

ORDINANCE NO. 2017-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, APPROVING A SPECIFIC PLAN AMENDMENT TO AMEND THE DOWNTOWN VISTA SPECIFIC PLAN TO ALLOW A DRIVE-THROUGH RESTAURANT AT 303 VISTA VILLAGE DRIVE (APN 164-205-34-00) SUBJECT TO APPROVAL OF A SPECIAL USE PERMIT

The City Council of the City of Vista does ordain as follows:

1. Findings. The City Council finds and declares that:

A. The applicant filed an application for a Specific Plan Amendment, Special Use Permit, inclusive of a Site Development Plan, and a Comprehensive Sign Program (Planning Case No. P17-0226) to demolish an existing 6,800 sq. ft. restaurant building and construct a new 3,935 sq. ft. drive-through Raising Cane's Restaurant to include parking lot and site improvements on a 1.67 acre site located at 303 Vista Village Drive (Proposed Project).

B. The Specific Plan Amendment amends the Downtown Vista Specific Plan to allow a drive-through restaurant at 303 Vista Village Drive, subject to approval of a Special Use Permit.

C. On September 19, 2017, the Vista Planning Commission held a duly noticed public hearing on the proposed project and adopted Planning Commission Resolution No. 2017-19, recommending City Council approval of the proposed Specific Plan Amendment. The Planning Commission's written recommendations to the City Council regarding the project are included in Planning Commission Resolution No. 2017-20, consistent with Government Code Section 65855.

D. The proposed project is exempt from further environmental review in accordance with Section 15302 of the California Environmental Quality Act Guidelines because the proposed project involves replacement and reconstruction of an existing structure where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

E. This ordinance is adopted in reliance on the City's authority as a charter city as recognized in Section 65803 of the California Government Code.

F. Pursuant to Vista Development Code chapters 18.48, 18.50 and 18.80, the City Council held a duly noticed public hearing regarding the proposed Specific Plan Amendment on October 24, 2017, and at said hearing, staff reports both written and oral were received in evidence and all persons wishing to speak on the proposed project were heard. At the conclusion of the hearing, after consideration of all evidence presented, the City Council made certain findings and reached a decision on the matter as hereinafter set forth.

2. Specific Plan Amendment. The Downtown Vista Specific Plan is hereby amended to allow a drive-through restaurant at 303 Vista Village Drive, subject to approval of a Special Use Permit, as reflected in Exhibit "A" to conform with the Specific Plan Amendment.

3. Severability. If any word, sentence, paragraph, or other portion of this ordinance is deemed to be invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council declares its intent that all remaining words, sentences, paragraphs or portions of the ordinance not held to be invalid or unenforceable shall remain in full force and effect, and shall, be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

4. Effective Date: This Ordinance shall be effective on the thirty-first day following the date of its adoption. The City Clerk is authorized and directed to publish a copy in the manner provided by law.

5. Adoption. INTRODUCED AND ADOPTED at a meeting of the City Council held on October 24, 2017, by the following vote:

AYES: Mayor Ritter, Aguilera, Franklin, Green

NOES: Rigby

ABSTAIN: None

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

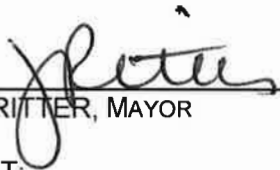
By: _____



APPROVED
Jonathan B. Stone
1355 100317

Exhibits:

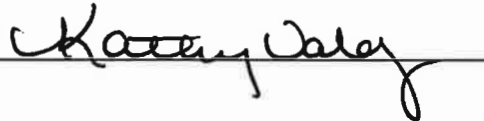
A. Downtown Vista Specific Plan Text Changes



JUDY RITTER, MAYOR

ATTEST:
KATHY VALDEZ, CITY CLERK

By: _____

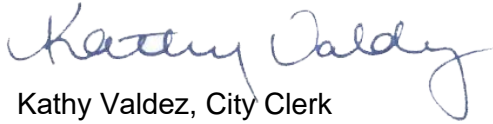


**TABLE 2-1
Permit Requirements
Downtown Specific Plan Planning Areas**

Permit Requirements by District						
	Historic Downtown	Transit	West Gateway	Civic Center	Paseo Santa Fe	South Gateway
Arts						
Art Gallery	P	P	P	P	P	P
Art Studio						
▪ Commercial	P	P	P	P	P	P
▪ Private	P	P	P	P	P	P
▪ Industrial	-	-	-	-	MUP	-
▪ Retail	P	P	P	P	P	P
Live performance venue	PP	PP	PP	PP	PP	SUP
						Live performance venues require a Live Entertainment Permit.
Food and Entertainment						
Arcade	-	-	SUP	SUP	-	SUP
						As a primary use only. For accessory use refer to VDC 18.38.020 #27.
Commercial Recreation Facility (Indoor)	PP	-	PP	PP	PP	PP
Cultural Institution	PP	PP	PP	PP	PP	PP
Eating and Drinking Establishments:						
▪ Bar, Cocktail Lounge or Nightclub	SUP	SUP	SUP	SUP	SUP	SUP
▪ Microbrewery/Winery Tasting Room with or without On-site Manufacturing	MUP	MUP	MUP	MUP	MUP	MUP
						VDC 18.66.035
▪ Outdoor Cooking	MUP	MUP	MUP	MUP	MUP	MUP
						VDC 18.38.030 (J) Outdoor cooking must be associated with an eating or drinking establishment.
▪ Outdoor Dining	PP	PP	PP	PP	PP	PP
▪ Restaurant with drive-through						
	-	-	-	-	-	-
						Drive-through restaurants located at 827 S. Santa Fe Avenue, 377 Vista Village Drive, and 101 Main Street will not become nonconforming pursuant to this Specific Plan, and may be expanded or altered at the same location, subject to Plot Plan Review. A new drive-through restaurant may be developed at 303 Vista Village Drive, subject to approval of a Special Use Permit.
▪ Restaurant without onsite alcohol sales	P	P	P	P	P	P

CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2017-16 to be posted on October 25, 2017, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria E. McClellan Senior Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.

Handwritten signature of Kathy Valdez in blue ink.

Kathy Valdez, City Clerk