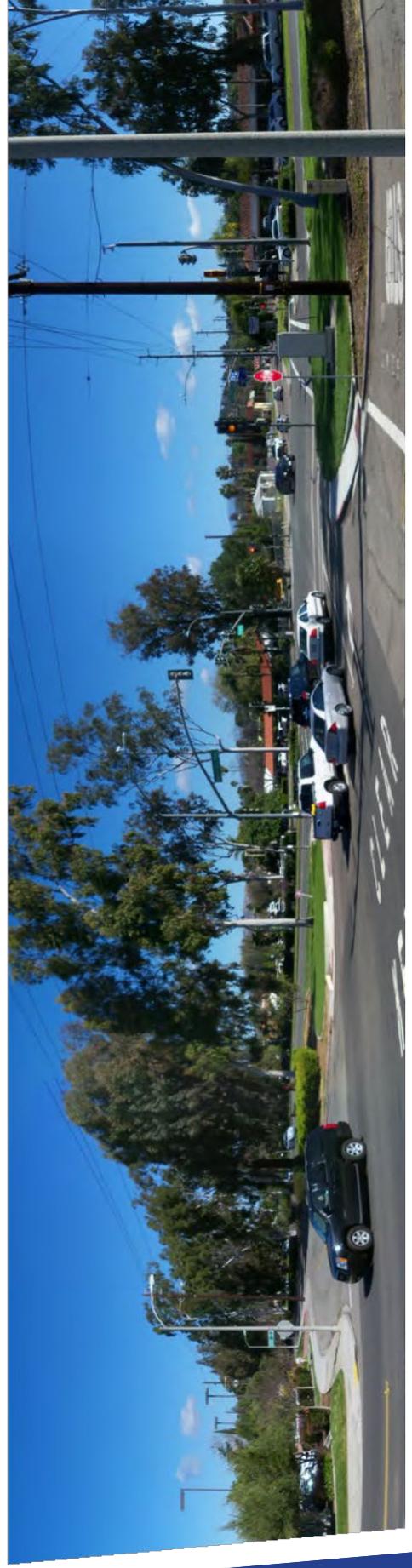
### 3.7.3.3 Design Concepts.

#### ***Create a signature intersection.***

A distinct landscape theme, combined with the identified mobility improvements, will create a more prominent intersection. Wayfinding signs and the streetscape amenities discussed for the Pine Street Pathway help create a distinctive appearance. Canopy trees shall be preserved or replaced

#### ***Emphasize public art.***

A public art theme incorporating sculptures or other interesting art pieces strategically located at the four corners of the intersection will unify the district and provide Centre City Parkway more of a neighborhood scale and identity.



**3.7.3.4 Parks, Recreation, and Open Space Concepts.**

Strategically link the Pine Street Pathway to commercial uses. Integrating picnic tables or benches for resting in the lesser-used eastern part of the grocery store parking lot with the Pine Street Pathway would promote greater use of the nearby recreational amenities.

**3.7.4 District Specific Development Standards and Design Guidelines.**

**3.7.4.1 Development Standards.**

1. Landscaping along Centre City Parkway shall be “canopy” restorative to the extent practicable, to the satisfaction of the Director of Community Development. For meeting the intent of the section, a buffer yard shall be provided along the entire frontage and feature a strong collection of industry and canopy trees.
2. Refer to Chapter 5 for Development Standards.

**3.7.4.1 Design Guidelines.**

1. Infill development at the northeast corner of Centre City Parkway and 13th Avenue is anticipated during the life of the plan. Redevelopment of this corner should be consistent with the setbacks and design character of (existing objective pedestrian-oriented development) southwest corner commercial building.
2. All corners of the intersection of 13th Avenue and Centre City Parkway should have consistent and compatible landscaping to emphasize the intersection as a key commercial destination along 13th Avenue and Centre City Parkway.
3. Provide pedestrian amenities at landscape corners and along the Pine Street Pathway, such as wayfinding signs or information kiosks.
4. Provide interesting outdoor pedestrian destinations such as public art, plazas, food courts, tables, benches, and/or other site amenities.



