

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



June 23, 2005

Fri 5c

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
GARY CANNON, COASTAL PROGRAM ANALYST, SAN DIEGO AREA
OFFICE**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF ENCINITAS MAJOR
AMENDMENT NO. 1-05 (Residential Care Facilities) for Commission Meeting
of JULY 13-15, 2005.**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on May 19, 2005. The date by which the Commission must take action, absent an extension of the time limits by the Commission, is July 18, 2005.

SUMMARY OF AMENDMENT REQUEST

Staff recommends that, following a public hearing, the Commission approve the proposed City of Encinitas Implementation Plan Amendment #1-05 as submitted. The proposed changes will bring the City's Implementation Plan into conformity with state and federal law that require a residential care facility of six or fewer individuals to be treated the same as a single family home. To accomplish this, the City's ordinance adds and modifies certain definitions and clarifies the locational requirements for group living facilities.

Attached is the City's proposed ordinance with the proposed changes (Exhibit #1) and a strike-out/underline exhibit provided by the City that shows the proposed amendment in the context of the existing LCP (Exhibit #2).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the LCP Implementation Plan amendment as submitted. The proposed revisions address only where residential care facilities are permitted by right (without a coastal development permit) or, in the case of residential care facilities involving 7 or more individuals, where they are permitted with a conditional use permit and a coastal development permit. The proposed revisions do not modify the resource protection or development policies and regulations of the underlying land use designations and classifications which will remain applicable to residential care

facilities proposed in the coastal zone. The proposed revisions do not change the coastal development permit requirements for construction or modification to structures that will house a residential care facility. Therefore, the Implementation Plan amendment is adequate to carry out the certified Land Use Plan.

The appropriate resolutions and motions begin on page 3. The findings for approval of the Implementation Plan Amendment as submitted begin on page 4.

BACKGROUND

Encinitas LCP

On November 17, 1994, the Commission approved, with suggested modifications, the City of Encinitas Local Coastal Program (both land use plan and implementing ordinances). The City accepted the suggested modifications and, on May 15, 1995, began issuing coastal development permits for those areas of the City within the Coastal Zone. The Downtown Encinitas Specific Plan was approved as an element of the Implementation Plan approved by the Commission on November 17, 1994. On August 9, 1995, the Commission approved City of Encinitas LCPA No. 1-95-A, adopting the Encinitas Ranch Specific Plan. The Encinitas Ranch Specific Plan covers an approximately 850 acre area located within the north central portion of the City of Encinitas that was not a part of the City of Encinitas when the City's LCP was initially certified by the Commission. On August 13, 1997, the Commission approved, with suggested modifications, the City's North Highway 101 Specific Plan as the implementing ordinances for the City's North Highway 101 corridor. The subject LCPA will be the fifteenth amendment to the City's certified LCP.

ADDITIONAL INFORMATION

Further information on the Encinitas LCP Amendment No. 1-05 may be obtained from Gary Cannon, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

B. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:** *I move that the Commission reject the Implementation Program Amendment #1-05 for the City of Encinitas as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment #1-05 for the City of Encinitas as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF ENCINITAS
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The amendment request involves changes to the City's certified Implementation Plan as it relates to zoning regulations and location requirements for residential care facilities. The purpose of the changes is to ensure consistency with state and federal laws that protect handicapped and other classes of individuals requiring care in residential facilities. The proposed changes occur within the Zoning Code, North Highway 101 Corridor Specific Plan, Downtown Encinitas Specific Plan and Encinitas Ranch Specific Plan each of which are elements of the City's certified Implementation Plan.

A residential care facility involving 6 or fewer individuals is required by state and federal law to be treated as a single family use and must be permitted in all residential zones. Residential care facilities involving 7 or more and Group Residential (such as dormitories or fraternities) can be regulated and restricted. The proposed amendment eliminates various existing group-type residential uses identified in the existing Zoning Matrix and various group-type residential uses identified within the Encinitas Ranch Specific Plan, the Highway 101 Corridor Specific Plan and the Downtown Encinitas Specific Plan and reorganizes those uses into three new uses; "Residential Care, limited – 6 or fewer", "Residential Care, General – 7 or more", and "Group Residential". In addition, the amendment provides new definitions for "Alcohol Treatment Center", "Group Residential", "Residential Care Limited", "Residential Care, General" and modifies several existing definitions including "Dwelling, multiple", "Dwelling, single-family", "Dwelling, two-family", "Dwelling unit" and "Family".

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

a) Purpose and Intent of the Ordinance.

The purpose and intent of the proposed ordinance amendment is to govern where a residential care facility may be placed. The amendment brings the City of Encinitas regulation of residential care facilities into compliance with federal and state law by adding or modifying various definitions relating to residential use and modifying specific regulations for zoning classifications within the City's Implementation Plan. While residential care facilities involving 6 or fewer individuals must be allowed in all residential zones, residential care facilities involving 7 or more and group residential facilities will continue to be regulated through the conditional use and coastal development permit process.

b) Major Provisions of the Ordinance.

The proposed amendment would eliminate the following existing uses within the City's Zoning Matrix:

- Childrens' Homes
- Congregate Housing/Independent Living/Retirement Homes
- Congregate Care Facility/Assisted Living/Board and Care (up to 6 residents)
- Congregate Care Facility/Assisted Living/Board and Care (7 to 15 residents)
- Congregate Care Facility/Assisted Living/Board and Care (16 or more residents)
- Convalescent Home/Skilled Nursing Facility
- Foster Care Home
- Group Care Home
- Transitional Housing
- Treatment Center (Substance Abuse Out Patient)
- Treatment Center (Substance Abuse In Patient)

The proposed amendment would add the following uses:

- Group Residential
- Residential Care, limited – 6 or fewer
- Residential Care, General – 7 or more

North Highway 101 Corridor Specific Plan

Within the North Highway 101 Corridor Specific Plan, the amendment modifies the Commercial Mixed 1 (N-CM-1), Commercial Mixed-2 (N-CM-2), Commercial Mixed 3 (N-CM-3), Commercial Residential Mixed 1 (N-CRM-1) and Commercial Residential Mixed 2 (N-CRM-2) zones within the North Highway 101 Corridor Specific Plan in a similar manner by eliminating "Group Home" and "Transitional Housing" uses and adding "Group Residential", "Residential Care, limited – 6 or fewer" and "Residential Care, General – 7 or more" uses. These changes allow Residential Care, limited – 6 or fewer by right in each residential or mixed-use zone that allows residential use.

Downtown Encinitas Specific Plan

Within the Downtown Encinitas Specific Plan, the amendment modifies Residential 11 (D-R-11), Residential 15 (D-R-15), Residential 25 (D-R-25), Office Professional (D-OP), Commercial Mixed-First Street (D-CM-1), Commercial Mixed-Second Street (D-CM-2), Visitor Commercial Mixed (D-VCM) and Office Mixed (D-OM) zones to eliminate the same types of uses that were eliminated in the City's Use Matrix and replacing them with "Residential Care, limited – 6 or fewer" and "Residential Care, General – 7 or more" uses. Again, these changes allow "Residential Care, limited – 6 or fewer" by right in each residential or mixed-use zone that allows residential use.

Encinitas Ranch Specific Plan

Within the Encinitas Ranch Specific Plan, the amendment modifies the Agricultural Zone (AG) to allow "Residential Care, limited – 6 or fewer". Within the single-family residential zones (ER-SFR3, ER-SFR3V and ER-SFR5) and mixed-use zones (ER-MU1, ER-MU2) the same type of uses eliminated in the City's Use Matrix will also be eliminated in these zones and they will be replaced with "Residential Care, limited – 6 or fewer" and "Residential Care, General – 7 or more" uses. As before, these changes allow "Residential Care, limited – 6 or fewer" by right in each residential or mixed-use zone that allows residential use.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments.

The proposed Implementation Plan amendment is consistent with the Certified Land Use Plan and will not affect resource protection or development policies and regulations of the underlying land use designations and land use classifications. The ordinance is adequate to implement the following LUP policies:

Land Use Policy 6.5 The design of future development shall consider the constraints and opportunities that are provided by adjacent existing development.

Land Use Policy 6.6 The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and non-residential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance.

Land Use Goal 7 Development in the community should provide an identity for the City while maintaining the unique identity of the individual communities.

Additionally, the Housing Element portion of the LUP has policies that specifically relate to community care facilities. Housing Program Description, Section I, subsections f and g mandate the continuation of development of community care facilities and small-scale care facilities. The proposed Implementation Plan amendment will ensure the continued development of these facilities, while maintaining the unique character of the community:

Housing Program Description, Section I

f. Community Care Facilities. Continue to allow for development of community care, congregate care, or residential care facilities under zoning to meet special housing needs of elderly who need ability assistance and the handicapped. Review code allowance to consider expansion of zones/locations where such development may be appropriate. The five year goal is for the creation of 150 congregate care units for the elderly and/or handicapped based on identified need.

- g. Small-Scale Care Facilities. Continue to provide for residential care facilities for six or fewer clients under residential "zone" as specified by State law.

The proposed Implementation Plan modifications designed to protect residential care facilities consistent with state and federal law have also been designed to carry out the intent of the Land Use Plan. While residential care facilities having six or fewer residents must be considered a single family use and cannot be regulated differently than a single-family residence, residential care facilities having seven or more residents and group residential facilities such as dormitories or fraternities can be regulated. As such the proposed modifications to the City's Implementation Plan involving residential care facilities having seven or more residents and group residential facilities will ensure that the location of the such facilities will be consistent with Land Use Policies 6.5 and 6.6 and Goal 7. Those policies assure that residential care facilities having 7 or more individuals will only be located along circulation element roads in order to protect the community character of neighborhoods that are predominantly single-family residential and not located on circulation element roads. In addition, the LCP policies addressing protection of public access, public views and sensitive coastal resources will remain applicable and are not being modified by the proposed amendment. Therefore, as submitted, the proposed ordinance revisions are adequate to carry out the certified land use plan in the City of Encinitas LCP.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an IP submittal or, as in this case, an IP amendment submittal, to find that the approval of the proposed IP, or IP, as amended, does conform to CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended IP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b). In the case of the subject LCP amendment, the Commission finds that approval of the subject LCP amendment would not result in significant environmental impacts under the meaning of the California Environmental Quality Act.

The proposed amendment to the City of Encinitas' Implementation Plan is consistent with and adequate to carry out the policies of the certified land use plan. Any specific

impacts associated with individual development projects would be assessed through the environmental review process, and, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that no significant immitigable environmental impacts under the meaning of CEQA will result from the approval of the proposed LCP amendment as submitted.

(\\Tigershark1\Groups\San Diego\Reports\LCP's\Encinitas\Enc LCPA 1-05 Res Care Facilities.doc)

ORDINANCE NO 2005-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA AMENDING ENCINITAS MUNICIPAL CODE TITLE 30 (ZONING ORDINANCE), THE NORTH 101 CORRIDOR SPECIFIC PLAN, THE DOWNTOWN ENCINITAS SPECIFIC PLAN AND THE ENCINITAS RANCH SPECIFIC PLAN TO ADD AND MODIFY CERTAIN DEFINITIONS AND TO CLARIFY THE LOCATIONAL REQUIREMENT FOR GROUP LIVING FACILITIES AS REFLECTED IN THE CODES

WHEREAS, the City Council finds that the City's Zoning Code and Specific Plan provisions regulating all group living regulations should be amended to ensure conformity with the Federal Fair Housing Act Amendments ("FHAA," 42 USC § 3601) and various provisions of State law including, without limitation, to provide procedures that allow the City to receive, evaluate and approve applications to accommodate uses protected by State and Federal law; and

NOW, THEREFORE, the City Council of the City of Encinitas hereby ordains as follows:

SECTION 1: DEFINITIONS:

Section 30.04, Definitions, of the Encinitas Municipal Code is hereby amended to read as follows:

See Attachment "A"

SECTION 2: USE MATRIX:

Chapter 30.09, Use Matrix, of the Encinitas Municipal Code is hereby amended to read as follows:

See Attachment "B"

SECTION 3: CHAPTER 30.16: RESIDENTIAL ZONES:

Chapter 30.16, Residential Zones, is hereby amended to read as follows:

See Attachment "C"

SECTION 4: NORTH 101 CORRIDOR SPECIFIC PLAN:

The North 101 Corridor Specific Plan is hereby amended to read as follows:

See Attachment "D"

SECTION 5: DOWNTOWN ENCINITAS SPECIFIC PLAN:

The Downtown Encinitas Specific Plan is hereby amended to read as follows:

See Attachment "E"

EXHIBIT NO. 1

**Encinitas Local
Coastal Plan
Amendment 1-05**

**City Ordinance
Resolution**

SECTION 6: ENCINITAS RANCH SPECIFIC PLAN:

The Encinitas Ranch Specific Plan is hereby amended to read as follows:

See Attachment "F"

SECTION 7: ENVIRONMENTAL FINDING:

The City Council, in their independent judgement, finds that the adoption of the Zoning Code and Local Coastal Program Amendments will be exempt from Environmental Review pursuant to General Rule 15061 (b) (3) since there would be no possibility of a significant effect on the environment because the amendments will not directly result in development; any development as a result of the amended language will be subject to CEQA review and analysis.

SECTION 8: PUBLIC NOTICE AND EFFECTIVE DATE:

The City Clerk is directed to prepare and have published a summary of this ordinance no less than five (5) days prior to consideration of its adoption, and again within fifteen (15) days following adoption, indicating the votes cast. This ordinance will become effective following certification by the California Coastal Commission as being consistent with the Local Coastal Program for the City of Encinitas.

SECTION 9: ORDINANCE INTRODUCTION:

This Ordinance was introduced on February 16, 2005.

PASSED AND ADOPTED this 9th day of March, 2005 by the following vote, to wit:

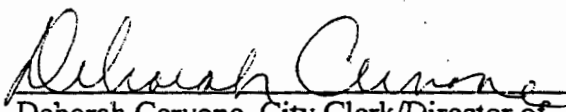
AYES: Bond, Dalager, Houlihan, Stocks.
NAYS: None.
ABSTAIN: None.
ABSENT: Guerin.



