

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REPEALING CHAPTER 10, ARTICLE 3, DIVISION 6, OF THE SAN DIEGO MUNICIPAL CODE, AND AMENDING CHAPTER 15, BY ADDING ARTICLE 3, DIVISION 1 TITLED “GENERAL RULES,” SECTIONS 153.0101, 153.0102, AND 153.0103; DIVISION 2 TITLED “PERMITS AND PROCEDURES,” SECTIONS 153.0201 AND 153.0202; DIVISION 3 TITLED “ZONES,” SECTIONS 153.0301, 153.0302, 153.0303, 153.0304, 153.0305, 153.0306, 153.0307, 153.0308, 153.0309, 153.0310, 153.0311, 153.0312, 153.0313 AND 153.0314; DIVISION 4 TITLED “GENERAL SUPPLEMENTAL REGULATIONS,” SECTIONS 154.0401, 154.0402 AND 154.0403, ALL RELATING TO THE CARMEL VALLEY PLANNED DISTRICT.

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

Section 1. That Chapter 10, Article 3, Division 6, is repealed, and Chapter 15 of the San Diego Municipal Code is amended by adding Article 3, Division 1, by adding Sections 153.0101, 153.0102, and 153.0103, to read as follows:

**Article 3: Carmel Valley**

**Division 1: General Rules**

**§153.0101 Purpose and Intent**

The public health, safety, and welfare necessitate distinctive development controls and requirements for capital improvements and public facilities in order to systematically implement the phased growth of Carmel Valley. The regulations contained herein are in keeping with the objectives and proposals of the Progress Guide and General Plan for the City of San Diego, of the Carmel Valley Planned District, and of precise plans adopted in accordance with the community plan. All development plans and subdivisions shall conform to the adopted precise plan.

The regulations contained herein shall apply to any development, building or construction;

but shall not apply to subdivision or parcel maps which provide solely for financing and, in themselves, authorize no development, construction or building.

**§153.0102 Area of Applicability**

The regulations contained herein shall apply in the Carmel Valley Planned District which is within the Carmel Valley area in the City of San Diego. The area to which the provisions of the Carmel Valley Planned District are applicable is shown on those certain Map Drawing Nos. C-670.5, C-671.2, C-676.5, C-679.3, C-683.2, C-694, C-698.3, B-4028, B-4060, B-4074, B-4062, B-4083, B-4102, B-4106, B-4105, B-4089, and B-4180, and described in the appended boundary description filed in the office of the City Clerk.

**§153.0103 Applicable Regulations**

Where not otherwise specified or inconsistent with the Carmel Valley Planned District Ordinance, 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); and  
Chapter 14, Article 7 (Plumbing and Mechanical Regulations).

Where there is a conflict between the Land Development Code and the Carmel  
Valley Planned District Ordinance, the Planned District Ordinance applies.

Section 2. That Chapter 15 of the San Diego Municipal code is amended by adding  
Article 3, Division 2, Sections 153.0201, 153.0202, to read as follows:

### **Article 3: Carmel Valley Planned District**

#### **Division 2: Permits and Procedures**

##### **§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.

**§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."

Section 3. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 3, Division 3, Sections 153.0301, 153.0302, 153.0303, 153.0304, 153.0305, 153.0306, 153.0307, 153.0308, 153.0309, 153.0310, 153.0311, 153.0312, 153.0313 and 153.0314, to read as follows:

**Article 3: Carmel Valley Planned District**

**Division 3: Zones**

**§153.0301 Design Criteria**

Concurrent with the adoption of the Carmel Valley Planned District Ordinance, the City Council shall by resolution also adopt architectural and design standards which shall be used as a guideline for approving, modifying or disapproving any plans within the Carmel Valley Planned District.

**§153.0302 Single-Family Zones (SF)**

(a) Purpose and Intent

The single-family zones are designed to encourage a variety of housing types and to provide flexibility relative to the development regulations.

(b) Use and Development Regulations

Except as provided in Sections 153.0302(b)(1) through (b)(4), 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.

(1) Minimum Lot Area and Lot Dimensions. The minimum lot areas and dimensions, shown in Table 153-03A, shall apply in the SF zones.