- 2. Rooftop deck, patio, or shade structure
  - 3. Vegetation associated with rooftop deck or garden
  - 4. Skylights
  - 5. Solar panel, wind turbine, rainwater collectors
  - 6. Rooftop screening equipment
5. An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7.5 feet, measured from the finished floor to the finished ceiling.
  6. A basement with 50% or more of its perimeter wall area (measured from finished floor elevation) surrounded by finished grade is not considered a story.

### 5.3.2.2 Design Guidelines.

1. Provide massing breaks along wall expanses. Avoid box-like building mass and form with large expanse of solid unbroken surfaces.
2. “Franchise architecture” is strongly discouraged.
3. Architectural gimmicks, such as distinctive roof shapes, that sacrifice the integrity of a streetscape to promote a single structure or development should be avoided.
4. Larger projects should be designed to emulate the existing rhythm and scale of the South Escondido and 9th Avenue Overlay Districts.

## 5.3.3 Architecture.

### 5.3.3.1 Development Standards.

1. For commercial facades, at least 60% of the total area of the first-floor facade facing the primary street shall be window display or otherwise provide for visual transparency into the publicly accessible activities of the building. Projects proposing less than this amount may seek alternative compliance through an Administrative Adjustment provided that the intent of the Specific Plan is met or exceeded in some way, to the satisfaction of the Director of Community Development.
2. Walls exposed to side streets or pedestrian passageways between buildings shall have doors and/or windows, or fixed glazing areas of at least 30% of the total surface area of the wall facing these open spaces.
3. Storefronts shall accentuate the structural bays of the building and allow for clear views of the interior of the commercial business at the ground level.



**Building materials, supplies, and hardware.**

The retail sales of lumber, heating/air conditioning, plumbing, electrical, floor covering and installations, paint, glass, wallpaper, home improvement items, and other similar merchandise. Does not include outdoor storage.

**Build-to-Line (BTL).**

A line parallel to the property line where the façade of the building is required to be located. The BTL is measured from the property line unless otherwise specified. Building articulation that does not exceed 12" in depth meets the definition of the BTL.

**Build-to-Line Range (BTLR).**

A pair of lines parallel to the property line that establishes the range within which a percentage of the façade of the building is required to be located. A Build-to-Line Range (BTLR) may have a minimum BTL (BTL-MIN), which is the line that is closest to the specified property line, and a maximum BTL (BTL-MAX), which is the line that is farthest from the specified property line.

**Car wash.**

Permanent, self-service and/or attended car washing establishments, including fully mechanized facilities. May be stand-alone or accessory to another auto-related use, such as a gasoline station. May include detailing services. Does not include temporary car washes for fund-raising activities.

**Community Garden.**

A single piece of land or open space where participants share in the maintenance and products of the garden, utilizing either individual or shared plots on private or public land, while producing fruit, vegetables, and/or plants that are grown for attractive appearances.

**Craft brewery, winery, or distillery.**

A small-scale facility where beer, malt beverages, wine, or spirits are made on-premises and then sold or distributed, and which produces 15,000 barrels (or equivalent gallons) per year or less. Its products are primarily intended for local and/or regional consumption. The brewer may sell to a retailer or directly to a customer. Retail sales to the public is limited to incidental use as provided for in Sec. 33-567. (Incidental uses) of the Escondido Zoning Code.

**Eating establishments, all types.**

An establishment providing food service from an on-site operating commercial-grade kitchen, and/or dessert service from an on-site operating commercial-grade freezer/refrigerator with or without incidental sales of alcoholic beverages, including full-service, limited service, take-out, etc., and outdoor dining. Does not include drive-through service (except as allowed on southwest corner within the W. 13<sup>th</sup> Avenue Corners District, where drive-through service is permitted) and amplified entertainment or dancing.

