

The People of the City of Escondido do ordain as follows:

Proposition S

SECTION 1. AMENDMENT OF THE GENERAL PLAN.

A. The following shall be added to the General Plan as GP Amendment Policy E 2.3:

Policy E 2.3. Permitted land uses in the residential areas of the City shall be intensified only when the voters approve such changes. No General Plan Amendment or new Specific Planning Area shall be adopted which would:

- 1) increase the residential density permitted by law,
- 2) change, alter, or increase the General Plan Residential Land Use categories, or
- 3) change any residential to commercial or industrial designation on any property designated as:

Rural
Estate
Suburban
Urban

unless and until such action is approved and adopted by the voters of the City at a special or general election, or approved first by the City Council and then adopted by the voters in such election.

SECTION 2. READOPTION AND REAFFIRMATION OF SPECIFIC GENERAL PLAN POLICIES.

The following general Plan Policies are hereby readopted and reaffirmed:

A. Land Use policies regarding General Plan Land Use Patterns and Character; Land Use policies regarding Residential Development; and Land Use policies regarding Residential Preservation and Development as follows:

Policies Regarding General Plan Land Use Patterns and Character

These policies are intended to guide land use patterns and distribution. Policies concerning actual development are found in subsequent sections of this text.

Land Use

Policy A1.1: New development should serve to reinforce the City's present development pattern of higher-intensity development within the downtown area and lower-intensity development in outlying areas. As a guide toward accomplishing this objective, new development projects shall be at an appropriate density or clustered intensity based upon their compatibility with the majority of the existing surrounding land uses. This policy shall limit density transfers from constrained portions of a property as defined in the land use and open space goals.

Land Use

Policy A1.2: The City should maintain its single-family residential development pattern, except in locations such as the downtown, along major transportation corridors, and around commercial and public activity centers, where higher densities are more appropriate.

Land Use

Policy A1.3: Prior to any major extensions of services or utilities to accommodate changes in land use, significant growth-inducing, and environmental implications including significant growth inducing impacts, shall be thoroughly reviewed based upon the Growth Management policies of this document and any necessary mitigation measures implemented.

Land Use

Policy A1.4: The boundaries of the Land use categories depicted on the General Plan are not precise. However, the categories are generally intended to avoid intensification of existing land use to zoning designations where land use compatibility and the objectives of the General Plan are at issue.

Policies Regarding Residential Development

Land Use

Policy B1.1: Residential Density is defined as the maximum number of dwelling units permitted per acre, including streets within the development, excluding all ultimate circulation element street rights-of-way, adjustments for floodways as defined by the Federal Emergency Management Agencies (FEMA – see Flooding Map) or the city, slope categories, and other environmental factors as designated in

each land use category and/or open space/conservation element. Building intensity is based upon the number of dwellings per acre permissible in each category subject to constraints and opportunities provided by all General Plan polices. Limited nonresidential development, such as churches or schools, as occur in residential categories subject to state and local ordinances.

Land Use

Policy B1.2: The maximum development yield for slopes over 35% are established only for the purpose of determining the potential for density transfer as permitted by the General Plan.

Land Use

Policy B1.3: No development shall be permitted on slopes greater than 35% or in natural 100-year floodways. If approved by the City and other appropriate local, state and federal agencies, an environmental channel may be considered within the floodway. Adequate landscaping, revegetation, flood control measures and usable open space beyond the embankments of the environmental channel shall be provided as determined by the City.

Land Use

Policy B1.4: Subject to City approval, parcels legally created prior to the adoption of this General Plan and wholly within constrained lands as defined in Land use Policy B1.3 may be eligible for the development of a single dwelling unit, providing the property meets the minimum lot size for the zoning and land use designations.

Land Use

Policy B1.5: The residential land use designation indicates **MAXIMUM** development yields. To meet General Plan Goals and Objectives, including, but not limited to, population goals and environmental considerations, the **ACTUAL** yield may be considerably less than maximum potentials. Population density can be determined by the San Diego Association of Governments (SANDAG) projection of an average number of residents per dwelling unit by the buildout target year of 2010 and the maximum units per acre allowed by each land use designation. In lower density categories, the number of residents

per unit will often exceed three due to relatively large structures. Conversely, in multifamily areas, smaller unit sizes will result in 1-2 persons per unit being commonplace. Further, population and building intensities are estimated in Section "C" of the element.

