

ORDINANCE NO. 2023-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A TEXT AMENDMENT TO THE DOWNTOWN SPECIFIC PLAN TO ALLOW RESTAURANTS WITHIN THE CREEKSIDE NEIGHBORHOOD DISTRICT

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

a) The intent and purpose of the Downtown Specific Plan is to create a dynamic, attractive, and economically vital city center; and

b) A verified application was submitted to, and processed by, the Planning Division of the Development Services Department as Planning Case No. PL23-0109, and seeks approval of a Downtown Specific Plan Text Amendment to amend the Figure II-2 (List of Permitted and Conditionally Permitted Uses) to allow for “All types of eating establishments providing meal service from an on-site operating commercial-grade kitchen, and / or dessert service from an on-site operating commercial-grade freezer / refrigerator facility with, or without, incidental sale of alcohol (including micro-breweries and outdoor dining, but with no drive-through), with no live amplified entertainment or dancing” within the Creekside Neighborhood District of the Specific Plan; and

c) Said application was processed in accordance with the rules and regulations of the Escondido Municipal and Zoning Code, and the applicable procedures and time limites specified by the Permit Streamlining Act (Government Code Section 65920 et. seq) and CEQA (Public Resources Code Section 21000 et. seq.); and

d) The Planning Division of the Development Services Department completed its review and scheduled and held a public hearing regarding the text amendment before the Planning Commission on July 11, 2023. Following the public hearing on July 11, 2023, the Planning Commission adopted Resolution No. 2023-10, which recommended that the City Council approve the Downtown Specific Plan Text Amendment.

SECTION 2. Proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 3. The City Council did on August 9, 2023, 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 application materials and other written and graphical information.
- b) Oral testimony from City staff, interested parties, and the public.
- c) The City Council staff report, dated August 9, 2023, 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. Upon consideration of the Findings of Fact, attached as Exhibit "B" and incorporated herein by this reference as though fully set forth, the August 9, 2023, City Council staff report, and the Planning Commission recommendation, based on the totality of the record and evidence described and

referenced in this Ordinance, the City Council desires to amend the Figure II-2 of the Downtown Specific Plan relative to the list of permitted and conditionally permitted uses.

SECTION 5. ENVIRONMENTAL REVIEW. Pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), 14 California Code of Regulations Section 15000 et. seq., the City is the lead agency for the Project, as the public agency with the principal responsibility for approving the proposed Project. Further pursuant to CEQA and the State CEQA Guidelines, a Notice of Exemption for the Project was prepared, and will be filed with the County Clerk of San Diego for filing.

SECTION 6. The City Council hereby approves the text amendment to the Downtown Specific Plan, attached as Exhibit "A" hereto and incorporated herein by this reference as though fully set forth herein.

SECTION 7. SEVERABILITY. 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 8. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. The City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.

SECTION 10. This 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 13th day of SEPTEMBER, 2023 by the following vote to wit:

AYES : Councilmembers: GARCIA, GARCIA, MORASCO, MARTINEZ, WHITE

NOES : Councilmembers: NONE

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. 2023-11 passed at a regular meeting of the City Council of the City of Escondido held on the 16th day of August, 2023, after having been read at the regular meeting of said City Council held on the 13th day of September, 2023.

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

ORDINANCE NO. 2023-11

Exhibit "A"

Amended Figure II-2 (List of Permitted and Conditionally Permitted Uses)

FIGURE II-2
PERMITTED AND CONDITIONAL USES
 (Page 1 of 8)