**General retail sales.**

Includes new goods and merchandise sold in department stores, drugstores/pharmacies, and retail establishments selling items such as apparel/accessories/shoes (including incidental shoe repair), toys, flowers, gifts, stationery, jewelry, leather, dishware/glassware/kitchenware, handcrafts/arts and crafts, yardage goods, pets/pet supplies, art/hobby supplies, automobile supply (without installation), music (including incidental recording, instruction, and instrument repair), books/magazines/newspapers, video sales/ rental, sporting goods (includes bicycles, golf, camping, hunting/ammunition/firearms, fishing, surfing, etc.), small household appliance sales and incidental service, cameras/photographic supplies, electronics/office business, and other similar retail goods and incidental services NEC. Prohibited uses include uses classified more specifically in this section, retail uses with across-the-board maximum pricing/ "everything



LAND USES	WEST MERCADO DISTRICT		9TH AVE OVERLAY	13TH AVE. CORNERS DISTRICT	FELICITA DISTRICT	ESCONDIDO BOULEVARD DISTRICT		SOUTHERN ENTRY DISTRICT	
	WM General	WM Commercial				EB Mixed-Use Overlay	EB Commercial	SE Commercial	SE Mixed-Use Overlay
<ul style="list-style-type: none"> <li>Tractor or heavy truck sales, storage, rental (Subject to Article 57 of the EZC)</li> </ul>	CUP	---	---	---	---	---	---	---	---
Food and liquor:									
<ul style="list-style-type: none"> <li>Food stores (grocery, produce, candy, baked goods, meat, delicatessen, etc.), with general license for off sale of beer and wine</li> </ul>	---	P	P	P	P	P	P	P	P
<ul style="list-style-type: none"> <li>Liquor store, packaged (off-sale alcoholic beverages)</li> </ul>	---	---	CUP	CUP	CUP	CUP	CUP	CUP	CUP
<b>EATING AND DRINKING ESTABLISHMENTS</b>									
Eating establishments (Includes outdoor dining in conjunction with an approved eating establishment, Subject to Article 57):									
<ul style="list-style-type: none"> <li>Without incidental on-sale beer and wine and/or on-sale general licenses.</li> </ul>	---	P	P	P	P	P	P	P	P
<ul style="list-style-type: none"> <li>With incidental on-sale beer and wine and/or on-sale general licenses, including microbreweries.</li> </ul>	---	P	P	P	P	P	P	P	P
<ul style="list-style-type: none"> <li>With indoor amplified entertainment or dancing.</li> </ul>	---	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
<ul style="list-style-type: none"> <li>Auto-oriented (drive-in, drive-through) (Subject to Section 33-341 of the EZC)</li> </ul>	---	CUP	---	---	CUP	---	---	---	---
Drinking establishments, wine and beer tasting establishments, bars, taverns, and nightclubs, with or without live entertainment and/or dancing. Includes comedy clubs, magic clubs, etc., with or without alcoholic beverages.	---	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Specialized food from pushcarts (Subject Section 33-342 of the EZC)	---	P	P	P	P	P	P	P	P
Specialized open-air food service court or concession food gallery	---	---	CUP#	---	CUP#	---	---	---	---

**Notes**

P = Permitted

CUP = Conditional Use Permit Required

CUP# = (Minor)