Land Use

Policy B1.6: Where slope categories are indicated, the maximum development yield will be determined by the sum of acreages within each slope category.

Land Use

Policy B1.7: No permits shall be approved for the development of any lot which is not consistent with the density restrictions of the General Plan except for single-family lots which were existing prior to the effective date of the General Plan. Such single-family lots shall comply with all other provisions of the General Plan, including applicable requirements of a Subarea Facilities Plan.

Exceptions from density requirements may also be permitted to allow the timely development of lots created by the recordation of a vesting tentative subdivision map subsequent to the effective date of the General Plan providing it conforms with applicable requirements of a Subarea Facilities Plan.

Land Use

Policy B1.8: The development potential on slopes greater than 35% or in natural floodways or in City-approved environmental channels may be transferred to other portions on the site at one dwelling unit per 20 acres in all residential land use categories.

Land Use

Policy B1.9: Residential categories are established for purposes of providing the City with a range of building intensities to address various site constraints and opportunities. Proposed development shall not exceed the densities shown on the Land Use Plan and outlined in this document as follows:

- (a) **RURAL.** This residential classification is applied to areas that are not intended to receive substantial urban services; that are distant from the developed valley floor;

or that are steep (generally 25% in slope) or contain sensitive natural resources. Development in this classification is primarily detached single-family development on large (over two acres) lots, the size of which shall vary with slope. Water supply may be from individual wells or public water systems. Septic systems may be permitted provided that they meet local health standards and do not adversely affect the groundwater. Two different classes of Rural designations are defined: Rural I and Rural II.

- (1) **Rural I** - To promote a rural living environment in areas of agricultural production, rugged, terrain, environmentally constrained lands that are remote from urban development.
- a) The maximum development yield of Rural I lands shall be sensitive to topography and be calculated according to the following slope categories:
- | | |
|---------|------------------------------|
| 0-25%: | 1 dwelling unit per 4 acres |
| 25-35%: | 1 dwelling unit per 8 acres |
| 35+%: | 1 dwelling unit per 20 acres |
- b) The minimum lot size shall be 4 acres, unless the development is clustered in accordance with the cluster provisions in Chapter VII, Implementation.
- (2) **Rural II** - To promote a rural living environment in areas of agricultural production or rugged terrain that are relatively remote urban development.
- a) The maximum development yield of Rural II lands shall be sensitive to topography and be calculated according to the following slope categories:
- | | |
|---------|------------------------------|
| 0-25%: | 1 dwelling unit per 2 acres |
| 25-35%: | 1 dwelling unit per 4 acres |
| 35+%: | 1 dwelling unit per 20 acres |

- b) The minimum lot size shall be 2 acres, unless the development is clustered in accordance with the cluster provisions in Chapter VII, Implementation.

(b) **ESTATE.** This residential designation is characterized by detached single-family homes on large lots. This designation is applied to areas that are on the fringe of urban development or in areas that are already characterized by an estate development pattern. Two different classes of the Estate designation are defined: Estate I and Estate II.

(1) **Estate I** - To promote a large lot, single-family development in areas bordering Rural lands. This designation encompasses and permits development at one acre or larger. Public water systems should be required; septic systems may be permitted, provided that they meet local health standards and do not adversely affect the groundwater. This classification is typified by development along Mary Lane, North Broadway and around Felicita Park.

- a) The maximum development yield of Estate I lands shall be sensitive to topography and be calculated according to the following slope categories:

0-15%:	1 dwelling unit per 1 acre
15-25%:	1 dwelling unit per 2 acres
25-35%:	1 dwelling unit per 4 acres
35+%:	1 dwelling unit per 20 acres

- b) The minimum lot size shall be 40,000 square feet, unless the development is clustered in accordance with the cluster provisions in Chapter VII Implementation.
- c) If development is clustered, public sewers shall be required.

(2) **Estate II** - To promote single-family urban development on relatively large lots. This designation

shall be applied in transitional areas between more intensive urban development and rural areas. Public water and wastewater collection and treatment shall be required in these areas. This classification typified by development at Lomas Serenas, Rancho Verde, and along Citrus Avenue around San Pasqual Valley Road.