**Table 153-03A**  
**Minimum Lot Area and Lot Dimensions**

ZONE	MINIMUM AREA IN SQUARE FEET <sup>(3)</sup>	MINIMUM LOT DIMENSIONS IN LINEAR FEET <sup>(4)</sup>	
		STREET FRONTAGE <sup>(1)</sup>	WIDTH (INTERIOR) <sup>(2)</sup>
SF	10,000	65	65
SF1	6,000	50	60
SF1-A	5,500	50	50
SF2	4,500	40	45
SF3, SF4	3,000	25	30

**Footnotes to Table 153-03A**

- 1** Street frontage may be reduced to 20 feet for any lot which fronts on a turnaround or curving street having a radius of curvature of less than 100 feet.
- 2** Measured at the mid-point of the lot.
- 3** The minimum lot areas shown above may be averaged. Where such averaging is used, the minimum may be reduced a maximum of 500 square feet.
- 4** Other lot configurations (flag lots, clusters, etc.) appropriate for certain product types may be approved by the appropriate decisionmaker. Each lot shall have a minimum frontage of 15 feet on a dedicated public street.

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

**Table 153-03B**  
**Minimum Setback Requirements for Single Family Zones**

Minimum Setback Dimensions in Linear Feet					
Zone	Front Yard Residence	Garage	Side Yard Interior	Street	Rear Yard
SF	20	20	6	10	6 <sup>(2)</sup>
SF1, SF 1-A, SF 2, SF 3	10	15	4 <sup>(1)</sup>	10	4 <sup>(2)</sup>
SF4	10	10	Minimum of 6 feet between buildings	10	4 <sup>(2)</sup>

**Footnotes to Table 153-03B**

- 1 Building walls with no openings may be constructed on the side property line.  
 2 Attached and detached one-story accessory buildings not to exceed 500 square feet may disregard side and rear yards if not used for living or sleeping purposes.

(3) Maximum Lot Coverage. No building shall cover more than 60 percent of the lot.

(4) Maximum Structure Height. No building shall be constructed, altered or enlarged to a height greater than 35 feet.

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

### **§153.0303 Multi-Family Zones (MF)**

(a) Purpose and Intent

The multi-family zones are intended primarily for the development of cluster and multiple residential structures at densities of 5 to 44 dwelling units per net acre.

(b) Use and Development Regulations

Except as provided in Sections 153.0303(b)(1) through (b)(4), the use and development regulations of Land Development Code Chapter 13, Article 1, Division 4 (Residential Base Zones) for the RM-1-1 zone shall apply.

(1) Density Regulations

**Table 153-03C**  
**DWELLING UNIT PER NET ACRE PERMITTED**

Subarea	Minimum	Maximum
MFL	5	9
MF1	7	15
MF2	13	22

Subarea	Minimum	Maximum
MF3	15	29
MF4	29	44

- (2) Minimum Project Area Regulations: The minimum project area in the MFL, MF1, MF2, MF3 and MF4 Subareas shall be 6,000 square feet.

(3) Open Space

- (A) The open space provided on the property shall not be less than that shown in **Table 153-03D**.

**Table 153-03D**  
**Minimum Open Space**

<b>Subarea</b>	<b>Total Required O.S. Per D.U. (sq. ft.)</b>	<b>Required Usable O.S. Per D.U. (sq. ft.)</b>
MFL and MF1	1,800	900
MF2 and MF3	900	450
MF4	500	250

- (B) Usable open space shall not have an overall grade exceeding 10 percent 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 decisionmaker 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 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.

- (4) Maximum Structure Height. No building may be constructed to a height greater than 50 feet, or 4 stories, whichever is less.

**§153.0304 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. Within Neighborhood 6, one development plan shall be processed for the entire neighborhood commercial area and one development plan shall be processed for the entire visitor commercial area, or a combined neighborhood commercial and visitor commercial development plan for the entire site may be processed.

**§153.0305 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.

**§153.0306 Town Center (TC)**

- (a) 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:

- (1) Advertising, secretarial and telephone answering services
- (2) Antique shops
- (3) Apartments
- (4) Apparel shops
- (5) Automobile wash establishments
- (6) Bakeries
- (7) Barber shops
- (8) Beauty shops.
- (9) Bicycle shops
- (10) Book stores
- (11) Building materials stores, provided that any open storage areas are completely enclosed by walls or buildings or a combination thereof; said walls and buildings shall be not less than 6 feet in height, and provided also there shall be no outdoor storage of merchandise, materials, equipment or other goods to a height greater than that of any enclosing wall or building
- (12) 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

- (A) 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 or more persons in **one** 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.
- (B) 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.