PD = Planned Development Permit Required

--- = Not Permitted

LAND USES	WEST MERCADO DISTRICT		9TH AVE OVERLAY	13TH AVE. CORNERS DISTRICT	FELICITA DISTRICT	ESCONDIDO BOULEVARD DISTRICT		SOUTHERN ENTRY DISTRICT	
	WM General	WM Commercial				EB Mixed-Use Overlay	EB Commercial	SE Commercial	SE Mixed-Use Overlay
• Major	---	---	---	---	---	---	---	---	---
Live entertainment	---	CUP#	CUP#	CUP#	CUP#	CUP#	CUP#	CUP#	---
Public art displays, murals, sculptures, and other visual art	P	P	P	P	P	P	P	P	P
Outdoor display	(Subject to the EZC)	(Subject to the EZC)	(Subject to the EZC)	(Subject to the EZC)	(Subject to the EZC)	(Subject to the EZC)	(Subject to the EZC)	(Subject to the EZC)	(Subject to the EZC)
Outdoor storage:									
• Miscellaneous storage fully screened (NO CARS)	P	P	P	P	P	P	P	P	P
• Vehicles and fleet vehicle storage (overnight or after normal business hours, or for rent) less than or equal to 10% of all parking provided for that use	P	P	P	P	P	P	P	P	P
• Vehicles and fleet vehicle storage (after normal business hours) more than 10% of all parking provided for that use	CUP#	CUP#	CUP#	CUP#	CUP#	CUP#	CUP#	CUP#	CUP#
• Vehicles used for business operations and deliveries during normal business hours	P	P	P	P	P	P	P	P	P
Sustainable accessory uses as described in Chapter 8	P	P	P	P	P	P	P	P	P
Urban agriculture	CUP#	CUP#	CUP#	CUP#	CUP#	CUP#	CUP#	CUP#	CUP#

**Notes**

- P = Permitted
- CUP = Conditional Use Permit Required
- CUP# = (Minor)
- PD = Planned Development Permit Required
- = Not Permitted

**Notes:**

- Refer to the base zone for primary, accessory, and temporary uses not otherwise specified, unless specifically prohibited.
- With the adoption of this Specific Plan, nonconforming uses and structures shall be subject to the provisions of the EZC.
1. Within the Mixed-Use Overlay in the 9th Avenue Overlay District, the South Escondido Boulevard District, and the Southern Entry District, stand-alone, multi-family residential, and mixed-use (commercial with residential) is permitted by approval of a Plot Plan.
  2. Mixed-Use development requires a Plot Plan as provided for in (Article 61) of the Zoning Code.
  3. Refer to Chapter 4.2 for a discussion on the land use table and methodologies in determining permitted land uses for each district and subarea.
  4. Except on the southwest corner (W. 13<sup>th</sup> Avenue and S. Pine Street) where drive-through service is permitted.

**EXHIBIT "C"**

**Factors to be Considered/Findings of Fact**

**PLANNING CASE NOS. PL23-0296/PL23-0297/PL24-0217**

**1. Specific Plan Amendment (PL23-0296) (Section 33-1263 of Division 4 in Article 61 of the Escondido Zoning Code)**

With respect to Planning Case No. PL23-0296, the City Council make the following findings for approval:

*a) That the public health, safety and welfare will not be adversely affected by the proposed change;*

The public health, safety and welfare would not be adversely affected by the proposed Specific Plan Amendment. The proposed amendment would permit for a new use type within a specific district in the Specific Plan area and sets the permitting process for drive-through establishments through a Conditional Use Permit ("CUP") thereby ensuring further development review on a case-by-case basis. The amendment would also revise several sections related to development standards, design review, and definitions within the Specific Plan. The application of a CUP for drive-through restaurant uses within the 13th Avenue Corners District would not be detrimental to surrounding properties because the proposed changes seek to activate an existing vacant restaurant site. The proposed amendment would limit the future potential proliferation of the use type in that it limits the use to one corner of the district where four corners exist.

The proposed amendment would allow for the proposed development project to construct a new drive-through restaurant at the Project site resulting in redevelopment of a previously developed site. This proposed reuse must comply with any applicable laws and standards, including the Building Code, the Fire Code, and any property standards bylaws. Furthermore, requiring a CUP for the proposed change would allow the City to exercise discretionary authority over any future proposed projects, and condition future projects to ensure land use compatibility.

*b) That the property involved is suitable for the uses permitted by the proposed zone;*

The Specific Plan Amendment would affect the 13th Avenue Corners District in that it would permit for a previously prohibited use of a drive-through eating establishment (i.e., drive-through restaurant). However, the proposed Project limits this allowance to only one of the corners within the district where four exist and continues to place emphasis and focus on the goals of the district and specific plan. The site subject to this allowance would entail redevelopment as part of this request.