- a) The maximum development yield of Estate II lands shall be sensitive to topography and be calculated according to the following slope categories:

0-25%:	2 dwelling units per 1 acre
25-35%:	1 dwelling unit per 1 acre
35+%:	1 dwelling unit per 20 acres

- b) The minimum lot size shall be 20,000 square feet, unless the development is clustered in accordance with the cluster provisions in Chapter VII Implementation.

- (c) **SUBURBAN.** (up to 3.3 dwelling units per acre). This residential classification is characterized by single-family homes. The density is appropriate where the traditional neighborhood character of detached single-family units prevails. This classification is typified by development at Summercreek and areas southeast of Bear Valley Parkway along Citrus Avenue and along the south side of Avenida del Diablo.

- a) The maximum development yield of Suburban lands shall be sensitive to topography and be calculated according to the following slope categories:

0-25%:	3.3 dwelling units per 1 acre
25-35%:	1.5 dwelling units per 1 acre
35+%:	1 dwelling unit per 20 acres

- b) The minimum lot size shall be 10,000 square feet unless the development is clustered in accordance with the provisions in Chapter VII Implementation.

- (d) **URBAN I.** (up to 5.5 dwelling units per acre). Detached single-family homes, characteristic of much of Escondido, constitute this medium density category. In addition, mobile homes, patio homes, and zero-lot-line developments are permitted in this category. Typical development at this density is found along Country Club Lane and between Ash and Citrus north of Washington.
 - a) The minimum lot size shall be 6,000 square feet unless the development is clustered in accordance with the provisions in Chapter VII Implementation.

- (e) **URBAN II.** (up to 12.0 dwelling units per gross acre). This residential classification allows a wide range of living accommodations, ranging from conventional single-family units to mobile homes. Building intensity at the lower end of the density range would be appropriate adjacent to lower density residential areas. Housing types at the low end of the density range still would be characterized primarily by detached housing units, patio homes, and zero-lot-line projects. Building intensity at the higher end of the range is more appropriate adjacent to parks and other open spaces, along transit routes and major and secondary thoroughfares, and near recreational activity centers, libraries, shopping centers, and entertainment areas. Development at this level of intensity normally would be semi-detached or attached units, and include duplexes, triplexes, and fourplexes.

Urban II serves as a buffer between low density residential areas and areas of higher density, commercial activities with greater traffic and noise levels. Typical Urban II development is found on North Broadway between Lincoln and Sheridan Avenues, and Cirrus Avenue between Valley Parkway and the Flood Control Channel.

- (f) **URBAN III.** (up to 18 dwelling units per gross acre). This residential category is typified by low-rise townhouses and apartment buildings. This density is appropriate close to major community facilities and employment opportunities, and along major thoroughfares. This high density residential category should be used as a buffer between commercial activities and lower density residential areas. It should be used generally adjacent to commercial areas. Typical projects at this density can be found near Centre City Parkway at EI Norte, east Grand Avenue, and near Washington and Fig.
- (g) **URBAN IV.** (up to 24 dwelling units per gross acre). This residential category is predominantly characterized by apartment buildings about three stories in height. This density is appropriate near community shopping centers and centers of employment to provide potential customers and office employees the opportunity to live near work. Representative development at this density is found south of 9th Avenue west of I15.

Policies Regarding Residential Preservation and Development

Residential

Policy B2.1: Residential neighborhoods shall be protected from the encroachment of incompatible activities or land uses such as heavy service commercial businesses which may have a negative impact on the residential living, environment.

Residential

Policy B2.2: In the design of both Rural designations and of Estate I single family residential development, consideration should be given to public improvement standards which allow for a more rural environment, such as flexibility in street rights-of-way, increased setbacks and pedestrian circulation systems such as trails or paths, provided health and safety is not compromised.

Residential

Policy B2.3: Mobile home parks should be given particular attention to ensure that building and safety regulations are continually met and that the mobile home parks are well maintained. Additionally, criteria will be developed to evaluate the conversion of mobile home parks to ownership or alternative uses.

Residential

Policy B2.4: A Land Use Area Plan will be developed for the Old Escondido Neighborhood (see map). This area is geographically defined by Escondido Boulevard on the west, Chestnut Street on the east, Fifth Avenue on the north, and Thirteenth Avenue on the south. The neighborhood is predominately characterized by older single-family residential housing stock. The area plan shall address the following objectives:

(a) Orientation towards pedestrian activities:

The improvement of area streetscapes to provide, at a minimum, street lights and continuous sidewalks.

(b) Preservation of the single-family residential character:

Introduction of zoning that discourages demolition of single-family dwellings that are subsequently replaced by high density multi-family units.

(c) Preservation of historic/cultural resources:

Consideration of a conservation district that would provide guidelines for protecting the historical/cultural resources in the area through design and development standards.

(d) Integration with Downtown Specific Plan and South Escondido Corridor Area Plan:

Development guidelines that require uses that will complement the two areas that border the neighborhood and provide a transition between the single-family residential core and commercial uses.

- (e) Implementation measures such as overlay zones, design guidelines and incentive programs for rehabilitation and preservation.

Residential

Policy B2.5: A Land Use Area Plan will be developed for the residential area between Fifth and Sixteenth Avenues, Centre City Parkway and Escondido Boulevard (see Centre City Residential Area Plan map). The neighborhood is predominately characterized by older single and multi-family housing stock. The area plan shall address the following objectives:

- (a) Promote a wide range of housing opportunities.
- (b) Provide adequate infrastructure.
- (c) Establish development standards and design guidelines to ensure quality architecture and landscaping, adequate offstreet parking, on-site open space, and recreation areas.
- (d) Include strategies for the development of neighborhood parks within the area.
- (e) Create standards to facilitate the establishment of child care homes and centers.
- (f) Establish a density range where maximum densities can only be attained through lot consolidation and consistency with the above goals.

- B. Implementation Policies regarding Planned Development Zoning; Specific Planning Areas; Clustering; and Population Objectives, as follows:

Policies Regarding Planned Development Zoning

P.D. Zoning

Policy C3.1: Planned Development Zoning shall be used to address unique characteristics of a development site and the surrounding land uses to better implement the goals and policies of the General Plan but not to attain maximum yield.

P.D. Zoning

Policy C3.2: Development proposals involving Planned Developments shall address and/or include, if applicable:

- a. visual impacts of the development from the Valley floor and from adjoining properties;
- b. preservation of the natural setting by minimizing earth movement and removal of native vegetation and by using compatible building materials, textures and colors;
- c. grading, erosion control and revegetation/landscaping requirements;
- d. preservation of the creeks and their adjoining vegetation in a natural state and the use of buffering techniques to control undesired access;
- e. implementation of appropriate management techniques in areas of rare and endangered plant and animal species;
- f. adequate buffers and separations from adjacent properties;
- g. superlative architectural design features of all structures;
- h. adequate separation between structures and attention to the bulk and scale to avoid a monotonous streetscape; and
1. preservation/maintenance of common open space or community area.

The Planned Development zoning ordinance may require further detailed information to achieve General Plan goals and objectives.

P.D. Zoning

Policy C3.3: Clustering residential units shall be permitted only in conjunction with a Planned Development or Specific Planning Areas (SPA) (see provisions for clustering).

P.D. Zoning

Policy C3.4: Planned Development zoning should be limited to projects of adequate size and unique physical characteristics to effectively implement the appropriate policies.

Policies Regarding Specific Planning Areas

S.P.A.

Policy C4.1: Specific Planning Areas (SPAs) shall be utilized to consider development proposals analyzing zoning regulations, development standards, land uses, densities, building intensities tailored to the need and unique characteristics of a particular area. Generally, SPAs should only be applied to larger areas and where community benefit can be demonstrated.

S.P.A.

Policy C4.2: Specific Plans shall not be utilized in a widespread manner to circumvent or modify the character or intent of ordinances, land use designations and/or City goals and objectives, but rather should be reserved for a limited number of proposals which, by nature, are ideally suited for the comprehensive planning efforts involved in the Specific Planning process.

S.P.A.

Policy C4.3: Specific criteria to evaluate the suitability of a site shall be established which shall include:

- a. The site should be of sufficiently large area to take advantage of density transfers where appropriate, thereby preserving significant open space areas within the Specific Plan area;
- b. The site should have unique physical characteristics, such as uneven terrain or hillside areas that, without a Specific Plan, might not be effectively protected and incorporated into the overall development plan;

- c. The site should be of sufficient area that lends itself to a comprehensive site design utilizing a combination of attractive landscaping and open space amenities left in their natural condition;
- d. The site should be of sufficient area and nature that lends itself to long-term development phasing (e.g., in excess of five years) which can effectively be monitored and controlled; and
- e. The site should require flexibility in planning to deal with compatibility with different surrounding land uses and extensive public improvement requirements.

S.P.A.

Policy C4.4: No Specific Plan shall be adopted by the City Council until the Council has reviewed the proposed plan for compliance with the following requirements which are in addition to requirements imposed by State Government Code Sections 65450, et seq.:

- a. Residential, industrial and commercial structures built within the Specific Plan area shall be constructed under rigorous quality control programs and safeguards (e.g., appropriate restrictive covenants running with the land);
- b. Appropriate protection against soil erosion, particularly where hillside development is involved, shall be assured;
- c. Assurance shall be provided that any hillside cutting will be minimized or appropriately landscaped so that visible scarring will be mitigated to the extent feasible;
- d. All open space areas shall be identified and appropriate measures providing for their preservation shall be included;
- e. Design criteria, development regulations and building standards shall be provided sufficient to ensure that residential, industrial and commercial structures are compatible with the surrounding environment;

- f. Adequate assurance shall be provided that the circulation and access needs of the project residents and the surrounding community are properly addressed;
- g. Appropriate arrangements to ensure that public facilities and services adequate to serve the project residents are available shall be described; and
- h. The Specific Plan demonstrates implementation of the goal and objectives of the General Plan and furthers the interests of the community.

S.P.A.

Policy C4.5: Clustering residential units shall be permitted only in conjunction with a Planned Development or Specific Planning Area (SPA) (see provisions for clustering).

Policies Regarding Clustering

Clustering is useful when trying to protect sensitive natural resources, avoid hazardous areas, or preserve the natural appearance of hillsides. Clustering involves assessing the natural characteristics of a site and grouping the buildings or lots through on-site transfer of density rather than distributing them evenly throughout the project as in a conventional subdivision. Not only do cluster developments help preserve open space, they also tend to minimize the visual impact associated with development, reduce cost of building and maintaining public road, and decrease grading - in environmentally sensitive areas. In general sites less than five acres are too small to benefit from the clustering concept.

The maximum development yield (that is, the number of dwelling units) that can be built as part of a clustered development project shall be derived by applying the maximum permissible density in each applicable residential land use category, subject to applicable slope density categories adjusted for natural floodways. The number of dwelling units actually permitted for development in a cluster development may be less following application of the following provisions that shall govern cluster development projects.

Cluster

Policy D1.1: Minimum Lot size standards for single-family cluster development shall be:

<i>Designation</i>	<i>Minimum Lot Size</i>
Rural I	2 acres
Rural II	1 acre
Estate I	20,000 square feet
Estate II	10,000 square feet
Suburban	7,920 square feet
Urban I	3,630 square feet

Cluster

Policy D1.2: The provisions for clustering units shall be utilized only within Planned Development Zones or Specific Planning Areas.

Cluster

Policy D1.3: Clustering is not intended to maximize the density or yield, or to circumvent the existing zoning. It shall be utilized as a tool to preserve slopes, ridgelines and sensitive habitat or provide a community benefit.

Cluster

Policy D1.4: Under the clustering provision, lot widths, building separations and setbacks, and unit bulk shall be consistent with Community Design (see Chapter V) and zoning policies

Cluster

Policy D1.5: In no event shall the reduction of lot sizes for clustered projects exceed the open space areas within the development.

Cluster

Policy D1.6: Under the clustering provisions, at least 50 percent of all residential lots must backup to open space areas.

Cluster

Policy D1.7: When clustering, the portion of the site to be developed for residential purposes shall not significantly change the character of the surrounding area.

Cluster

Policy D1.8: When utilizing cluster provisions, a project shall not have an adverse visual impact on the surrounding areas by blocking scenic views, by

resulting in a scale of development incompatible with the setting, by siting buildings that project above the ridgeline, or by extensive grading, cutting and filling, or by terracing that disrupts the natural shape and Contour of the site.

Cluster

Policy D1.9: Cluster developments shall not increase geotechnical and flooding hazards for adjoining properties.

Cluster

Policy D1.10: Cluster projects shall avoid sensitive cultural and biological resources and density transfer from such sensitive areas shall be of limited yield to meet the above policies.

Cluster

Policy D1.11: Lands devoted to permanent open space should not be developed with structural uses other than agricultural accessory buildings. Uses should be restricted to agriculture; historic, archaeological, or wildlife preserve; water storage or recharge area; leach field or spray disposal area; scenic areas; protection from hazardous area; or public outdoor recreation.

Policies Regarding Population Objectives

Population

Policy F1.1: The City Council will consider ordinances or policies intended to meet the maximum population objectives of 150,000 to 165,000 with a maximum anticipated population of 155,000.

Population

Policy F1.2: Land use designations and zoning classifications may accommodate maximum yields for one residential development proposal which may not be achievable due to conflict with the overall population objectives. In review of residential development proposals, population objectives may be considered to preserve the welfare of the community.

unless and until such action is approved and adopted by the voters of the City at a special or general election, or approved first by the City Council and then adopted by the voters in such election.

SECTION 3. IMPLEMENTATION.

- A. Upon the effective date of this initiative, the provisions of this initiative are inserted into the Escondido General Plan as amendments thereof, except that if the

four amendments permitted by State law for any given calendar year have already been utilized in 1998 prior to the effective date of this initiative, the General Plan amendments shall be the first inserted into the Escondido General Plan on January 1, 1999. At such time as the General Plan amendments are inserted in the Escondido General Plan, any provisions of City law inconsistent with those amendments shall be unenforceable to the extent of such inconsistency.

- B. The Escondido General Plan in effect at the time the Notice of Intent to propose this initiative measure was submitted to the City Clerk and that plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the Escondido General Plan remains an integrated, internally consistent and compatible statement of policies for the City, the General Plan provisions adopted by this initiative shall prevail over any conflicting revisions to the General Plan adopted between August 5, 1997 and the date the amendments adopted by this initiative measure are inserted into the General Plan.
- C. This initiative measure shall not affect development projects which have received discretionary approval on or prior to August 5, 1997.
- D. The City Council shall take all steps necessary to defend vigorously any challenge to the validity or constitutionality of this initiative.
- E. In the event that the City Council approves a change, amendment or other land use decision which must, by the terms of this initiative, be adopted by the voters of the City in order to become effective, the City Council shall set such matter to election.
- F. In the event that the City Council does not first approve a change, amendment, or other land use decision which must, by the terms of this initiative, be adopted by the voters to become effective, the proponent shall comply with all requirements of the California Elections Code, including qualification of the measure by initiative petition, in order to have the measure placed on the ballot at a general or special election.
- G. The City Council shall set any election required by this initiative to the next available general municipal election at no cost to the proponent of the land use change, or set a special election, the cost of which should be borne by the proponent.

SECTION 4. CONSTRUCTION.

Nothing contained in this initiative shall be construed to make illegal any lawful use presently being made of any property, or to prohibit further development of any property in accordance with that property's present zoning and general plan designation at a density and intensity presently permitted by existing zoning and general plan standards. Nothing contained in this initiative shall be construed to require more than a simple majority vote for the adoption of this initiative or for the approval of any future measure required by this initiative. Nothing in this initiative shall be construed to:

- a) Interfere with rights to obtain density bonuses or other entitlements available under affordable housing laws, or,
- b) Limit rights or entitlements available under affordable housing laws.

SECTION 5. SEVERABILITY.

The provisions of this initiative measure shall not apply to the extent that they violate state or federal laws. If any word, sentence, paragraph, subparagraph, section, or portion of this initiative is declared invalid by a court, the remaining words, sentences, paragraphs, subparagraphs, sections and portions are to remain valid and enforceable.

SECTION 6. AMENDMENT OR REPEAL.

This initiative may be amended or repealed only by the voters at a City election.