Dan Dalager, Mayor

ATTESTATION AND CERTIFICATION:

I hereby certify that this is a true and correct copy of Ordinance 2005-03 which has been published pursuant to law.



Deborah Cervone, City Clerk/Director of
Legislative Services

ATTACHMENT "A"

ENCINITAS MUNICIPAL CODE CHAPTER 30.04 IS HEREBY AMENDED TO READ:

Add new definitions for:

"Alcohol and Drug Treatment Center" shall mean a dwelling unit that provides an in-house treatment or rehabilitation program for its residents and is operated on a 24-hour basis to provide necessary treatment in a residential setting. Alcohol Drug and Treatment Centers are licensed and defined by the State of California under the Uniform Controlled Substances Act (California Health & Safety Code Section 11000 et. seq.)

"Group Residential" shall mean shared living quarters, occupied by more than one person, which lack separate kitchen and bathroom facilities for each room or unit, as well as shared living quarters occupied by two or more persons not living together as a single housekeeping unit. This classification includes boarding houses, dormitories, fraternities, sororities, and private residential clubs, but excludes residential care, general and residential care, limited.

"Residential Care, Limited" shall mean shared living quarters (without separate kitchen and bathroom facilities for each room or unit) for six or fewer persons with physical or mental impairments that substantially limit one or more of such person's major life activities. This classification includes, but is not limited to group homes, recovery facilities, and other establishments providing non-medical care for persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. Childrens' Homes, Congregate Housing/ Independent Living/Retirement Homes, Congregate Care Facilities/Assisted Living/Board and Care, Convalescent Home/Skilled Nursing Facility, Foster Care Home, Transitional Housing and Treatment Center for Substance Abuse are also included in this classification.

"Residential Care, General" shall mean shared living quarters (without separate kitchen or bathroom facilities for each room or unit) for seven or more persons with physical or mental impairments that substantially limit one or more of such person's major life activities when such persons are not living together as a family. This classification includes, but is not limited to group homes, recovery facilities, and other establishments providing non-medical care for persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. Childrens' Homes, Congregate Housing/ Independent Living/Retirement Homes, Congregate Care Facilities/Assisted Living/Board and Care, Convalescent Home/Skilled Nursing Facility, Foster Care Home, Transitional Housing and Treatment Center for Substance Abuse are also included in this classification.

Modify the following definitions as noted in ~~strikeout~~ for deletion and underlined for addition:

"Dwelling, multiple" shall mean a building containing more than two (2) dwelling units or a combination of more than two (2) single family dwelling units on one lot means a building containing more than two dwelling units, each of which is for occupancy by one family.

EXHIBIT NO. 2

Encinitas Local
Coastal Plan
Amendment 1-05

Ordinance
(Strikeout/Underline
Version)

"Dwelling, single-family" shall mean a one-family dwelling, attached or detached, located on separate lots or parcels ~~as a condominium designed exclusively for residential occupancy.~~

"Dwelling, two family" shall mean a building or buildings on a single lot containing not more than two dwelling units, ~~each of which is totally separated from the other by an unpierced wall extending from ground to roof, or an unpierced ceiling extending from exterior wall to exterior wall. An accessory unit constructed in accordance with Encinitas Municipal Code Chapter 30.48 shall not be counted as a dwelling unit for purposes of this definition.~~

"Dwelling Unit" shall mean one or more rooms and a single kitchen in a building or portion thereof designed as a unit for occupancy by one ~~household~~ family for living and sleeping purposes, in which all habitable rooms have interior access to the rest of the dwelling unless otherwise approved by the ~~Community Development~~ Planning and Building Director. (Ord. 97-17)

"Family" shall mean one or more persons, an individual or two (2) or more persons related by blood, marriage or adoption, or a group including unrelated individuals bearing the generic character of, and living together as, a relatively permanent ~~bona fide housekeeping unit~~ sharing such needs as cooking facilities. Family shall also mean the persons living together ~~in a licensed "residential facility" as that term is defined in the California Health & Safety Code Section 1502 (2) (1), which services six (6) or fewer persons, including the licensee, the members of the licensee's family, and persons employed as facility staff in the following facilities licensed to serve six (6) or fewer persons~~ A) a licensed "residential facility", as that term is defined in the California Community Care Facilities Act, California Health & Safety Code Section 1500 et seq., B) a licensed "residential care facility for the elderly", as that term is defined in the Residential Care Facilities for the Elderly Act, California Health & Safety Act, Section 1569 et seq., C) a licensed "congregate care" or "intermediate care facility, as defined in California Health & Safety Code Section 1250, or D) a licensed Alcohol and Drug Abuse Recovery Treatment Center, as defined in the Uniform Controlled Substances Act, California Health & Safety Code Section 11000 et seq.

~~"Group Care Home" shall mean a dwelling unit, which provides an in house treatment or rehabilitation program for its residents and is operated on a 24 hour basis to provide necessary services in a residential setting. Group Care Homes are licensed and defined by the State of California under the California Community Care Facility Act (California Health & Safety Code Section 1500 et seq.)~~

ATTACHMENT "B"

**CHAPTER 30.09: ZONING USE MATRIX, is hereby amended to read as follows:
Modify the following uses as noted in ~~strikeout~~ for deletion and underlined for addition:**

The Zoning Use matrix below provides a listing of the various land uses which are allowed by right or use permit and those which are prohibited within each of the City's zoning categories. In addition to the matrix below, individual Specific Plans provide a listing of various land uses allowed by right or use permit within each of the Specific Plan's zoning categories. Refer to individual specific plans, as referenced in Chapter 30.84, Specific Plans, for a listing of allowed land uses. The following symbols are used to describe the relationship of the listed uses to each of the zones: (Ord. 94-02).

- "P" indicates that a use is permitted by right;
- "C" indicates that a Major Use Permit is required;
- "Cm" indicates that a Minor Use Permit is required;
- "X" indicates that a use is prohibited.

Use

Zoning Uses

| | RR RR-1 RR-2 | RS-11 R-3 R-5 R-8 | R-11 R-15 | R-20 R-25 | MHP | OP | LC | GC | VSC | LI | BP | P/SP | ER/OS | L-LC | L-VSC |
|-------------------------------------|--------------------|----------------------------|--------------|--------------|-----|----|----|----|-----|----|----|------|-------|------|-------|
| Car Wash (Ord. 89-41) | X | X | X | X | X | X | X | Cm | X | Cm | X | X | X | X | X |
| Carpet & Rug Cleaning Plant | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X |
| Catering Service | X | X | X | X | X | X | P | P | X | P | C | X | X | X | X |
| Cellophane Products Manufacturing | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X |
| Cellular Facility (Ord 95-04) | C | C | C | C | C | P | P | P | P | P | P | P | C* | P | P |
| Cemetery | C | C | C | C | X | X | X | X | X | X | X | C | X | X | X |
| Ceramic products Manufacturing | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X |
| Charitable Bins & Depositories | X | X | X | X | X | X | P | P | X | P | P | P | X | Cm | X |
| Childrens' Homes (Orphanage) | G | G | G | G | X | X | X | X | X | X | X | X | X | X | X |
| Church/Temple/Religious Institution | C | C | C | C | X | C | C | C | X | X | C | C | X | C | X |

P = Permitted by Right

C = Conditional Use permit Required (Major)

Cm = Conditional Use Permit Required (Minor)

X = Prohibited

Use

Zoning Uses

| | RR RR-1 RR-2 | RS-11 R-3 R-5 R-8 | R-11 R-15 | R-20 R-25 | MHP | OP | LC | GC | VSC | LI | BP | P/SP | ER/OS | L-LC | L-VSC |
|---|--------------------|----------------------------|--------------|--------------|-----|----|----|----|-----|----|----|------|-------|------|-------|
| Clock Manufacturing | X | X | X | X | X | X | X | X | X | P | C | X | X | X | X |
| Clothing Rental | X | X | X | X | X | X | P | P | X | X | X | X | X | X | X |
| Club, Private | X | X | X | X | X | C | C | C | X | C | C | X | X | X | X |
| Club, Athletic or Recreational | X | X | X | X | X | C | C | C | C | C | C | X | X | X | X |
| Club, with Alcohol Sales | X | X | X | X | X | X | X | C | C | C | C | X | X | X | C |
| Coins, Purchase and Sales | X | X | X | X | X | X | P | P | P | X | X | X | X | X | X |
| Cold Storage Plant | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X |
| Communications Equipment Manufacturing | X | X | X | X | X | X | X | X | X | P | P | X | X | X | X |

P = Permitted by Right

C = Conditional Use permit Required (Major)

Cm = Conditional Use Permit Required (Minor)

X = Prohibited

Use

Zoning Uses

| | RR RR-1 RR-2 | RS-11 R-3 R-5 R-8 | R-11 R-15 | R-20 R-25 | MHP | OP | LC | GC | VSC | LI | BP | P/SP | ER/OS | L-LC | L-VSC |
|---|--------------------|----------------------------|--------------|--------------|-----|----|----|----|-----|----|----|------|-------|------|-------|
| Congregate Housing/Independent Living/Retirement Homes (Ord. 97-17) | X | X | G | G | X | X | X | X | X | X | X | X | X | X | X |
| Congregate Care Facility/Assisted Living/Board and Care (up to 6 residents) (Ord. 97-17) | P | P | P | P | X | X | X | X | X | X | X | P | X | X | X |
| Congregate Care Facility/Assisted Living/Board and Care (7 to 15 residents) (Ord. 97-17) | Gm | Gm | Gm | Gm | X | X | X | X | X | X | X | Gm | X | X | X |
| Congregate Care Facility/Assisted Living/Board and Care (16 or more residents) (Ord. 97-17) | G | G | G | G | X | X | X | X | X | X | X | G | X | X | X |
| Conservatory of Music | X | X | X | X | X | X | P | P | X | P | P | X | X | X | X |
| Contractor Storage Yard | X | X | X | X | X | X | X | C | X | C | X | X | X | X | X |
| Convalescent Home/Skilled Nursing Facility (Ord. 97-17) | G | G | G | G | X | X | X | X | X | X | X | G | X | X | X |
| Convenience Store | X | X | X | X | X | X | P | P | P | X | X | X | X | Cm | X |
| Convent and Monastery | C | C | C | C | X | X | X | X | X | X | X | C | X | X | X |
| Cork Products Manufacturing | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X |
| Corrugated Paper Products Manufacturing | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X |

Use

Zoning Uses

| | RR RR-1 RR-2 | RS-11 R-3 R-5 R-8 | R-11 R-15 | R-20 R-25 | MHP | OP | LC | GC | VSC | LI | BP | P/SP | ER/OS | L- LC | L- VSC |
|---------------------------------------|--------------------|----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Fire Station | Cm | Cm | Cm | Cm | Cm | P | P | P | P | P | P | P | X | P | P |
| Fish Hatchery Ord. 95-04 | X | X | X | X | X | X | X | X | X | P | X | Cm | Cm**** | X | X |
| Fleet Storage, Ord. 91-03 | X | X | X | X | X | X | X | C | X | C | X | C | X | X | X |
| Floor Covering, Retail | X | X | X | X | X | X | P | P | X | P | X | X | X | X | X |
| Florist Shop | X | X | X | X | X | P*** | P | P | P | X | C | X | X | P | P** |
| Food Products Manufacturing | X | X | X | X | X | X | X | X | X | P | Cm | X | X | X | X |
| Foster Care Home | P | P | P | P | P | X | X | X | X | X | X | X | X | X | X |
| Frozen Food Locker | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X |
| Furniture Manufacturing and Repair | X | X | X | X | X | X | X | Cm | X | P* | C | X | X | X | X |
| Furniture Sales | X | X | X | X | X | X | X | P | X | X | X | X | X | X | X |

P = Permitted by Right

C = Conditional Use Permit Required (Major)

Cm = Conditional Use Permit Required (Major)

X = Prohibited

Use

Zoning Uses

| | RR RR-1 RR-2 | RS-11 R-3 R-5 R-8 | R-11 R-15 | R-20 R-25 | MHP | OP | LC | GC | VSC | LI | BP | P/SP | ER/OS | L-LC | L-VSC |
|--|--------------------|----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Golf Driving Range (not part of golf course). Ord. 95-04 | X | X | X | X | X | X | X | X | C | X | X | C | C*** | X | X |
| Group Care Home. (Ord. 97-17) | P | P | P | P | X | X | X | X | X | X | X | P | X | X | X |
| <u>Group Residential. (Ord. 05-)</u> | <u>X</u> | <u>X</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> |
| Gymnasium, Public Health Club | X | X | X | X | X | Cm | X | P | C | X | P | X | X | X | C |
| Hair Products Manufacturing | X | X | X | X | X | X | X | X | X | P | Cm | X | X | X | X |
| Hair Salon (Ord. 91-03) | X | X | X | X | X | P* | P | P | P** | X | C | X | X | Cm | Cm |
| Hardware Store | X | X | X | X | X | X | X | P | X | P | X | X | X | X | X |
| Hat Cleaning and Blocking | X | X | X | X | X | X | X | P | X | P | Cm | X | X | X | X |
| Hat Shop | X | X | X | X | X | X | P | P | P- | X | X | X | X | X | Cm |

P = Permitted by Right

C = Conditional Use permit Required (Major)

Cm = Conditional Use Permit Required (Minor)

X = Prohibited

Use

Zoning Uses

| | RR RR-1 RR-2 | RS-11 R-3 R-5 R-8 | R-11 R-15 | R-20 R-25 | MHP | OP | LC | GC | VSC | LI | BP | P/SP | ER/OS | L-LC | L-VSC |
|--|--------------------|----------------------------|--------------|--------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Recreational Facilities Private | C | C | C | C | C | C | C | C | C | C | C | X | X | C** | C** |
| Recreational Facilities Public | C | C | C | C | C | C | C | C | P | C | C | P | C | X | C |
| Recreational Storage | X | X | X | X | X | X | X | C | X | X | X | X | X | X | X |
| Recreational Vehicle Sales | X | X | X | X | X | X | X | Cm | X | C | X | X | X | X | X |
| Recycling Facilities | X | X | X | X | X | X | X | C | X | C | C* | C | X | X | X |
| Reducing Salon | X | X | X | X | X | P | P | P | X | X | Cm | X | X | X | X |
| Rental Recreational Surf Shop | X | X | X | X | X | X | X | P | P | P | X | X | X | X | X |
| Residential Care, limited – 6 or fewer. (Ord. 05-) | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> |
| Residential Care, General – 7 or more. (Ord. 05-) *** | <u>C#</u> | <u>C#</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> |

*** Nonconforming Residential Care Facilities for 7 or more legally established as of , 2005 may be expanded or intensified through issuance of a Conditional Use Permit (Major) pursuant to EMC Section 30.16.010(B)12.