*c) That the uses permitted by the proposed zone would not be detrimental to surrounding properties;*

The proposed Specific Plan Amendment would not be detrimental to surrounding properties because the limitations set forth as part of the amendment include an identified area where the proposed use would be permitted. The amendment language would ensure proliferation of this use is infeasible as it limits the allowable area for such uses to the subject site. Any future compatibility issues would be analyzed and addressed as part of the CUP process on a case-by-case basis.

The proposed amendment would allow for the proposed development project to construct a new drive-through restaurant at the Project site resulting in redevelopment of a previously developed site. This proposed reuse must comply with any applicable laws and standards, including the Building Code, the Fire Code, and any property standards bylaws. Furthermore, requiring a CUP for the proposed change would allow the City to exercise discretionary authority over any future proposed projects, and condition future projects to ensure land use compatibility.

Further, the City prepared a set of conditions of approval that would be applied through the Conditional Use Permit process which would restrict activities to those resulting in negligible impacts on surrounding properties, as identified within the environmental review and through the Staff Development Review process.

*d) That the proposed change is consistent with the adopted general plan;*

The proposed Specific Plan Amendment would be consistent with the goals and policies of the General Plan in that specific plans are documents designed and written to implement the goals and policies of a general plan. The vision for the SCCSP includes developing the specific plan area with attractive design and economically viable development. Goals of the SCCSP include developing neighborhood serving specific commercial uses, as well as preserving and enhancing commercial development key nodes. The 13th Avenue Corners District is identified as a key commercial node that seeks to improve this specific intersection (Centre City Parkway and 13th Avenue) for the purposes of enhancing safety and increasing pedestrian and bicycling opportunities and amenities. While the Project would entail permitting of a drive-through use, the Project design integrates key pedestrian-oriented features intended to serve the surrounding neighborhoods and local uses. These include facets of the Project design not typically seen in intensive auto-oriented areas, such as a smaller building design with walkup ordering only; an enlarged outdoor dining area; identified pedestrian access from both street frontages--including striped pedestrian crosswalks on-site; and enhanced landscaping and buffering of the outdoor dining area from the drive-aisles. Therefore, the proposed Project is consistent with the vision and goals of the SCCSP. The Project is also consistent with policies outlined in the Economic Prosperity Element chapter of the City's 2012 General Plan, specifically:

*e) Employment Acreage Policy 1.4 Promote quality economic development that fosters job availability, economic revitalization, and tax revenues.*

The Project would allow for additional employment (short/long term) opportunities within the SCCSP area, that are walkable, and bikeable to many of the area residents. The proposed restaurant use is replacing an existing vacant restaurant and is not anticipated to generate noise, traffic, lighting, or

other impacts that would be detrimental to adjacent properties or uses than what was previously experienced. In accordance with CEQA Guidelines, an Initial Study/Mitigated Negative Declaration (“IS/MND”) was prepared for the project. The preparation of the environmental review in accordance with CEQA Guidelines and Article 47 of the Escondido Zoning Code ensures the Project’s consistency with the General Plan’s Environmental Review Goal 18.

*f) That the proposed change of zone does not establish a residential below 70% of the maximum permitted density of any lot or parcel of land previously zone R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;*

The Project consists of a Specific Plan Amendment to amend the South Centre City Specific Plan (“SCCSP”). As outlined in Table 4.2 (Permitted Land Uses for Specified District/Subareas) of the SCCSP, multi-family residential uses are not permitted within the 13th Avenue Corners District. The proposed Specific Plan Amendment amends the land use matrix in Table 4.2 to allow an auto-oriented restaurant use within the district, subject to a Conditional Use Permit. The proposed change does not establish residential densities in a district which currently does not permit residential development.

*g) That the relationship of the proposed change is applicable to specific plans;*

The proposed change is applicable to the SCCSP, and does not affect the Escondido Zoning Code in that the SCCSP sets the governing standards and allowed uses within it and does not defer to the Zoning Code for allowable uses. The proposed amendment would only impact the 13th Avenue Corners District and more specifically, only one corner of that district where four exist. As indicated in Table 4.2 of the SCCSP, auto-oriented uses continue to be subject to Section 33-341 (Commercial drive-through facilities requirements) of Article 16 (Commercial Zones) of the Escondido Zoning Code.

