

**Article 3: Carmel Valley Planned District**

*(“Carmel Valley Planned District” added 3-27-2007 by O-19590 N.S.; effective 4-26-2007.)*

**Division 2: Permits and Procedures**

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**§153.0201 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 Carmel Valley 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) Applications must be signed by the record owner or owners of the property on which the development is proposed.

- (4) The application shall include the following:
  - (A) Legal description
  - (B) A tabulation of proposed dwelling units by type and density, if applicable
  - (C) Data describing the housing balance projected regarding the quantity and/or proportion of low and moderate-income housing, as well as statements describing procedures to maintain an ethnic and racial balance, if applicable
  - (D) Location of existing and proposed buildings and structures if development is multi-family housing
  - (E) Representative plans and specifications for the buildings and improvements as required by the City Manager
  - (F) A tabulation of all natural or landscaped open areas shown on the plot plan, indicating the square footage of each type
  - (G) Location and width of existing and proposed streets, alleys, easements, pedestrian ways and bikeways, including all abutting streets and streets proposed to provide primary access to the proposed development from a major street or freeway
  - (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) Grading plan showing proposed finished grades superimposed over the existing topography
  - (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
  - (L) 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 153.0201(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
  - (A) The Planning Commission shall take action on all tentative subdivisions within the Carmel Valley 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 (Consolidation of Processing) and shall be heard concurrently by the Planning Commission in accordance with Process Four.
  - (B) An exception to this is the Employment Center Precise Plan and those areas within Multi-Family Zones (MF) where the Planning Commission shall act on the tentative subdivision map independent of the development plans. The development plans, which shall consist of building and landscaping plans for each individual parcel within the Employment Center or Multi-Family Zones, shall be considered by the Planning Commission subsequently, as submitted. Landscaping and irrigation plans for the parkways, medians, entry and open space areas, along with plans for any entry signs for the Employment Center shall be submitted for review by the Planning Commission in conjunction with the tentative map for that precise plan area.
- (7) The Planning Commission may approve, modify or disapprove any development plan based on the regulations contained herein and the architectural and design standards adopted by the City Council.
- (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 153.0201(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.

- (10) 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 153.0201(b)(4), and the Design Element of the precise plan area. The property shall be developed in accordance with these final plans.

*(“Administration” added 3-27-2007 by O-19590 N.S.; effective 4-26-2007.)*

**§153.0202 Financing of Public Facilities**

- (a) Purpose and Intent

The public health, safety and welfare require that residents in newly developing areas be adequately served with access, parks, schools, open space, libraries, fire stations, and other public facilities concurrent with the need.

- (b) Financial Responsibility

All necessary public facilities shall be provided by the project applicant, either directly by the applicant or by other means such as a charge against the area within the Planned District, in accordance with the adopted Carmel Valley Planned District Ordinance.

- (c) Financial Program for Municipal Facilities

The Municipal Facilities required for the Carmel Valley community shall be financed through four distinct programs:

- (1) Facilities Benefit Assessment

- (A) 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.

- (i) For facilities which already exist outside of the Carmel Valley community, but which require additions or expansions to existing facilities to meet the requirements of the Carmel Valley community; such as, POLICE AND PUBLIC WORK FACILITIES.
  - (ii) For new facilities necessitated by the Carmel Valley community; such as, FIRE STATION AND LIBRARY FACILITIES.
  - (iii) For facilities which extend beyond the limit of the Carmel Valley community, whose service area is also greater than the Carmel Valley community and the need for which is not solely created by the Carmel Valley community; such as MASTER WATER SYSTEM (a connection of the Carmel Valley Water System to the Penasquitos Pipeline to the east, and necessary Freeway Facilities. Improvements so constructed may be subject to a reimbursement by the trust fund.)
  - (iv) For facilities, within or without the Carmel Valley community, which are intended for the use of residents; such as, PARKS, OPEN SPACE RESERVE FUND, STREET SCENE IMPROVEMENTS (landscaping of the medians and rights-of-way along major streets), TRAFFIC SIGNALS at the intersection of major streets, and other transportation facilities.
- (B) 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.

- (i) Administration of the trust fund including the maintaining of a separate budget therefore;
- (ii) Planning for and scheduling of the construction of the facilities; and
- (iii) Disbursement of trust funds for construction or acquisition of the facilities.

(2) Improvement District

An Improvement District under the provisions of State law or local procedural ordinance may be created covering each precise plan area, or portions of one or more precise plan areas, to create assessments against the land to generate funds to finance facilities which are related to each individual planned district area by the amount of benefit received. The facilities to be provided by this improvement district may include, but not be limited to; major perimeter streets; both municipal and other public utilities and drainage facilities contained therein, the neighborhood park, siltation abatement structures, and the public recreation facilities associated with school site improvements. The boundary of each improvement district will be the centerline of the bordering perimeter streets, or other applicable limit, of each individual planned district area within the Carmel Valley community as the City shall determine.

(3) On-site Municipal Improvements

The on-site municipal facilities, those within the individual neighborhood and not provided for in Section 153.0202(c)(1) or (c)(2), such as: streets, stormdrains, and sewer, water, gas, power and telephone utilities, will be provided by the subdivider under the conventional bonded subdivision agreement.

(4) Off-site Municipal Improvements

The off-site municipal improvements are those outside of an individual precise plan area at the time of its development and not provided under the conventional subdivision process for off-site improvements. The off-site improvements so constructed may be subject to a reimbursement agreement between the person who constructed the improvements and the City of San Diego.

Reimbursement pursuant to that agreement will be generated by the subdivider(s) of the subsequent precise plan areas, where adjacent, and will be paid to the appropriate subdivider(s) as and when such funds are generated within the subareas covered by the reimbursement agreement.

(d) School Facilities

(1) School Facilities shall be provided concurrently with development in such a manner as to serve the primary and secondary educational needs of the community.

(2) Prior to the approval of a tentative subdivision map and approval of a development plan filed pursuant to Section 153.0401(a), the developer shall demonstrate compliance with the terms of a Carmel Valley Schools Facilities Master Plan.

(e) 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) A financing plan for all public facilities needed to support the project, as required by the Carmel Valley Community Plan has been adopted pursuant to Council Policy 600-28;

(2) There has been established by resolution a Facilities Benefit Assessment applicable to the property covered by the development plan, or a greater area, and the City Council has by resolution set the amount of such assessment when such assessment shall be used to finance public facilities;

- (3) The City Council shall have awarded a contract for any improvements to be financed pursuant to the San Diego Improvement District Procedural Ordinance or Improvement District to provide utilities and public improvements necessary to serve the property covered by the development plan;
- (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; and
- (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."

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