

(O-98-52)

ORDINANCE NUMBER O- **18478** (NEW SERIES)

ADOPTED ON **APR 07 1998**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 6, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.0603, 103.0604, 103.0606, 103.0607, 103.0608, 103.0609, 103.0610, 103.0612, 103.0613, 103.0616, 103.0617, 103.0618, 103.0619, ALL RELATING TO CARMEL VALLEY PLANNED DISTRICT.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is amended by amending section 103.0603, to read as follows:

**SEC. 103.0603 Applicable Regulations**

Where not otherwise specified or inconsistent with this Division, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews);

Chapter 13, Article 2 (Overlay Zone);

Chapter 14, Article 1 (Separately Regulated Use Regulations);

Chapter 14, Article 2, Division 1 (Grading Regulations);

Chapter 14, Article 2, Division 2 (Drainage Regulations);

Chapter 14, Article 2, Division 5 (Parking Regulations);

Chapter 14, Article 2, Division 6 (Public Facility Regulations);

Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage

Regulations);

Chapter 14, Article 3 (Supplemental Development Regulations);

Chapter 14, Article 4 (Subdivision Regulations);

Chapter 14, Article 5 (Building Regulations);

Chapter 14, Article 6 (Electrical Regulations);

Chapter 14, Article 7 (Plumbing and Mechanical Regulations).

Section 2. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is amended by amending section 103.0604, to read as follows:

**SEC. 103.0604 Financing of Public Facilities**

A. and B. [No change.]

**C. FINANCIAL PROGRAM**

1. [No change.]

a. Facilities Benefit Assessment.

The Facilities Benefit Assessment may finance facilities which are related to the entire Carmel Valley community pursuant to Municipal Code Sections 61.2200 - 61.2216 (Facilities Benefit Assessment Ordinance). The facilities which may be provided by this assessment will be of four types:

(1) through (3) [No change.]

(4) [No change in first paragraph.]

Such Facilities Benefits Assessments shall be in accordance with the provisions of Municipal Code Sections 61.2200 - 61.2216, or as may be amended. The amounts assessed will be based on an estimate of the cost of the facilities

as approved by a resolution of the City Council. Such assessment may be subject to an annual review and may be adjusted from time to time by the Council to reflect changes in the cost of the facilities, in accordance with the Facilities Benefit Assessment Ordinance. The assessment will be paid prior to the issuance of a building permit for each dwelling unit. In lieu of an assessment, the project applicant may construct facilities pursuant to an agreement with The City of San Diego, and also pursuant to Municipal Code Sections 61.2200 - 61.2216. Such an agreement may provide for reimbursement of the applicant from the trust fund for improvements constructed which benefit lands outside of the area of the applicant's development plan. A single trust fund will be established for all the above-described facilities in an interest-bearing account, and interest shall be credited to the trust fund. The City Manager will be responsible for the following:

(1) through (3) [No change.]

b. through d. [No change.]

2. School Facilities [No change.]

#### D. IMPLEMENTATION

No final subdivision map for the development of the property shall be approved by the City Council unless and until the following have been accomplished:

1. through 3. [No change.]

4. The City Council has (a) amended Land Development Code Section 144.0420 to permit the Council to authorize that unpaid special assessments may survive the filing of a final subdivision map and become a lien on the parcels created by the subdivision, and (b) amended Municipal Code Section 61.0339 to permit Improvement

District bonds to be issued subject to the right of The City of San Diego to permit the division of parcels securing such bonds and to issue two or more new bonds as replacement for any outstanding bond without the consent of the bondholder when such amendments are necessary for the financing of public facilities.

5. The City Council has amended by resolution the map of Population-based Park Service Districts to consolidate all property subject to the Improvement District into one community park district.

6. The City Council has established an open space maintenance district including at least the property covered by the Development Plan pursuant to the "San Diego Maintenance District Procedural Ordinance."

Section 3. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is amended by amending section 103.0606, to read as follows:

**SEC. 103.0606 Grading Regulations**

A. The following criteria shall be incorporated by the City Manager, Planning Commission and City Council when implementing any proposed grading within the planned district:

1. through 7. [No change.]

8. Provide a system of bladed ditches at flat gradients across larger, graded pad areas to allow on-site entrapment of silt during construction.

Approval of the first tentative map which shall propose any grading, a development, building or construction for each precise plan, shall be subject to the approval of a comprehensive drainage plan by the City Engineer for the entire area of the

precise plan prior to recordation of a final map. This plan shall show drainage facilities, both permanent and temporary, which will be installed to control or mitigate soil erosion, silting of lower slopes, slide damage, or flooding problems. Such drainage provisions shall recognize the sensitivity and proximity of the Penasquitos Lagoon.

B. [No change.]

Section 4. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is amended by amending section 103.0607, to read as follows:

**SEC. 103.0607 Administration**

**A. DEVELOPMENT PLAN APPROVAL REQUIRED**

Before any building permit may be approved, a development plan shall be submitted for approval in accordance with Process Three. The development plan shall be in substantial conformity with the regulations contained herein, the architectural and design standards adopted by the City Council, and the precise plan for the development unit, and shall also be in conformance with the Carmel Valley Community Plan. Final building and landscaping plans shall be in substantial conformity to the approved development plan. The property shall be developed in substantial conformance with the approved final development plans, and no changes shall be made at any time until approved by the appropriate decision maker. Approval is not required for interior modifications, exterior alterations or grading for which a permit is not required.

**B. PROCEDURES FOR REVIEW**

1. An application for a development plan shall be made in accordance with Land Development Code Section 112.0102 before constructing a new building, remodeling,

demolition of any existing building, moving any building into the planned district, or any grading or excavation which requires a permit.

2. An application for a development plan, including fees or deposits, shall be processed in the same manner as an application for a Site Development Permit, in accordance with Land Development Code Chapter 11, Article 2 (Required Steps in Processing) and Chapter 12, Article 6, Division 5 (Site Development Permit Procedures).

3. [No change.]

4. The application shall include the following:

a. through d. [No change.]

e. Representative plans and specifications for the buildings and improvements as required by the City Manager.

f. and g. [No change.]

h. Representative plans of off-street parking facilities, including the location, number and dimensions of private and public parking spaces, aisles and driveways as required by the City Manager.

i. Representative plans and specifications for any outbuildings, walls, courtyards, fences, setbacks, signs, lighting or traffic safety as required by the City Manager.

j. [No change.]

k. Representative plans of proposed landscaping and permanent watering systems showing sizes and types of plant materials or hydroseed mix if proposed as required by the City Manager.

1. Any other information deemed necessary by the City Manager to judge compliance with the regulations contained herein and other applicable laws, regulations and standards.

5. Except as provided by Section 103.0607(B) (6), a Hearing Officer may approve, conditionally approve or deny a development plan in accordance with Process Three, based on the regulations contained herein and the architectural and design standards adopted by the City Council. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.

6. Subdivision Map. The Planning Commission shall take action on all tentative subdivisions within the Planned District. A tentative map shall be submitted along with a development plan for property within the boundaries of the map. The tentative map and development plan shall be consolidated, as set forth in Land Development Code Section 112.0103 and shall be heard concurrently by the Planning Commission in accordance with Process Four.

[No change in second paragraph.]

7. [No change.]

8. Following development plan approval the City Manager shall issue the permit(s) for any work requested which conforms to City regulations, except as provided in Section 103.0607(B) (9).

9. Building permits for dwelling units shall be issued when a final subdivision has been recorded, and the plans and specifications for dwelling units and attendant

improvements shall substantially conform to the development plan and the Design Element. A final subdivision map shall substantially conform with the approved plan. Permits may be issued for model units prior to the final map recordation subject to the requirements of the City Attorney and City Manager.

Prior to the recordation of a final map for the Employment Center, final landscaping, including all paving and lighting, irrigation and entry sign plans, must be approved by the City Manager. These final plans shall substantially conform to the plans and specifications submitted pursuant to Section 103.0607(B) (4), and the Design Element of the precise plan area. The property shall be developed in accordance with these final plans.

Section 5. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is amended by amending section 103.0608, to read as follows:

**SEC. 103.0608 Single-Family Zones (SF)**

A. [No change.]

**B. DEVELOPMENT REGULATIONS**

The use and development regulations of Land Development Code Chapter 13, Article 1, Division 4 (Residential Base Zones) for the RS-1-14 zone shall apply, except for the minimum lot area, minimum lot dimensions, setback requirements, maximum structure height, and maximum lot coverage regulations. Instead, the following regulations apply:

1. Minimum Lot Area and Lot Dimensions. The following minimum lot areas and dimensions apply in the SF zones.



[No change in remainder of subsection 1.]

2. Setback requirements. The following minimum setback dimensions shall apply in the single-family zones:

TABLE II OF SECTION 103.0608

Minimum Setback Dimensions in Linear Feet

[No change in remainder of this subsection.]

3. [No change.]

4. Maximum Structure Height.

No building shall be constructed, altered or enlarged to a height greater than thirty-five feet.

5. On-street Parking. Parking shall be in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

Section 6. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is amended by amending section 103.0609, to read as follows:

**SEC. 103.0609 Multi-Family Zones (MF)**

A. [No change.]

**B. DEVELOPMENT REGULATIONS**

The use and development regulations of Land Development Code Chapter 13, Article 1, Division 4 (Residential Base Zones) for the RM-1-1 zone apply, except for the maximum permitted density, minimum lot area, minimum lot dimensions, setback requirements, maximum structure height, maximum lot coverage, and maximum floor area ratio regulations. Instead, the following regulations apply:

1. [No change.]
2. Property Development Regulations.

- a. [No change.]

- b. Open Space:

- (1) [No change.]

- (2) Usable open space shall not have an overall grade exceeding ten percent (10%) and shall not be occupied by buildings, streets, driveways, or parking areas, or any land proposed to be dedicated to the City as open space. The land provided must be determined by the appropriate decision maker to be functional usable open space which provides for reasonable use by the resident. Functional open space should include a minimum area of 100 square feet with a minimum dimension of six (6) feet on one side. The usable open space may, however, be occupied by recreational facilities excluding buildings, including the following: swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, open handball courts, children's play areas and accompanying equipment, baseball diamonds, shuffleboard courts, croquet and lawn bowling facilities, walks and riding trails, picnic facilities and any other use which the Planning Commission may find to be similar in character to the uses enumerated in this paragraph.

- c. [No change.]

Section 7. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is amended by amending section 103.0610, to read as follows:

**SEC. 103.0610 Commercial Zones**

A. NEIGHBORHOOD COMMERCIAL (NC)

The use and development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CN-1-2 zone apply in the Neighborhood Commercial zone, except for the Neighborhood Commercial Center of Neighborhood 6 of the Development Units 4, 5 and 6 Precise Plan area. Within Neighborhood 6, a total of 15 acres (including a detention basin lake) may be developed with Visitor Commercial uses in conformance with the use and development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CV-1-1 zone.

[No change in second paragraph.]

B. VISITOR COMMERCIAL (VC)

The use and development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CV-1-1 zone shall apply.

C. TOWN CENTER (TC)

The development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CC-1-3 zone shall apply. The use regulations are as follows:

1. Permitted Uses

In the TC Zone, no building or improvement, or portion thereof, may be erected, constructed, converted, established, altered or enlarged, nor may any premises be used except for one or more of the following purposes:

- a. The following business and professional office uses:

Business and professional office uses. Such uses may include accountants, advertising agencies, architects, attorneys, contractors, doctors, engineers, financial institutions, insurance agencies, medical clinics (no overnight patients), photographers, real estate brokers, securities brokers, surveyors and graphic artists.

Such lot or parcel may not be used by one or more practitioners who, among them, medically treat, or medically or psychologically counsel, on a group or individual basis, five (5) or more persons in one (1) calendar year who have committed, been charged by criminal indictment or complaint, or convicted of a sex-related offense outside the family unit as defined in the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5, or in Section 314 of Chapter 8, or any amendment or recodification of any such sections, if such lot or parcel is located within 1,000 feet of any premises occupied by an elementary, junior, or senior high school.

This restriction applies only to medical and counseling services which are directly related to physical or psychological treatment for the sex-related offenses committed and described in the above California Penal Code sections. Court ordered forensic evaluations are exempt services.

b. The following uses:

(1) through (12) [No change.]

c. The following uses:

(1) through (25) [No change.]

d. The following uses:

(1) through (23) [No change.]

e. [No change.]

f. Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

g. Accessory uses for any of the foregoing permitted uses including signs constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated and abated in accordance with the regulations as set forth in Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).