LAND USE	HD*	PV	CCU	GT	M	SG*	CN
RESIDENTIAL AND LODGING (in accordance with Figure II-3A)							
Bed-and-breakfast establishments (subject to regulations of Article 32 of the Zoning Code)						C	C
Residential-care facilities						C	C
Hotels and Motels (subject to regulations of Article 63 of the Zoning Code)	C	C	C	C	C	C3	
Residential above ground floor in specified areas, in conjunction with permitted non-residential use on ground floor (refer to Figure II-3 for appropriate locations and housing types)	P	P9	P	P	P	P	P
Residential, on ground floor in specified areas (refer to Figures II-3 and II-4 for appropriate locations and housing types)	P7, P8	P8, P9	P8	P8	P8	P8	P
Home Occupations (subject to regulations of Article 44 of the Zoning Code)	P5	P5	P5	P5	P5	P5	P5
GENERAL RETAIL							
New merchandise sold in department stores, drugstores, pharmacies, and retail establishments selling toys, flowers, gifts, stationery, jewelry, leather, apparel, shoes (including repair), china, glassware, pottery, crafts, cigars, yardage goods, pets, hobbies, art supplies, automobile supply stores (without installation), video sales and rental, music (including incidental recording, instruction and instrument repair), books / magazines / newspapers, sporting goods, bicycles / cameras / electronics / office business / small household appliance sales and service, and other similar retail goods and incidental services NEC.	P12	P12	P12	P12	P12	P12	P12
Automobile supply stores with incidental installation				P		P3	

NOTES:

P = Permitted C = Conditional Use Permit required

- Under 3,000 square feet.
- Within Grand Avenue's "retail-core area" use is not permitted on ground floor facing Grand Avenue unless located behind a solid wall, and such wall shall be located at least 25% of the building depth back from the front, with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley. No signage is permitted on this use.
- Only permitted on Escocido Boulevard.
- Only permitted within a multi-tenant building, and shall not occupy more than 30% of the gross floor area.
- Only in conjunction with an approved residential project.
- Only permitted on Pennsylvania Avenue and the north side of Valley Parkway between Kalma and Ivy Streets.
- Not allowed along Grand Avenue on ground floor within the "retail core area."
- Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 19 of the Zoning Code.
- No residential uses, permitted between Woodward Avenue, Washington Avenue, Escocido Boulevard and Broadway.
- Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- Residential uses are permitted on ground floor between Grand and adjacent alleys.
- Drive-through establishments shall be permitted with a Conditional Use Permit, subject to the provisions in Article 16, Section 33-341
- Prohibited on corner lots of the retail core area.
- Use Shall have a minimum building floor area of 15,000 square feet.
- 14,000 sq ft permitted on parcels south of Pennsylvania Avenue.**
- Existing automobile dealerships are a non-conforming use. Conversion of these sites to a new and substantially different use shall require plot plan review or a Conditional Use Permit subject to the provisions in the Permitted Use Matrix.
- The use which contains a drive-through facility as a primary use shall be located on a site having minimum frontage of 100 feet on a Circulation Element Street as indicated in the City's General Plan, and must have a minimum separation of 500 feet from any other business that operates a drive-through as a primary use.

NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

DOWNTOWN DISTRICTS:

- HD Historic Downtown
- PV Park View
- CCU Centre City Urban
- GT Gateway Transit
- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

FIGURE II-2
PERMITTED AND CONDITIONAL USES
(Page 2 of 8)

LAND USE	HD*	PV	CCU	GT	M	SG*	CN
GENERAL RETAIL (continued)							
Bargain basement store							
Carpet and floor covering and installations	P6			P		P3	P6
Consignment store (subject to Article 57 of the Zoning Code)		C	C	C	C	C	C
Large appliance sales	P7	P	P	P	P1	P3	P6
Home Furnishings with retail display (not including "mattress only", carpet, and discount furniture stores)	P	P	P	P	P1	P3	P6
Hardware, paint, glass, tools, home improvement	P	P	P	P	P1	P1, P3	P6
Medical equipment sales/rentals and supplies	P7		P	P	P1	P3	P6
Outdoor vending machines		P					
Pawn shop (subject to Article 57 of the Zoning Code)							
Secondhand store (subject to Article 57 of the Zoning Code)							
Tobacco product store							
Thrift shop (subject to Article 57 of the Zoning Code)			C14				

NOTES:

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- Under 3,000 square feet.
- Within Grand Avenue's "retail-core area" use is not permitted on ground floor facing Grand Avenue unless located behind a solid wall, and such wall shall be located at least 25% of the building depth back from the front, with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley. No signage facing Grand Avenue is permitted.
- Only permitted on Escondido Boulevard.
- Only permitted within a multi-tenant building, and shall not occupy more than 30% of the gross floor area.
- Only in conjunction with an approved residential project.
- Only permitted on Pennsylvania Avenue and the north side of Valley Parkway between Kalina and Ivy Streets.
- Not allowed along Grand Avenue on ground floor within the "retail core area."
- Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 18 of the Zoning Code.
- No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- Permitted on Local Historic Register properties.
- Drive-through establishments shall be permitted with a Conditional Use Permit, subject to the provisions in Article 16, Section 33-341
- Prohibited on corner lots of the retail core area.
- Use Shall have a minimum building floor area of 15,000 square feet.
- Use shall be permitted on parcels south of Pennsylvania Avenue.
- Existing automobile dealerships are a non-conforming use. Conversion of these sites to a new and substantially different use shall require plot plan review or a Conditional Use Permit subject to the provisions in the Permitted Use Matrix.
- The use which contains a drive-through facility as a primary use shall be located on a site having minimum frontage of 100 feet on a Circulation Element Street as indicated in the City's General Plan, and must have a minimum separation of 500 feet from any other business that operates a drive-through as a primary use.

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NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

**FIGURE II-2
PERMITTED AND CONDITIONAL USES**
(Page 3 of 8)

LAND USE	HD*	PV	CCU	GT	M	SG*	CN
EATING AND DRINKING ESTABLISHMENTS							
All types of eating establishments providing meal service from an on-site operating commercial-grade kitchen, and / or dessert service from an on-site operating commercial-grade freezer / refrigerator facility with, or without, incidental sale of alcohol (including micro-breweries and outdoor dining, but with no drive-through), with no live amplified entertainment or dancing	P	P	P	P	P	P3, P11	P15
Eating establishment as drive-through businesses			C12**	C12**			
Eating establishments (as defined above) with indoor amplified entertainment and/or dancing	P	P	P	P	P	C3	
Wine- and beer-tasting establishments (only with retail sales involving related merchandise that includes a significant portion of the sales area)	P	P	P	P	P	P3	
FOOD AND LIQUOR SALES (excluding convenience and package stores)	C	C	C	C	C	C3	
Convenience markets, excluding package stores		C	C	C			
General grocery stores exceeding 7,000 SF of sales area with, or without, alcohol sales	P7	P	P	P	P	P3	P6
General grocery stores less than 7,000 SF and specialty foods, including imported and/or unique food products, produce, candy, baked goods, meat, etc., specialty liquor sales involving off-sale unique brands of beer, wine, and distilled spirits	P	P	P	P	P	P3	P6
Liquor stores, packaged (off-sale)							

NOTES:

P = Permitted C = Conditional Use Permit required

- Under 3,000 square feet
- Within Grand Avenue's "retail-core area" use is not permitted on ground floor facing Grand Avenue unless located behind a solid wall, and such wall shall be located at least 25% of the building depth back from the front, with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley. No signage facing Grand Avenue is permitted.
- Only permitted on Escondido Boulevard.
- Only permitted within a multi-tenant building, and shall not occupy more than 30% of the gross floor area.
- Only in conjunction with an approved residential project.
- Only permitted on Pennsylvania Avenue and the north side of Valley Parkway between Kalma and Ivy Streets.
- Not allowed along Grand Avenue on ground floor within the "retail core area."
- Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 19 of the Zoning Code.
- No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- Permitted on Local Historic Register properties.
- Drive-through establishments shall be permitted with a Conditional Use Permit, subject to the provisions in Article 18, Section 33-341
- Prohibited on corner lots of the retail core area.
- Use Shall have a minimum building floor area of 15,000 square feet.
- 4415** Only permitted on parcels south of Pennsylvania Avenue.
- Existing automobile dealerships are a non-conforming use. Conversion of these sites to a new and substantially different use shall require plot plan review or a Conditional Use Permit subject to the provisions in the Permitted Use Matrix.
- The use which contains a drive-through facility as a primary use shall be located on a site having minimum footage of 100 feet on a Circulation Element Street as indicated in the City's General Plan, and must have a minimum separation of 500 feet from any other business that operates a drive-through as a primary use.