Residential Care Facilities, General for 7 or more are permitted through issuance of a Conditional Use Permit (Major) only if the property is located on a prime arterial circulation element road as shown on the general plan.

Use

Zoning Uses

| | RR RR-1 RR-2 | RS-11 R-3 R-5 R-8 | R-11 R-15 | R-20 R-25 | MHP | OP | LC | GC | VSC | LI | BP | P/SP | ER/OS | L-LC | L-VSC |
|---|--------------------|----------------------------|--------------|--------------|-----|----|----|----|-----|----|----|------|-------|------|-------|
| Transfer, Moving and Storage | X | X | X | X | X | X | X | C | X | P | Cm | X | X | X | X |
| Transient Habitation (Ord. 91-03) | X | X | X | X | X | X | C | C | C | X | X | C | X | X | C |
| Transitional Housing | C | C | C | C | C | C | X | C | X | X | X | X | X | X | X |
| Treatment Center (Substance Abuse Out Patient) | X | X | X | X | X | C | X | Cm | X | X | C | Cm | X | X | X |
| Treatment Center (Substance Abuse) (In Patient) | X | X | X | X | X | X | X | X | X | X | X | C | X | X | X |
| Truck Rental | X | X | X | X | X | X | X | Cm | Cm | Cm | X | X | X | X | X |
| Truck Repair | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X |
| Truck Sales | X | X | X | X | X | X | X | Cm | X | C | X | X | X | X | X |
| Upholstery Installation | X | X | X | X | X | X | X | Cm | X | P | X | X | X | X | X |
| Utility Lines-Sewer, Gas, Petroleum, Telephone, Elec. | P | P | P | P | P | P | P | P | P | P | P | P | C | P | P |
| Vending Machine Sales and Service | X | X | X | X | X | X | X | X | X | P | P | X | X | X | X |

P = Permitted by Right

C = Conditional Use permit Required (Major)

Cm = Conditional Use Permit Required (Minor)

X = Prohibited

*(Ord. 92-37)

ATTACHMENT "C"
CHAPTER 30.16: RESIDENTIAL ZONES:

Section 30.16.010B.12 is hereby added to the Encinitas Municipal Code to read as follows:

Non-conforming "Residential Care, General" facilities, if determined by City review as being lawfully established and in existence on the date of adoption of this code section, may expand or rebuild in accordance with the development standards for the zone where it is located. When an expansion increases the intensity of the use, a major use permit shall be required. An increase in land use intensity may include, but not be limited to: an increase in the number of residents, traffic and/or noise impacts, or a relocation or expansion of outdoor activity areas.

ATTACHMENT "D"

THE NORTH 101 CORRIDOR SPECIFIC PLAN IS HEREBY AMENDED TO READ AS FOLLOWS:

Modify the following text as noted in ~~strikeout~~ for deletion and underlined for addition:

3.1.2 Commercial Zones

A. Zone: Commercial Mixed 1 (N-CM-1)

This zone is intended to provide a zoning district where the development of general commercial uses, excluding auto-related uses, and mixed use may be allowed. The zone provides for a variety of development opportunities including (1) stand-alone commercial; or (2) mixed use, with general commercial use types as listed in this chapter. The N-CM-1 zone applies to properties with frontage on North Highway 101, generally between Marcheta Street and West Glaucus Street, as well as commercial properties located at the intersection of Leucadia Boulevard and Vulcan Avenue and commercial properties located on the east side of North Highway 101, just north of Encinitas Boulevard. The intent of this zone is to achieve an eclectic blend of uses and architectural styles by orienting buildings to North Highway 101, emphasizing a pedestrian scale and friendliness, and continuing to emphasize the use of dominating trees in the streetscape.

Commercial allows a wide range of general commercial activities, including retailing, service, and visitor-serving uses, with the intent of accommodating citywide or regional needs and serving the needs of persons visiting the city for business and recreational purposes.

Mixed Use allows commercial and residential uses at a maximum density of 25.0 dwelling units per net acre on the same property or in the same structure, with the intent of providing opportunities for housing and live/work or artisan loft arrangements, while also mitigating the impacts between commercial and residential uses.

It is the intention of the N-CM-1 Zone to allow for functional and physical integration of project components of mixed uses. Consideration will be given to joint use of parking, sizes of residential units, and overall architectural design when considering approvals for mixed use developments.

The following principal uses shall be permitted in the N-CM-1 Zone and are identified as either permitted, or requiring a minor use permit or major use permit. All other principal uses not specifically listed are prohibited.

1. Permitted Uses:

Accessory Building
Antique Sales, Retail
Appliance Sales & Repairs (Household and Small Appliances)
Aquarium, Commercial
Arcade Accessory (Non-Adult)
Art Gallery
Artisan/Craftsman (Sales & Studio)
Bakery (Retail)
Bank/Savings and Loan
Barber and Beauty Shop (Cosmetologist)
Bicycle Sales, Rental and Service
Billiard, Pool Hall
Blueprinting and Photostatting
Bookbinding
Book Sales
Bowling Alley
Building Materials Sales, Enclosed
Candle Shop
Candy and Confectionery Sales
Catering Service
Charitable Bins and Depositories (accessory)
Clothing Rental
Coins, Purchase and Sales
Computer Sales & Service
Conservatory of Music
Convenience Store
Cosmetic Design Studio
Costume Rentals
Dairy Store
Dance Hall
Dance Studio
Delicatessen
Dental Clinic
Dressmaking Shop
Drug Store
Dry Cleaning, Retail and Self-Service
Dwelling Unit, Caretaker -accessory to the principal use
Dwelling Unit, One-Family¹
Dwelling Unit, Two-Family¹
Dwelling Unit, Three-Family¹
Dwelling Unit, Multiple Family¹
Educational Institution, Public
Employment Agency
Family Day Care Home, Small (Six or fewer persons, accessory to a dwelling only)
Family Day Care Home, Large (Seven to ~~twelve~~ fourteen persons, accessory to dwelling only)
Finance Company
Fire Prevention Equipment, Sales and Service
Fire Station
Floor Covering, Retail
Florist Shop
Furniture Sales
Garden Supplies
Gem/Precious Stone Retail

Gift Shop
Glass and Mirrors, Retail
Glass Edging and Beveling
Glass Studio (Stained and others)
Grocery Store
~~Group Home~~⁺
Hair Salon
Hardware Store
Hat Shop
Health Food Store
Hobby Supply Shop
Home & Business Maintenance Service
Home Occupations
Ice Cream Parlor
Interior Decorating Service
Janitorial Services
Janitorial Supplies/Sales
Jewelry Sales
Lapidary Shop, Retail (Gems)
Laundromat
Laundry
Lawnmower Sales and Service
Library
Locksmith
Machine and Tool Sales
Mail Order House
Market (food)
Medical/Dental Clinic
Medical/Dental Office
Medical Equipment Sales
Museum
Music/Record Store
Newsstand
Notions and Dry Goods Store
Office (Business and Professional)
Office Equipment/Supplies Sales
Optical Products Sales
Orthopedic Devices Sales
Paper Product Sales
Parcel Delivery Service, Office only
Pet Shop/Pet Grooming
Pharmacy
Photocopy Shop
Photofinishing, Retail
Photographic Studio
Photographic Supplies
Photograving and Finishing
Post Office
Postal Annex, Private Ownership
Pottery Sales
Printing
Public Utilities: Office
Radio/Television Sales
Real Estate Office
Reducing Salon
Residential Care, Limited (6 or fewer)¹

Restaurant (no alcohol sales; outdoor dining permitted by design review)²
Retail Sales³
Schools, Public: (Elementary, Jr. High, High School)
Scientific Instruments Sales
Second Hand Dealer
Second Hand Store
Shoe Repair/Sales
Sidewalk Dining (requires encroachment permit)¹
Sign Shop
Silk Screen Printing Shop
Sporting Goods Sales
Stationery Store
Surf Shop Retail and Rental
Swimming Pool Supplies/Equipment Sales
Tailor Shop
Telephone Answering Service
Theaters and Places of Public Assembly
Tile Sales
Utility Lines - Sewer, Gas, Petroleum, Telephone, Electric
Veterinarian (without Kennel)
Video Sales & Rental
Wearing Apparel Shop
Wood Product Sales, Retail

¹ Allowed in mixed-use developments only. All detached or attached dwelling units in mixed-use developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements.

² See Section A.4.d Sidewalk Dining in this chapter for additional provisions.

³ Retail sales uses consistent with the intent of the N-CM-1 Zone are permitted.

2. Minor Use Permits:

Alcoholic Beverage, Sales - off premise
Auction House
Bed & Breakfast
Cabinet Shop
Club, Athletic or Recreational
Club, Private
Courts, Commercial (Badminton, Tennis, Racquetball, Others)
Day Care Center
Gymnasium, Public Health Club
Horticultural Services
Laboratories (biochemical, film, other)
Laboratories (medical, dental)
Nurseries, Horticultural
Outdoor Sales
Packaging Business
Parks and Recreation Areas
Pawnshop
Recording Studio
Recreational Facilities Private
Recreational Facilities Public
Restaurant (with alcohol sales; outdoor dining permitted)¹
Small Animal Hospital/Kennel
Video Production Studio
Wholesale Business²

3. Major Use Permits:

Athletic Field
Bar/Cocktail Lounge
Cellular Facility
Church/Temple/Religious Institution
Club, with Alcohol Sales
Educational Institution, Private
Electrical Distribution Substation
Emergency Residential Shelter
Garage, Public Parking
Gas Distribution, Meter and Control Station
Hotel
Massage Parlor (see Adult Use 30.51, Title 30 of the Encinitas Municipal Code)
Medical Complex
Motel
Parking Lot, Commercial
Police/Sheriff Station
Radio/Television Broadcasting Studio
Radio/Television Transmitter
Residential Care, General (7 or more)
Schools, Private: (Elementary, Jr. High, High School)
Schools, Technical
Swap Meet
Time Share
~~Transitional Housing~~

¹ See Section A.4.d Sidewalk Dining in this chapter for additional provisions.

² Wholesale businesses consistent with the intent of the N-CM-1 Zone

B. Zone: Commercial Mixed 2 (N-CM-2)

This zone is intended to provide a zoning district where the development of general commercial uses, including auto-related uses, and mixed use may be allowed. The zone provides for a variety of development opportunities including 1) stand alone commercial; or 2) mixed use, with general commercial use types as listed in this chapter. The N-CM-2 zone applies to properties with frontage on North Highway 101, generally between A Street and Marcheta Street. The intent of this zone is to achieve an eclectic blend of uses and architectural styles by orienting buildings to North Highway 101, emphasizing a pedestrian scale and friendliness, and continuing to emphasize the use of dominating trees in the streetscape.

Commercial allows a wide range of general commercial activities, including auto-related uses, retailing, service, and visitor-serving uses, with the intent of accommodating citywide or regional needs and serving the needs of persons visiting the city for business and recreational purposes.

Mixed Use allows commercial and residential uses at a maximum density of 25.0 dwelling units per net acre on the same property or in the same structure, with the intent of providing opportunities for housing and live/work or artisan loft arrangements, while also mitigating the impacts between commercial and residential uses.

It is the intention of the N-CM-2 zone to allow for functional and physical integration of project components of mixed uses. Consideration will be given to joint use of parking, sizes of residential units, and overall architectural design when considering approvals for mixed use developments.

The following principal uses shall be permitted in the N-CM-2 Zone and are identified as either permitted, or requiring a minor use permit or major use permit. All other principal uses not specifically listed are prohibited.