2. [No change.]

3. Regulations for Residential Development.

a. [No change.]

b. Open Space.

(1) [No change.]

(2) Usable open space shall not have an overall grade exceeding ten percent (10%) and shall not be occupied by buildings, streets, driveways or parking areas, or any land proposed to be dedicated to the City as open space. The land provided must be determined by the appropriate decision maker to be functional usable open space which provides for reasonable use by the resident. Functional open space

should include a minimum area of 100 square feet with a minimum dimension of six (6) feet on one (1) side. The usable open space may, however, be occupied by recreational facilities excluding buildings, including the following: swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, open handball courts, children's play areas and accompanying equipment, baseball diamonds, shuffleboard courts, croquet and lawn bowling facilities, walks and riding trails, picnic facilities and any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses enumerated in this paragraph.

4. Parking shall be in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

**D. SPECIALIZED COMMERCIAL (SC)**

The use and development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CC-1-3 zone apply except that the following uses are prohibited:

1. through 8. [No change.]

Section 8. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is amended by amending section 103.0612, to read as follows:

**SEC. 103.0612 Employment Center (EC)**

The development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CC-1-3 zone apply, except for the minimum lot dimensions, maximum structure height, maximum lot coverage, and maximum floor area ratio. Instead, the regulations in Section 103.0612B apply. The use regulations are

as follows:

A. Permitted Uses

No building, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged; nor shall any lot or premises be used except for one or more of the following purposes:

1. Any use permitted in the IP-1-1 zone (Land Development Code Section 131.0622).

2. through 11. [No change.]

12. The following uses and classes of uses shall be prohibited from locating in the Employment Center Zone:

a. Residential uses except for watch keeper's quarters, including trailers, when granted a conditional use permit.

b. through f. [No change.]

13. [No change.]

B. PROPERTY DEVELOPMENT REGULATIONS

1. [No change.]

2. Maximum Lot Coverage.

a. and b. [No change.]

3. Maximum Structure Height.

a. and b. [No change.]

4. [No change.]

Section 9. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is

amended by amending section 103.0613, to read as follows:

**SEC. 103.0613 Special Use Area (SP)**

A. [No change.]

**B. DEVELOPMENT REGULATIONS**

The development regulations of Land Development Code Chapter 13, Article 1, Division 4 (Residential Base Zones) for the RM zones apply. The use regulations are as follows:

1. Permitted Use.

a. through k. [No change.]

l. Any other use, including accessory uses, which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses enumerated above and consistent with the purpose and intent of this zone. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.

2. Off-street Parking Regulations

Parking shall be in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

Section 10. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is amended by amending section 103.0616, to read as follows:

**SEC. 103.0616 Energy Conservation**

In order to reduce the amount of energy consumed, the following criteria shall be considered:

1. and 3. [No change.]



Section 11. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is amended by amending section 103.0617, to read as follows:

**SEC. 103.0617 Floodway Zone**

The use and development regulations of Land Development Code Chapter 13, Article 1, Division 2 (Open Space Zones) for the OF-1-1 zone apply.

Section 12. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is amended by amending section 103.0618, to read as follows:

**SEC. 103.0618 Floodplain Fringe Zone**

Land Development Code Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations) apply.

Section 13. That Chapter X, Article 3, Division 6, of the San Diego Municipal Code is amended by amending section 103.0619, to read as follows:

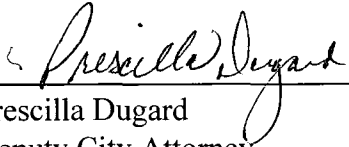
**SEC. 103.0619 A-1-10 Agricultural Zone**

The use and development regulations of Land Development Code Chapter 13, Article 1, Division 3 (Agricultural Zones) for the AR-1-1 zone apply.

Section 14. This ordinance shall take effect and be in force on May 1, 1998 or on the date the Coastal Commission unconditionally certifies the provisions subject to Coastal

Commission jurisdiction as a local coastal program amendment, whichever is later.

APPROVED: CASEY GWINN, City Attorney

By   
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Prescilla Dugard  
Deputy City Attorney

PD:cdk  
02/10/98  
Or.Dept:Dev.Svcs.  
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