## **2. South Centre City Specific Plan Findings for Approval (Section 9.2.2.1 of Chapter 9 of the South Centre City Specific Plan)**

With respect to the Project, the City Council make the following findings for approval of the Project:

*a) The project successfully reflects the goals and vision of the Specific Plan;*

The Project site is governed by the South Centre City Specific Plan (“SCCSP”). Specific Plans are documents designed and written to implement the goals and policies of a general plan. The vision for the SCCSP includes developing the specific plan area with attractive design and economically viable development. Goals of the SCCSP include developing neighborhood-serving specific commercial uses, as well as preserving and enhancing commercial development key nodes. The 13th Avenue Corners District is identified as a key commercial node that seeks to improve this specific intersection (Centre City Parkway and 13th Avenue) for the purposes of enhancing safety and increasing pedestrian and bicycling opportunities and amenities. While the Project would entail permitting of a drive-through use, the Project design integrates key pedestrian-oriented features intended to serve the surrounding neighborhoods and local uses. These include facets of the Project design not typically seen in intensive auto-oriented areas,

such as a smaller building design with walk-up ordering only; an enlarged outdoor dining area; identified pedestrian access from both street frontages—including striped pedestrian crosswalks on-site; and enhanced landscaping and buffering of the outdoor dining area from the drive-aisles. Therefore, the proposed Project is consistent with the vision and goals of the SCCSP.

*b) The project represents successful implementation of the Specific Plan's development standards and complies with all other applicable provisions of local and State law;*

The Project complies with development standards outlined in the Specific Plan, and Article 16 (Commercial Zones) of the Escondido Zoning Code which further regulates auto-oriented uses. An Initial Study/Mitigated Negative Declaration was prepared in accordance with State Law, and found that any impacts from the Project may be mitigated to less than significant with mitigation incorporated.

*c) The Project exhibits overall, successful implementation of site and building design guidelines and the project reinforces the design context of the surrounding area;*

The Project site is governed by the South Centre City Specific Plan ("SCCSP"). Specific Plans are documents designed and written to implement the goals and policies of a general plan. The vision for the SCCSP includes developing the specific plan area with attractive design and economically viable development. Goals of the SCCSP include developing neighborhood-serving specific commercial uses, as well as preserving and enhancing commercial development key nodes. The 13th Avenue Corners District is identified as a key commercial node that seeks to improve this specific intersection (Centre City Parkway and W. 13th Avenue) for the purposes of enhancing safety and increasing pedestrian and bicycling opportunities and amenities. While the Project would entail permitting of a drive through use, the Project design integrates key pedestrian-oriented features intended to serve the surrounding neighborhoods and local uses. These include facets of the Project design not typically seen in intensive auto-oriented areas, such as a smaller building design with walk-up ordering only; an enlarged outdoor dining area; identified pedestrian access from both street frontages—including striped pedestrian crosswalks on-site; and enhanced landscaping and buffering of the outdoor dining area from the drive-aisles. Therefore, the proposed Project is consistent with the vision and goals of the SCCSP.

The proposed Project would replace the existing large scale and bulky restaurant structure (9,558 square feet) with a restaurant of reduced profile that is smaller in scale, size (3,126 square feet), and massing. The architectural designs are complimentary to surrounding color schemes, and provide a mixture of materials, and enhanced visibility (into and from the site). The proposed Project includes compatibility in terms of design and landscape components to that of the surrounding community through use of buffered landscape areas between the adjacent public right-of-way and the site improvements. The proposed building's façades along W. 13th Avenue (i.e., the primary street) and S. Pine Street would include large windows, which would allow clear views into the interior to the restaurant. The use of lattice screening (low/high height) for the open-air dining and ordering/pickup areas would facilitate visual transparency and interest into the site and new structures.