1. Permitted Uses:

- Accessory Building
- Antique Sales, Retail
- Appliance Sales & Repairs (Household and Small Appliances)
- Aquarium, Commercial
- Arcade Accessory (Non-Adult)
- Art Gallery
- Artisan/Craftsman (Sales & Studio)
- Bakery (Retail)
- Bank/Savings and Loan
- Barber and Beauty Shop (Cosmetologist)
- Bicycle Sales, Rental and Service
- Billiard, Pool Hall
- Blueprinting and Photostatting
- Bookbinding

Book Sales
Bowling Alley
Building Materials Sales, Enclosed
Candle Shop
Candy and Confectionery Sales
Catering Service
Charitable Bins and Depositories (accessory)
Clothing Rental
Coins, Purchase and Sales
Computer Sales & Service
Conservatory of Music
Convenience Store
Cosmetic Design Studio
Costume Rentals
Dairy Store
Dance Hall
Dance Studio
Delicatessen
Dental Clinic
Dressmaking Shop
Drug Store
Dry Cleaning, Retail and Self-Service
Dwelling Unit, Caretaker -accessory to the principal use .
Dwelling Unit, One-Family¹
Dwelling Unit, Two-Family¹
Dwelling Unit, Three-Family¹
Dwelling Unit, Multiple Family¹
Educational Institution, Public
Employment Agency
Family Day Care Home, Small (Six or fewer persons, accessory to a dwelling only)
Family Day Care Home, Large (Seven to ~~twelve~~ fourteen persons, accessory to dwelling only)
Finance Company
Fire Prevention Equipment, Sales and Service
Fire Station
Floor Covering, Retail
Florist Shop
Furniture Sales
Garden Supplies
Gem/Precious Stone Retail
Gift Shop
Glass and Mirrors, Retail
Glass Edging and Beveling
Glass Studio (Stained and others)
Grocery Store
~~Group Home~~⁺
Hair Salon
Hardware Store
Hat Shop
Health Food Store
Hobby Supply Shop
Home & Business Maintenance Service
Home Occupations
Ice Cream Parlor
Interior Decorating Service

Janitorial Services
Janitorial Supplies/Sales
Jewelry Sales
Lapidary Shop, Retail (Gems)
Laundromat
Laundry
Lawnmower Sales and Service
Library
Locksmith
Machine and Tool Sales
Mail Order House
Market (food)
Medical/Dental Clinic
Medical/Dental Office
Medical Equipment Sales
Motor Vehicle Parts Store
Museum
Music/Record Store
Newsstand
Notions and Dry Goods Store
Office (Business and Professional)
Office Equipment/Supplies Sales
Optical Products Sales
Orthopedic Devices Sales
Paper Product Sales
Parcel Delivery Service, Office only
Pet Shop/Pet Grooming
Pharmacy
Photocopy Shop
Photofinishing, Retail
Photographic Studio
Photographic Supplies
Photograving and Finishing
Post Office
Postal Annex, Private Ownership
Pottery Sales
Printing
Public Utilities: Office
Radio/Television Sales
Real Estate Office
Reducing Salon
Residential Care, Limited (6 or fewer)¹
Restaurant (no alcohol sales; outdoor dining permitted by design review)²
Retail Sales³
Schools, Public: (Elementary, Jr. High, High School)
Scientific Instruments Sales
Second Hand Dealer
Second Hand Store
Shoe Repair/Sales

Sidewalk Dining (requires encroachment permit)²
Sign Shop
Silk Screen Printing Shop
Sporting Goods Sales
Stationery Store
Surf Shop Retail and Rental
Swimming Pool Supplies/Equipment Sales
Tailor Shop
Telephone Answering Service
Theaters and Places of Public Assembly
Tile Sales
Utility Lines - Sewer, Gas, Petroleum, Telephone, Electric
Veterinarian (without Kennel)
Video Sales & Rental
Wearing Apparel Shop
Wood Product Sales, Retail

2.

Minor Use Permits:

Alcoholic Beverage, Sales - off premise
Auction House
Automobile Body Repair
Automobile Elec. & Tune-up
Automobile Painting
Automobile Rental
Automobile Repair Garage
Auto Sales, New and Used (Incidental repairs permitted per
State Certification Regulations)
Bed & Breakfast
Boat Rental
Boat Sales
Cabinet Shop
Club, Athletic or Recreational
Club, Private
Courts, Commercial (Badminton, Tennis, Racquetball, Others)
Day Care Center
Gas Engines, Retail Sales and Service
Gymnasium, Public Health Center
Horticultural Services
Laboratories (biochemical, film, other)
Laboratories (medical, dental)
Motorcycle Sales Only
Motorcycle Sales & Service
Muffler Shop
Nurseries, Horticultural
Outdoor Sales
Packaging Business
Parks and Recreation Areas
Pawnshop
Recording Studio
Recreational Facilities Private
Recreational Facilities Public
Recreational Vehicle Sales
Restaurant (w/alcohol sales; outdoor dining permitted)¹
Small Animal Hospital/Kennel
Truck Rental
Truck Sales
Video Production Studio
Wholesale Business²

¹ See Section B.4.d Sidewalk Dining in this chapter for additional provisions.

² Wholesale businesses consistent with the intent of the N-CM-2 zone are permitted.

3. Major Use Permits:

Athletic Field
Automobile Gasoline sales/dispensing (including auto repair, service, or car wash)
Bar/Cocktail Lounge
Car Wash¹
Cellular Facility
Church/Temple/Religious Institution
Club, with Alcohol Sales
Educational Institution, Private
Electrical Distribution Substation
Emergency Residential Shelter
Garage, Public parking
Gas Distribution, Meter and Control Station
Hotel
Massage Parlor (see Adult Use 30.51, Title 30 of the Encinitas Municipal Code)
Medical Complex
Motel
Parking Lot, Commercial
Police/Sheriff Station
Radio/Television Broadcasting Studio
Radio/Television Transmitter
Residential Care, General (7 or more)
Schools, Private: (Elementary, Jr. High, High School)
Schools, Technical
Swap Meet
Time Share
~~Transitional Housing~~

¹ Permitted as an accessory use with the approval of a Major Use Permit only in association with an automobile gasoline sales/dispensing principal use.

C. Zone: Commercial Mixed 3 (N-CM-3)

This zone is intended to provide local neighborhood-serving and visitor-serving commercial uses, excluding auto-related uses, in the general area along Second Street directly north of B Street, and generally between North Highway 101 and Third Street. The area serves as a gateway into the North 101 Corridor Specific Plan area from the south, as well as a commercial node to serve residents and visitors utilizing nearby recreational facilities such as Moonlight State Beach and Park. This zone allows 1) stand-alone commercial; or 2) mixed use, with commercial use types to be generally neighborhood-serving and visitor-serving as per the permitted, minor use permit, and major use permit principal use list of this section.

Commercial allows a wide range of general commercial uses which generally serve the needs of local, neighborhood residents and visitors to the area, and which are compatible with the surrounding residential neighborhoods.

Mixed Use allows commercial and residential uses at a maximum density of 25.0 dwelling units per net acre on the same property or in the same structure, with the intent of providing opportunities for housing and live/work or artisan loft arrangements, while also mitigating the impacts between commercial and residential uses.

It is the intention of the N-CM-3 Zone to allow for functional and physical integration of project components of mixed uses. Consideration will be given to joint use of parking, sizes of residential units and overall architectural design when considering approvals for mixed use developments.

The following principal uses shall be permitted in the N-CM-3 Zone and are identified as either permitted, or requiring a minor use permit or major use permit. All other principal uses not specifically listed are prohibited.

1. Permitted Uses:

- Accessory Building
- Alcoholic Beverage, Sales - off premise
- Antique Sales, Retail
- Aquarium, Commercial
- Arcade Accessory (Non-Adult)
- Art Gallery
- Artisan/Craftsman (Sales & Production Studio)
- Bakery (Retail)
- Barber & Beauty Shop (Cosmetologist)
- Bicycle Sales, Rental and Service
- Billiard, Pool Hall
- Book Sales
- Bowling Alley
- Building Materials Sales Enclosed (10,000 sq. ft. or less)¹
- Candle Shop
- Candy and Confectionery Sales
- Catering Service
- Charitable Bins and Depositories (accessory)
- Clothing Rental
- Coins, Purchase and Sales
- Computer Sales and Service
- Conservatory of Music
- Cosmetic Design Studio
- Costume Rentals
- Dance Hall
- Dance Studio

Delicatessen
 Dressmaking Shop
 Drug Store
 Dry Cleaning, Retail and Self-Service
 Dwelling Unit, Caretaker - accessory to the principal use
 Dwelling Unit, One-Family²
 Dwelling Unit, Two-Family²
 Dwelling Unit, Three-Family²
 Dwelling Unit, Multiple Family²
 Educational Institution, Public
 Family Day Care Home, Small (Six or fewer persons, accessory to a dwelling only)
 Family Day Care Home, Large (Seven to ~~twelve~~ fourteen persons, accessory to dwelling only)
 Fire Station
 Floor Covering, Retail
 Florist Shop
 Gem/Precious Stone, Retail
 Gift Shop
 Glass and Mirrors, Retail
 Glass Edging and Beveling
 Grocery Store
~~Group Home~~⁴
 Hair Salon
 Hardware Store (10,000 sq. ft or less)³
 Hat Shop
 Health Food Store
 Hobby Supply Shop
 Home Occupations
 Ice Cream Parlor
 Interior Decorating Service
 Jewelry Sales
 Lapidary Shop, Retail (Gems)
 Laundromat
 Library
 Locksmith
 Market (food)
 Medical/Dental Clinic
 Medical/Dental Office
 Music/Record Store
 Museum
 Newsstand
 Notions and Dry Goods Store
 Office (Business and Professional)
 Optical Products Sales
 Pet Shop/Pet Grooming (grooming only, no kennels or boarding)
 Pharmacy
 Photocopy Shop
 Photofinishing, Retail
 Photographic Studio
 Photographic Supplies
 Photograving and Finishing
 Post Office
 Postal Annex, Private Ownership
 Pottery Sales
 Radio/Television Sales
 Real Estate Office
 Reducing Salon
 Rental Recreational Surf Shop
 Residential Care, Limited (6 or fewer)²
 Restaurant (no alcohol sales; outdoor dining permitted by design review)⁵
 Retail Sales⁴
 Schools, Public: (Elementary, Jr. High, High School)

Second Hand Dealer
Second Hand Store
Shoe Repair/Sales
Sidewalk Dining (requires an encroachment permit)¹
Silk Screen Printing Shop
Sporting Goods Sales
Stationery Store
Surf Shop Retail and Rental (no manufacturing)
Tailor Shop
Theaters and Places of Public Assembly
Tile Sales, Custom
Utility Lines - Sewer, Gas, Petroleum, Telephone, Electric
Veterinarian (No Kennel)
Video Sales & Rental
Wearing Apparel Shop

¹ Building Materials Sales Enclosed uses less than 10,000 square feet in size are permitted. Building Materials Sales Enclosed uses greater than 10,000 square feet, but less than 25,000 square feet in size are allowed with the approval of a Major Use Permit.

² Allowed in mixed-use developments only. All detached or attached dwelling units in mixed-use developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements.

³ Hardware Store uses less than 10,000 square feet in size are permitted. Hardware Store uses greater than 10,000 square feet, but less than 25,000 square feet in size are allowed with the approval of a Major Use Permit.

⁴ Local neighborhood-serving and visitor-serving retail sales uses consistent with the intent of the N-CM-3 Zone are permitted.

⁵ See Section C.4.d Sidewalk Dining in this chapter for additional provisions

2. Minor Use Permits

Auction House
Bed and Breakfast
Club, Athletic or Recreational
Club, Private
Courts, Commercial (Badminton, Tennis, Racquetball, Others)
Day Care Center
Gymnasium, Public Health Club
Nurseries, Horticultural
Outdoor Sales
Packaging Business
Parks and Recreational Areas
Recording Studio
Recreational Facilities Private
Recreational Facilities Public
Restaurant with alcohol sales (outdoor dining permitted by design review)²
Video Production Studio
Wholesale Business¹

¹ Local neighborhood-serving and visitor-serving wholesale businesses consistent with the intent of the N-CM-3 Zone are permitted.

² See Section C.4.d Sidewalk Dining in this chapter for additional provisions.

3. Major Use Permits

Automobile gasoline sales/Dispensing (not including auto repair service)
Bar/Cocktail Lounge
Building Materials Sales Enclosed (greater than 10,000 sq. ft., less than 25,000 sq. ft.)¹
Car Wash²
Cellular Facility
Church/Temple/Religious Institution
Club, with alcohol sales
Convenience Store
Drive-Through Restaurant
Electrical Distribution Substation
Garage, Public Parking
Gas Distribution, Meter and Control Station
Hardware Store (greater than 10,000 sq. ft., less than 25,000 sq. ft.)³
Hotel
Massage Parlor
Medical Complex
Motel
Parking Lot, Commercial
Police/Sheriff Station
Radio/Television Broadcasting Studio
Radio/Television Transmitter
Residential Care, General (7 or more)
Timeshare
~~Transitional Housing~~

¹ Building Materials Sales Enclosed uses greater than 25,000 square feet in size are not allowed.

² Permitted as an accessory use with the approval of a Major Use Permit only in association with an automobile gasoline sales/dispensing principal use.

³ Hardware Store uses greater than 25,000 square feet in size are not allowed.

D. Zone: Commercial Residential Mixed 1 (N-CRM-1)

This zone is intended to provide a zoning district where the development of general commercial uses, mixed use or stand-alone residential uses may be allowed. The zone provides for a variety of development opportunities including 1) stand-alone commercial (excluding auto-related uses), 2) mixed use, or 3) stand alone residential. The N-CRM-1 zone applies to properties located along North Highway 101 from and including the "Handy Rentals" property (Assessor Parcel Number 216-041-06) located immediately north of the emergency access to the Sea Bluff Condominiums, to West Glaucus Street. The intent of this zone is to achieve an eclectic blend of uses and architectural styles by orienting buildings to North Highway 101, emphasizing a pedestrian scale, and continuing to emphasize the use of dominating trees in the streetscape.

Commercial allows a wide range of general commercial activities, including retailing, service, and visitor-serving uses with the intent of accommodating citywide or regional needs and serving the needs of persons visiting the city for business and recreational purposes.

Mixed Use allows commercial and residential uses at a maximum density of 25.0 dwelling units per net acre on the same property or in the same structure, with the intent of providing opportunities for housing and live/work or artisan loft arrangements, while also mitigating the impacts between commercial and residential uses.

It is the intention of the N-CRM-1 Zone to allow for functional and physical integration of project components of mixed uses. Consideration will be given to joint use of parking, sizes of residential units and overall architectural design when considering approvals for mixed use developments.

Residential allows single-family detached or multi-family detached and attached residential units, at a maximum density of 25.0 dwelling units per net acre.

The following principal uses shall be permitted in the N-CRM-1 Zone and are identified as either permitted, or requiring a minor use permit or major use permit. All other principal uses not specifically listed are prohibited.