- (13) Business machine sales display and service
- (14) Confectioneries
- (15) Curtain and drapery shops

- (16) Dairy stores, including drive-ins
- (17) Drafting and blueprint services
- (18) Drug stores
- (19) Dry cleaning establishments (no truck delivery of finished cleaning)
- (20) Dry cleaning and laundry agencies and self-service dry cleaning and laundry establishments
- (21) Dry goods stores
- (22) Electronic data processing, tabulating and record keeping services
- (23) Employment agencies
- (24) Equipment and tool rental establishments (no man-ridden equipment); provided that any open storage areas are completely enclosed by walls or buildings or a combination thereof; said walls and buildings shall be not less than 6 feet in height, and provided also there shall be no outdoor storage of merchandise, materials, equipment or other goods to a height greater than that of any enclosing wall or building
- (25) Financial institutions
- (26) Florists
- (27) Food stores
- (28) Frozen food lockers
- (29) Furniture stores
- (30) Gymnasium and health studios



- (31) Hardware stores
- (32) Hobby shops
- (33) Jewelry stores
- (34) Labor unions (no hiring halls) and trade associations
- (35) Leather goods and luggage shops
- (36) Library
- (37) Liquor stores
- (38) Locksmith shops
- (39) Medical appliance sales
- (40) Medical, dental, biological and X-ray laboratories
- (41) Music stores
- (42) Nurseries - plant
- (43) Office furniture and equipment sales
- (44) Paint and wallpaper stores
- (45) Pet shops
- (46) Pharmacies
- (47) Photographic equipment, supplies, and film processing stores
- (48) Photographic studios
- (49) Post offices
- (50) Private clubs, fraternal organizations and lodges
- (51) Radio, television and home appliance repair shops
- (52) Recreational facilities including bowling lanes, miniature golf courses, skating rinks, gymnasiums and health centers

- (53) Restaurants
  - (54) Shoe repair shops
  - (55) Shoe stores
  - (56) Sporting goods stores
  - (57) Stationers
  - (58) Studios for teaching of art, dancing and music
  - (59) Theaters, nightclubs and bars, with or without live entertainment,  
or any combination thereof.
  - (60) Trade and business schools
  - (61) Travel Bureaus
  - (62) Variety stores
- (b) 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 **Section 153.0403** (Permanent and Temporary Signage Guidelines), Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations)
- (c) 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

## (d) Development Regulations

Except as provided in Section 153.0306(e), the development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CC-1-3 zone shall apply.

## (e) Regulations for Residential Development

(1) Residential Density. The maximum density allowed within the TC Zone shall be 60 dwelling units per net residential acre. The maximum dwelling units allowed in the total TC Zone area shall be 799 dwelling units.

(2) Minimum Project Area Regulations. The minimum project area in the TC Zone shall be 6,000 square feet.

## (3) Open Space

(A) The open space provided on the property shall not be less than that shown in Table 153-03E.

**Table 153-03E**

<b>Total Required O.S. Per D.U. (sq. ft.)</b>	<b>Required Usable O.S. Per D.U. (sq. ft.)</b>
300	150

(B) Usable open space shall not have an overall grade exceeding 10 percent 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 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, in accordance with Process Four, to be similar in character to the uses enumerated in this paragraph.

**§153.0307 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:

- (a) Apartments
- (b) Truck Sales
- (c) Automobile wash establishments
- (d) Automobile repair and paint shops (including body and fender work if entirely within an enclosed building)
- (e) Boat and trailer sales agencies

- (f) Equipment and tool rental establishments
- (g) Frozen food lockers
- (h) Hotels, motels and time share projects

**§153.0308 Educational and Park Area (EP)**

No premises may be used except for elementary, junior high and senior high school and/or a neighborhood or community parks. In the event an elementary school is not required, the zone appropriate to the alternate land use designated in the approved precise plan is mandated.