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**FIGURE II-2
PERMITTED AND CONDITIONAL USES**
(Page 4 of 8)

LAND USE	HD*	PV	CCU	GT	M	SG*	CN
GENERAL OFFICE AND FINANCIAL SERVICES							
Administrative, business and professional offices, employment agencies, secretarial services, realtors/real estate offices and counseling services, travel and ticket agencies	P2	P	P	P	P	P	P6
ATM Kiosk	P	P	P	P	P	P	P
ATM Kiosk with drive-through		C12	C12	C12	C12	C12	C12
Check cash / pay day							
Financial institutions, banks, savings and loans ¹³	P	P	P	P	P	P	P
Financial institutions, banks, savings and loans with drive-through		C12	C12	C12	C12	C12	C12
Off-site sales and call centers	P10					P	P6
Short-term political campaign offices with a maximum duration of six months	P	P	P	P	P	P	P6
HEALTH AND PERSONAL SERVICES							
Medical/dental/optical/offices, clinics and laboratories, licensed alternative health-care establishments, day spas, excluding acupuncture and massage establishments as primary uses.	P2	P	P	P	P	P	P6
Barber, beauty salons including cosmetology involving ear piercing, permanent eye and lip lining, excluding other body piercing, body art, and inking parlors	P	P	P	P	P	P3	P6
Tattoo parlor and body piercing* (subject to Chapter 17 of the Municipal Code)							
Massage Establishments (permitted in centers pursuant to Article 38)			P				

NOTES:

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- 1 Under 3,000 square feet.
- 2 Within Grand Avenue's "retail-core area", use is not permitted on ground floor facing Grand Avenue unless located behind a solid wall, and such wall shall be located at least 25% of the building depth back from the front, with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley.
- 3 No signage facing Grand Avenue is permitted.
- 4 Only permitted in Escorial/Boulder Park.
- 5 Only permitted with a multi-tenant building, and shall not occupy more than 30% of the gross floor area.
- 6 Only permitted with an approved residential project.
- 7 Not permitted on Pennsylvania Avenue and the north side of Valley Parkway between Valmia and Ivy Streets.
- 8 Not allowed along Grand Avenue on ground floor within the "retail core area."
- 9 Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 19 of the Zoning Code.
- 10 No residential uses permitted between Woodward Avenue, Washington Avenue, Escorial Boulevard and Broadway.
- 11 Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- 12 Permitted on Local Historic Register properties.
- 13 Drive-through establishments shall be permitted with a Conditional Use Permit, subject to the provisions in Article 18, Section 35-341
- 14 Prohibited on corner lots of the retail core area.
- 15 Use shall have a minimum building floor area of 15,000 square feet.
- 16 Only permitted on parcels south of Pennsylvania Avenue.
- 17 Existing automobile dealerships are a non-conforming use. Conversion of these sites to a new and substantially different use shall require plot plan review or a Conditional Use Permit subject to the provisions in the Permitted Use Matrix.
- 18 The use which contains a drive-through facility as a primary use shall be located on a site having minimum frontage of 100 feet on a Circulation Element Street as indicated in the City's General Plan, and must have a minimum separation of 500 feet from any other business that operates a drive-through as a primary use.

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- CCU Centre City Urban
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- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

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**FIGURE II-2
PERMITTED AND CONDITIONAL USES**
(Page 5 of 8)

LAND USE	HD*	PV	CCU	GT	M	SG*	CN
SPECIALTY SERVICES (includes similar ancillary uses NEC)							
Animal services (indoor only) to include pet training, boarding, pet spas, pet day care and veterinary clinics, excluding kennels	P7		P	P	P	P3	P6
Photographic developing and photocopy services, watch and clock repair, locksmiths	P	P	P	P	P	P	P6
Music recording/practice studios	P2	P4	P	P	P	P4	P1, 6
Custom-furniture upholstery and repair	P7					P3	P6
Picture framing shops	P	P4	P	P	P	P3	P6
Postal services including parcel delivery (public/private)	P2	P	P	P	P	P	P
Cleaning and laundering services without on-site cleaning	P7	P1	P1	P1		P1, 4	P1, 5, 6
Cleaning establishments and laundries, self-service or coin operated	P10	P				C	P1, 5, 6
Mortuaries	C10	C				C	C6
Tailors and dressmakers and alterations	P2	P	P	P	P	P	P5, 6
Private smokers lounge							
ENTERTAINMENT, RECREATION AND CULTURAL							
Dance facilities, pinball and electronic game arcades	C		C	C	C		
Athletic clubs, health studios, yoga, jazzercise, aerobics, zumba and similar programs	P7	P	P	P	P	P3	P6