1. Permitted Uses:

- Accessory Building
- Antique Sales, Retail
- Appliance Sales & Repairs (Household and Small Appliances)
- Aquarium, Commercial
- Arcade Accessory (Non-Adult)
- Art Gallery
- Artisan/Craftsman (Sales & Studio)
- Bakery (Retail)
- Bank/Savings and Loan
- Barber and Beauty Shop (Cosmetologist)
- Bicycle Sales, Rental and Service
- Billiard, Pool Hall
- Blueprinting and Photostatting
- Book Sales
- Bookbinding
- Bowling Alley
- Building Materials Sales, Enclosed
- Candle Shop
- Candy and Confectionery Sales
- Catering Service
- Charitable Bins and Depositories (accessory)

Clothing Rental
 Coins, Purchase and Sales
 Computer Sales & Service
 Conservatory of Music
 Convenience Store
 Cosmetic Design Studio
 Costume Rentals
 Dairy Store
 Dance Hall
 Dance Studio
 Delicatessen
 Dental Clinic
 Dressmaking Shop
 Drug Store
 Dry Cleaning, Retail and Self-Service
 Dwelling Unit, Caretaker -accessory to the principal
 Dwelling Unit, One-Family¹
 Dwelling Unit, Two-Family¹
 Dwelling Unit, Three-Family¹
 Dwelling Unit, Multiple Family¹
 Educational Institution, Public
 Employment Agency
 Family Day Care Home, Small (Six or fewer persons, accessory to a dwelling only)
 Family Day Care Home, Large (Seven to ~~twelve~~ fourteen persons, accessory to dwelling only)
 Finance Company
 Fire Prevention Equipment, Sales and Service
 Fire Station
 Floor Covering, Retail
 Florist Shop
 Furniture Sales
 Garden Supplies
 Gem/Precious Stone Retail
 Gift Shop
 Glass and Mirrors, Retail
 Glass Edging and Beveling
 Glass Studio (Stained and others)
 Grocery Store
~~Group Home~~
 Hair Salon
 Hardware Store
 Hat Shop
 Health Food Store
 Hobby Supply Shop
 Home & Business Maintenance Service
 Home Occupations
 Ice Cream Parlor
 Interior Decorating Service
 Janitorial Services
 Janitorial Supplies/Sales
 Jewelry Sales
 Lapidary Shop, Retail (Gems)
 Laundromat
 Laundry
 Lawnmower Sales and Service
 Library
 Locksmith
 Machine and Tool Sales
 Mail Order House
 Market (food)
 Medical/Dental Clinic
 Medical/Dental Office

Medical Equipment Sales
 Museum
 Music/Record Store
 Newsstand
 Notions and Dry Goods Store
 Office (Business and Professional)
 Office Equipment/Supplies Sales
 Optical Products Sales
 Orthopedic Devices Sales
 Paper Product Sales
 Parcel Delivery Service, Office only
 Pet Shop/Pet Grooming
 Pharmacy
 Photocopy Shop
 Photofinishing, Retail
 Photographic Studio
 Photographic Supplies
 Photograving and Finishing
 Post Office
 Postal Annex, Private Ownership
 Pottery Sales
 Printing
 Public Utilities: Office
 Radio/Television Sales
 Real Estate Office
 Reducing Salon
Residential Care, Limited (6 or fewer)¹
 Restaurant (no alcohol sales; outdoor dining permitted by design review)²
 Retail Sales³
 Schools, Public: (Elementary, Jr. High, High School)
 Scientific Instruments Sales
 Second Hand Dealer
 Second Hand Store
 Shoe Repair/Sales
 Sidewalk Dining (requires encroachment permit)²
 Sign Shop
 Silk Screen Printing Shop
 Sporting Goods Sales
 Stationery Store
 Surf Shop Retail and Rental
 Swimming Pool Supplies/Equipment Sales
 Tailor Shop
 Telephone Answering Service
 Theaters and Places of Public Assembly
 Tile Sales
 Utility Lines - Sewer, Gas, Petroleum, Telephone, Electric
 Veterinarian (No Kennel)
 Video Sales & Rental
 Wearing Apparel Shop
 Wood Product Sales, Retail

¹ All detached or attached dwelling units in residential-only or mixed-use developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements.

² See section D.4.d Sidewalk Dining in this chapter for additional provisions

³ Retail sales uses consistent with the intent of the N-CRM-1 Zone are permitted.

2.

Minor Use Permits:

Alcoholic Beverage, Sales - off premise
Auction House
Bed & Breakfast
Cabinet Shop
Club, Athletic or Recreational
Club, Private
Courts, Commercial (Badminton, Tennis, Racquetball, Others)
Day Care Center
Gymnasium, Public Health Center
Horticultural Services
Laboratories (biochemical, film, other)
Laboratories (medical, dental)
Nurseries, Horticultural
Outdoor Sales
Packaging Business
Parks and Recreation Areas
Pawnshop
Recording Studio
Recreational Facilities Private
Recreational Facilities Public
Restaurant (w/alcohol sales; outdoor dining permitted)¹
Small Animal Hospital/Kennel
Video Production Studio
Wholesale Business²

¹ See Section D.4.d Sidewalk Dining in this chapter for additional provisions.

² Wholesale businesses consistent with the intent of the N-CRM-1 zone are permitted.

3. Major Use Permits:

Athletic Field
Bar/Cocktail Lounge
Cellular Facility
Church/Temple/Religious Institution
Club, with Alcohol Sales
Educational Institution, Private
Electrical Distribution Substation
Emergency Residential Shelter
Garage, Public parking
Gas Distribution, Meter and Control Station
Hotel
Massage Parlor (see Adult Use 30.51, Title 30 of the Encinitas Municipal Code)
Medical Complex
Motel
Parking Lot, Commercial
Police/Sheriff Station
Radio/Television Broadcasting Studio
Radio/Television Transmitter
Residential Care, General (7 or more)
Schools, Private: (Elementary, Jr. High, High School)
Schools, Technical
Swap Meet
Time Share
~~Transitional Housing~~

E. Zone: Commercial Residential Mixed 2 (N-CRM-2)

This zone is intended to provide an extension of the neighborhood-serving commercial node on Leucadia Boulevard at Vulcan Avenue. The zone provides for a variety of development opportunities including 1) stand alone commercial (excluding auto-related uses), 2) mixed use; with commercial use types to be generally neighborhood-serving as per the permitted, minor use permit, and major use permit use list of this section, or 3) stand alone residential. This zone applies to properties fronting on Vulcan Avenue between the commercial properties fronting on Leucadia Boulevard at Vulcan Avenue and the Riviera Mobile Home Park.

Commercial allows commercial uses which generally serve the needs of local, neighborhood residents, and which are compatible with a residential neighborhood.

Mixed Use allows commercial and residential uses at a maximum density of 15.0 dwelling units per net acre, on the same property or in the same structure with the intent of providing opportunities for housing and live/work or artisan loft arrangements, while also mitigating the impacts between commercial and residential uses.

It is the intention of the N-CRM-2 Zone to allow for functional and physical integration of project components of mixed uses. Consideration will be given to joint use of parking, sizes of residential units and overall architectural design when considering approvals for mixed use developments.

Residential allows single-family detached or multi-family detached and attached residential units, at a maximum density of 15.0 dwelling units per net acre.

The following principal uses shall be permitted in the N-CRM-2 Zone and are identified as either permitted, or requiring a minor use permit or major use permit. All other principal uses not specifically listed are prohibited.

1. Permitted Uses:

- Accessory Building
- Antique Sales, Retail
- Appliance Sales & Repairs (Household and Small Appliances)
- Aquarium, Commercial
- Art Gallery
- Artisan/Craftsman (Sales & Studio)
- Bakery (Retail)
- Bank/Savings & Loan
- Barber & Beauty Shop (Cosmetologist)
- Bicycle Sales, Rental and Service
- Book Sales
- Candle Shop
- Candy and Confectionery Sales
- Catering Service
- Charitable Bins and Depositories (accessory)
- Clothing Rental
- Coins, Purchase and Sales
- Computer Sales and Service
- Conservatory of Music
- Cosmetic Design Studio
- Costume Rentals
- Dairy Store
- Dance Studio
- Delicatessen
- Dressmaking Shop

Drug Store
Dry Cleaning, Retail and Self-Service
Dwelling Unit, Caretaker - accessory to the principal use
Dwelling Unit, One-Family¹
Dwelling Unit, Two-Family¹
Dwelling Unit, Three-Family¹
Dwelling Unit, Multiple Family¹
Educational Institution, Public
Employment Agency
Family Day Care Home, Small (Six or fewer persons, accessory to dwelling only)
Family Day Care Home, Large (Seven to ~~twelve~~ fourteen persons, accessory to dwelling only)
Finance Company
Fire Station
Floor Covering, Retail
Florist Shop
Furniture Sales
Gem/Precious Stone, Retail
Gift Shop
Glass and Mirrors, Retail
Glass Edging and Beveling
Glass Studio (Stained and Others)
~~Group Home~~
Hair Salon
Hardware Store
Hat Shop
Health Food Store
Hobby Supply Shop
Home Occupations
Ice Cream Parlor
Interior Decorating Service
Jewelry Sales
Lapidary Shop, Retail (Gems)
Laundromat
Laundry
Lawnmower Sales and Service
Library
Locksmith
Mail Order House
Medical/Dental Clinic
Medical/Dental Office
Medical Equipment Sales
Music/Record Store
Newsstand
Notions and Dry Goods Store
Office (Business and Professional)
Office Equipment/Supplies Sales
Optical Products Sales
Orthopedic Devices Sales
Pet Shop/Pet Grooming (grooming only, no kennels or boarding)
Pharmacy
Photocopy Shop -
Photofinishing, Retail
Photographic Studio
Photographic Supplies
Photograving and Finishing
Plumbing Shop
Postal Annex, Private Ownership
Pottery Sales
Printing
Public Utilities: Office
Radio/Television Sales

Real Estate Office
 Reducing Salon
Residential Care, Limited (6 of fewer)¹
 Restaurant (no alcohol sales; outdoor dining permitted by design review)²
 Retail Sales³
 Schools, Public: (Elementary, Jr. High, High School)
 Scientific Instruments Sales
 Second Hand Dealer
 Second Hand Store
 Shoe Repair/Sales
 Sidewalk Dining (requires an encroachment permit)²
 Silk Screen Printing Shop
 Sporting Goods Sales
 Stationery Store
 Stone (Precious) Manufacturing
 Surf Shop Retail and Rental (no manufacturing)
 Tailor Shop
 Telephone Answering Service
 Tile Sales
 Utility Lines - Sewer, Gas, Petroleum, Telephone, Electric
 Veterinarian (No Kennel)
 Video Sales & Rental
 Wearing Apparel Shop

2. Minor Use Permits

Auction House
 Bed and Breakfast
 Club, Athletic or Recreational Courts, Commercial (Badminton, Tennis, Racquetball, Others)
 Day Care Center
 Gymnasium, Public Health Club
 Horticultural Services
 Janitorial Services
 Nurseries, Horticultural
 Outdoor Sales Parks and Recreational Areas
 Recording Studio
 Recreational Facilities, Public and Private
 Restaurant (with alcohol sales)²
 Video Production Studio
 Upholstery Installation

3. Major Use Permits

Athletic Field, Public
 Cellular Facility
 Church/Temple/Religious Institution
 Educational Institution, Private
 Electrical Distribution Substation
 Gas Distribution, Meter and Control Station
Residential Care, General (7 or more)
 Schools, Private: (Elementary, Jr. High, High School)
 Schools, Technical
 Transitional Housing

¹ All detached or attached dwelling units in residential-only or mixed-use developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements.

² See Section E.4.d Sidewalk Dining in this chapter for additional provisions.

³ Neighborhood-serving retail sales uses consistent with the intent of the N-CRM-2 Zone are permitted.

ATTACHMENT "E"

THE DOWNTOWN ENCINITAS SPECIFIC PLAN IS HEREBY AMENDED TO READ AS FOLLOWS:

Modify the following text as noted in strikeout for deletion and underlined for addition:

3.2.1 Residential Zones

A. Zone: Residential 11 (D-R11)

This zone is intended to provide for of residential development ranging from single-family detached units to duplex development. The overall density yield from development in the specific plan area under this zone is expected to be 11 units per acre, however, on qualifying individual lots, duplex use is allowed on lots as small as 5,000 sq. ft.

The following principal uses shall be permitted in the D-R11 Zone and are identified as either a permitted, minor use permit or major use permit. All other principal uses are prohibited.

1. Permitted Uses:

Dwelling Unit, One-Family
Dwelling Unit, Two-Family¹
Educational Institution, Public
~~Family Care Home (6 or fewer persons, accessory to a single family dwelling only)~~
Family Day Care Home, Small or Large, (accessory to a single family dwelling only)
Home Occupations
Mobile Home (individual dwelling unit)
Residential Care, Limited (6 or fewer)
~~Rest Home, Convalescent Home (6 or less)~~
Schools, Public: (Elementary, Jr. High, High School)

¹ Duplex is a permitted use on lot of 5,000 S.F. gross or greater.

2. Minor Use Permits:

Bed and Breakfast
Day Care Center (more than 6 children/clients)
Fire Station
Horticultural Services

3. Major Use Permits:

Cellular Facility (Ord. 91-03)
~~Children's Homes (Orphanage)~~
Church/Temple/Religious Institution
~~Congregate Care Facility (7 or more)~~
~~Congregate Housing~~
~~Convalescent Home (7 or more)~~
Convent and Monastery
Educational Institution, Private
Electrical Distribution Substation
~~Group Care (7 or more)~~
Hospital, Convalescent
Library
Mobile Home Park
Parks and Recreational Areas
Recreational Facilities Public
~~Rest Home (7 or more)~~
Residential Care, General (7 or more)
Schools, Private: (Elementary, Jr. High, High School)

B. Zone: Residential 15 (D-R15)

This zone is intended to provide for residential development, including single-family units (attached and detached), duplex units, apartment development and senior housing, with a maximum density of 15 units per acre.

The following principal uses shall be permitted in the D-R15 Zone and are identified as either a permitted, minor use permit or major use permit. All other principal uses are prohibited.

1. Permitted Uses:

Dwelling Unit, One-Family
Dwelling Unit, Two-Family¹
Dwelling Unit, Three-Family
Dwelling Unit, Multiple Family
Educational Institution, Public
~~Family Care Home (6 or fewer persons, accessory
to a single family dwelling only)~~
Family Day Care Home, Small or Large, (accessory
to a single family dwelling only)
Home Occupations
Mobile Home (individual dwelling unit)
Residential Care, Limited (6 or fewer)
~~Rest Home, Convalescent Home (6 or fewer)~~
Schools, Public: (Elementary, Jr. High, High School)

¹ Duplex is a permitted use on lot of 5,000 S.F. gross or greater.

2. Minor Use Permits:

Bed and Breakfast
Day Care Center (more than 6 children/clients)
Fire Station
Horticultural Services

3. Major Use Permits:

Athletic Field
Cellular Facility (Ord. 91-03)
Cemetery
~~Children's Homes (Orphanage)~~
Church/Temple/Religious Institution
~~Congregate Care Facility (7 or more)~~
~~Congregate Housing~~
~~Convalescent Home (7 or more)~~
Convent and Monastery
Educational Institution, Private
Electrical Distribution Substation
~~Group Care (7 or more)~~
Hospital, Convalescent
Library
Mobile Home Park
Parks and Recreational Areas
Recreational Facilities Public
Residential Care, General (7 or more)
~~Rest Home (7 or more)~~
Schools, Private: (Elementary, Jr. High, High School)

C. Zone: Residential 25 (D-R25)

This zone is intended to provide for compatible high density multiple-family residential development including apartments, condominiums, and senior housing, with a maximum density of 25 units per net acre.

The following principal uses shall be permitted in the D-R25 Zone and are identified as either a permitted, minor use permit or major use permit. All other principal uses are prohibited.

1. Permitted Uses:

Dwelling Unit, One-Family
Dwelling Unit, Two-Family
Dwelling Unit, Three-Family
Dwelling Unit, Multiple Family
Educational Institution, Public
~~Family Care Home (6 or fewer persons, accessory
to a single family dwelling only)~~
Family Day Care Home, Small or Large, (accessory
to a single family dwelling only)
Home Occupations
Mobile Home (individual dwelling unit)
Residential Care, Limited (6 or fewer)
~~Rest Home, Convalescent Home (6 or fewer)~~
Schools, Public: (Elementary, Jr. High, High School)

2. Minor Use Permits:

Bed and Breakfast
Day Care Center (more than 6 children/clients)
Fire Station
Horticultural Services

3. Major Use Permits:

Athletic Field
Cellular Facility (Ord. 91-03)
Cemetery
~~Children's Homes (Orphanage)~~
Church/Temple/Religious Institution
~~Congregate Care Facility (7 or more)~~
~~Congregate Housing~~
~~Convalescent Home (7 or more)~~
Convent and Monastery
Educational Institution, Private
Electrical Distribution Substation
~~Group Care (7 or more)~~
Hospital, Convalescent
Library
Mobile Home Park
Parks and Recreational Areas
Recreational Facilities Public
Residential Care, General (7 or more)
~~Rest Home (7 or more)~~
Schools, Private: (Elementary, Jr. High, High School)

3.2.2 Commercial Zones

A. Zone: Office Professional (D-OP)

This zone is intended to provide primarily for the development of professional and administrative offices, with some accessory retail and service uses.

The following principal uses shall be permitted in the D-OP Zone and are identified as either a permitted, minor use permit or major use permit. All other principal uses are prohibited.

1. Permitted Uses:

Art Gallery
Bank/Savings and Loan
Barber and Beauty Shop (Cosmetologist)¹
Blueprinting and Photostating
Conservatory of Music
Cosmetic Design Studio
Day Care Center
Dental Clinic
Educational Institution, Public
Educational Institution, Private
Employment Agency
Finance Company
Fire Station
Florist Shop¹
Hair Salon (Ord. 91-03)¹
Interior Decorating Service
Laboratories (medical, dental)
Newsstand²
Medical/Dental Clinic
Medical/Dental Office
Office (Business and Professional)
Optical Products Sales
Orthopedic Devices Sales
Parcel Delivery Service
Parks and Recreational Areas
Photocopy Shop
Photographic Studio
Post Office
Postal Annex, Private Ownership
Printing
Public Utilities: Office
Real Estate Office
Reducing Salon
Schools, Private: (Elementary, Jr. High, High School)
Schools, Public: (Elementary, Jr. High, High School)
Stone (Precious) Manufacturing
Telephone Answering Service.

¹Permitted as ancillary use when in conjunction with an office/professional complex, as defined in Title 30 of the Encinitas Municipal Code.

²Not related to sidewalk newsracks

2. Minor Use Permits:

Museum

3. Major Use Permits:

Bakery (Retail)
Cellular Facility (Ord. 91-03)
Church/Temple/Religious Institution

- Club, Private
- Congregate Care Facility (7 or more)
- Convalescent Home (7 or more)
- Dance Studio
- Group Care (7 or more)
- Hospital
- Hospital, Convalescent
- Hospital, Nursing
- Library
- Radio/Television Broadcasting Studio
- Radio/Television Transmitter
- Recording Studio
- Recreational Facilities Private
- Recreational Facilities Public
- Residential Care (7 or more)
- Rest Home (7 or more)
- Rest Home, Convalescent Home (6 or fewer)
- Veterinarian

3.2.3 Mixed Use Zones

A. Zone: Commercial Mixed - First Street (D-CM-1)

This zone is intended to provide a commercial zoning district, where commercial use mixed with restricted residential use may be allowed on the same property or in the same structure, with the intent of providing housing opportunities and mitigating the impacts between mixed commercial and residential uses.

Commercial is intended to provide both for some of the commercial retail and service needs of the surrounding community, and commercial activities to serve the needs of persons visiting the city for business and recreational purposes. Thus, this district is intended for both general and visitor-serving commercial purposes.

Residential, as a secondary use on commercial property, is intended to provide residential units with a minimum dwelling unit size of 350 square feet. Mixed-use residential is not allowed to use more than half of any site's building floor area except when guaranteed affordable dwelling units are provided (see Mixed Use Site Planning standards).

It is the intention of the D-CM-1 Zone to allow for significant functional and physical integration of project components of mixed commercial and residential uses. Consideration will be given to joint use of parking, common areas, landscaping, specific visitor-serving commercial types of uses and associated intensities, housing types and sizes of units, and overall architectural design.

The following principal uses shall be permitted in the D-CM-1 Zone and are identified as either a permitted, minor use permit or major use permit. All other principal uses are prohibited.

1. Permitted Uses:

- Alcoholic Beverage Sales off premise (Ord. 91-03)
- Antique Sales, Retail
- Appliance Sales & Repair (Household and Small Appliances)
- Aquarium, Commercial
- Arcade Accessory (Non-Adult)
- Arcade Primary (Non-Adult)
- Art Gallery
- Artisan/Craftsman (sales & studio)
- Bakery (Retail)
- Bank/Savings and Loan
- Barber and Beauty Shop (Cosmetologist)
- Bicycle Sales, Rental and Service
- Billiard, Pool Hall
- Book Sales
- Candy and Confectionery Sales
- Catering Service

Cellular Facility (Ord. 91-03)
 Clothing Rental
 Coins, Purchase and Sales
 Computer Sales & Service
 Conservatory of Music
 Convenience Store
 Cosmetic Design Studio
 Costume Rentals
 Dairy Store
 Dance Studio
 Day Care Center
 Delicatessen
 Dental Clinic
 Dressmaking Shop/Alterations
 Drug Store²
 Dry Cleaning, Retail and Self-Service²
 Dwelling Unit, Caretaker - accessory to the principal use (Ord. 91-07)
 Dwelling Unit, One-Family, in a mixed-use development¹
 Dwelling Unit, Two-Family, in a mixed-use development¹
 Dwelling Unit, Three-Family, in a mixed-use development¹
 Dwelling Unit, Multiple Family, in a mixed-use development¹
 Educational Institution, Public
 Finance Company
 Fire Station
 Floor Covering, Retail²
 Florist Shop
 Furniture Sales²
 Garden Supplies²
 Gem/Precious Stone Retail
 Gift Shop
 Glass and Mirrors, Retail
 Glass Studio (Stained and others)
 Hair Salon (Ord. 91-03)
 Hardware Store²
 Hat Cleaning and Blocking
 Hat Shop
 Health Food Store
 Hobby Supply Shop
 Home Occupations
 Ice Cream Parlor
 Interior Decorating Service
 Jewelry Sales
 Lapidary Shop, Retail (Gems)
 Laundromat
 Laundry
 Locksmith
 Machine and Tool Sales (Retail Store)²
 Mail Order House
 Market (food)²
 Market (wholesale)²
 Medical/Dental Office
 Medical/Dental Clinic
 Microwave Antenna/Tower
 Motorcycle Sales (only)
 Motor Vehicle Parts Store²
 Museum
 Music/Record Store
 Newsstand
 Notions and Dry Goods Store
 Office (Business and Professional)
 Optical Products Sales
 Orthopedic Devices Sales
 Paper Product Sales
 Parcel Delivery Service
 Pet Shop/Pet Grooming
 Pharmacy²
 Photocopy Shop
 Photofinishing, Retail
 Photographic Studio
 Photographic Supplies

Postal Annex, Private Ownership
 Pottery Manufacturing
 Pottery Sales
 Printing
 Radio/Television Sales
 Real Estate Office
 Recreational Facilities Public
 Reducing Salon
Residential Care, Limited (6 or fewer)¹
 Restaurant (no alcohol sales; outdoor dining permitted by design review)
 Retail Sales²
 Schools, Public: (Elementary, Jr. High, High School)
 Scientific Instruments Sales
 Second Hand Dealer (Ord. 91-03)
 Second Hand Store
 Shoe Repair/Sales
 Sidewalk Dining (encroachment permit required)
 Sign Shop
 Silk Screen Printing Shop
 Sporting Goods Sales²
 Stationery Store
 Surf Shop Retail/Rental
 Surf Shop with Manufacturing
 Swimming Pool Supplies/Equipment Sales
 Tailor Shop
 Theaters and Places of Public Assembly
 Tile Sales
 Video Sales & Rental
 Wearing Apparel Shop

¹Permitted in conjunction with a permitted commercial or office use. Dwelling units may not exceed 50% of the gross developed floor area for this development site.

²Total gross floor area greater than 20,000 square feet shall require a major use permit.

2. Minor Use Permits:

Arcade Primary (Non-Adult)
 Bowling Alley
 Candle Manufacturing
 Car Wash (Ord. 89-41)
 Charitable Bins and Depositories (accessory)
 Church/Temple/Religious Institution
 Gas Distribution, Meter and Control Station
 Outdoor Sales/Swap Meet (Ord. 91-03)
 Pawn Shop
 Pottery Manufacturing
 Restaurant (w/alcohol sales; outdoor dining permitted)
 Swap Meet/Outdoor Sales (Ord. 91-03)

²Total gross floor area greater than 20,000 square feet shall require a major use permit.

3. Major Use Permits:

Bar/Cocktail Lounge
 Cellular Facility (Ord. 91-03)
 Club, Athletic or Recreational
 Club, Private
 Club, with Alcohol Sales
 Courts, Commercial (Badminton, Tennis, Racquetball, Others)
 Dance Hall
 Dwelling Unit, Single Room Occupancy Hotel
 Educational Institution, Private
 Electrical Distribution Substation
 Emergency Residential Shelter
 Garage, Public parking

Grocery Store
 Group Residential
 Gymnasium, Public Health Club
 Hotel
 Jewelry Manufacturing
 Library
 Massage Parlor
 Medical Complex
 Motel
 Motorcycle Sales and Service
 Open Air Theater
 Parking Lot, Commercial
 Radio/Television Broadcasting Studio
 Radio/Television Transmitter
 Recording Studio
 Recreational Facilities Private
 Recreational Facilities Public
Residential Care, General (7 or more)
 Schools, Private: (Elementary, Jr. High, High School)
 Schools, Technical
 Single-Room Occupancy Hotel
 Terminals and Stations (Taxi, Bus, Train, Limousine etc.)
 Transitional Housing

B. Zone: Commercial Mixed - Second Street (D-CM-2)

This zone is intended to allow individual properties to develop as either residential, commercial, office professional or, a mixed-use of commercial/office and residential uses. In a mixed-use project, residential uses may be allowed on the same property or in the same structure as a commercial use, with the intent of providing housing opportunities while also mitigating the impacts between commercial and residential uses.

Commercial is intended to provide retail uses which serve local residents of the community, while maintaining compatibility with a residential environment. Compared to commercial uses on First Street, those on Second Street are intended to be less visitor-serving and more community-serving. Second Street is also intended to provide a higher proportion of office and business uses, and a somewhat less-intensive activity level.

Residential, as a primary use, is intended to provide single-family or multi-family units. Densities of up to 25 dwelling units per acre shall be allowed. Residential in a mixed-use project is limited to no more than half of the development site's allowed floor area. Free-standing residential (residential use only on a development site; no commercial or office use) is permitted, but shall be limited so as not to constitute more than 25% of the zone district's total lot acreage.

It is the intention of the D-CM-2 Zone to allow for significant functional and physical integration of project components of adjacent development sites, as well as of mixed-use projects. Consideration will be given to joint use of parking, common areas, landscaping, specific D-CM-2 types of uses and associated intensities, housing types and sizes of units, and overall architectural design.

The following principal uses shall be permitted in the D-CM-2 Zone and are identified as either a permitted, minor use permit or major use permit. All other principal uses are prohibited.