**§153.0309 Employment Center (EC)**

(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) On Lots 8, 9, 23, 24, 28 and 29 only, as shown in the Precise Plan, the following businesses and services are permitted provided the combined gross floor area of all such uses shall not exceed 25 percent of the combined gross floor area of all other uses permitted:
  - (A) Restaurants
  - (B) Travel bureaus

- (3) Executive health clubs with accessory pro shop, juice bar, shower, sauna and steam room facilities, subject to prohibitions of freestanding health club buildings and outdoor signage; limitation of hours of operation from 7 a.m. to 10 p.m.; and requiring entry to the health club be through a building lobby providing access to other office uses within the structure. On Lots 1 and 3 only, as shown in the Neighborhood 6 Precise Plan, the following businesses and services are permitted providing the combined gross floor area of all such uses shall not exceed 5 percent of the combined gross floor area of all other uses permitted on the lot.
- (4) Establishments engaged primarily in the design, development, manufacturing, fabricating, and/or assembly of manufactured products
- (5) The testing, repairing, servicing and processing of manufactured products when done in conjunction with the manufacturing, fabricating and assembly of those products by manufacturing establishments
- (6) Storage or packaging of products only when a minimum of 50 percent of the gross floor area of the premises is devoted to the manufacturing process of any such product
- (7) Offices of businesses, industry and governmental agencies
- (8) The following business and professional establishments:
  - (A) Accountants

- (B) Architects
  - (C) Attorneys
  - (D) Contractors
  - (E) Engineers
  - (F) Financial institutions
  - (G) Insurance agencies
  - (H) Photographers
  - (I) Real estate brokers
  - (J) Surveys
  - (K) Graphic artists
  - (L) Business machine sales
  - (M) Drafting and blueprinting
  - (N) Electronic data processing
  - (O) Tabulating and record-keeping services
  - (P) Labor unions and trade associations
  - (Q) Addressing and secretarial services
- (9) Medical offices on Lot 27 (not to exceed 25 percent of the floor area) and on Lot No. 33 (up to 100 percent of the floor area) as shown on Precise Plan titled "Carmel Valley Employment Center, Development Unit No. 2"
- (10) On-premises accessory uses for any of the foregoing uses, including in-plant food service facilities, which are only intended

to serve employees and others affiliated with the primary use or uses of the premises

- (11) The following manufacturing uses only when secondary and supportive to the primary manufacturing use of the premises:
  - (A) Acid manufacture
  - (B) Gas manufacture
  - (C) Petroleum refining
  - (D) Smelting of metals
- (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) All uses permitted in all commercial zones except as may be specifically permitted in this section
  - (C) Wholesaling operations
  - (D) Churches
  - (E) Schools, except for training facilities accessory to the primary manufacturing operation
  - (F) Warehousing and storage operations except as permitted in Section 153.0309(a)(6)
- (13) The following manufacturing uses shall be prohibited
  - (A) Cement, lime, gypsum, or plaster of Paris manufacture
  - (B) Distillation of bones



- (C) Explosives, manufacturing or storage
- (D) Fat rendering
- (E) Fertilizer manufacture
- (F) Garbage offal or dead animal reduction
- (G) Glue manufacture
- (H) Stockyards or slaughter of animals

(b) Property Development Regulations

Except as provided in Sections 153.0308(b)(1) through (b)(4), the development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CC-1-3 zone shall apply.

- (1) Maximum Floor Area Ratio. The maximum floor area ratio shall be 0.5

(2) Maximum Lot Coverage

- (A) Interior Lot - 50 percent
- (B) Corner Lot - 60 percent

(3) Maximum Structure Height

- (A) East of El Camino Real Road - 50 feet
- (B) West of El Camino Real Road - none

(4) Minimum Lot Dimensions

The minimum lot area shall be 40,000 square feet. Lots may be resubdivided to a minimum of 20,000 square feet after approval of a Development Plan

(c) Parking Regulations for the Employment Center Zone

Parking shall be in conformance with Land Development Code Chapter 13, Article 2, Division 5 (Parking regulations) except that Business and Professional Office/Government/Regional and Corporate Headquarters shall require 4.0 parking spaces per 1,000 square feet of gross floor area.