NOTES:

P = Permitted C = Conditional Use Permit required

- 1 Under 3,000 square feet.
- 2 Within Grand Avenue's "retail-core area", use is not permitted on ground floor facing Grand Avenue unless located behind a solid wall, and such wall shall be located at least 25% of the building depth back from the front, with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley. No signage facing Grand Avenue is permitted.
- 3 Only permitted on Escondido Boulevard.
- 4 Only permitted within a multi-tenant building, and shall not occupy more than 30% of the gross floor area.
- 5 Only in conjunction with an approved residential project.
- 6 Only permitted on Pennsylvania Avenue and the north side of Valley Parkway between Kalma and Ivy Streets.
- 7 Not allowed along Grand Avenue on ground floor within the "retail core area."
- 8 Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 10 of the Zoning Code.
- 9 No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- 10 Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- 11 Permitted on Local Historic Register properties.
- 12 Drive-through establishments shall be permitted with a Conditional Use Permit, subject to the provisions in Article 16, Section 33-341
- 13 Prohibited on corner lots of the retail core area.
- 14 Use Shall have a minimum building floor area of 15,000 square feet.
- 14.15 Only permitted on parcels south of Pennsylvania Avenue.
- ** Existing automobile dealerships are a non-conforming use. Conversion of these sites to a new and substantially different use shall require plot plan review or a Conditional Use Permit subject to the provisions in the Permitted Use Matrix.
- ** The use which contains a drive-through facility as a primary use shall be located on a site having minimum frontage of 100 feet on a Circulation Element Street as indicated in the City's General Plan, and must have a minimum separation of 600 feet from any other business that operates a drive-through as a primary use.

DOWNTOWN DISTRICTS:

- HD Historic Downtown
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- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

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**FIGURE II-2
PERMITTED AND CONDITIONAL USES**
(Page 6 of 8)

LAND USE	HD*	PV	CCU	GT	M	SG*	CN
ENTERTAINMENT AND RECREATION (continued)							
Galleries and studios pertaining to artists, craft workers and photographers (including incidental developing and printing), libraries, museums, etc., including incidental sale of merchandise pertaining to the primary use	P	P	P	P	P	P	P6
Dance studios and schools	P	P	P	P	P	P3	P6
Marital arts schools and training facilities	P10		P	P	P	P3	P6
Entertainment establishments (including internet cafes) with incidental sale of food or alcohol (excluding incidental entertainment in restaurants)	C	C	C	C	C	C3	C6
Parks - general recreation	P	P	P	P	P	P	P
Roller-skating and bowling alleys and similar indoor arena sports			P	P	C		
Swimming pools and schools		P					P6
Theater, live and motion picture	P	P	P	P			
SOCIAL, PROFESSIONAL, RELIGIOUS ORGANIZATIONS							
Churches, synagogues, temples, missions, religious reading rooms, and other religious activities (not allowed within Grand Avenue "historic retail core area")	C7	C	C	C	C	C	C
Social and professional organizations that conduct group and/or membership meetings on the premises, including political, veterans, civic, labor, charitable and similar organizations	C2	C	C	C	C	C	C
Youth Organizations		C	C	C	C	C	C
Weddings and Receptions							

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NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

NOTES:

- 1 P = Permitted C = Conditional Use Permit required
- 2 Under 3,000 square feet.
- 3 Within Grand Avenue's "retail-core area", use is not permitted on ground floor facing Grand Avenue unless located behind a solid wall, and such wall shall be located at least 25% of the building depth back from the front, with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley.
- 4 No signage facing Grand Avenue is permitted.
- 5 Only permitted on Escondido Boulevard.
- 6 Only permitted within a multi-tenant building, and shall not occupy more than 30% of the gross floor area.
- 7 Only in conjunction with an approved residential project.
- 8 Only permitted on Pennsylvania Avenue and the north side of Valley Parkway between Kalima and Ivy Streets.
- 9 Not allowed along Grand Avenue on ground floor within the "retail core area."
- 10 Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 18 of the Zoning Code.
- 11 No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- 12 Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- 13 Permitted on Local Historic Register properties.
- 14 Drive-through establishments shall be permitted with a Conditional Use Permit, subject to the provisions in Article 18, Section 33-341.
- 15 Prohibited on corner lots of the retail core area.
- 16 Use shall have a minimum building floor area of 15,000 square feet.
- 17 **14.9 Only permitted on parcels south of Pennsylvania Avenue.**
- 18 Existing automobile dealerships are a non-conforming use. Conversion of these sites to a new and substantially different use shall require plot plan review or a Conditional Use Permit subject to the provisions in the Permitted Use Matrix.
- 19 The use which contains a drive-through facility as a primary use shall be located on a site having minimum frontage of 100 feet on a Circulation Element Street as indicated in the City's General Plan, and must have a minimum separation of 500 feet from any other business that operates a drive-through as a primary use.

**FIGURE II-2
PERMITTED AND CONDITIONAL USES
(Page 7 of 8)**

LAND USE	HD*	PV	CCU	GT	M	SG*	CN
EDUCATION							
Educational facilities for adults	C	P	C	P	P	P	C6
Daycare facilities	C10	C	C	C	C	C	C6
Schools (primary education)		C		C	C	C	C
Schools (secondary education)	C6	C		C	C	C	C
COMMUNICATIONS (wireless facilities subject to Article 34)							
Broadcasting (radio and/or television stations)	C7	C	C	C	P	C	C6
Newspaper printing and publishing	C7		C1	C1	C1	C1	C6
TRANSPORTATION AND MISCELLANEOUS SERVICES (subject to Article 57)							
Boutique car sales							
Car dealership, excluding car-rental services							
Car-rental services, excluding maintenance and repair of vehicles			C				
Fleet Storage (as a primary use)							
Fleet Storage (as an accessory use)	P	P	P	P	P	P	P
Junkyard and wrecking yard							
Parking lots (municipal)	P	P	P	P	P	P	P
Parking lots (private full fee)	C	C	C	C	C	C	C
Taxicab, trolley, shuttle and pedicab stands	P	P	P	P	P	P	P

NOTES:

P = Permitted C = Conditional Use Permit required

- Under 3,000 square feet.
- Within Grand Avenue's "retail-core area", use is not permitted on ground floor facing Grand Avenue unless located behind a solid wall, and such wall shall be located at least 25% of the building depth back from the front, with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley. No signage facing Grand Avenue is permitted.
- Only permitted on Escondido Boulevard.
- Only permitted within a multi-tenant building, and shall not occupy more than 30% of the gross floor area.
- Only in conjunction with an approved residential project.
- Only permitted on Pennsylvania Avenue and the north side of Valley Parkway between Kalima and Ivy Streets.
- Not allowed along Grand Avenue on ground floor within the "retail core area."
- Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 19 of the Zoning Code.
- No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- Permitted on Local Historic Register properties.
- Drive-through establishments shall be permitted with a Conditional Use Permit, subject to the provisions in Article 16, Section 33-341.
- Prohibited on corner lots of the retail core area.
- Use Shall have a minimum building floor area of 15,000 square feet.
- ~~4-19 Only permitted on parcels south of Pennsylvania Avenue~~
- Existing automobile dealerships are a non-conforming use. Conversion of these sites to a view and substantially different use shall require plot plan review or a Conditional Use Permit subject to the provisions in the Permitted Use Matrix.
- The use which contains a drive-through facility as a primary use shall be located on a site having minimum frontage of 100 feet on a Circulation Element Street as indicated in the City's General Plan, and must have a minimum separation of 500 feet from any other business that operates a drive-through as a primary use.

NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

DOWNTOWN DISTRICTS:

- HD Historic Downtown
- PV Park View
- CCU Centre City Urban
- GT Gateway Transit
- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

**FIGURE II-2
 PERMITTED AND CONDITIONAL USES
 (Page 8 of 8)**

LAND USE	HD*	PV	CCU	GT	M	SG*	CN
TRANSPORTATION AND MISCELLANEOUS SERVICES (subject to Article 57) (continued)							
Tow yard storage							
Tow truck operation incidental to repair				P/C		P/C	
Tractor or heavy truck sales, storage, or rental							
Transit stations including maintenance and repair				P			
Vehicle repair (light)						C	
Vehicle repair (general or commercial)							
Seasonal sales not exceeding 30 days, (including pumpkin, Christmas tree and wreath sales between October 1 and December 31, both dates inclusive, to the extent permitted by other statutory and ordinance provisions). Structures and materials used for seasonal sales shall be removed from the premises immediately after December 31 and the property shall be restored to a neat condition	P	P	P	P	P	P	P
Miscellaneous Government Operations that do not provide direct contact with the public	C	C	C	C	C	C	C

NOTES:

P = Permitted C = Conditional Use Permit required

- Under 3,000 square feet.
 - Within Grand Avenue's "retail-core area" use is not permitted on ground floor facing Grand Avenue unless located behind a solid wall, and such wall shall be located at least 25% of the building depth back from the front, with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley.
 - No signage facing Grand Avenue is permitted.
 - Only permitted on Escondido Boulevard.
 - Only permitted within a multi-tenant building, and shall not occupy more than 30% of the gross floor area.
 - Only in conjunction with an approved residential project.
 - Only permitted on Pennsylvania Avenue and the north side of Valley Parkway between Kalmia and Ivy Streets.
 - Not allowed along Grand Avenue on ground floor within the "retail core area."
 - Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 18 of the Zoning Code.
 - No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
 - Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
 - Permitted on Local Historic Register properties.
 - Drive-through establishments shall be permitted with a Conditional Use Permit, subject to the provisions in Article 18, Section 33-341
 - Prohibited on corner lots of the retail core area.
 - Use Shall have a minimum building floor area of 15,000 square feet.
 - 4415 Only permitted on parcels south of Pennsylvania Avenue.
- Existing automobile dealerships are a non-conforming use. Conversion of these sites to a new and substantially different use shall require plot plan review or a Conditional Use Permit subject to the provisions in the Permitted Use Matrix.
 The use which contains a drive-through facility as a primary use shall be located on a site having minimum frontage of 100 feet on a Circulation Element Street as indicated in the City's General Plan, and must have a minimum separation of 500 feet from any other business that operates a drive-through as a primary use.

DOWNTOWN DISTRICTS:

- | | |
|-----|------------------------|
| HD | Historic Downtown |
| PV | Park View |
| CCU | Centre City Urban |
| GT | Gateway Transit |
| M | Mercado |
| SG | Southern Gateway |
| CN | Creekside Neighborhood |

NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

EXHIBIT "B"**FACTORS TO BE CONSIDERED / FINDINGS OF FACTS****PLANNING CASE NO. PL23-0109****Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines section 15061 (Common Sense Exemption) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The Project also does not trigger any exceptions to the categorical exemption as listed in CEQA Guidelines section 15300.2.

3. The City Council has independently considered the full administrative record before it, which includes but is not limited to the July 11, 2023 Planning Commission Staff Report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Amendments and Zone Changes (Section 33-1263)

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

The Project includes a text amendment to the Downtown Specific Plan (DSP) to allow restaurants, with or without alcohol sales, within the Creekside Neighborhood (CN) district. The Project would only affect the 12 properties south of Pennsylvania Avenue which consist of mostly non-residential uses. The Project would not encroach into the residential properties that fall within the CN district. The proposed amendment would not adversely affect the public health, safety, and welfare.

2. *That the property involved is suitable for the uses permitted by the proposed zone;*

The Project would amend the DSP to allow restaurants with or without alcohol sales in the CN district. The proposed amendment would affect a total of 12 properties south of Pennsylvania Avenue which consist of several parking lots, and nonresidential uses mainly consisting of commercial businesses.

Given the commercial buildout of the area, the affect properties would suitable for the newly permitted use.

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

The Project would allow a newly permitted use within the CN district, and does not include a zone change. The Project would amend the DSP to allow restaurants with or without alcohol sales in the CN district.

4. *That the proposed change is consistent with the adopted general plan;*

The Project does not include a zone change and consist of text amendment to the DSP. The text amendment would amend the list of permitted and conditionally permitted uses within the CN district of the DSP. The proposed amendment would be consistent with several General Plan policies as discussed in the staff report.

5. *That the proposed change of zone does not establish a residential density below seventy (70) percent of the maximum permitted density of any lot or parcel of land previously zoned 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 is to amend the list of permitted and conditionally permitted uses of the CN district within the DSP. The Project does not include a residential component.

6. *That the relationship of the proposed change is applicable to specific plans.*

The Project is to amend the list of permitted and conditionally permitted uses of the CN district of the DSP. The propose change will be applicable only to 12 properties south of Pennsylvania Avenue within the DSP.

Downtown Specific Plan Strategic Goals (Chapter 1 Section C)

Amendments to the Downtown Specific Plan shall be reviewed against the Downtown SPA Strategic Goals:

7. *An economically viable Downtown with an appropriate mix of retail, office, residential, entertainment and cultural uses.*

The Project would allow for an expansion of an existing business to offer additional amenities including the sale of alcohol. The expansion would allow for new businesses such as restaurants to operate in an area that borders primarily residential to the north and would serve as a connector to the commercial uses on Grand Avenue.

8. *A local and regional destination for specialty shopping, dining, nightlife, employment, culture, and the arts.*

The Project would offer an additional amenity to residents that reside within the CN district of the DSP. The Project is adjacent to residential uses to the north, and further to the west. The Project would expand the businesses current offerings, and will result in additional employment opportunities. Additionally, new businesses may be attracted to this area of the DSP that previously did not allow restaurant uses.

9. *A vibrant and exciting environment with land uses that foster an "18-hour" atmosphere, in addition to areas that provide mixed use, office employment and high-density residential opportunities.*

The Project would allow for non-residential uses such as restaurants that will foster a "18-hour" atmosphere in the DSP, adjacent to high-density residential.

10. *Development and signage that strengthen the character of Downtown and are architecturally compatible with the existing urban fabric.*

The Project does not include any signage, and is to amend the list of permitted and conditionally permitted uses within CN district of the DSP. Any proposed signage would be evaluated against the established signage regulations outlined within the DSP.

11. *Street level and human-scale design elements in new and remodeled developments that improve pedestrian orientation.*

The Project does not include any new or remodeled developments as it is limited to a text amendment to the list of permitted and conditionally permitted uses in the CN district of the DSP.

12. *Preserved historically significant sites and structures that enhance the character of Downtown.*

The Project consist of a text amendment to allow restaurant uses, with or without alcohol, in the CN district of the DSP. No impacts to historically significant sites and structures from the Project are anticipated.

13. *Pedestrian-oriented, ground-floor, specialty retail and restaurant use on Grand Avenue that reinforce and expand its unique character.*

The Project consists of a text amendment to allow restaurant uses, with or without alcohol, in the CN district of the DSP. The Project would only affect 12 properties south of Pennsylvania that fall within the CN district which is approximately two blocks north of Grand Avenue. The Project would allow the affected properties to serve as a connector to the specialty retail and restaurant uses on Grand Avenue.

14. *Higher residential densities in key locations that support Downtown non-residential uses.*

The Project consists of a text amendment to allow additional non-residential uses adjacent to higher density residential areas. The residential areas would be able to support the expanded non-residential uses in the CN district.

15. *A pedestrian environment that provides connections, convenient access and opportunities for alternative modes of transportation.*

The Project consists of a text amendment to allow restaurants, with or without alcohol sales, in an area of the DSP that currently lacks a pedestrian environment. The Project would allow uses that activate the street through active uses such as restaurants and outdoor dining. This would provide an additional opportunity to enhance the pedestrian environment.

16. *Embellished landscaping, public art, comfortable street furniture and décor that improves walkability and pedestrian connections.*

The Project consists of a text amendment to allow restaurants, with or without alcohol sales, within the CN District. No improvements are proposed at this time.

17. *Maximized parking opportunities.*

The Project consists of a text amendment to allow restaurants, with or without alcohol sales, within the CN district. The Project would affect 12 properties south of Pennsylvania Avenue, and is north of the Vehicle Parking Districts. The patrons of the existing and future businesses would be able to utilize parking opportunities on Grand Avenue.