1. Permitted Uses:

Antique Sales, Retail
 Appliance Sales & Repairs (Household and Small Appliances)
 Arcade Accessory (Non-Adult)
 Art Gallery
 Artisan/Craftsman (sales & studio)
 Bakery (Retail)
 Bank/Savings and Loan
 Barber and Beauty Shop (Cosmetologist)
 Bed and Breakfast

Bicycle Sales, Rental and Service
 Billiard, Pool Hall
 Blueprinting and Photostating
 Book Sales
 Candy and Confectionery Sales
 Catering Service
 Cellular Facility (Ord. 91-03)
 Clothing Rental
 Coins, Purchase and Sales
 Computer Sales & Service
 Conservatory of Music
 Convenience Store
 Cosmetic Design Studio
 Costume Rental
 Dairy Store
 Dance Studio
 Day Care Center
 Delicatessen
 Dental Clinic
 Dressmaking Shop/Alterations, Retail
 Dry Cleaning, Retail and Self-Service
 Dwelling Unit, Caretaker-accessory to the principal use (Ord. 91-07)
 Dwelling Unit, One-Family¹
 Dwelling Unit, Two-Family¹
 Dwelling Unit, Three-Family¹
 Dwelling Unit, Multiple Family¹
 Educational Institution, Public
 Employment Agency
 Family Day Care Home, Large (7 to 12 children) (Ord. 92-28)
 Family Day Care Home, Small (6 or fewer children) (Ord. 92-28)
 Feed and Grain Sales
 Finance Company
 Fire Station
 Florist Shop
 Garden Supplies
 Gift Shop
 Glass and Mirrors, Retail
 Glass Edging and Beveling, associated with retail
 Glass Studio (Stained and others)
 Hair Salon (Ord. 91-03)
 Hat Cleaning and Blocking, associated with retail
 Hat Shop
 Health Food Store
 Hobby Supply Shop
 Home Occupations
 Ice Cream Parlor
 Interior Decorating Service
 Jewelry Sales
 Laundromat
 Lawnmower Sales and Service
 Locksmith
 Market (food)
 Medical/Dental Clinic
 Medical/Dental Office
 Music/Record Store
 Newsstand
 Notions and Dry Goods Store
 Office (Business and Professional)
 Optical Products Sales
 Orthopedic Devices Sales
 Parks and Recreational Areas
 Pharmacy
 Pet Shop/Pet Grooming
 Photocopy Shop
 Photofinishing, Retail
 Photographic Studio
 Photographic Supplies
 Post Office
 Postal Annex, Private Ownership
 Pottery Sales

Printing
 Public Utilities: Office
 Real Estate Office
 Reducing Salon
Residential Care, Limited (6 or fewer)¹
 Restaurant (no alcohol sales; outdoor dining permitted by design review)
 Retail Sales
 Schools, Public: (Elementary, Jr. High, High School)
 Second Hand Dealer (Ord. 91-03)
 Second Hand Store
 Shoe Repair/Sales
 Sidewalk Dining (encroachment permit required)
 Sign Shop
 Silk Screen Printing Shop
 Sporting Goods Sales
 Stationery Store
 Stone (Precious) Manufacturing
 Surf Shop Retail/Rental
 Swimming Pool Supplies/Equipment Sales
 Tailor Shop
 Telephone Answering Service
 Veterinarian
 Video Sales & Rental
 Wearing Apparel Shop

¹Permitted as stand-alone not to exceed 25 du/acre, or in conjunction with a permitted commercial or office use in a mixed-use development. Dwelling units may not exceed 50% of the gross allowable floor area for the development site in a mixed-use development.

2. Minor Use Permits:

Arcade Primary (Non-Adult)
 Candle Manufacturing
 Charitable Bins and Depositories (accessory)
 Day Care Center
 Drug Store
 Dwelling Unit, one family, stand-alone²
 Dwelling Unit, two family, stand-alone²
 Dwelling Unit, three family, stand-alone²
 Dwelling Unit, multiple family, stand-alone²
 Furniture Sales
 Gas Distribution, Meter and Control Station
 Horticultural Services
 Hotel/Motel
 Laboratories (medical, dental)
 Nurseries, Horticultural
 Outdoor Sales/Swap Meet (Ord. 91-03)
Residential Care, Limited (6 or fewer), stand-alone²
 Swap Meet/Outdoor Sales (Ord. 91-03)
 Tile Sales
 Upholstery Installation

²Stand-alone residential development, up to 25 du/acre per site, is allowed subject to the finding that the acreage of all residential-only land use within the Second Street D-CM-2 zone does not exceed 25% of all land acreage in the zone. It is intended that stand-alone residential use be spread more or less evenly throughout the zone, and not be concentrated so as to preclude the predominant commercial character of lands within the D-CM-2 zone.

3. Major Use Permit:

Automobile Electric and Tune-up
 Automobile Rental (Office only)
 Automobile Repair (no auto body or painting)
 Cellular Facility (Ord. 91-03)
 Church/Temple/Religious Institution
 Club, Athletic or Recreational
 Club, Private
 Courts, Commercial (Badminton, Tennis, Racquetball, Others)
 Convent and Monastery

Educational Institution, Private
 Electrical Distribution Substation
 Emergency Residential Shelter
 Floor Covering, Retail
 Garage, Public parking
 Garment Manufacturing
 Gymnasium, Public Health Club
 Laboratories (biochemical, film, other)
 Library
 Massage Parlor
 Medical Equipment Sales
 Museum
 Parcel Delivery Service
 Parking Lot, Commercial
 Police/Sheriff Station/Jail
 Radio/Television Broadcasting Studio
 Radio/Television Transmitter
 Recording Studio
 Recreational Facilities Private
 Recreational Facilities Public
Residential Care, General (7 or more)
Rest Home (7 or more)
Rest Home, Convalescent Home (6 or less)
 Restaurant (w/alcohol sales; outdoor dining permitted)
 Schools, Private: (Elementary, Jr. High, High School)
 Schools, Technical
 Scientific Instruments Sales
 Transitional Housing
 Treatment Center (Substance Abuse) (Out Patient)

C. Zone: Visitor Commercial Mixed (D-VCM)

This zone is intended to primarily provide for commercial activities such as hotel/motel uses, campgrounds, eating and drinking establishments, food and beverage retail sales (convenience), participant sports and recreation, entertainment uses and other principal visitor-serving uses which are specifically intended to serve the needs of persons visiting the City. All other permitted or conditionally permitted uses specified in the Specific Plan for areas zoned Visitor Commercial Mixed (D-VCM), such as business and professional office and residential uses shall be considered ancillary uses to the principal allowable uses. Ancillary or non-principal uses and required off-street parking shall not occupy or utilize more than 30 percent of the ground floor area. Development offering mixed visitor-serving commercial or office (business or professional) uses with restricted residential use may be allowed, with the intent of providing housing opportunities and of mitigating the impacts between new mixed visitor-serving commercial/office and residential uses. *Amended 5/11/95 (Ord. 95-04)*

There are several separate parcels under this zone. However, development is intended to be visually and functionally integrated throughout the zone district, with integrated parking, pedestrian access and other elements.

Visitor-Serving Commercial is intended to provide for commercial activities which are specifically intended to serve the needs of persons visiting the City for business or recreational purposes.

Office Professional is intended to provide primarily for the development of professional and business offices.

Residential is intended to provide for multiple-family residential including apartments, condominiums, and senior housing, with a maximum density of 18 units per net acre.

The following principal uses shall be permitted in the D-VCM Zone and are identified as either a permitted, minor use permit or major use permit. All other principal uses are prohibited.

1. Permitted Uses:

Alcoholic Beverage Sales off premise (Ord. 91-03)
Antique Sales, Retail
Aquarium, Commercial
Art Gallery
Artisan/Craftsman (sales & studio)
Bakery (retail)
Barber and Beauty Shop (Cosmetologist)
Bed & Breakfast
Book Sales
Candy and Confectionery Sales
Convenience Store
Day Care Center
Dry Cleaning, Retail and Self-Service
Dwelling Unit, Caretaker - accessory to the principal use (Ord. 91-07)
Dwelling Unit, Multiple Family¹
Educational Institution, Public
Fire Station
Florist Shop
Gift Shop
Glass Studio (Stained and others)
Grocery Store
Hair Salon (Ord. 91-03)
Hat Shop
Health Food Store
Hotel
Ice Cream Parlor
Jewelry Sales
Market (Food)
Museum
Music/Record Store
Motel
Newsstand
Office (Business and Professional)
Pottery Sales
Real Estate Office
Residential Care, Limited (6 or fewer)¹
Restaurant (no alcohol sales; outdoor dining permitted)
Retail Sales
Schools, Public: (Elementary, Jr. High, High School)
Sidewalk Dining (encroachment permit required)
Sporting Goods Sales
Stationery Store
Surf Shop Retail
Wearing Apparel Shop

¹Permitted in conjunction with a primary commercial or office professional use. Residential permitted in floors above ground floor, only.

2. Minor Use Permits:

Arcade Accessory (Non-Adult)
Arcade Primary (Non-Adult)
Bicycle Sales, Rental and Service
Gas Distribution, Meter and Control Station
Swap Meet/Outdoor Sales

3. Major Use Permits:

Bar/Cocktail Lounge
Billiard, Pool Hall
Cellular Facility (Ord. 91-03)
Club, Athletic or Recreational
Club, with Alcohol Sales
Electrical Distribution Substation
Gymnasium, Public Health Club
Jewelry Manufacturing
Open Air Theater

Photographic Supplies
Recreational Facilities Private
Restaurant (w/alcohol sales; outdoor dining permitted)
Theaters and Places of Public Assembly

D. Zone: Office Mixed (D-OM)

This zone is intended to provide a zoning district that allows individual properties to develop as either residential, office professional, or a mix of both. In a mixed use, residential uses may be allowed on the same property or in the same structure, with the intent of providing housing opportunities and of mitigating the impacts between new mixed office professional and residential developments. This zone is unique to the east side of Third Street between E and F Streets, and is intended as a relatively low-intensity transition from the residential uses along Third and public school across the street, to the more active mixed-use district to the east along Second Street.

Office Professional is intended to provide primarily for the development of professional and administrative offices. The range of non-residential uses is intended to be limited to true office and similarly low-intensity uses.

Residential, as a primary use, is intended to provide single-family units (attached or detached), duplex units, and senior housing, with a maximum density of 15 units per net acre.

It is the intention of the D-OM Zone to allow for significant functional and physical integration of project components of different adjacent uses as well as mixed office professional and residential uses. Consideration will be given to joint use of parking, landscaping, specific D-OM types of uses and associated intensities, housing types and sizes of units, and overall architectural design.

The following principal uses shall be permitted in the D-OM Zone and are identified as either a permitted, minor use permit or major use permit. All other principal uses are prohibited.

1. Permitted Uses:

Day Care Center (more than 6 children/clients)
Dwelling Unit, One-Family
Dwelling Unit, Two-Family
Dwelling Unit, Three-Family
Dwelling Unit, Multiple Family
Educational Institution, Public
Employment Agency
~~Family Care Home (6 or fewer persons, accessory
to a single family dwelling only)~~
Family Day Care Home, Small or Large, (accessory
to a single family dwelling only)
Fire Station
Home & Business Maintenance Service
Home Occupations
Interior Decorating Service
Library
Medical/Dental Clinic
Medical/Dental Office
Mobile Home (individual dwelling unit)
Office (Business and Professional)
Optical Products Sales (Retail sales in conjunction
w/optometrist/optomologist prof. office)
Orthopedic Devices Sales (in conjunction w/related
medical office services)
Photographic Studio
Post Office
Postal Annex, Private Ownership
Public Utilities: Office
Real Estate Office
Residential Care, Limited (6 or fewer)
~~Rest Home, Convalescent Home (6 or fewer)~~

Schools, Public: (Elementary, Jr. High, High School)
Telephone Answering Service

2. Minor Use Permits:

Dance Studio
Fire Station
Museum
Nurseries, Horticultural

3. Major Use Permits:

Cellular Facility (Ord. 91-03)
Childrens' Homes (Orphanage)
Church/Temple/Religious Institution
Club, Athletic or Recreational
Club, Private
~~Congregate Care Facility (7 or more)~~
~~Congregate Housing~~
~~Convalescent Home (7 or more)~~
Convent and Monastery
Educational Institution, Private
~~Group Care (7 or more)~~
Hospital, Convalescent
Parks and Recreational Areas
Residential Care, General (7 or more)
~~Rest Home (7 or more)~~
Schools, Private: (Elementary, Jr. High, High School)
Schools, Technical
~~Transitional Housing~~

ATTACHMENT "F"

THE ENCINITAS RANCH SPECIFIC PLAN IS HEREBY AMENDED TO READ AS FOLLOWS:

Modify the following text as noted in strikeout for deletion and underlined for addition:

6.1 AGRICULTURAL ZONE ("AG" ZONE)

6.2.1 DESCRIPTION OF AGRICULTURAL ZONES

Four separate areas within the Specific Plan Area are within the Encinitas Ranch Agricultural Zone; 68.0 acres within the East Saxony Planning Area, 26.3 acres within the South Mesa Planning Area, 10 acres within the North Mesa Planning Area and 25.7 acres within the Sidonia East Planning Area. The Agricultural Zone provisions below have been written broadly in order to encourage the continued agricultural use of portions of the Specific Plan Area and to provide a favorable setting in which to continue agricultural operations. *Paragraph added 3/18/98 (Reso. 98-17)*

6.2.2 USES PERMITTED

- A. *Permitted Uses.* Subject to the provisions of Sections 6.2.2F and G below, the following uses shall be permitted in any area designated as an Agricultural Zone within the Encinitas Ranch Specific Plan. *List amended 8/23/95 (Reso. 95-91) and 3/18/98 (Reso. 98-17)*

Agricultural facilities, such as, greenhouses, tissue labs, related production and office facilities, and related marketing/distribution facilities (excluding retail sales).

Agriculture, arboriculture, and floriculture operations.

Agricultural support services when associated with on-site primary agricultural uses and provided that such uses are located with access to a Circulation Element Road.

Biotechnical and biogenetic uses and research operations when associated with on-site primary agricultural uses and provided that such uses are located with access to a Circulation Element Road.

Botanical garden.

Future farmers, 4-H, or similar projects.

Horticultural services.

Orchard and tree crops (including Christmas trees).

Parking lots, only for permitted uses.

Nurseries, horticultural (wholesale).

Recreation trails and paths, paved or unpaved.

Recycling of organic agricultural waste products and by-products for use within the Specific Plan Area.

Residential Care, Limited (6 or fewer)

Roadside sales of agricultural products. Operation of a stand, not to exceed an area of 500 square feet, for the display and sale of agricultural products. Said stand to be located not nearer than fifteen (15) feet to any street or highway, provided the roadside stand is not located within the Landscape Development Zone.

Signs, not to exceed thirty-two (32) square feet in area per side or eight (8) feet in height, advertising only the sale of the services or the products produced on the premises. Said signs may be double-sided and shall be stationary, unlighted, and contain no flashing or blinking objects or banners. There shall be a limit of one (1) sign per use, provided that two (2) signs per use are permitted if the use is accessible from two or more Circulation Element Roads. These two (2) signs must be parallel to each other if located along the same road, and cannot be perpendicular to one another if located within 50 yard of one another.

Single dwelling unit.

Water reservoir.

- B. *Major Use Permit.* The following uses are permitted provided a Major Use Permit is approved pursuant to the Municipal Code. *List amended 3/18/98 (Reso. 98-17)*

Agricultural biotechnical and biogenetic uses and agricultural research operations when intended as primary uses.

Agricultural support services when intended as a primary use.

Recycling of organic agricultural waste products and by-products for use outside the Specific Plan Area.

- C. *Minor Use Permit.* Each of the following uses are permitted provided a Minor Use Permit is approved pursuant to the Municipal Code. *List amended 3/18/98 (Reso. 98-17)*

Farm employee housing, including mobile homes.

Nurseries, horticultural (retail) – covered or uncovered.

Roadside sales of agricultural products. Operation of a stand, greater than 500 square feet but not exceeding an area of 1,500 square feet, for the display and sale, by the occupant of the premises, of agricultural products. Said stand to be located not nearer than fifteen (15) feet to any street or highway, provided the roadside stand is not located within the Landscape Development Zone.

6.5 Single Family Residential Zones ("ER-SFR3," "ER-SFR3V" & "ER-SFR5" Zones)

6.5.1 DESCRIPTION OF SINGLE FAMILY RESIDENTIAL ZONES

Three single family residential zones are established within the Encinitas Ranch Specific Plan Area; the Encinitas Ranch single family residential zone with a maximum density of 3.0 dwelling units per acre ("ER-SFR3"), the Encinitas Ranch single family residential zone with a maximum density of 5.0 dwelling units per acre ("ER-SFR5"), and the Encinitas Ranch single family residential zone with an aggregate maximum density (as defined in this Plan) of 3.0 dwelling units per acre as described in Section 6.5.3B, below ("ER-SFR3V"). The ER-SFR3V Zone permits a variety of lot sizes within the residential portion of the South Mesa Planning Area, subject to the maximum limit

of dwelling units within the South Mesa Planning Area and the allowed density (3.0 DU/AC) for all ER-SFR3 Zones permitted under this Plan. *Paragraph added 3/18/98 (Reso. 98-17)*

6.5.2 USES PERMITTED

- A. *Permitted Uses.* The following uses shall be permitted in all Single Family Residential Zones ("ER-SFR3," "ERSFR3V" and "ER-SFR5" Zones) located within the Encinitas Ranch Specific Plan Area. *List amended 3/18/98 (Reso. 98-17)*

Accessory buildings and uses.

(Existing) Agricultural facilities.

(Existing) Agriculture, arboriculture, and floriculture operations.

One (1) accessory unit, pursuant to Chapter 30.48 of the City Municipal Code.

Congregate care facilities (6 or fewer).

Dwelling unit, one-family.

Educational institution, public.

Family day care home (12 or fewer children).

~~Group care home.~~

Home occupations.

Mobile home, when used as a dwelling unit and in conformance with California State Code.

Recreational facilities, private.

Residential Care, Limited (6 or fewer)

Utility lines – sewer, gas, petroleum, cable television, telephone, electric, etc.

- B. *Major Use Permit.* The following uses are permitted in the "ER-SFR3," "ER-SFR3V" and "ER-SFR5" Zones, provided a Major Use Permit is approved pursuant to the Municipal Code. *List amended 3/18/98 (Reso. 98-17)*

Agricultural facilities as permitted by a Major Use Permit in Section 6.2.2 of this zoning ordinance.

Churches, synagogues and other similar religious structures and facilities including incidental uses such as assembly, work rooms, living quarters of a priest, minister or family, and day care and educational facilities.

~~Congregate care facilities (16 or more)~~

~~Convalescent home.~~

Educational institution, private.

Electrical distribution substation.

Hotels, resort hotels, motels and motor inns.

Mobile home park.

Parks and recreational areas, public.

Recreational facilities, public.

Water reservoir.

- C. *Major Use Permit – “ER-SFR3” and “ER-SFR3V” Zones Only.* The following uses are permitted in only the “ER-SFR3” and “ER-SFR3V” Zones, provided a Major Use Permit is approved pursuant to the Municipal Code. *List amended 3/18/98 (Reso. 98-17)*

Cultural facilities including museums and ancillary uses.
(New) Agriculture, arboriculture, and floriculture operations.

- D. *Minor Use Permit.* The following uses are permitted in the “ER-SFR3,” “ER-SFR3V” and “ER-SFR5” Zones, provided a Minor Use Permit has been approved pursuant to the Municipal Code. *List amended 3/18/98 (Reso. 98-17)*

(New) Agricultural facilities as permitted by a Minor Use Permit.

~~Congregate care (7 to 15).~~

Day care center.

Fire station.

Outdoor dining uses and accessory facilities when provided in conjunction with a hotel, resort hotel, motel, or motor inn.

6.6 Mixed Use Zone (“ER-MU1” Zone)

6.6.1 USES PERMITTED

- A. *Permitted Uses.* The following uses shall be permitted in the “ER-MU1” Mixed-Use Zone in the Encinitas Ranch Specific Plan Area. All uses, except for agriculture-related uses and those exceptions noted below, shall be located within an enclosed building unless authorized by a Minor Use Permit. *List amended 3/18/98 (Reso. 98-17)*

Administrative and professional offices, including but not limited to business, law, architectural, engineering, and community planning offices, in which no activity is carried on catering to retail sales and no stock of goods is maintained for sale.

Agricultural facilities as provided in Section 6.1 of this zoning ordinance.

Agriculture, arboriculture, and floriculture operations.

Alcoholic beverage sales (off premise).

Antique sales, retail.

Apartment houses, condominiums, townhomes and multi-family dwelling units (dwelling units constructed over and behind commercial/office uses are expressly permitted).

Art galleries.

Bakery (retail).

Bank/savings and loan.

Barber and beauty shop (Cosmetology).

Book sales.

Candy and confectionery sales.

Charitable bins and depositories.

Churches, synagogues, and other similar religious structures and facilities including incidental uses such as assembly, work rooms, living quarters of a priest,

minister or family, and day care and educational facilities on properties designated as C/S on the Zoning Map.

Clothing and costume, sales and rental.

Club, private.

Club – athletic, health, exercise, fitness, or recreational (fully enclosed uses only).

Coffee shop.

Coins, purchase and sales.

Communications equipment sales and rental.

Computer software and hardware sales and rental.

~~Congregate care facilities (6 or fewer).~~

Conservatory of music.

Convenience store.

Cosmetic design studio.

Cutlery sales.

Dairy store.

Dance studio.

Day-care center.

Delicatessen.

Dental clinic and offices.

Dressmaking shop.

Drug store.

Dry cleaning, retail and self-service with on-site cleaning permitted.

Dwelling unit, one-family.

Dwelling unit, two-family.

Dwelling unit, three-family.

Dwelling unit, multi-family.

Educational institution, public.

Family day care home (12 ~~4~~ or fewer children).

Fire station.

Florist shop.

Furniture sales and rental.

Gem, precious stone retail.

Gift shop.

~~Group care home.~~

Hair salon.

Hardware store.

Hat shop.

Health food store.

Hobby supply shop.

Home occupations.

Ice cream/yogurt shop and parlor.

Ice sales, storage and retail.

Interior decorating service.

Jewelry sales.

Lapidary shop, retail (gems).

Laundry.

Laundromat.
Library.
Lithographic service.
Locksmith.
Machine and tool sales.
Mail order house/business.
Market, wholesale or retail – food, produce, fruit, vegetable, fish, and poultry and meat markets (not including slaughtering).
Medical offices.
Medical clinics.
Motor vehicle parts store.
Music/record/compact disc store.
Newsstand.
Notions and dry goods store.
Office (business and professional uses).
Office equipment/supplies sales.
Optical products sales.
Orthopedic devices sales.
Outdoor dining uses and accessory facilities, subject to the provisions of Section 6.10 in this zoning ordinance.
Paper product sales.
Parks and recreational areas.
Pet shop/pet groom.
Pharmacy.
Photocopy shop.
Photoengraving and finishing.
Photofinishing, retail.
Photographic, camera and film supplies.
Photographic studio.
Plumbing shop.
Post office.
Postal annex, private ownership.
Pottery sales.
Printing.
Public utilities office.
Radio/television sales.
Real estate office.
Recreational facilities, private.
Recycling collection facilities.
Reducing salons and weight loss centers/clinics.
Residential Care, Limited (6 or fewer)
~~Rest homes.~~
Restaurant (no alcohol sales).
Retail sales.
Second hand store.
Shoe repair/sales.

Sporting goods sales.
Stationery store.
Surf shops, retail.
Tailor shop.
Telephone answering service.
Utility lines – sewer, gas, petroleum, cable television, telephone and electric lines.
Wearing apparel shop.
Wood products sales, retail.

- B. *Major Use Permit.* The following uses are permitted provided a Major Use Permit has been approved pursuant to the Municipal Code. *List amended 3/18/98 (Reso. 98-17)*

Agricultural facilities as provided in Section 6.1 of this zoning ordinance.
Amphitheater.
Bowling alleys.
Churches, synagogues and other similar religious structures and facilities including incidental uses such as assembly, work rooms, living quarters of a priest, minister or family, and day care and educational facilities on properties without a C/S designation on the Zoning Map.
~~Congregate care facilities (16 or more).~~
~~Convalescent home~~
Educational institution, private.
Electrical distribution substation.
Museum.
Restaurant (with alcohol sales).
Schools, technical.
Theater.

- C. *Minor Use Permit.* The following uses are permitted provided a Minor Use Permit has been granted pursuant to the Municipal Code. *List amended 3/18/98 (Reso. 98-17)*

Agricultural facilities as provided in Section 6.1 of this zoning ordinance.
~~Congregate care (7 to 15).~~

6.7 MIXED-USE ZONE ("ER-MU2" ZONE)

6.7.1 USES PERMITTED

The following uses shall be permitted in the "ER-MU2" zone located within the West Saxony Planning Area of the Encinitas Ranch Specific Plan. No more than 25,000 square feet of gross leaseable floor area shall be developed in the West Saxony Planning Area. Limited retail sales uses (not exceeding an aggregate of 5,000 square feet) are permitted in the West Saxony Planning Area.
Paragraph amended 3/18/98 (Reso. 98-17)

| USE | WEST SAXONY ⁽¹⁾ |
|--|----------------------------|
| Administrative and professional offices, including but not limited to business, law, architectural, engineering, and community planning offices, in which no activity is carried on catering to retail sales and no stock of goods is maintained for sale. | P |
| Agricultural facilities as provided in Section 6.2 of this zoning ordinance. | As provided in Section 6.2 |
| Agriculture, arboriculture, & floriculture operations. | P |
| Amphitheater. | C |
| Apartment houses, condominiums, townhomes, and multi-family dwelling units. | P |
| Art galleries. | P |
| Bakery (retail). | C |
| Barber and beauty shop (Cosmetology). | C |
| Churches, synagogues and other similar religious structures and facilities including incidental uses such as assembly, work rooms, living quarters of a priest, minister or family, and day care and educational facilities. | P |
| Club, private. | P |
| Club, private (with alcohol sales) | C |
| Club - athletic, health, exercise, fitness or recreational (fully enclosed uses only). | P |
| Congregate care facilities (6 or fewer). | P |
| Congregate care facilities (7 to 15). | Cm |
| Congregate care facilities (16 or more) | C |
| Convalescent home | C |
| Conservatory of music. | P |

Table amended 3/18/98 (Reso. 98-17)

⁽¹⁾ Limited retail sales uses (not exceeding an aggregate of 5,000 square feet) are permitted in the West Saxony Planning Area.

| USE | WEST SAXONY |
|------------------------------|------------------|
| Dance studio. | P |
| Day-care center. | P |
| Delicatessen. | C |
| Dental clinic and offices. | P ⁽²⁾ |
| Dressmaking shop. | C |
| Dwelling unit, two-family. | P |
| Dwelling unit, three-family. | P |

| USE | WEST SAXONY |
|--|------------------|
| Dwelling unit, multi-family. | P |
| Educational institution, private. | C |
| Educational institution, public. | P |
| Electrical distribution substation. | C |
| Family day care home (12 or fewer children). | P |
| Fire station. | P |
| Florist shop. | C |
| Group care home. | P |
| Hair salon. | C |
| Home occupations. | P |
| Ice cream/yogurt shop and parlor. | C |
| Library. | P |
| Mail order house/business. | P |
| Medical offices and clinics. | P ⁽²⁾ |
| Museum. | C |
| Office (business and professional uses). | P |
| Parks and recreational areas. | P |
| Public utilities office. | P |
| Recreational facilities, private. | P |
| <u>Residential Care, Limited (6 or fewer)</u> | P |
| Rest homes. | P |
| Schools, technical. | C |
| Tailor shop. | C |
| Telephone answering service. | P |
| Theater, performing arts. | C |
| Utility lines - sewer, gas, petroleum, cable television, telephone and electric lines. | P |

Table amended 3/18/98 (Reso. 98-17)

⁽²⁾ In no case shall the combination of all square footage of dental and medical offices and clinics exceed 25,000 square feet in West Saxony Planning Area.

LEGEND

P = Permitted by Right

C = Conditional Use Permit (Major Use Permit) Required

Cm = Conditional Use Permit (Minor Use Permit) Required

X = Prohibited