**§153.0310 Special Use Area (SP)**

(a) Purpose and Intent

The special use area zone is intended for the development of uses of an educational, recreational, institutional, public or quasi-public nature. In approving a development plan, the Hearing Officer may impose such conditions as it deems necessary and desirable to ensure that the proposed use will not adversely affect the Precise Plan or the Community Plan.

(b) Permitted Uses

The following uses are permitted in the Special Use Area:

- (1) Buildings, structures and uses operated by a public body having the power of eminent domain
- (2) Public parks and playgrounds
- (3) Elementary schools
- (4) Homes for the full-time care of children
- (5) Intermediate health care facilities and nursing homes
- (6) Private recreational facilities or clubs
- (7) Nonprofit institutions whose primary purpose is the promotion of the public health and welfare

- (8) Private clubs, lodges and fraternal organizations, excepting fraternities and sororities
- (9) Electric distribution and gas regulating stations, provided all equipment is located within a building
- (10) Churches
- (11) Accessory uses customarily incidental to any of the foregoing permitted uses
- (12) 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.

(c) Development Regulations

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

(d) Off-Street Parking Regulations

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

**§153.0311 Open Space (OS)**

- (a) Open space preservation is required. Approval of the final map shall be conditioned upon preservation of the open space through a mechanism

acceptable to the City, limiting the future use of the open space and preserving it as an open space.

- (b) A maintenance district shall be established to assure the maintenance of open space, the parkway area of perimeter streets, and the landscaped islands at the entrances to development areas and settling/catchment basins.

**§153.0312 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.

**§153.0313 Floodplain Fringe Zone**

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

**§153.0314 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 4. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 3, Division 4, Sections 153.0401, 153.0402, and 153.0403, to read as follows:

**Article 3: Carmel Valley Planned District**

**Division 4: General Supplemental Regulations**

**§153.0401 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 Carmel Valley Planned District:

- (1) Preparation of a comprehensive landscaping and irrigation plan for all graded slopes to provide for rapid *stabilization* of slope areas;
  - (2) Close phasing of *grading* operations and slope landscaping and building construction to reduce the period when bare slopes are susceptible to erosion;
  - (3) Design project to preserve natural topography, unique geologic formations, and native vegetation to the fullest extent possible;
  - (4) Use contour *grading* techniques to reduce harsh, manufactured slopes, utilizing rounded top and toe of slopes which blend into natural contours wherever possible;
  - (5) Minimize the height of cut-and-fill slopes wherever possible, while varying the gradient of long, horizontal banks;
  - (6) Utilize slopes' gradients that can readily support landscaping;
  - (7) Construct permanent energy dissipators and settling/catchment basins with regular, long-term maintenance; and
  - (8) Provide a system of bladed ditches at flat gradients across larger, graded pad areas to allow on-site entrapment of silt during construction.
- (b) 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.

- (c) Post Development. The following guidelines shall be used when evaluating grading and excavation proposed after the initial development has been completed:
  - (1) The development shall result in minimum disturbance of the natural terrain and vegetation commensurate with the proposed use of the lot or premises; and
  - (2) Provisions are included to control or mitigate soil erosion, silting of lower slopes, slide damage, flooding problems, or excessive cutting or scarring.

#### **§153.0402 Energy Conservation**

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

- (a) Where possible, building should be oriented to receive maximum benefits of active and passive solar access;
- (b) Outside shades and awnings for windows may be utilized; and
- (c) The exterior of dwelling units should be shaded with vegetation, using non-deciduous trees on the north and deciduous trees on the south, where feasible.

**§153.0403 Permanent and Temporary Signage Guidelines**

Notwithstanding any provision of the Carmel Valley Planned District Ordinance to the contrary, all signage located within the Carmel Valley Planned District area shall conform to the Carmel Valley Signage Guidelines and Criteria adopted by the City Council on January 9, 1991, and filed in the office of the City Clerk as Document No. OO-17578. This document shall apply to all areas of the Carmel Valley Planned District. All other signage provisions contained within the Carmel Valley Planned District are superseded by the regulations set forth in this Section.

Section 5. That full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

Section 7. That this activity is not a project and is therefore not subject to the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By \_\_\_\_\_  
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
12/15/06  
Or.Dept:DSD  
O-2007-62  
MMS#3398

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor