

# THE CITY OF SAN DIEGO REPORT TO THE PLANNING COMMISSION

DATE ISSUED:	April 26, 2012	REPORT NO. PC-12-035
ATTENTION:	Planning Commission, Agenda of May 3, 2012	
SUBJECT:	SUNROAD CENTRUM RESIDENTIAL, PHASES 3-5 - PROJECT NO. 257079; PROCESS FOUR	
<b>REFERENCE:</b>	New Century Center Master Plan Volumes I-III (Supplied on a CD to Planning Commissioners)	
OWNER/ APPLICANT:	Sunroad Centrum Partners, L.P.	. (ATTACHMENT 13)

## SUMMARY

**Issue:** Should the Planning Commission approve the request to subdivide existing lots and construct 677 residential condominium units with related amenities, and eleven (11) commercial condominium units within the Kearny Mesa Community Plan area?

Staff Recommendation: APPROVE Vesting Tentative Map No. 905834 and Planned Development Permit No. 905832.

<u>Community Planning Group Recommendation</u>: On November 16, 2011, the Kearny Mesa Planning Group voted11-0-0 to recommend approval with recommendations as discussed in this report (ATTACHMENT 12)

**Environmental Review:** This project was addressed in the three previous environmental documents for the graded project site, including EIR No. 96-0165, the Addendum to EIR No. 99-1269, and the Sunroad Centrum Mitigated Negative Declaration LDR No. 41-0101. The project is subject to a Mitigation, Monitoring and Reporting Program (MMRP) and shall conform to the mitigation conditions as contained in the EIR No. 96-0165, EIR Addendum LDR No. 99-1269 and MND LDR No. 41-0101.

Fiscal Impact Statement: None. All costs associated with the processing of this application are paid for by the applicant.

Code Enforcement Impact: None



**Housing Impact Statement:** The 13.87 acre project site is designated Mixed Use Commercial/Residential in the New Century Center Master Plan within the Kearny Mesa community. This land use designation would allow medium to high density residential. The project is proposing to provide 677 dwelling units at a density of 89 units per acre on the smaller 7.61 acre portion of the site proposed for residential units. There are currently no housing units on site. The applicant proposes to pay an in lieu fee to meet the affordable housing requirements.

### BACKGROUND

The proposed project is located on 13.87 acres of the previous San Diego General Dynamics site within the CA zone of the New Century Center Master Plan (Master Plan), within the Kearny Mesa Community Planning Area (ATTACHMENT 1). There is a Development Agreement for the site which vests the New Century Center Master Plan as well as the old-code CA zone, therefore proposed development is required to comply with the CA zone instead of the current CC-1-3 zone, except as it is regulated by the Master Plan. The site is designated for Mixed Use Commercial and Residential development (ATTACHMENT 2). The original New Century Center Master Plan was approved by the City Council on November 18, 1997, allowing General Dynamics (the original owner) to develop a high-density mixed-use retail, commercial and industrial business park on 242-acres centrally located within the Kearny Mesa Community Plan area (ATTACHMENT 3). The project included adoption of the New Century Center Master Plan (Master Plan) as part of the Kearny Mesa Community Plan, approval of a Development Agreement between the City and General Dynamics, and adoption of Planned Industrial Development/Planned Commercial Development Permit (PID/PCD) No. 96-0165.

On October 3, 2000, PID/PCD Permit No. 99-1269 amended the original approval, Permit No. 96-0165, to include residential use in the western portion of the property. Amendments to the New Century Center Master Plan were also approved in October of 2000, to allow 448 residential units in Planning Area 3B of the Master Plan and 550 dwelling units in the commercial mixed use area, part of which includes the subject site. The Development Agreement was amended on October 3, 2000, to address the addition of residential use.

On November 12, 2002, another amendment to the Master Plan was approved to allow 570 additional residential units on the 33 acre commercial/mixed use area (Planning Areas "1A" "1B" and "2B") and an eight acre industrial area (Planning Area "3A")(Attachment 13). This approval brought the total permitted residential units in the Master Plan area to 1,568. Development of the additional 570 units required the provision of a minimum two-acre park onsite and a shuttle service to serve the residential uses. Per the City Council's action, implementation of the park and shuttle service requirement will be triggered by the issuance of the 999<sup>th</sup> building permit.

On April 17, 2003, the Planning Commission approved a Planned Development Permit and Tentative Map Waiver (PTS No. 5711), under a separate ownership, to construct 90 condominiums at the Sunroad A site. Also, on April 17, 2003, the Planning Commission approved a Planned Development Permit and Tentative Map Waiver (PTS No. 5715) to construct 168 condominiums at the Sunroad B property (also known as Promenade).

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On May 15, 2003, the Planning Commission approved a Planned Development Permit and Tentative Map Waiver (PTS No. 5611) for the Spectrum Townhomes project to allow development of thirteen buildings with a total of 148 townhome condominium units.

On June 19, 2003, the Planning Commission approved a Planned Development Permit and Tentative Map Waiver (PTS No. 2552) to construct 120 condominium units.

On April 28, 2008, the City Council approved the Sunroad Centrum Residential which proposed the construction of 508 dwelling units total in one (1), five-story residential building and two (2), four-story multi-family residential buildings with underground parking, and the creation of a 2-acre public park. Part of the project approval was the requirement to record a Covenant, Restriction and Negative Easement Prohibiting Development of Land signed by both SDG&E and Sunroad Enterprises that provided a method to satisfy the provision in the Master Plan with the City of San Diego as a third party. The agreement restricted development on and around the location of the potential relocation site of a SDG&E substation as identified in the New Century Center Master Plan. The Covenant, Restriction and Negative Easement Prohibiting Development of Land was released by SDG&E, and the Covenant terminated by recordation of a Quitclaim Deed on April 11, 2011 (ATTACHMENT 4)

The proposed project would allow the development of 677 new residential condominium units, subterranean parking, three recreation centers, and eleven (11) commercial condominium units in approximately 5,100 square feet of ground floor retail uses (ATTACHMENT 5). The construction would occur on a 7.61 acre portion of the larger mapping area of 13.87 acres. The project is located on portions of Planning Area 1A of the Master Plan, and is regulated by the New Century Center Master Plan, Development Standards and Design Manual of Planned Commercial Development (PCD)/Planned Industrial Development (PID)/Planned Residential Development (PRD) Permit LDR No. 99-1269.

### **DISCUSSION**

### **Project Description:**

The proposed project would subdivide seven (7) existing lots into eight (8) lots within a 13.87 acre site; create 677 residential condominium units and eleven (11) commercial condominium units on a 7.61 acre portion of the mapping area; and remove a temporary surface parking lot with associated improvements. The project approval would then allow the construction of a five story building over three (3) levels of parking for 245 attached residential units, a five story building over three (3) levels of parking for 305 attached residential units, and a four (4) story building over two (2) levels of parking for 127 attached residential units, for a total of 677 residential units, three recreation centers, and 5,100 square feet of ground floor retail uses (ATTACHMENT 6). All parking levels are subterranean. The 13.87 acre project site is located between Lightwave Avenue, Kearny Villa Road, and Spectrum Center Boulevard in the CA zone of the New Century Center Master Plan (currently zoned CC-1-3), within the Kearny Mesa Community Plan area.

The 677 dwelling units would be constructed in Planning Area 1A of the New Century Center Master Plan area (Master Plan). Eighty Nine (89) of the proposed units are envisioned directly

in the Master Plan approvals for Planning Area 1-A, with the remaining 588 being proposed through a transfer of vehicle trips from within the same planning area, instead of the allowed commercial retail/office uses and square footage. The transfer of vehicle trips is allowed in the Master Plan Volume II Development Standards (page IV-7).

The proposed project requires a Planned Development Permit to amend PCD/PID/PRD No. 99-1269, per the implementation requirements in the Master Plan. The Planned Development Permit entitles a 7.61 acre site (ATTACHMENTS 7-8). A Vesting Tentative Map is required, by the Land Development Code Section 125.0410, for the proposed division of the larger 13.87 acre site into eight lots, three of which will contain the 677 residential condominium units and 11 commercial condominium units (ATTACHMENTS 9-10).

### General / Community Plan Analysis:

The proposed development is located within the New Century Center Master Plan (Master Plan) in the Kearny Mesa Community Plan area and is located on a parcel that is designated for Mixed Use Commercial/Residential. The proposed project is located within Plan Area 1A, 2B and 3A. The proposed project is converting the majority of the commercial land use designation to residential development. The proposed project would create 677 residential condominium units and eleven (11) commercial condominium units. The proposed residential and commercial use is consistent with the Mixed Use Commercial/Residential land use designation.

The project is proposing to convert the majority of the commercial land use designation to residential development. The New Century Center Master Plan, in Volume 1, allows for the conversion of commercial to residential development, via the conversion of ADT's. As outlined above, eighty-nine (89) of the proposed units are envisioned directly in the Master Plan approvals for Planning Area 1-A, with the remaining 588 being proposed through a transfer of vehicle trips from within the same planning area instead of commercial retail/office uses. Volume 1, Section III, C., states that "residential use may be developed within the Mixed Use Commercial/Residential Areas with the approval of a Planned Residential Permit (PRD) decided in accordance with Process 4, which is now a Planned Development Permit (PDP). Up to 1,120 dwelling units may be developed without the loss of non-residential square footage, subject to the Aggregate Trip Limitation determination as described in the PCD, PRD, and PID processing Requirements." Volume 1, Section III, A., states: "New residential development within Planning Areas 1A, 2B and 3A shall also be required to process a Process 4 PRD." Volume 1 of the Master Plan allows for mixed use development on the site. The proposed project includes both residential and approximately 5,100 square feet of ground floor commercial development on the site.

The Master Plan has as a design objective to: "create a strong sense of entry and central focal point with a circulation spine extending from the western to the eastern portion of the property, page II-4." The proposed development clearly defines the entry to the central park by flanking the east-west street on axis to the center of the park and lining the street with commercial activities, landscaping and building definition. This street design is unique in the neighborhood and creates a strong sense of entry to the central park. The overall proposed project fits into the existing neighborhood and provides a visual and physical connection to the outlying streets by providing a straight building facade with windows facing Spectrum Center Boulevard and

Lightwave Avenue.

The Master Plan, Volume 1, page II-10, states: "the pedestrian circulation system including walkways, plazas, and crosswalks will be designated to accommodate users safely and efficiently." The proposed project includes pedestrian walkways throughout the project, along the external and internal streets and to the central park.

The streetscapes of the proposed development are consistent with Volume I, page II-13 of the Master Plan, which states that "landscaped setbacks are generally encouraged between the public rights-of-way and buildings." The proposed project provides landscaping adjacent to the street. There is a varying parkway of 15-31 feet which includes a non-contiguous sidewalk and street trees. In addition, a jogging trail and pedestrian easement is proposed outside of the right-of-way and within the property line.

The Master Plan recommends that "residential projects should be integrated into the overall project and provide convenient pedestrian access to all surrounding uses, particularly retail use and the transit center, page II-14." The proposed project is consistent with this recommendation as it locates the commercial activities central to the residential development within walking distance.

The Kearny Mesa Community Plan Urban Design Element, page 66, recommends that new development should be consistent with the scale and character of surrounding development and should use high quality design materials, and workmanship. The proposed four and five story development appears to blend well into the existing surrounding in terms of scaling the building height to relate to the higher office building to the west and to the lower residential development to the east of the site. The proposed land uses continue the existing established character of residential uses to the east and locate the commercial activities to the westerly portion of the development to relate to the office structure further to the west. The proposed materials will include: stone, tile, metal cladding, glass and plaster, in keeping with the surrounding development.

The proposed project fulfills many of the policies stated in the General Plan for the City of San Diego, such as the residential design, UD-B.1, which states: "Recognize that the quality of a neighborhood is linked to the overall quality of the built environment. Projects should not be viewed singularly, but viewed as part of the larger neighborhood or community plan area in which they are located for design continuity and compatibility." As described above, the proposed project is consistent with the New Century Center Master Plan Design Guidelines and provides a transition between the taller office structure to the west and provides commercial activities to the westerly portion of the project site and locates the residential and central park to the east of the site. This blends the different land uses around an east-west commercial street.

### **Environmental Analysis:**

This project was addressed in the three previous environmental documents for the graded site including the Addendum to EIR No. 96-0165, EIR No. 96-0165, and the Sunroad Centrum Mitigated Negative Declaration LDR No. 41-0101. The project site does not contain any vernal

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pools, sensitive resources, or unique archeological resources, and complies with FAA regulations. The project is consistent with what was envisioned in the previous environmental documents and does not exceed the approved number of residential units or the average daily trips (ADTs). No new mitigation would be required. The project would be subject to the Mitigation, Monitoring and Reporting Program (MMRP) conditions required by the previously cited environmental documents including the requirement for paleontological monitoring, a waste management plan, and transportation improvements.

### **Project-Related Issues:**

The residential element of the community plan includes the policy of encouraging residential development on urban infill sites within mixed-use projects. The Master Plan is a mixed-use project and the proposed project will provide 677 dwelling units in a residential development in Planning Area 1A. Eighty Nine (89) of the proposed units are envisioned directly in the Master Plan, with the remaining 588 being proposed through a transfer of vehicle trips from within the same planning area that were envisioned for commercial retail/office uses.

The project proposes two 5-story (maximum height approximately 85'-0") residential buildings, and one 4-story (maximum height approximately 60'-0") residential building. The project site has a Development Agreement and the New Century Center Master Plan which specifies that the zone for this site is the CA zone, in accordance with the Municipal Code in effect prior to January 3, 2000. While the Master Plan site is zoned CA, which has no height limit, the height of structures within the Master Plan is effectively limited through the Federal Aviation Administration (FAA) height limitations and the San Diego County Regional Airport Authority (SDCRAA). The FAA has determined that the proposed project would not be a hazard to aircraft. The SDCRAA has determined that the proposed project is consistent with the Montgomery Field Airport Land Use Compatibility Plan (ATTACHMENT 11).

The project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the Kearny Mesa Community Plan, New Century Center Master Plan, Design Manual, and Development Standards.

### **Community Planning Group:**

On November 16, 2011, the Kearny Mesa Planning Group voted 11-0-0 to recommend approval of the project with the following statements below and staff responses in italics (ATTACHMENT 12):

1. The Planning Group prefers that Sunroad pay the "in lieu" fee rather than provide park land in Kearny Mesa, of which there appears to be no suitable or available sites.

2. A majority of the park fees be allocated to needed improvements at Hickman Field, the only City Park in Kearny Mesa.

3. Sunroad be authorized to directly provide the park improvements to Hickman Field that are authorized by the City as part of Sunroad's park requirements, to maximize the impact of

Sunroad's park fees from this project.

Staff has included a specific condition to address the park fees. Specifically Condition No. 35 in the draft permit ends with the following:

..... The ad hoc fees will be placed into an interest bearing account (Fund #200636, Developers Contributions Fund) to be used for public park improvements to serve the increased population generated by the project within Hickman Field of the Kearny Mesa Community Plan area.

# Conclusion:

The NCC Master Plan objectives were to produce a Project that encompasses all levels of land uses to create a community that can have compatible residential, commercial and employment opportunities. The proposed residential project contributes to this goal with its proximity to planned and built office and recreational improvements, as well as retail and industrial uses to the north and east. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

# ALTERNATIVES:

- 1. Approve Vesting Tentative Map No. 905834 and Planned Development Permit No. 905832, with modifications.
- 2. Deny Vesting Tentative Map No. 905834 and Planned Development Permit No. 905832, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake Program Manager Development Services Department

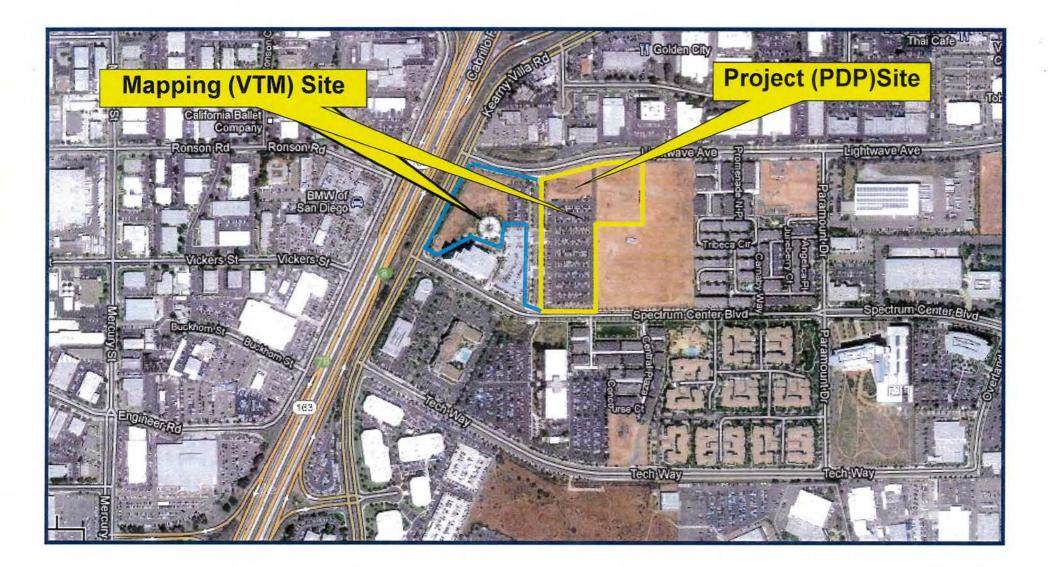
Jeannette Temple Project Manager Development Services Department

WESTLAKE: jt

# Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. SDG&E/Sunroad Quitclaim Deed recorded April 12, 2011

- 5. Project Data Sheet
- 6. Project Plans
- 7. Draft Permit Resolution with Findings
- 8. Draft Permit with Conditions
- 9. Draft Map Resolution with Findings
- 10. Draft Map Conditions
- 11. SDCRAA Consistency Determination
- 12. Community Planning Group Recommendation
- 13. Ownership Disclosure
- 14. Project Chronology





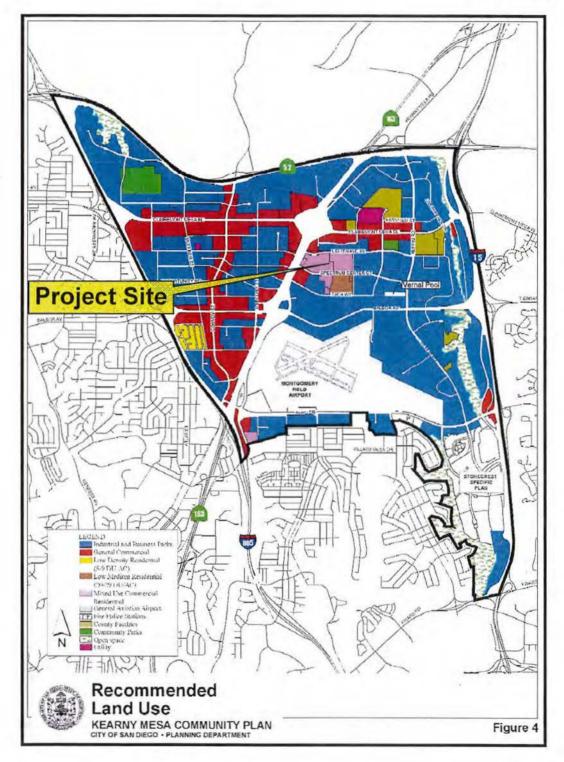
# **Aerial Photo**

Sunroad Centrum Phases 3-5 – Project Number 257079 Between Lightwave Av and Sunroad Centrum Bl



ATTACHMENT 1

# ATTACHMENT 2





# **Community Plan Land Use Map** Sunroad Centrum Phases 3-5 – Project Number 257079 Between Lightwave Av and Sunroad Centrum Bl

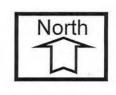






# **Project Location Map**

Sunroad Centrum Phases 3-5 – Project Number 257079 Between Lightwave Av and Sunroad Centrum Bl



Recording requested by and when recorded mail to:

Sunroad Enterprises 4445 Eastgate Mall, Suite 400 San Diego, CA 92121 Attention: Richard D. Vann

Mail tax statements to:

Sunroad Enterprises 4445 Eastgate Mall, Suite 400 San Diego, CA 92121 Attention Richard D. Vann

### THE ORIGINAL OF THIS DOCUMENT WAS RECORDED ON APR 12, 2011 DOCUMENT NUMBER 2011-0190169 Emest J. Dronenburg, Jr., COUNTY RECORDER SAN DIEGO COUNTY RECORDER'S OFFICE TIME: 1:16 PM

The space above this line reserved for County Recorder's use.

Assessor's Parcel Numbers: 369-220-56 369-220-57

### QUITCLAIM DEED

FOR GOOD AND VALUABLE CONSIDERATION, RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, San Diego Gas & Electric Company, a California corporation ("Grantor"), hereby remises, releases and forever quitclaims to Sunroad Centrum Partners, L.P., a California limited partnership ("Grantee"), any and all interest in that certain Covenant, Restriction and Negative Easement Prohibiting Development of Land executed between Grantor and Grantee on or about December 12, 2007 and recorded on May 16, 2008 with the San Diego County Recorder's Office as Document Number 2008-0265307 (the "Covenant Agreement") pertaining to certain land located in San Diego County, California, as more particularly described in Exhibit A attached hereto and incorporated by this reference (the "Land").

This Quitclaim Deed is filed to terminate the Covenant Agreement pursuant to paragraph 5 of said Covenant Agreement (including without limitation the third party beneficiary rights of the City of San Diego under the Covenant Agreement).

This Quitclaim Deed shall be governed by and construed in accordance with the laws of the State of California without giving effect to its choice of law provisions.

[Remainder of this page left deliberately blank.]

Quitclaim Deed, Page 1

WHEREFORE, Grantor has executed this Quitclaim Deed as of <u>April 11</u>, 2011.

SAN DIEGO GAS & ELECTRIC COMPANY, a California corporation

By: K sAA A Name: Pamela J. Fair

Title: Vice President, Environmental, Safety and Support Services

APPROVED as to legal form

# EXHIBIT A TO QUITCLAIM DEED LEGAL DESCRIPTION OF THE PROPERTY

All of Parcels 6 and 7 of Parcel Map No. 18972 in the City of San Diego, County of San Diego, State of California, per map thereof recorded in the Office of the County Recorder of San Diego County May 24, 2002 as File No. 2002-0444396.

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CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT				
State of California				
County of <u>SAN DIEGO</u>				
	(Here insert name and title of the officer)			
personally appeared <u>PAMELA J.</u> F	Air ,			
the within instrument and acknowledged to me that	ence to be the person(s) whose name(s) is/are subscribed to at he/she/they executed the same in his/her/their authorized on the instrument the person(s), or the entity upon behalf of			
I certify under PENALTY OF PERJURY under the is true and correct.	e laws of the State of California that the foregoing paragraph			
WITNESS my hand and official seal.	(Notary Seal)			
	TIONAL INFORMATION INSTRUCTIONS FOR COMPLETING THIS FORM Any acknowledgment completed in California must contain verbiage exactly as			
DESCRIPTION OF THE ATTACHED DOCUMENT	appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.			
Number of Pages <u>2</u> Document Date <u>4-11-11</u>	<ul> <li>State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.</li> <li>Date of notarization must be the date that the signer(s) personally appeared which</li> </ul>			
(Additional information)	<ul> <li>must also be the same date the acknowledgment is completed.</li> <li>The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).</li> <li>Print the name(s) of document signer(s) who personally appear at the time of</li> </ul>			
CAPACITY CLAIMED BY THE SIGNER Individual (s) Corporate Officer (Title) Partner(s) Attomey-in-Fact Trustee(s) Other	<ul> <li>notarization.</li> <li>Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/shc/they;- is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.</li> <li>The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression snudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.</li> <li>Signature of the notary public must match the signature on file with the office of the county clerk.</li> <li>Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.</li> <li>Indicate title or type of attached document, number of pages and date.</li> <li>Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).</li> <li>Securely attach this document to the signed document</li> </ul>			
L	<ul> <li>Securely attach this document to the signed document</li> </ul>			

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# ATTACHMENT 5

PROJECT DATA SHEET		
PROJECT NAME:	SUNROAD CENTRUM RESIDENTIAL PHASES 3-5	
PROJECT DESCRIPTION:	Vesting Tentative Map and Planned Development Permit to subdivide seven (7) existing lots into eight (8) lots, create 677 residential condominium units and eleven (11) commercial condominium units, and remove a temporary surface parking lot with associated improvements. The project approval would then allow the construction of a five story building over three (3) levels of parking for 245 attached residential units, a five story building over three (3) levels of parking for 305 attached residential units, and a four (4) story building over two (2) levels of parking for 127 attached residential units for a total of 677 residential units, three recreation centers, and 5,100 square feet of ground floor retail uses.	
COMMUNITY PLAN AREA:	Kearny Mesa	
DISCRETIONARY ACTIONS:	Planned Development Permit and Vesting Tentative Map	
COMMUNITY PLAN LAND USE DESIGNATION:	Mixed Use Commercial Residential	

# **ZONING INFORMATION:**

**ZONE:** Master Plan zoned at CA

HEIGHT LIMIT: None

LOT SIZE: n/a

FLOOR AREA RATIO: None

FRONT SETBACK: 10 ft for first three stories then additional 10 feet

SIDE SETBACK: none

STREETSIDE SETBACK: 10 ft for first three stories then additional 10 feet

**REAR SETBACK:** none.

**PARKING:** 1,130 req/1,963 provided

ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE	
NORTH:	Industrial Light; IL-3-1	Industrial and Business Parks	
SOUTH:	Commercial Community; CC-1-3. (CA zone per Master Plan).	Mixed Use Commercial Residential	
EAST:	Commercial Community; CC-1-3. (CA zone per Master Plan).	Mixed Use Commercial Residential	

# ATTACHMENT 5

WEST:	Commercial Community; CC-1-3. (CA zone per Master Plan).	Mixed Use Commercial Residential
DEVIATIONS OR VARIANCES REQUESTED:	None.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On August 16, 2006, the Kearny Mesa Planning Group voted 11- 0-0 to recommend approval of this project with additional recommendations that have been incorporated into the permit.	



SATIN WORK Project Address: Kearny Mesa Community, CA. Lightwave Ave. and Spectrum Center Bivd. Purpose: I. Planned Development Permit. This project is a pair of the New Century Center Master Plan. There is no proposed development regulation deviations. **Co-Developer:** Sunroad Enterprises SUNROAD Project Name: SUNRGAD CENTRUM APARTMENTS PHASES 3-S 4445 Eastgate Mall, Ste. 400 2. Vesting Tentative Map Application. San Diego, CA 92121 Existing Use: Phase 3-Vacant, Phase 4 and 5- Temporary AC Surface Parking Lot. Proposed Use: Multifemily Residential Units Project Description Contact: Dan Feldman Currently there is no existing structure on the stor: Lot 8 (Phase 3) is vecant and Lot 6 and 7 (Phase 4 and 5) are currently used as temporary AC surface parking lats. p. 858.362.8500 f. 858.362.8448 Legal Description: A portion of Parcel 6 and all of Parcel 7 of Parcel Mag No. 18972 in the The proposed project consists of three separate residential buildings (Building Phase 3, Building Phase 4, and Building Phase 3) on 7.63 acres of the previous General Dynamic site, located between Spectrum Center Boulevard, and Lightwave Avenue in Kearny Mesa, California: City of San Diego, County of San Diego, State of California, ner map interest recorded in the office of the County Recorder of San Diego County May 24, 2002 as File No. 2002-0444/396 **Co-Developer:** Parcel 1, of Parcel Map No. 19193 in the City of San Diego, County of San Diego, State of California, per map thereof recorded in the office the County Recorder of San Diego County March 28, 2003 as File No. 2003-0354510. Building Phase 3 : 127 Units Avg. 940 SP Building Phase 4 : 1305 Units Avg. 871 SF Building Phase 5 : 245 Units Avg. 910 SF 677 Units WERMERS Wermers Properties 5120 Shoreham Place #150 San Diego, CA 92122 A portion of Parcel 4 of Parcel Map No. 20847 In the City of San Diego, County of San Diego, State of California, per map thereof recorded in the utilice of the County Recorder of San Diego County December 17, 2010 as file No. 2010-0509822. Bunding Phase 3 will be Type V constructions four floors of residential units over two levels of Type I parking gurage. Proposed maximum height is 54 feet. Contact: Thomas Wern 858.623.4969 Let 2 of Sunroad Centrum ResidentIal, in the City of San Dirego, Chunty of San Dirego, State of California, according to Nati thereof No. 15737, field in the office of the Gourdy Recorder of San Dirego County Decem-ber 34, 2008 as File No. 2008-0653781. Building Phase 4 and 5 will be Type III construction: five floors of residential units over four levels of Type I parking garage. Proposed maximum height for both Phase 4 and 5 are 83 fest. 858,535,7109 There is a recreation center in the Plaze 3 building. The leasing center a shared with Plaze 2 building (existing per PTS 119506)-(not part of this There is a recreation center in the Phase 3 building. The leasing center is binared with Phase 2 building (existing ger PTS 119566)-(not part of this POP process) There are recreation centers and leasing centers in both the Phase 4 and 5 buildings. There are also corner retail spaces in both phase 4 and 5 buildings. Assessor Parcel Number: ARN: 369-220-56(portion), 57, 73, 87 & 93 (portion) Architect & Planner: Zuning: RM-2-5 Type of Construction Thomas P. Cox Architects, Inc. 
 Building Phase 1 Recreation Center/ Labley
 + /- 3100 SF

 Building Phase 4 Leasing/Labby
 + /- 4,000 SF

 Building Phase 4 Recreation Center
 + /- 4,000 SF

 Building Phase 5 Recreation Center
 + /- 2,700 SF

 Building Phase 5 Recreation Center
 + /- 2,700 SF

 Building Phase 5 Recreation Center
 + /- 3,500 SF

 Building Phase 5 Recreation Center
 + /- 3,500 SF

 Building Phase 5 Recreation Center
 + /- 3,500 SF

 Building Phase 5 Recreation Center
 + /- 3,500 SF
 19782 MacArthur Boulevard, Ste. 300 Irvine, CA 92612 Phase 3) TYPE V (Residential) TYPE I (Parking Garage) +/- 3100 SF +/- 4,800 SF +/- 4,600 SF +/- 2,700 SF +/- 3,900 SF +/- 3,500 SF +/- 2,400 SF Contact: Eric Olsen Phase 4 and 5: TYPE III (Residential) TYPE I (Parking Galage) 949.862.0270 949.862.0289 Occupancy Classification Residential Units Within the project's boundary, we are also providing the continuation of the jogging path that loops around the centrum site. - R1 - S3 - B - A3 - M Residential Unit Garage Leasing Office Recreation Retail The elaboration of the Landscape plan proposal is Sheet  ${\rm UG}(1)$ Phase 3 trash and recycling area for the project are located at the first level sub-terraneon garage level. Landscape Architect: Here 3 been and recycling area for the project an increase of the INX. (evel sub-terranded oparage hevel. Phase 4 and 5 treash and recycling area for the project are located at the first level garage which is on struct level. Gross Site Area: 7.51 AC Schmidt Design Group, Inc. SCHWIDT DESIGN GAQUE, INC. 
 Phase 3-Lot 8
 : 1.92 AC

 Gross Floar Area
 : 151,717 SP (per 5D Nunicipal Code 113.0234)

 FAR
 : 1.31
 2655 Fouth Avenue 000 San Diego, CA 92103 Contact: Glen Schmidt **OPEN SPACE REQUIREMENTS** 600 Gross Flace Area (continuetion) Units : 146,074 SF Comman Areas : 20,7105F (include contact, ventual contactor, kabby and rec center) (the SD Mulcipal Cast table 143-548) 2004; 349-55, Usable per fly: 1955/100 +\* Min SB, Cusable per fly: 1955/100 +\* \*\*/ASB Cpan Societ Mulcipal Rectance is unseted. p. 619.236.1462 f. 619.236.8792 666 Garage : 105,404 5F TOTAL : 251,768 SF 
 Phase 4-Lot 6
 13.05 AC

 Gross Floer Area
 1278,716 SF (per SD Municipal Code 113.0234)

 FAR
 12.10
 PHASE 3 Total Min Open Space Required: 127 units x 190 SP = 24,130 SF **Civil Engineer:** Private decks : 12,247 SP Podium Courtyard : 11,003 SP Jogging Trail/Linear park : 15,833 SP Total Provided Open Space : 39,083 SP Gross Floor Ares (construction) Units : 265,956 SF Contimon Areas : 54,496 SF (minutes contisor, vertical ecculation, lobby and rec conter) Stevens Cresto Engineering, Inc. 9665 Chesapeake Drive, Ste. 320 San Diego, CA 92123 PHASE 4 Total Min Open Space Required; 305 units x 190 SF = 57,950 SF 1 374,675 SF TOTAL 726,137 SF Gerage Set and a first state of the set Contact: Joe Cresto Private decks 10,500 SP Podium Courtyard 24,606 SP Jogging Trail/Linear park 4,244 SP Street Level Plaza 7,579 SP Total Provided Open Space 66,920 SP p. 858.694.5660 858.535.7109 Phase 5-Lot 7 : 2.64 AC Gross Floor Area FAR 2.00,767 SF (per SD Municipal Cade 113.0234) 2.00 Gross Floor Area (construction PHASE 5 kinits. Constant Total Min Open Space Required: 243 units x 199 SF = 46,559 SF Cummon Areas (includes certific, et Private decks Podium Courtyard Jogging Trail/Unicar park <u>Street Level Plaza</u> Total Provided Open Space : 24,500 SP : 22,470 SP : 6,953 SF : 0,103 SF Garage : 302,692 SF TOTAL : 595,182 SF 9,193 SF

WERMERS ADDITION

SUNROAD

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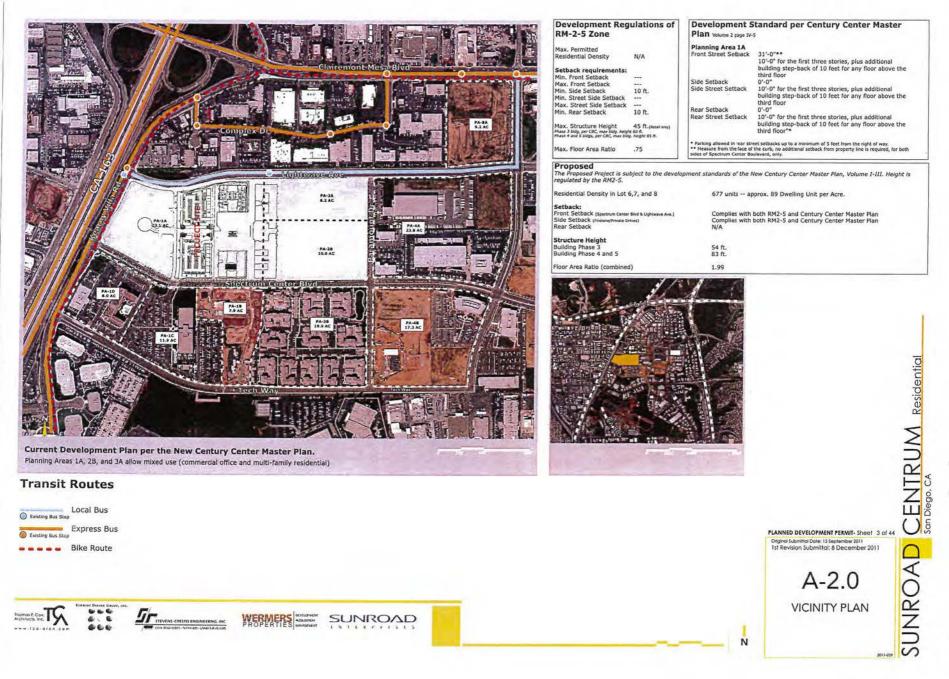
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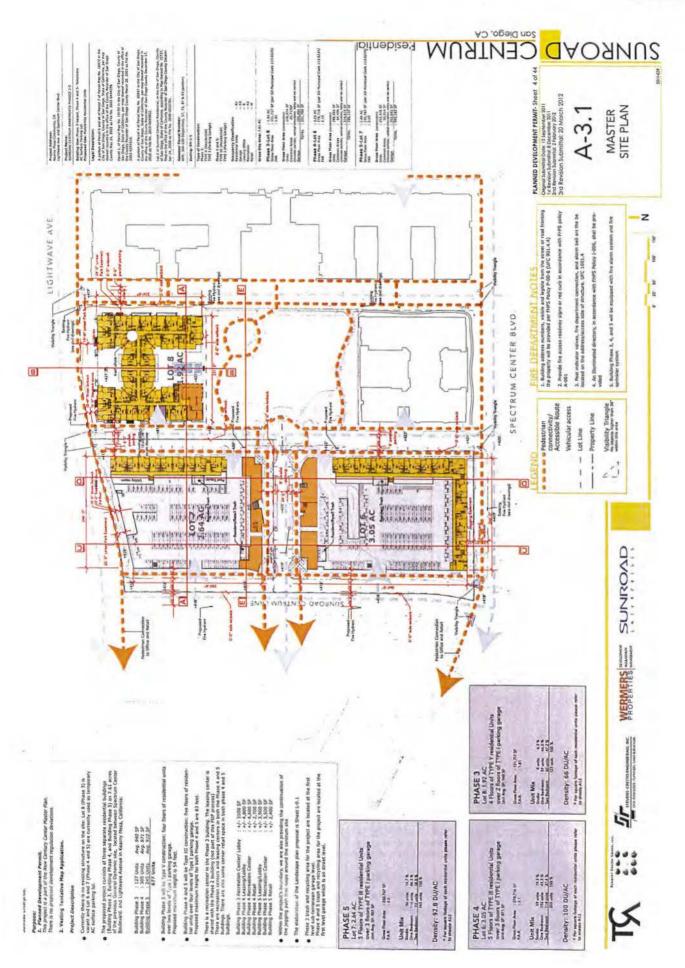
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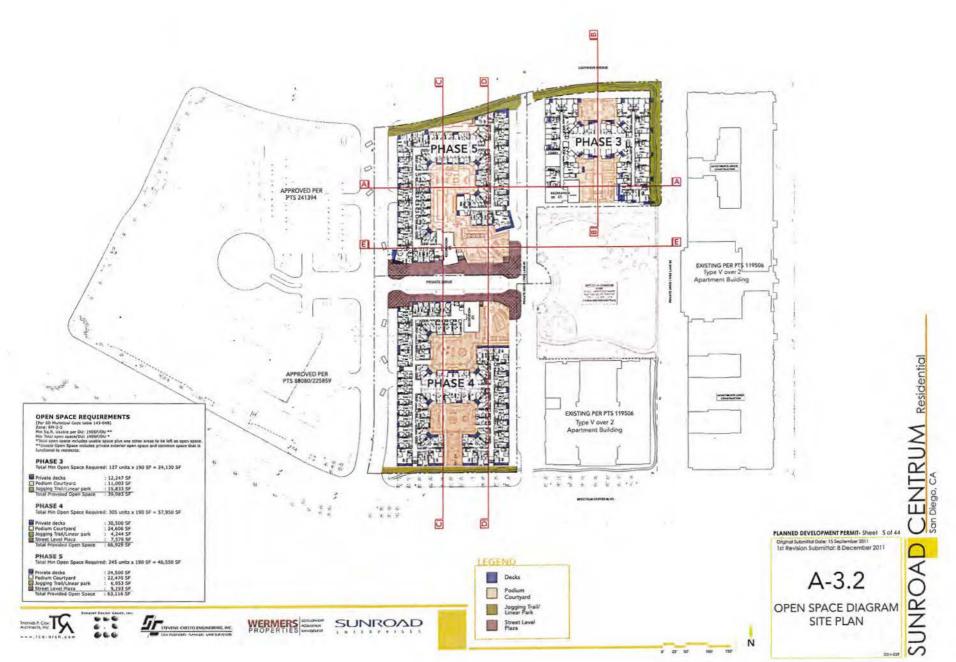
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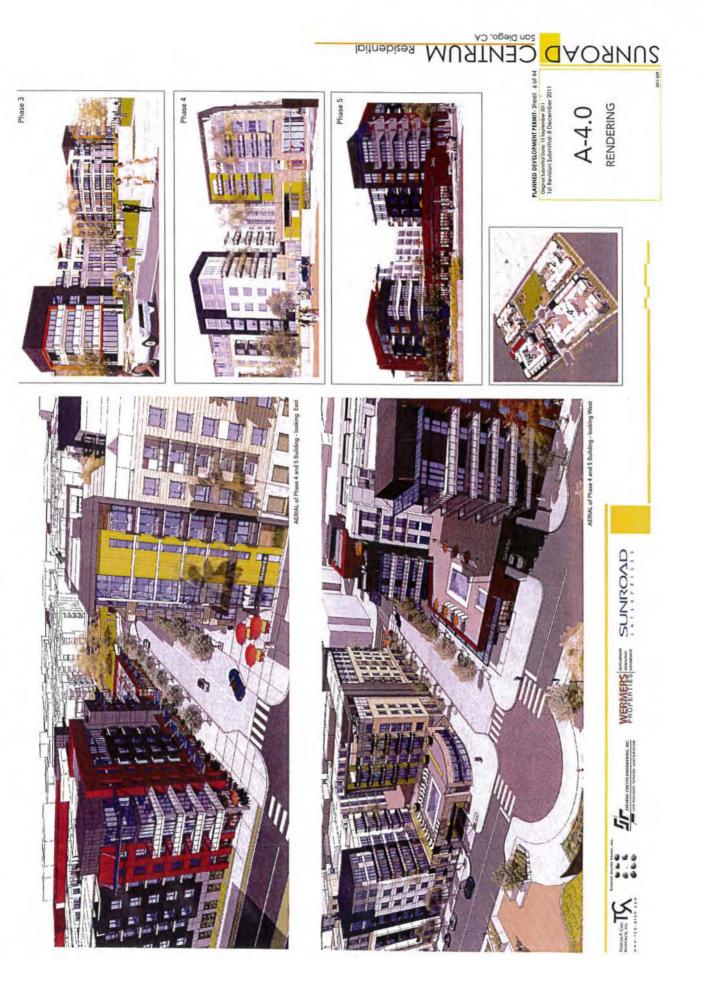
l	A-0	Coversheet		
	A-1.0	Development Summary & Project Team		
	A-2.0	Vicinity plan		
	A-3.1	Master site plan		
	A-3.2	Open Space Exhibit		
	A-4.0	Rendering		
	A-5.1	Phase 3- Elevations		
	A-6.1	Phase 4- Elevations		
	A-6.2	Phase 4- Elevations		
ŀ	A-7.1	Phase 5- Elevations		
è	A-7.2	Phase 5- Elevations		
ŝ,	A-8.1	Phase 3- Building Plans		
į.	A-8.2	Phase 4- Building Plans		
ŀ	A-8.3	Phase 5- Building Plans		
É	A-9.0	Garage Plans		
	A-10.1	Site Section		
í.	A-10.2	Site Section		
	A-10,3	Site Section		
ł	A-11.0	Roof Plan		
	A-12-1	Unit Plans (Studio and 1 Bedroom)		
	A-12.2	Unit Plans (Two Bedroom)		
	A-12.3	Unit Plans (Two Bedroom)		
	A-12-4	Unit Plans (Two Bedroom)		
6	A-12.5	Unit Plans (Two Bedroom)	1	
	L-0.1	Landscape Site Plan For Phase 3,4, And 5		
	L-1.0	Landscape Concept Legend And Notes		
	L-1.1	Landscape Concept Plan For Phase 5	8	
	L-1.2	Landscape Concept Plan For Phase 5	7	
	L-1.3	Landscape Concept Plan For Street Plaza	ţ	
	L-1.4	Landscape Concept Plan For Phase 4	denti	
	L-1.5	Landscape Concept Plan For Phase 4	Ö	
	L-1.6	Landscape Concept Plan For Phase 3	S	
	L-1.7	Landscape Concept Plan For Phase 3	Se	
	L-2.1	Landscape Calculation Plan For Phase 5		
	L-2.2	Landscape Calculation Plan For Phase 4	5	
	L-2.3	Landscape Calculation Plan For Phase 3	2	
	L-3.1	Hydrozone Diagram & Water Use Calculations For Phase 5	-	
	L-3.2	Hydrozone Diagram & Water Use Calculations For Phase 4	-	
	L-3.3	Hydrozone Diagram & Water Use Calculations For Phase 3		4
	L-4.1	Landscape Site Sections / Renderings	H	5
	L-4.2	Landscape Site Sections / Renderings	7	ö
	C-1.0	VTM/PDP Notes & Details	4	Ő
	C-2.0	VTM/PDP Existing Conditions	LL i	ă
	C-3.0	VTM/PDP Concept Grading and Utility Plan	()	San
		PLANNED DEVELOPMENT PERMIT- Sheet 2 of 44 Drights Submitted Date: 15 September 2011 1st Revision Submittal: 8 December 2011	0	20
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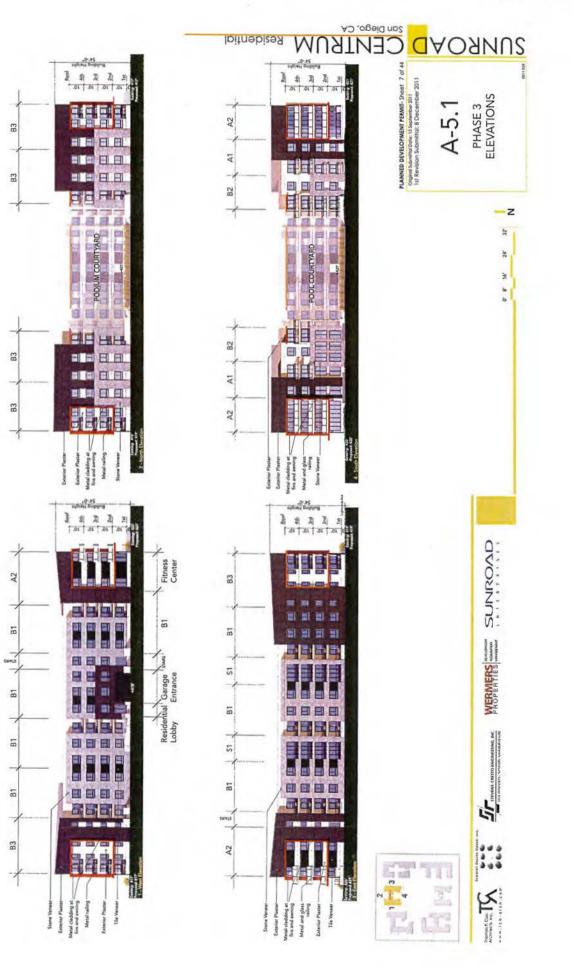
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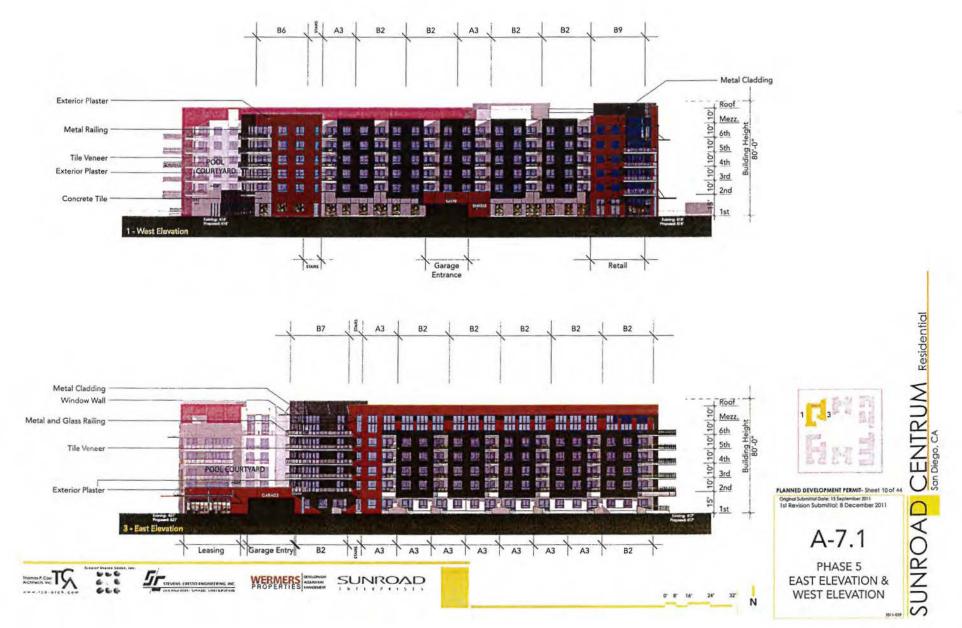


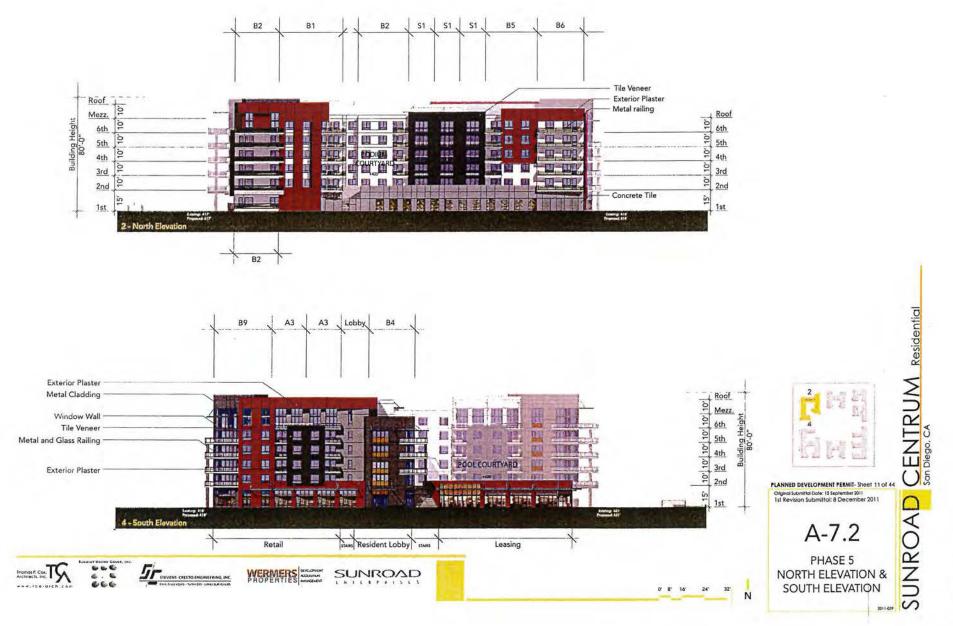


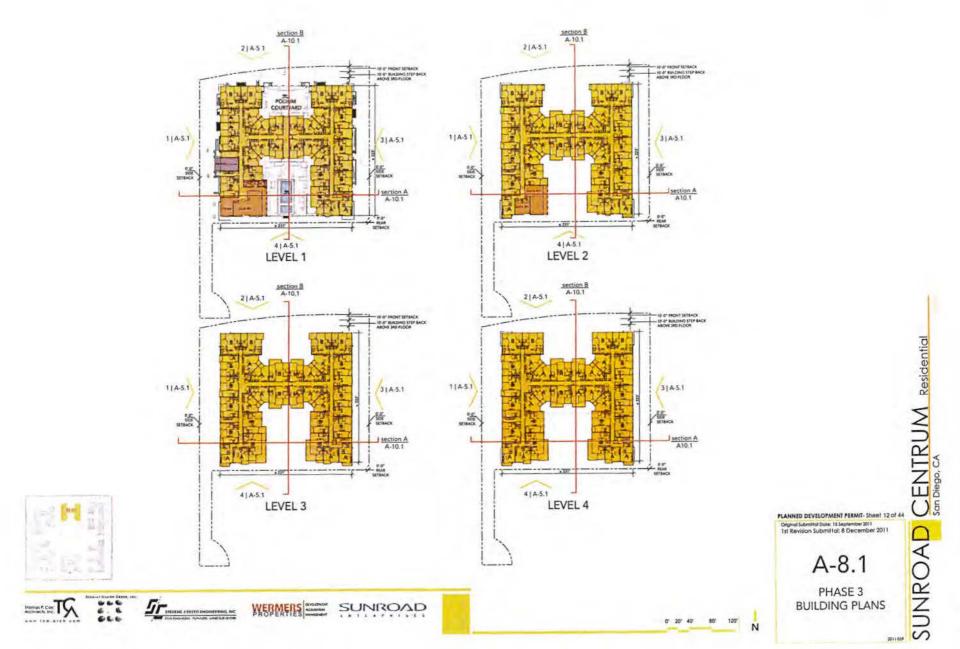


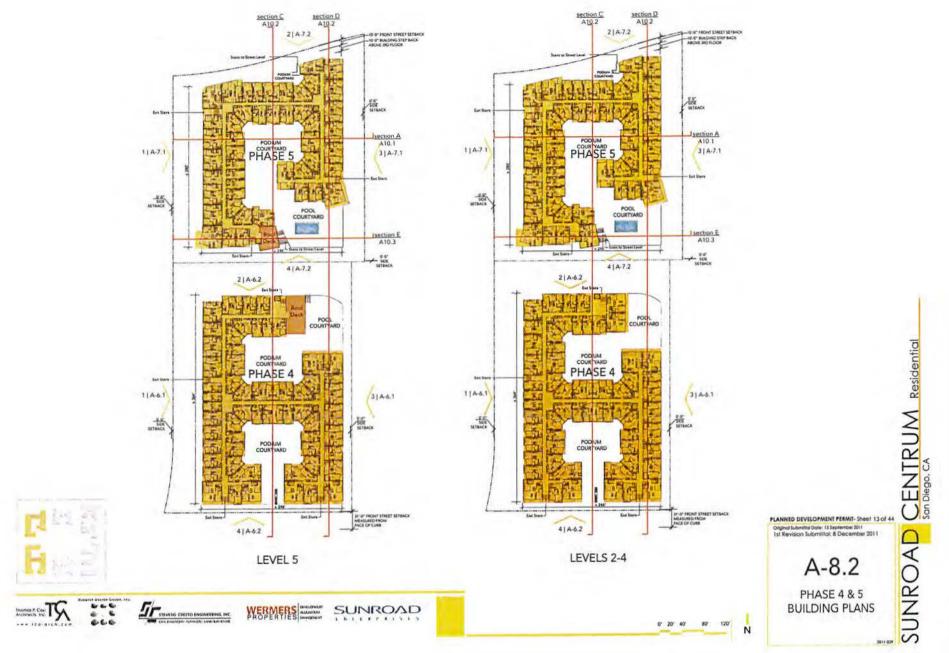
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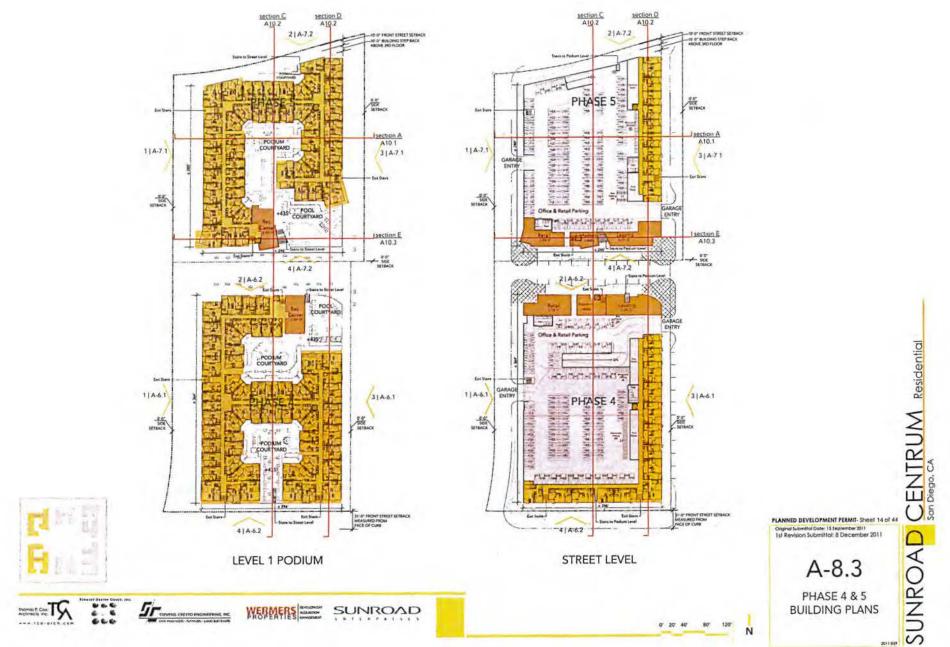


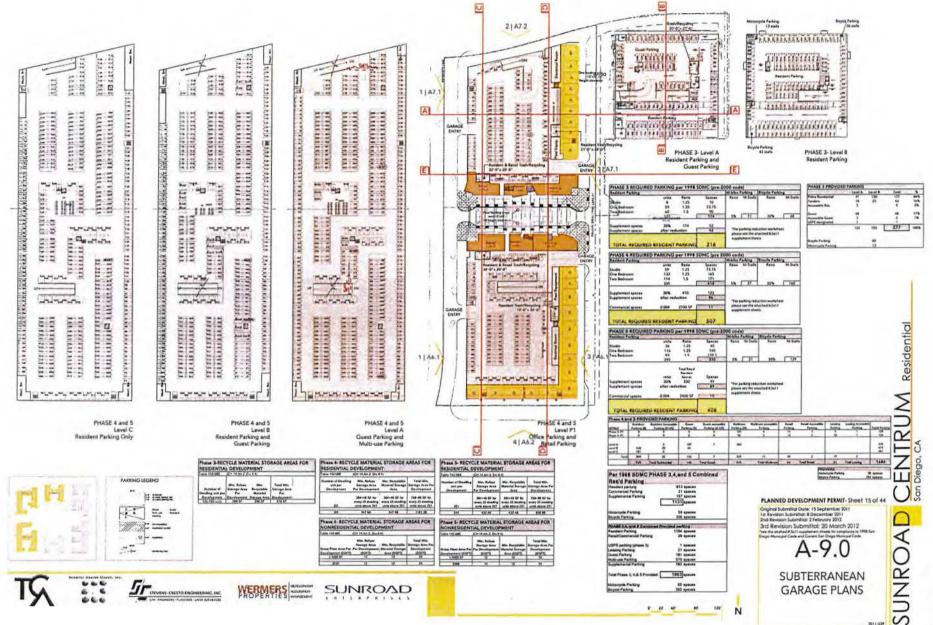




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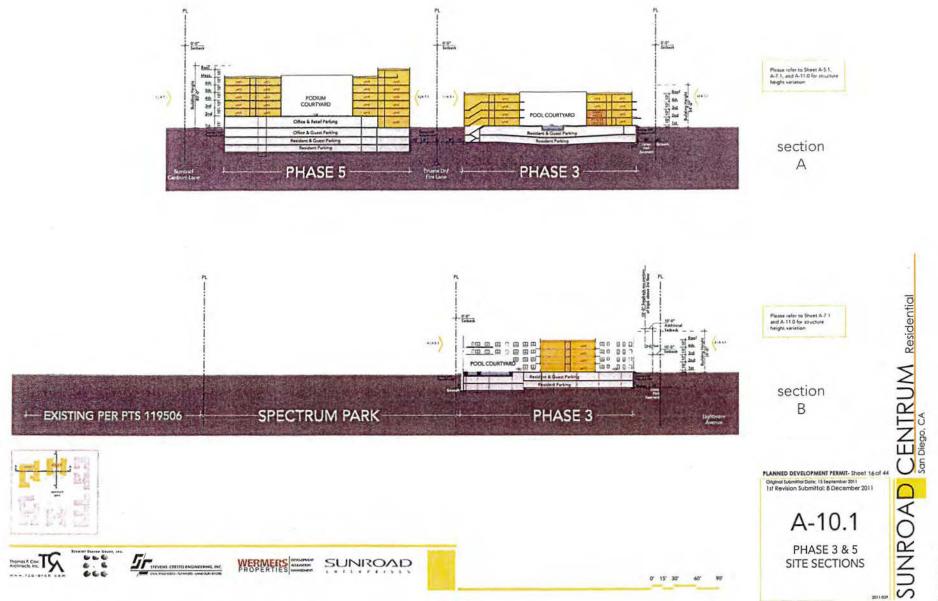




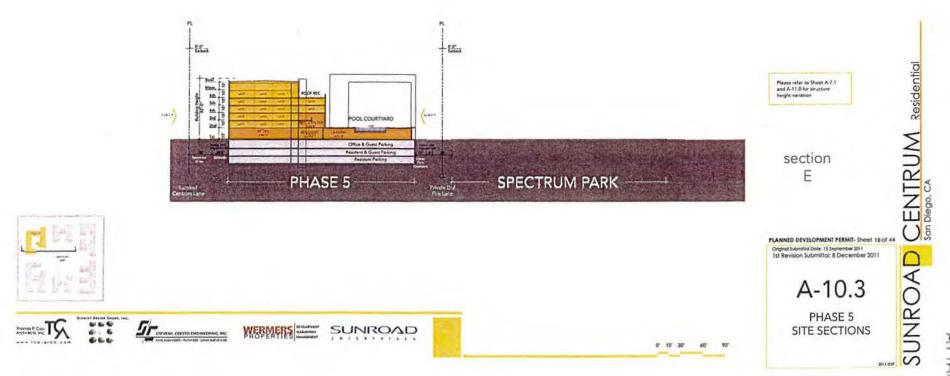
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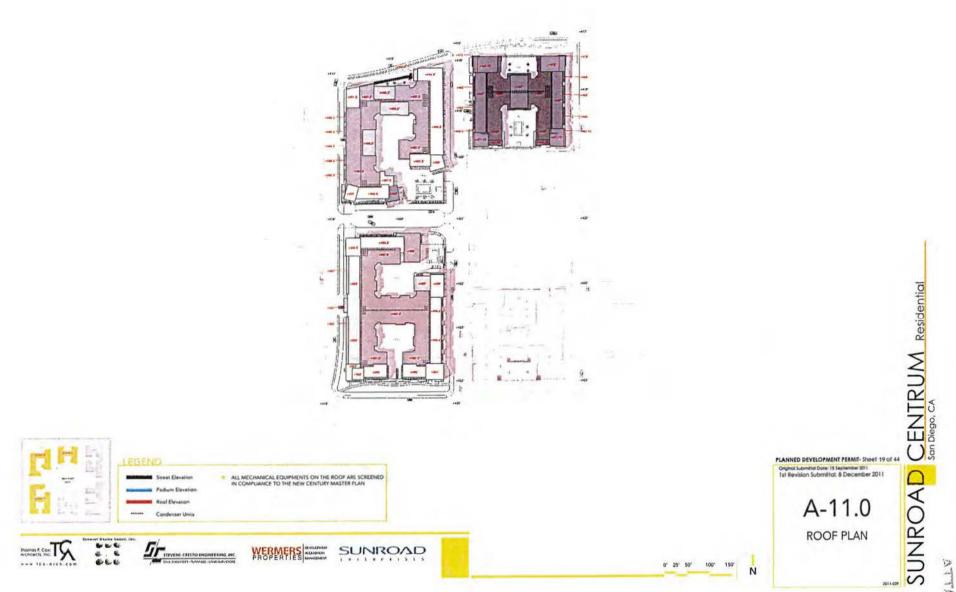
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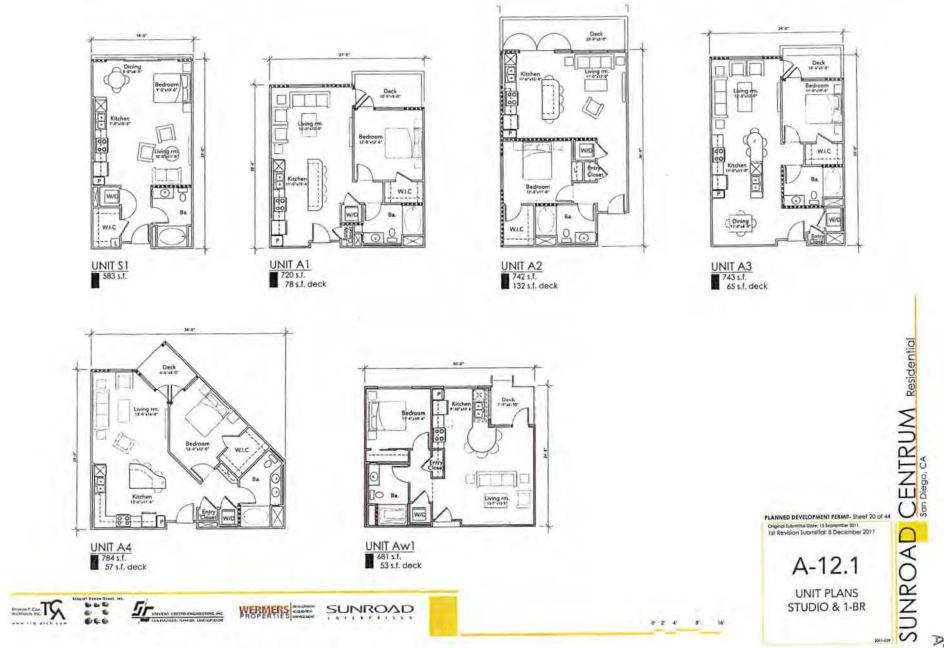




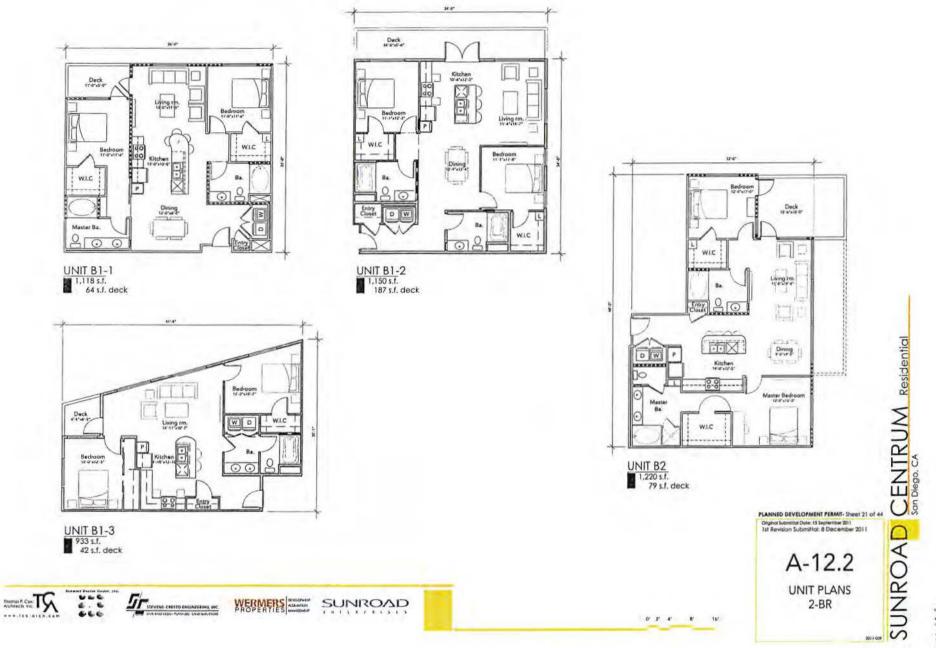
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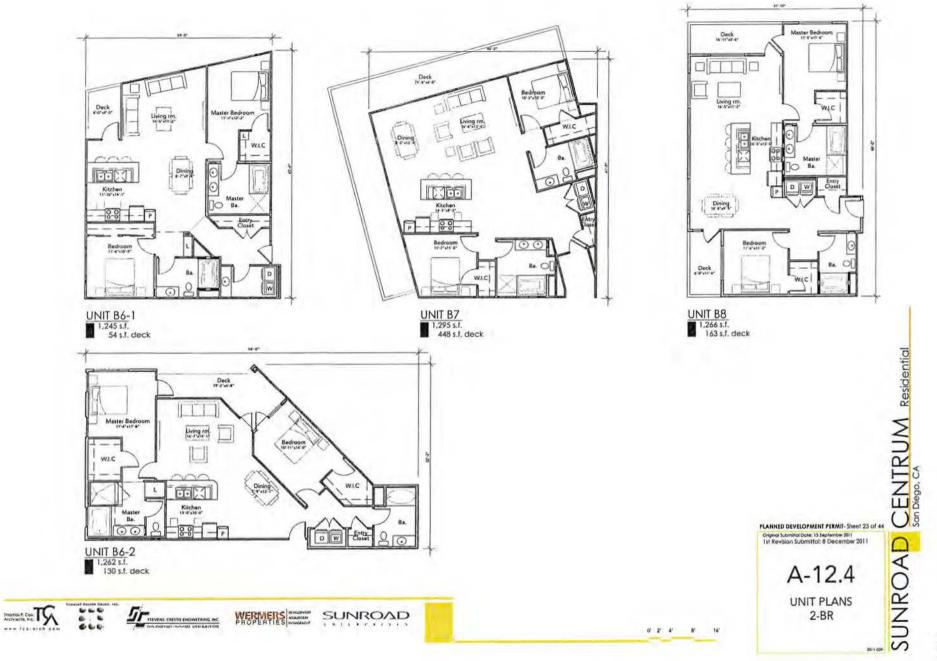


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ATTACHMENT 6 -



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ATTACHMENT 6 -



#### LANDSCAPE DESIGN CONCEPT

THE SUNROAD CENTRUM APARTMENT HOMES PHASE THREE, FOUR, AND FIVE ARE LOCATED ON THE WESTERN EDGE OF THE SUNROAD CENTRUM MIXED USE MASTER PLANNED DEVELOPMENT THE INSTEAM BUILT OF THE SUMMOUS CONTINUE WATER OF SUMMED OF THE OWNER OF THE SUMMOUS CONTINUE AND SUMMED OF THE OWNER OF THE SUMMOUS CONTEXT AND STREETSCAPE CHARACTER WHILE PROVIDING UNDUE EXPERIENCES FOR POORMIDECK COURTYARDS

Individual candida ser distinguisti de l'individual de la construcción notas una individual construction de la construcción de la construcción de la constru-avant registra faucanda ven in usangecuera constructivada su una construcción de la constru-nerando de la constru-ano a precinava centrar al construcción de la constru-vanda de la constru-ano a precinava centrar al construcción de la constru-tación de la constru-ano a precinava centrar al construcción de la constru-tar analismo construcción de la construcción de la construcción de la constru-tación de la constru-ano a construcción de la construcción de la constru-tación de la construcción su con construcción de la construcción de la constru-tación de la construcción de la construcción de la construcción de la construcción de la constru-tación de la construcción de la constr

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THE PLANTING DESIGN CONCEPT INTENT IS FOR EACH PHASE THREE, FOUR, AND FIVE TO HAVE SWILAR PLANT PALETTE AT THE STREET LEVEL AND A UNIQUE DIFFERENCE AT THE PODIUM LEVEL UTILIZING A VARIETY OF DROUGHT TOLERANT PLANT MATERIAL IN BOLD MASSING OF PLANT SPECIES WILL PROVIDE INDIVIDUAL CHARATER FOR EACH PHASE EACH PHASE WILL CREATE & UNIQUE CHARACTER AND RELATIONSHIP TO THE BUILDING ARCHITECTURE AND DING NEIGBORHOOD CONTEXT

#### PLANTING NOTES

1 ALL LANDSCAPE AND IRRIGATION SHALL CONFORM WITH THE NEW CENTURY CENTER MAST MUST DESIGN DUICELINES, THE OTY OF SAM DEGO LANDSCAPE STANDARDS, AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS

NON-BIODEGRADABLE ROOT BARRIERS SHALL BE INST INSTALLED VANGET RATERS TO HUNTERS 12 NON-BIODEGRADABLE THE INSTALLED VANGET REES ARE PLACED WITHIN 9 FEET OF PUBLIC MP WINKS. CURIES, CH STREEF PAVEMENTS OF WHERE NEW PLUECC MP ADJACENT TO EXISTING THREE THE ROOT MARRIER WILL NOT WARP 142 DOWN MENTS ARE PLACED

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2. ALL PLANTING AREAS SHALL RECEIVE UNFORM IRRIGATION COVERAGE BY NEANS OF AV ANTOMATICALLY CONTINULLED, ELECTRICALLY ACTIVATED UNDERGROUND PRED IRRIGATION SYSTEM FOR WATER CONSERVATION AND TO MINIMIZE ERDSION. STATE OF THE ART AUTOM

DE DISCO J PRICE TO PLANTING, ALL BPRAY IRREGATION SYSTEMS SHALL BE FULLY FUNCTIONAL ALL PLANTING AREAS SHALL BE INDROLOGY, IT WATERED TO A LANFORM DEPTH OF B INCHES IMMEDIATELY FOLLOWING IN ANTINO.

A REDUCED PRESSURE BACKLOG PREVENTER WILL BE USED TO PROTECT THE SOURCE OF THE ITER FROM POSSIBLE BACKFLOW CONTINUATION

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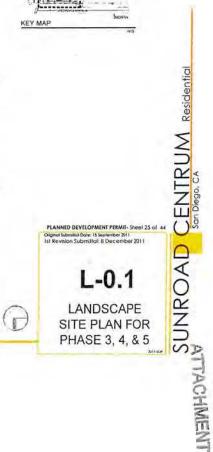
#### MAINTENANCE NOTES

I MANTENANCE OWNER SHALL BE RESPONDELE FOR THE LONG TERM MANTENANCE OF ALL LANDSCAFE AREAS LANDSCAFE AREAS SHALL BE MAINTAINED FREE OF DESIRS AND LITTER NID ALL PLATIT MILTEINE, SHALL BE MAINTAILED IN A FEALTHY GROWING CONTRION DESEASED OF LEAD-DUALT MAILENLA, SHALL BE MAINTAILED IN A FEALTENT OR REPRACED FOR THE CONTRION

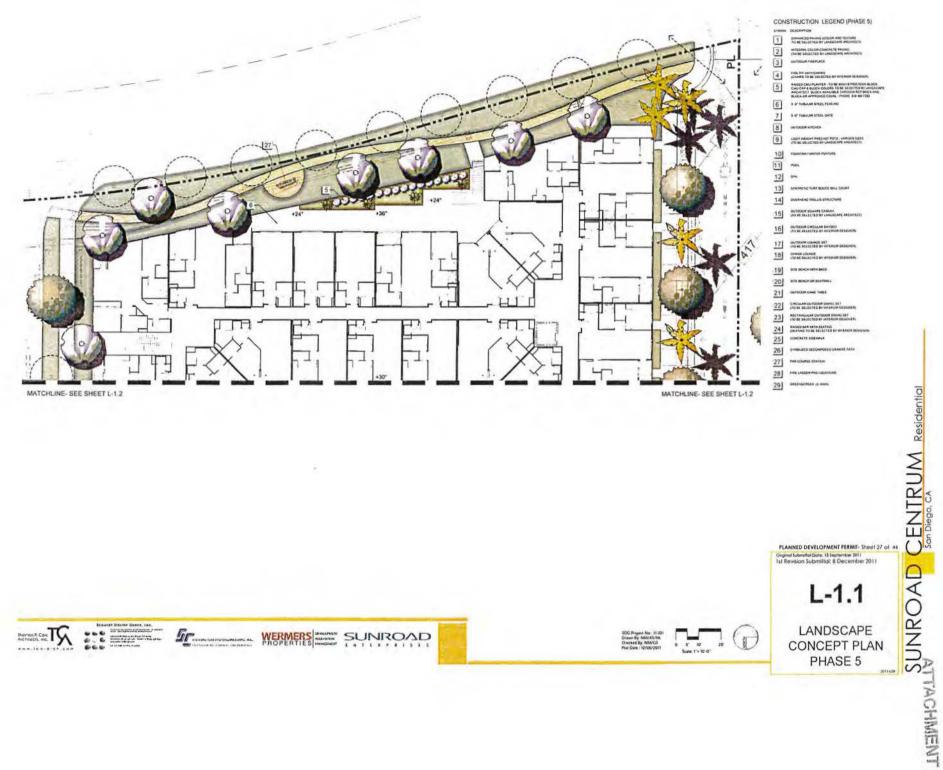
SDG Project No.: 11-301 Drawn By: NM/AS/NL Chucked By: NM/GS Piot Date : 12/06/2011

20. 40. Scale: 1"+ 40"-0" LANDSCAPE SHEET INDEX

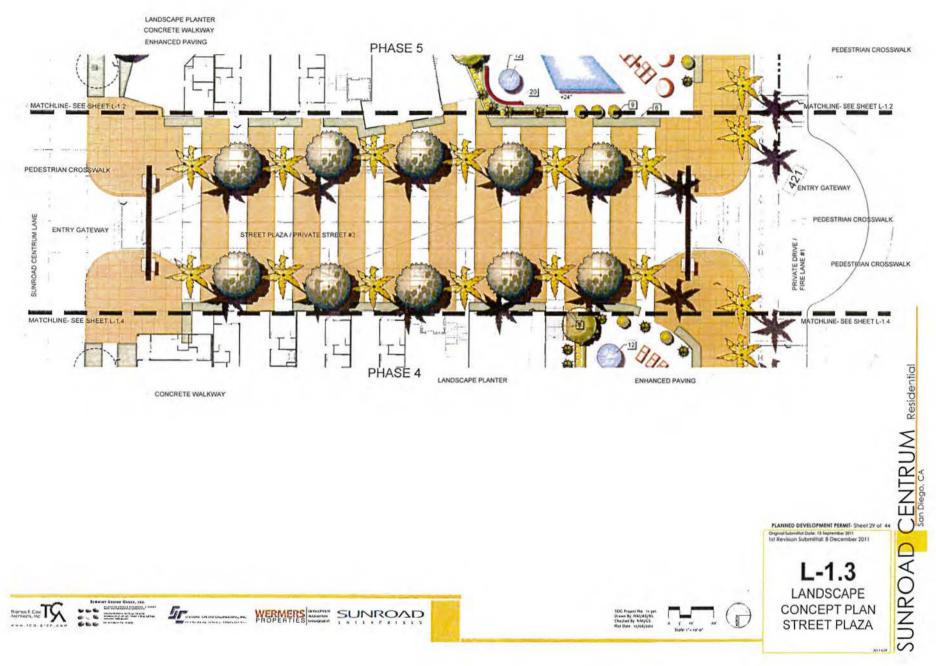
- L-D 1 LANDSCAPE SITE PLAN FOR PHASE 3.4 AND 5 L-10 LANDSCAPE CONCEPT LEGEND AND NOTES
- L-1 1 LANDSCAPE CONCEPT FUAN FOR PHASE 5
- 1.1.2 LANDSCAPE CONCEPT PLAN FOR PHASE 5
- L-1.3 LANDSCAPE CONCEPT PLAN FOR STREET PLAZA
- LILA LANDSCAPE CONCEPT PLAN FOR PHASE & L-1.5 LANDSCAPE CONCEPT PLAN FOR PHASE 4
- LUB LANDSCAPE CONCEPT PLAN FOR PHASE 3
- L15 LANDSCAPE CONCEPT PLAN FOR PHASE 3
- 1-21 LANDSCAPE CALCULATION PLAN FOR PHASES
- L-2.2 LANDSCAPE CALCULATION PLAN FOR PHASE 4 L-23 LANDSCAPE CALCULATION PLAN FOR PHASE 3
- 1-31 HYDROZONE DIAGRAM & WATER USE CALCULATIONS FOR PHASE 5
- L-3.2 HYDROZONE DIAGRAM & WATER USE CALCULATIONS FOR PHASE 5
- L-3.3 HYDROZONE DIAGRAM & WATER USE CALCULATIONS FOR PHASE 5
- L41 LANOSCAPE SITE SECTIONS / RENDERINGS L42 LANOSCAPE SITE SECTIONS / RENDERINGS
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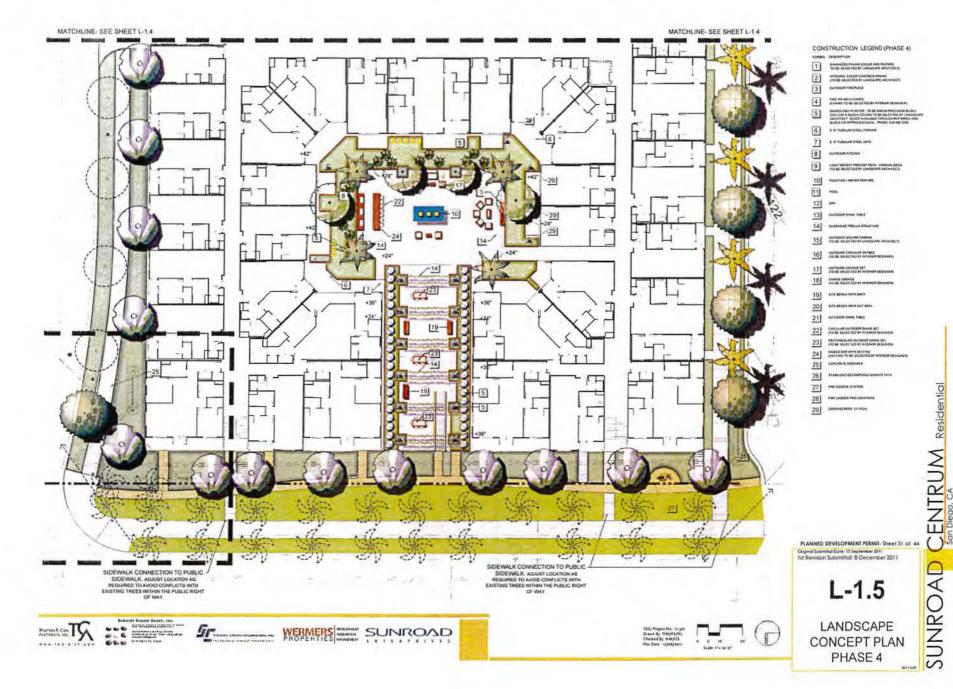


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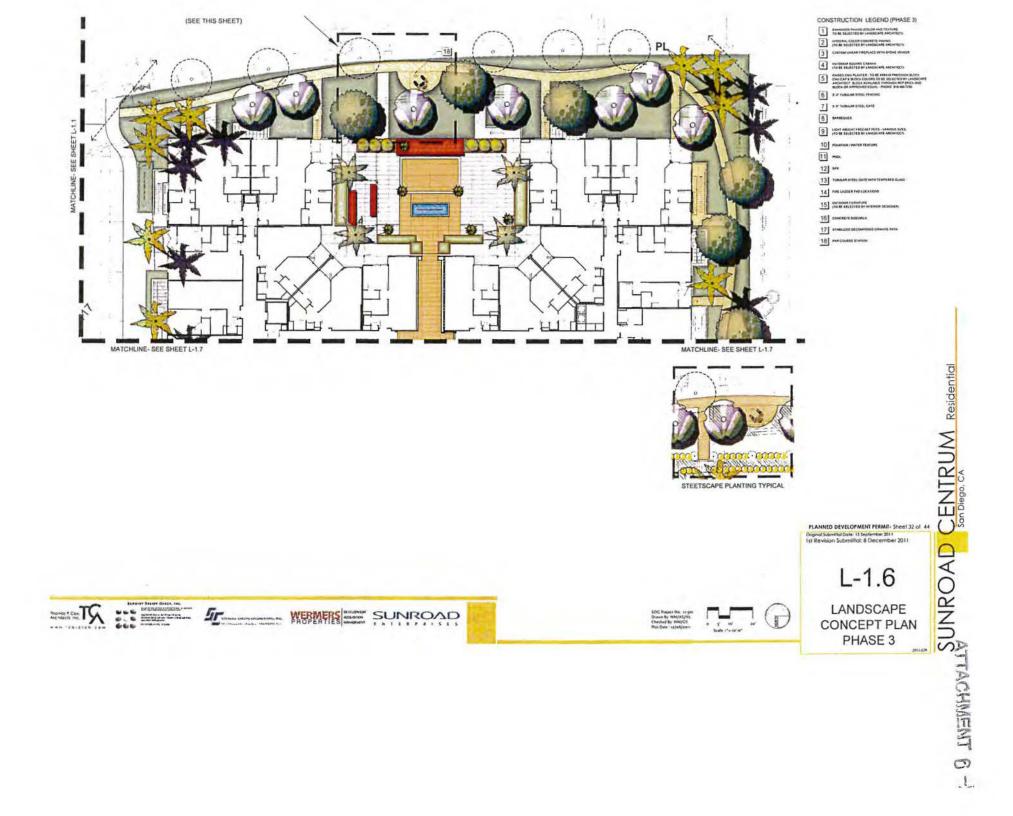


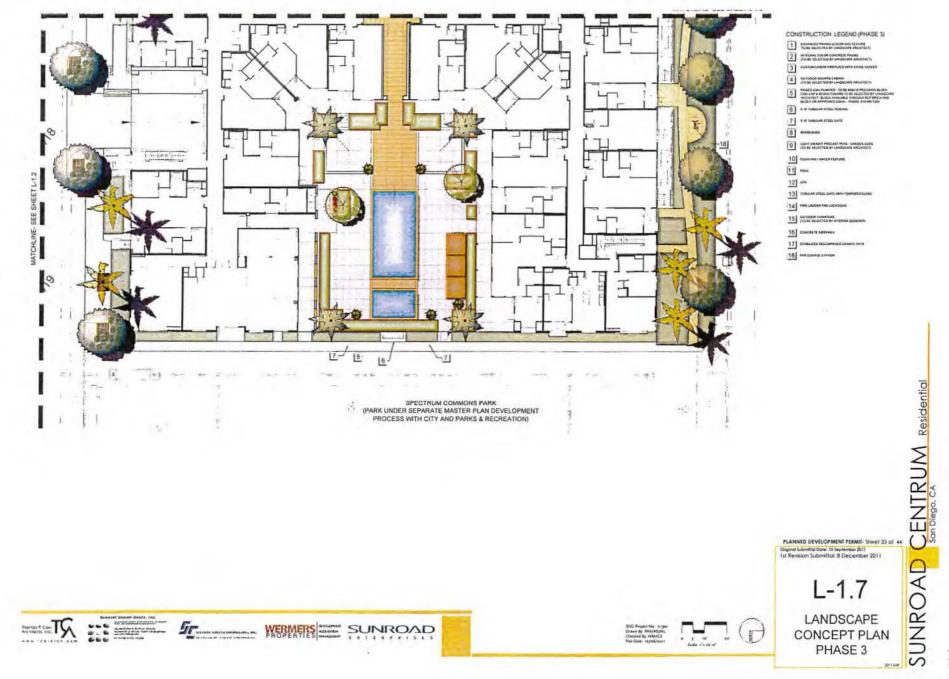
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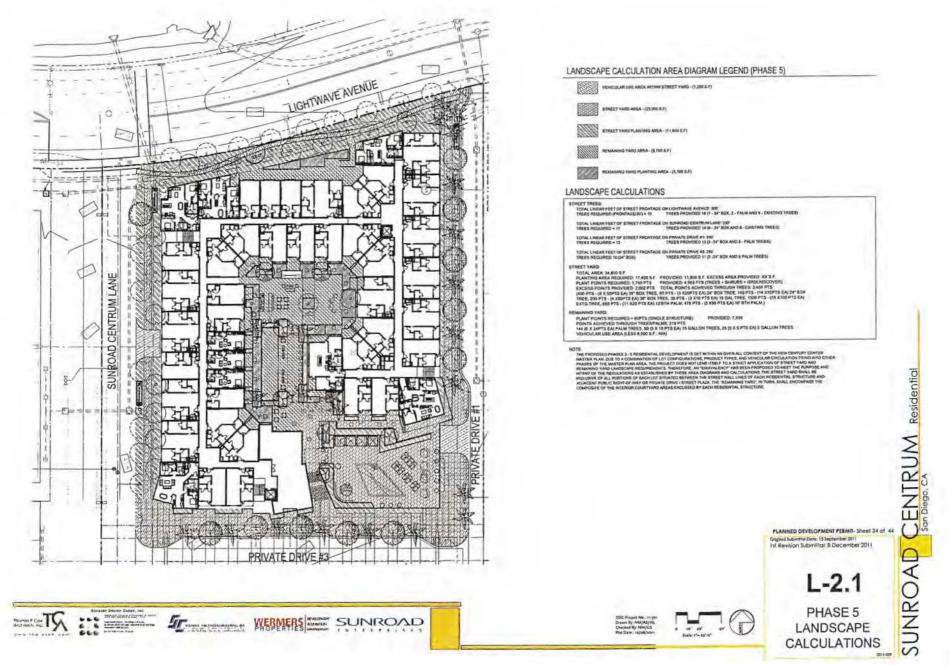
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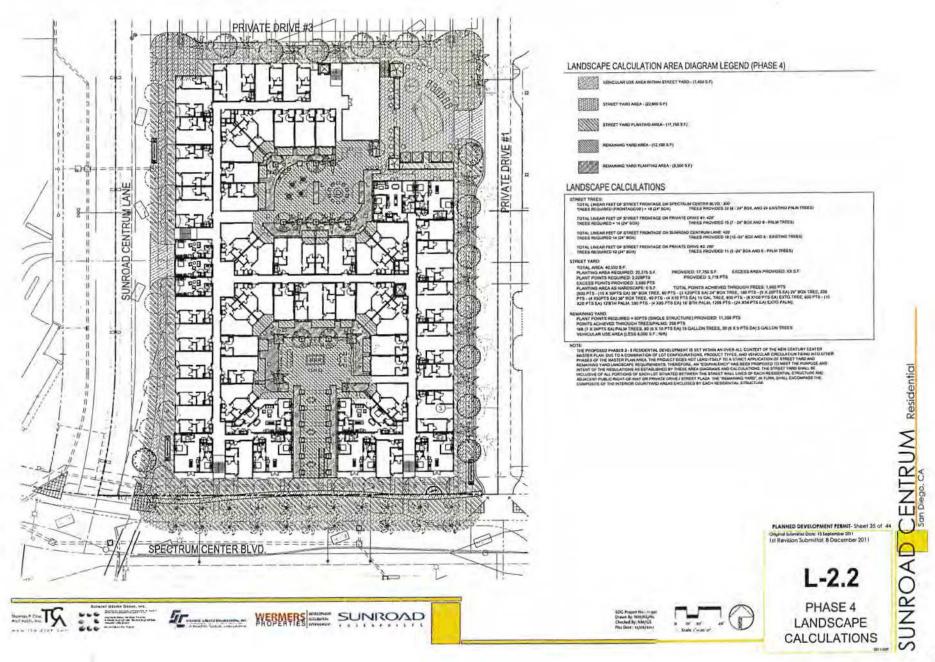


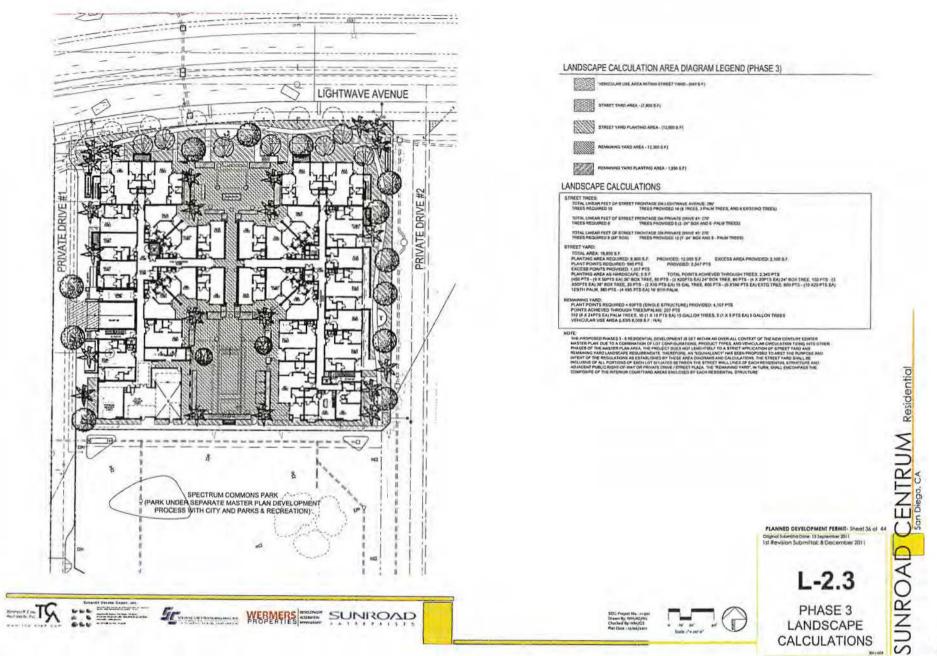




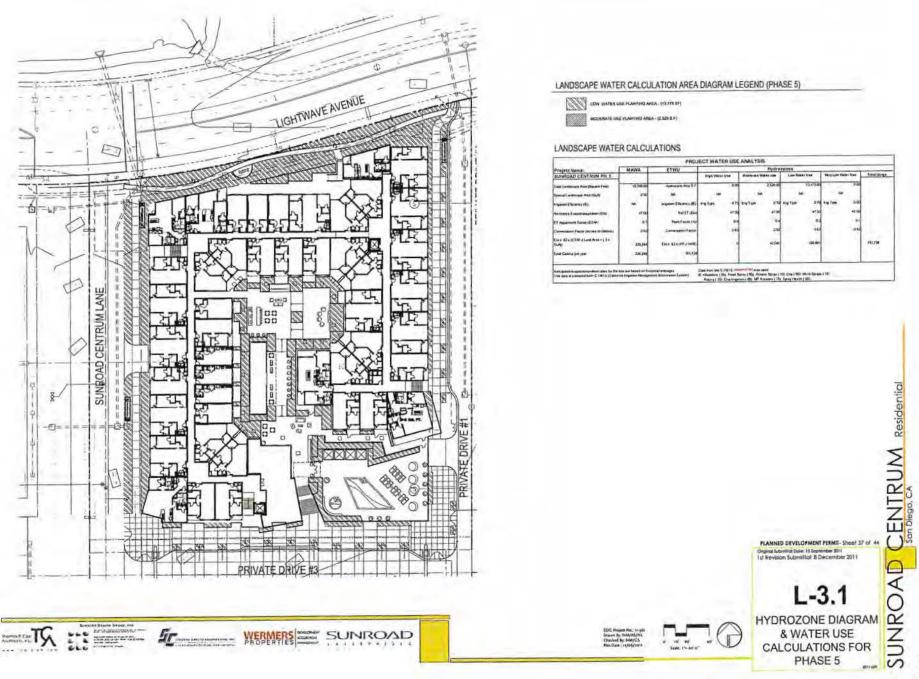


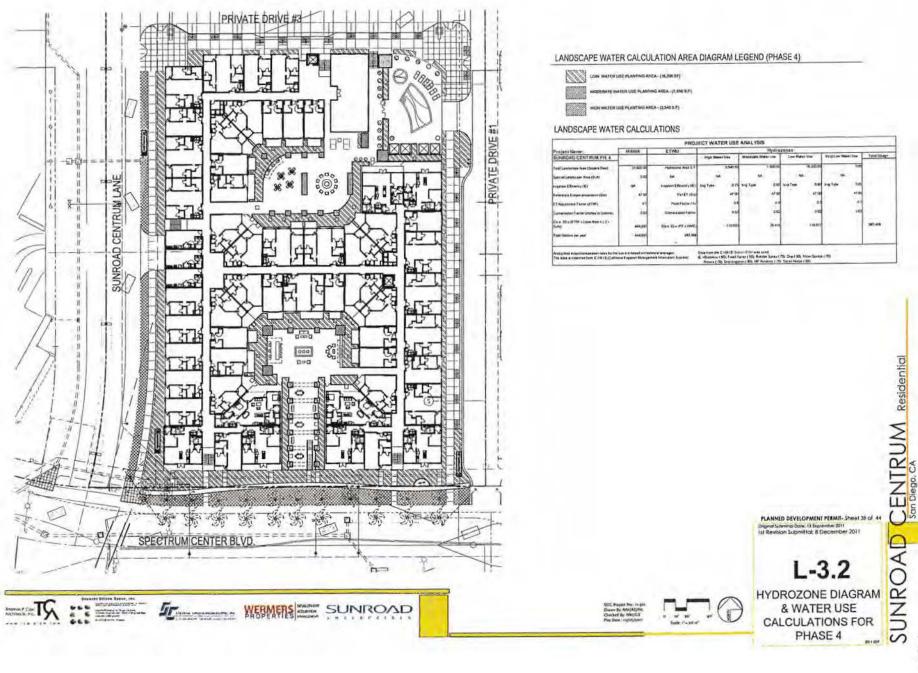
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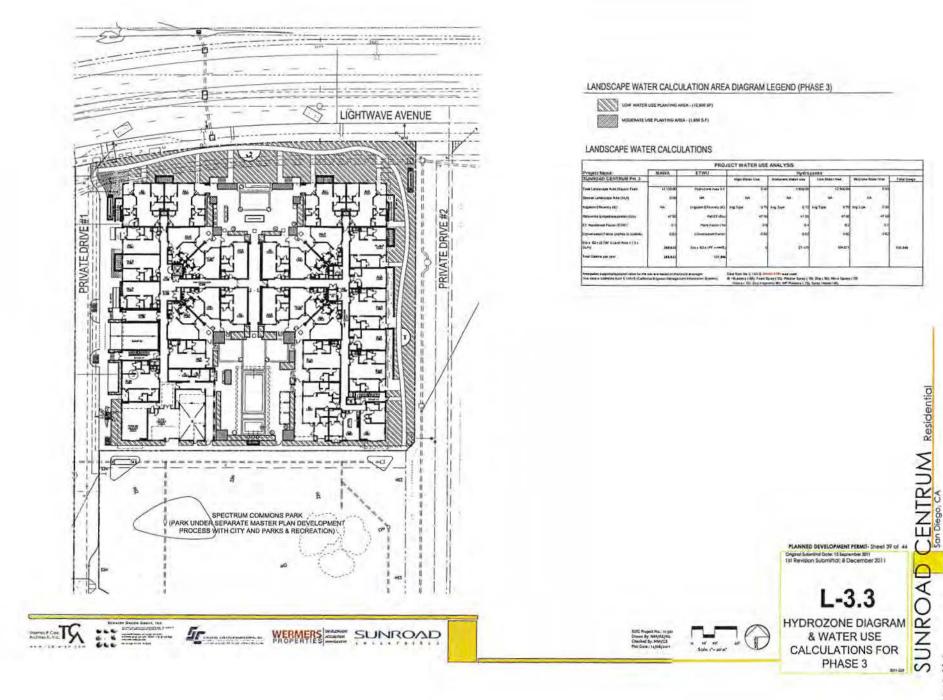


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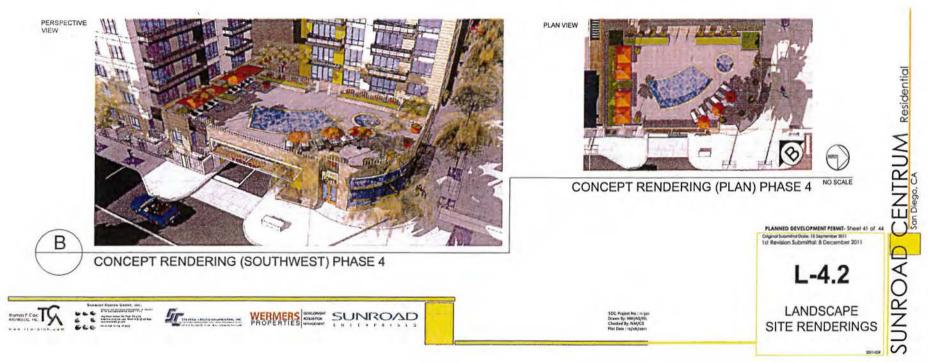
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CONCEPT RENDERING (SOUTHEAST) PHASE 5



PLAN VIEW

CONCEPT RENDERING (PLAN) PHASE 5

NO SCALE

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PCL 1 PM 20922

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KEY MAP / PROPOSED LOT LINES

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PHASE 5 LOT 8 RESOLUTION

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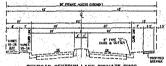
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AVENUE

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#### EXISTING IMPROVEMENTS

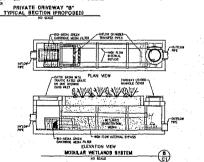
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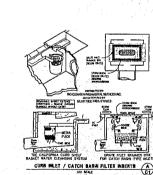


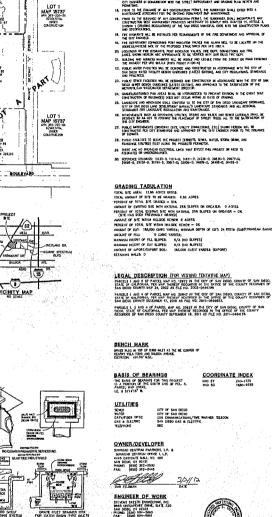
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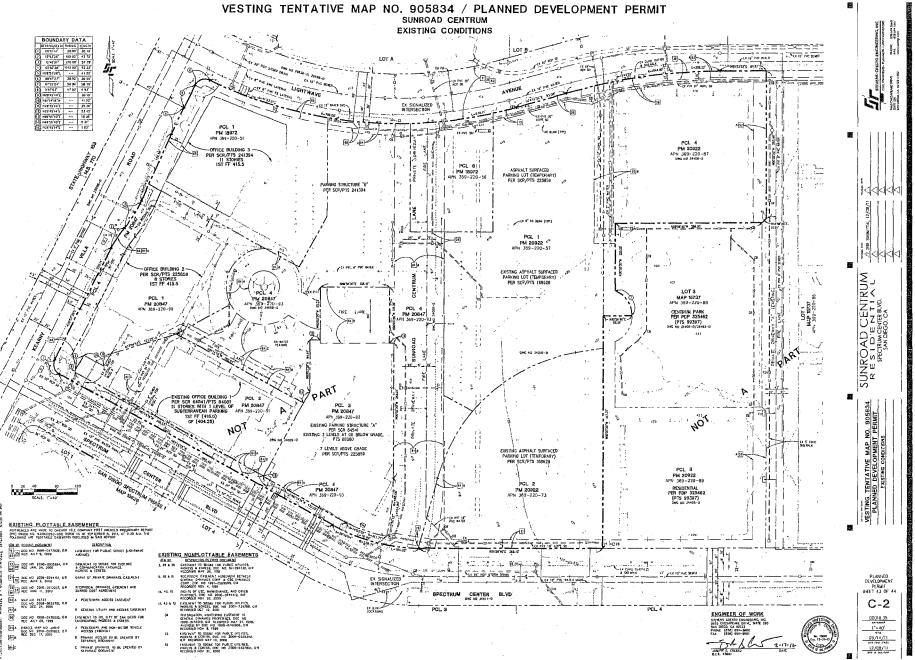
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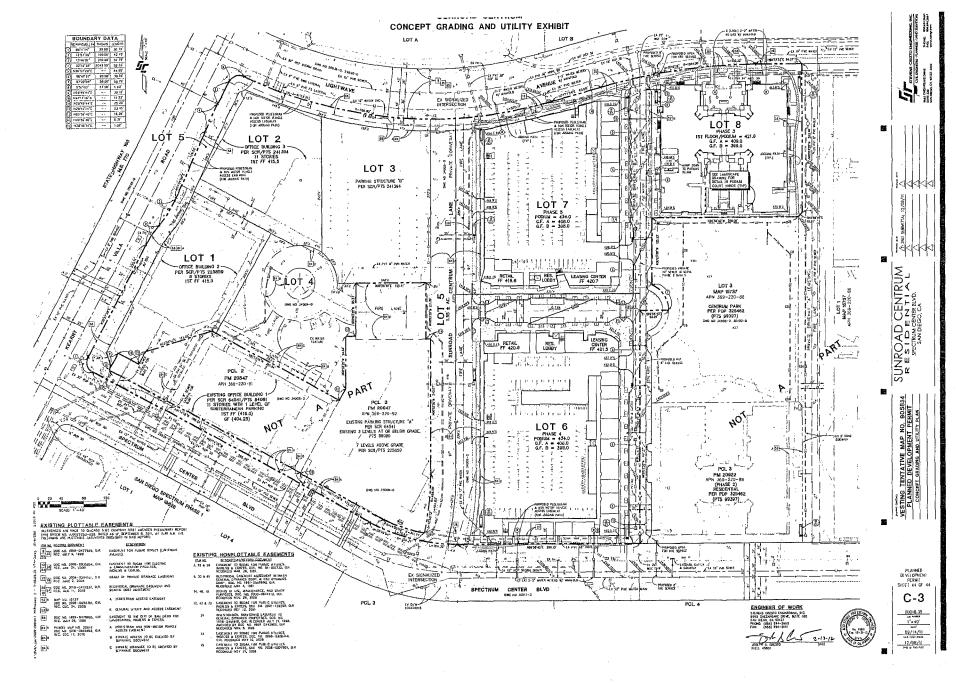
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#### PLANNING COMMISSION RESOLUTION NO. PC-XXXX PLANNED DEVELOPMENT PERMIT NO. 905832 SUNROAD CENTRUM RESIDENTIAL PHASES 3-5 - PROJECT NO. 257079

WHEREAS, SUNROAD CENTRUM PARTNERS, L.P., a California Limited Partnership, Owner/Permittee, filed an application with the City of San Diego for a permit to construct 677 residential condominium units, 588 of those units through an average daily trip/square footage transfer within the New Century Center Master Plan Area PA-1A, eleven retail spaces, residential amenities and subterranean parking garages (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 905832);

WHEREAS, the project site is located on a 7.61-acre site is located at between Lightwave Ave and Spectrum Center Blvd in the CA zone of the New Century Center Master Plan (Currently CC-1-3) and Airport Influence Area within the Kearny Mesa Community Plan.;

WHEREAS, the project site is legally described as the project site is legally described as Parcels 1, 2 and 4 of Parcel Map No. 20922, and a portion of Parcel 4 of Parcel Map No. 20847, Together with a portion of Parcel 6 of Parcel Map No. 18972;

WHEREAS, on May 3, 2012, the Planning Commission of the City of San Diego considered Planned Development Permit No. 905832 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, The project is subject to a Mitigation, Monitoring and Reporting Program (MMRP) and shall conform to the mitigation conditions as contained in the EIR No. 96-0165, EIR Addendum LDR No. 99-1269 and MND LDR No. 41-0101; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated May 3, 2012.

#### A. <u>Planned Development Permit - Section 126.0604</u>

#### 1. The proposed development will not adversely affect the applicable land use plan.

The proposed site is located at between Lightwave Ave and Spectrum Center Blvd in the CA zone of the New Century Center Master Plan (Master Plan) within the Kearny Mesa Community Plan area. The site is designated in the plan for Mixed Use Commercial and Residential, and is subject to the development criteria of the Master Plan, Design Manual and Development Standards. The project proposes to construct 677 residential units with on-site recreational facilities, and 5,100 sq. ft. of ground floor retail.

The project will provide a residential use conforming to site planning and architectural design guidelines, while creating a landscaped featured locale.

The residential element of the community plan includes the policy of encouraging residential development on urban infill sites within mixed-use projects. The Master Plan is a mixed-use

project and the proposed project will provide 677 dwelling units in a residential development in Planning Area 1A. Eighty Nine (89) of the proposed units are envisioned directly in the Master Plan, with the remaining 588 being proposed through a transfer of vehicle trips from within the same planning area that were envisioned for commercial retail/office uses.

The project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the Kearny Mesa Community Plan, New Century Center Master Plan, Design Manual, and Development Standards.

### 2. The proposed development will not be detrimental to the public health, safety, and welfare.

The project proposes to construct one 4-story residential building with 127 units, two 5-story residential buildings with a total of 550 units, subterranean parking, three recreation centers, and 5,100 sq. ft. of ground floor retail. The property is immediately surrounded by industrial/business parks to the north and mixed use commercial and residential to the south, west, and east. The proposed development would occur on private property.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the Land Development Code (LDC) in effect for this project. Such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Planned Development Permit No. 325462, and other regulations and guidelines pertaining to the subject property per the LDC.

This project was addressed in the three previous environmental documents for the graded site including the Addendum to EIR No. 99-1269, EIR No. 96-0165, and the Sunroad Centrum Mitigated Negative Declaration LDR No. 41-0101. The project site does not contain any vernal pools, sensitive resources, or unique archeological resources, and complies with FAA regulations. The project is consistent with what was envisioned in the previous environmental documents and does not exceed the approved number of residential units or the average daily trips (ADT's). No new mitigation would be required.

The project would be subject to the Mitigation, Monitoring and Reporting Program (MMRP) conditions required by the previously cited environmental documents including the requirement for paleontological monitoring, a waste management plan, and transportation improvements. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The proposed project is located between Lightwave Avenue and Spectrum Center Boulevard in the CA zone of the New Century Center Master Plan (Master Plan) within the Kearny Mesa Community Plan Area. The site is designated is designated in both the community plan and the Master Plan for Mixed Use Commercial and Residential, and is subject to the development criteria of the Master Plan, Design Manual and Development Standards. The project proposes to construct 677 residential units with on-site recreational facilities, 5,100 sq. ft. of ground floor retail and other amenities.

The proposed project will occupy a portion of the former General Dynamics campus, and the community plan includes a number of objectives. Specifically, the plan recommends that the site be developed with a mixture of uses including residential on the western portion; establish site planning standards and architectural design guidelines that will further a sense of community identity; create a featured locale within a landscaped setting that will establish an important central focus for the site, which is open to the public and provides pedestrian non-vehicular linkages; and provide park facilities if more than 998 dwelling units are constructed.

The project will provide a residential use conforming to site planning and architectural design guidelines, while creating a landscaped featured locale, and paying park fees.

The residential element of the community plan includes the policy of encouraging residential development on urban infill sites within mixed-use projects. The Master Plan is a mixed-use project and the proposed project will provide 677 dwelling units and 5,100 sq. ft. of ground floor retail in a mixed use development.

This project is regulated by a preexisting Development Agreement (The New Century Center Master Plan) and is exempt from the Inclusionary Housing Ordinance.

The Development Standards (Volume 2) of the Master Plan require the inclusion of approximately 10% of the proposed units as affordable housing when more than 550 dwelling units have been constructed. Further, the Master Plan defines affordable housing as units for households earning no more than sixty-five percent (65%) of the median income, or an equally acceptable affordable housing program. Prior development rights have been approved for 526 residential units in these planning areas, leaving 24 units of the proposed project not subject to the affordable housing requirement. Therefore 484 residential units were subject to the affordable housing provision as stated in the Master Plan. Accordingly, prior City approvals required forty-eight (48) units of on-site affordable housing to be provided in Phases 1 and 2. The applicant has elected to pay the Affordable Housing in-lieu fee as calculated by the San Diego Housing Commission.

There are no proposed deviations. The project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the Kearny Mesa Community Plan, New Century Center Master Plan, Design Manual, and Development Standards, and the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 905832 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 905832, a copy of which is attached hereto and made a part hereof.

Jeannette Temple Development Project Manager Development Services

Adopted on: May 3, 2012 Internal Order No. 24002154 RECORDING REQUESTED BY CITY OF SAN DIEGO DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION 501

#### WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

#### INTERNAL ORDER NUMBER: 24002154

#### SPACE ABOVE THIS LINE FOR RECORDER'S USE

#### PLANNED DEVELOPMENT PERMIT NO. 905832 SUNROAD CENTRUM RESIDENTIAL PHASES 3-5 - PROJECT NO. 257079 PLANNING COMMISSION

This Planned Development Permit No. 905832 is granted by the Planning Commission of the City of San Diego to Sunroad Centrum Partners, L.P., a California Limited Partnership, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0604. The 7.61-acre site is located at between Lightwave Ave and Spectrum Center Blvd, west of Paramount Dr. in the CA zone of the New Century Center Master Plan (Currently CC-1-3) and Airport Influence Area within the Kearny Mesa Community Plan. The project site is legally described as Parcels 1, 2 and 4 of Parcel Map No. 20922, and a portion of Parcel 4 of Parcel Map No. 20847, Together with a portion of Parcel 6 of Parcel Map No. 18972.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct 677 residential condominium units (588 of those units through an average daily trip/square footage transfer within the New Century Center Master Plan Area PA-1A), eleven retail spaces, residential amenities and subterranean parking garages, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 3, 2012, on file in the Development Services Department.

The project shall include:

- a. The construction of 677 residential condominium units in three buildings up to sevenstories in height, over three subterranean parking garages, totaling approximately 661,200 square feet of gross floor area including approximately 5,100 square feet of retail space;
- b. Residential amenities, recreation centers and leasing spaces;
- c. Landscaping (planting, irrigation and landscape related improvements);

- d. Off-street parking;
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

#### **STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by May 17, 2015.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may

be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determinednecessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions. including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] as contained in EIR No. 96-0166, EIR Addendum No. 99-1269, and MND 41-0101, shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

#### AFFORDABLE HOUSING REQUIREMENTS:

13. Prior to receiving each residential building permit, the Owner/Permittee shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by performing one of the following, at the Owner's/Permittee's sole election, as and to the extent permitted by applicable law.

a. Payment to the City of San Diego of the inclusionary affordable housing fee based upon the aggregate square footage of all residential units in the building permit, on terms set forth within the Inclusionary Affordable Housing Regulations; or

b. For new construction condominium development, the Owner/Permittee may enter into an agreement with the San Diego Housing Commission, secured by a performance deed of trust, to provide at least 10 percent of the total units as affordable to households earning at or below 100 percent of area median income in compliance with the Inclusionary Affordable Housing Regulations as referenced above. The agreement shall provide that the affordable units must be offered for sale within 12 months from issuance of the first residential building permit and that the Owner/Permittee shall diligently pursue the sale of such affordable units until all affordable units have been sold. If the affordable units are not offered for sale and/or sale is not diligently pursued by the Owner/Permittee, Owner/Permittee shall pay the inclusionary affordable housing fee for the entire project to the San Diego Housing Commission upon notice from the San Diego Housing Commission, based upon the fee in effect at the time of issuance of the first building permit, plus interest at the legal rate to date of payment. The Agreement, secured by a performance deed of trust, shall be executed before the issuance of the first residential building permit or the recordation of the final map, whichever shall first occur, in a form as approved by the San Diego Housing Commission and its General Counsel, and the Agreement shall provide that time is of the essence in marketing the affordable units.

#### **AIRPORT REQUIREMENTS:**

14. Prior to issuance of any building permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

#### **ENGINEERING REQUIREMENTS:**

15. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb ramp with a City standard curb ramp with truncated domes, at the southeast corner of Lightwave Avenue and Kearny Villa Road, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

19. The drainage system for this project shall be private and will be subject to approval by the City Engineer.

20. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

21. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001. In accordance with Order No. 2009-0009DWQ, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

22. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

#### **LANDSCAPE REQUIREMENTS:**

23. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

24. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

25. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape associated with the phased construction and obtain all required landscape inspections.

26. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

28. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

#### **PLANNING/DESIGN REQUIREMENTS:**

29. Owner/Permittee shall maintain a minimum of 1,130 off-street vehicle parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A" (1,963 provided), as follows:

- a. Phase 3: A minimum of 216 off-street automobile parking spaces (with 277 offstreet automobile parking spaces provided) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.
- b. Phases 4 & 5: A minimum of 915 off-street automobile parking spaces (with 1,686 off-street automobile parking spaces provided) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

30. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

31. All signs associated with this development shall be consistent with sign criteria established by the New Century Center Master Plan Design Guidelines

32. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.

33. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

#### PARKS & RECREATION REQUIREMENTS

34. The park requirement for 89 of the 677 residential units proposed by the project have previously been satisfied via the Sunroad Centrum Park Development Agreement (recorded document No. RR-303725). The balance of the proposed project's residential units (588 units) would create a requirement for 2.58 acres of population-based parks within the Kearny Mesa Community based on the General Plan population-based parks standards. The ad hoc fee for the 2.58 acres of park land required for the project's residents, based on the current fair market value of land and current design and construction costs and the project's proportional demand for a community and recreation center and aquatic complex shall be \$4,981,631. If the City has amended the Kearny Mesa Public Facilities Financing Plan prior to building permit issuance to include the project, then Owner/Permittee shall pay the applicable Kearny Mesa Development Impact Fee adopted by City Council resolution instead of the ad hoc fee.

35. Prior to issuance of the 90<sup>th</sup> residential building permit, the Owner/Permittee shall pay the ad hoc fee to fund acquisition, design and construction of the required park land, as well as a pro rata share of costs to provide for the project's demand for a community recreation center and aquatic complex based on General Plan population-based standards. The Owner/Permittee may make one payment of \$4,981,631, or may pay a pro-rated ad hoc fee of \$8,472.17 per residential unit for the last 588 residential units of the project prior to building permit issuance of each unit beginning with the building permit for the 90<sup>th</sup> residential unit of the project. The ad hoc fees will be placed into an interest bearing account (Fund #200636, Developers Contributions Fund) to be used for public park improvements to serve the increased population generated by the project within Hickman Field of the Kearny Mesa Community Plan area.

#### **GEOLOGY REQUIREMENTS**

36. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

37. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guid<sup>el</sup>ines for Geotechnical Reports" following completion of the grading. The <sup>a</sup>s-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

#### TRANSPORTATION REQUIREMENTS

38. A total of 5 on-site loading spaces (1 space - Phase 3, 2 spaces - Phase 4, & 2 spaces - Phase 5) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all loading space dimensions shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

39. Any changes in approved parking throughout the approved/constructed Spectrum project sites require an SCR process. At that time, if any of the multi-use parking governed by this permit (PTS #257079) are to be redistributed to support other sites(s) the following will need to be provided:

- a. A clear account of the minimum parking requirement for this project (PTS #257079).
- b. A clear account of the minimum parking requirement for the project requesting parking from this project site (PTS #257079).
- c. The number of spaces requested and distance between the requesting project site and the parking on this project site (PTS #257079).
- d. Plans clearly identifying how a physical separation/control between the minimum required residential parking spaces supporting this project (PTS #257079) and parking spaces that would be supporting other uses.

#### **<u>PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:</u>**

40. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

41. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water facilities, including services and meters, in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

42. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities are to be in accordance with established criteria in the most current City of San Diego sewer design guide.

43. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

44. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities.

#### **INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on May 3, 2012, and Resolution No. PC-XXXX-1.

Permit Type/PTS Approval No.: Date of Approval:

## AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Jeannette Temple Development Project Manager

NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Sunroad Centrum, L.P. Owner/Permittee

By

Tom Story Vice President-Development

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.

#### PLANNING COMMISSION RESOLUTION NUMBER PC-XXXX VESTING TENTATIVE MAP NO. 905834 SUNROAD CENTRUM PHASES 3-5 - PROJECT NO.257079

WHEREAS, Sunroad Centrum Partners, L.P., Subdivider, and Stevens Cresto Engineering, Inc, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 905834) for the Sunroad Centrum Residential, Phases 3-5 Project, proposing to subdivide seven (7) existing lots into eight (8) lots, creating 677 residential condominium units and eleven (11) commercial condominium units, remove a temporary surface parking lot and associated improvements, construct a five story building over three (3) levels of parking for 245 attached residential units, a five story building over three (3) levels of parking for 305 attached residential units, and a four (4) story building over two (2) levels of parking for 127 attached residential units on said lots, three recreation centers, and 5,100 square feet of ground floor retail. The 13.87 acre project site is located between Lightwave Ave., Kearny Villa Rd., and Spectrum Center Boulevard in the CA zone of the New Century Center (Spectrum) Master Plan (currently zoned CC-1-3), within the Kearny Mesa Community Plan area: The property is legally described as Parcels 1 and 6 of Parcel Map No. 18972 and Parcels 1 and 4 of Parcel Map No. together with Parcels 1, 2 and 4 of Parcel Map No. 20922; and

WHEREAS, the Map proposes the Subdivision of a 13.87 acre-site into 8 lots for residential development, and 11 lots for commercial condominium development; and

#### -PAGE 1 OF 5-

WHEREAS, the project is subject to a Mitigation, Monitoring and Reporting Program (MMRP) and shall conform to the mitigation conditions as contained in the EIR No. 96-0165, EIR Addendum LDR No. 99-1269 and MND LDR No. 41-0101; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, Lots 6, 7 and 8 of this subdivision are condominium projects as defined in Section 1350 et. seq. of the Civil Code of the State of California and are filed pursuant to the Subdivision Map Act. Lot 6 has 305 residential units, 5commercial units; lot 7 has 245 residential units, 6 commercial units; and lot 8 has 127 residential units for a total of 677 residential condominium units, and 11 commercial condominium units; and

WHEREAS, on May 3, 2012, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 905834, and pursuant to San Diego Municipal Code sections 125.0440, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect Vesting Tentative Map No. 905834:

#### -PAGE 2 OF 5-

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).

As contemplated by the applicable land use plan, the New Century Center (NCC) Master Plan as a part of the Kearny Mesa Community Plan, the proposed subdivision provides for a high density, mixed use development on the former General Dynamics industrial site within Kearny Mesa, a centrally located community with adequate existing infrastructure and excellent freeway access. The 13.87-acre project site is designated as mixed use commercial which allows mixed-use commercial office, commercial retail and residential development that capitalizes on the excellent accessibility of the site. The proposed lots satisfy the minimum lot requirements of the NCC Master Plan. Therefore, the proposed subdivision and its design or improvement would be consistent with the policies, goals, and objectives of the applicable land use plan.

# 2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The proposed subdivision would comply with the development regulations of the underlying CC-1-3 (CA) Zone and all of the applicable development regulations of the Land Development Code.

# 3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The proposed subdivision would be consistent with the Mixed-use Commercial/Residential Element applicable to the site as articulated in the NCC Master Plan and would comply with the applicable development regulations of the underlying CC-1-3 (CA) Zone and Planned Development regulations. Except for a temporary surface parking lot, the lots are vacant, having been cleared when the former General Dynamics industrial use was abandoned. The site will be subdivided into individual lots to accommodate ground floor retail and multi-family residential buildings, a parking garage, and common areas. The site is immediately west of existing multi-family development of similar density, bulk, and scale. Located to the south and west are office buildings with both surface and structured parking, Therefore, the bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses and the site is physically suitable for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

#### -PAGE 3 OF 5-

The project site is located in an urbanized neighborhood of San Diego containing no environmentally sensitive lands or habitat. An Environmental Initial Study (EIS) was conducted for the proposed subdivision in accordance with the California Environmental Quality Act (CEQA) that determined the project would not have potential adverse impacts on the environment. Therefore, the design of the subdivision, or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

# 5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code. Therefore, the design of the subdivision or the proposed improvements would not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The proposed subdivision would maintain and, as required, improve the existing public rights-of-ways and general utility easements. Therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

#### 7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The proposed subdivision of a 13.87 acre parcel into eight lots for residential and prior approved office development, and eleven commercial condominium units, will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and preserving environmentally sensitive lands. Design guidelines have been adopted for the future construction of the single family homes; however they do not impede or inhibit any future passive or natural heating and cooling opportunities. With the independent design of the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments,

#### -PAGE 4 OF 5-

placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The proposed project is the subdivision of a 13.87 acre site into eight lots for residential uses and eleven lots for accessory commercial uses. The site is part of the New Century Center Master Plan which designates the affected plan area as mixed use. Both the New Century Center Master Plan area and most of the community Kearny Mesa is developed with commercial, office and industrial uses. The addition of additional residential to this area is therefore beneficial to the community so that employees make live near where they work. The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources and found that the addition of 677 new attached residential units would assist the housing needs of the Kearny Mesa community.

The above findings are supported by the minutes, maps, and exhibits, all of which are

herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Vesting Tentative Map No. 905834 hereby granted to Sunroad Centrum Partners, L.P. subject to the attached conditions which are made a part of this resolution by this reference.

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Jeannette Temple Development Project Manager Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24002154

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#### PLANNING COMMISSION CONDITIONS FOR VESTING TENTATIVE MAP NO. 905834 SUNROAD CENTRUM RESIDENTIAL PHASES 3-5 - PROJECT NO. 257079 ADOPTED BY RESOLUTION NO. PC-XXXX ON MAY 3, 2012

#### **GENERAL**

1. This Vesting Tentative Map will expire May 17, 2015.

- 2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
- 3. Prior to the Vesting Tentative Map expiration date, a Final Map shall be recorded in the Office of the San Diego County Recorder.
- 4. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
- 5. The Final Map shall conform to the provisions of Planned Development Permit 905832 and the New Century Center Master Plan.
- 6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, or proceeding, or if City fails to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

Project No. 257079 VTM No. 905834

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#### <u>ENGINEERING</u>

- 7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
- 8. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
- 9. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

#### **MAPPING**

- 10. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
- 11. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
- 12. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be

Project No. 257079 VTM No. 905834

#### -PAGE 2 OF 3-

shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

#### **INFORMATION:**

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607.

Internal Order No. 24002154

Project No. 257079 VTM No. 905834

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### SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

P.O. BOX 82776, SAN DIEGO, CA 92138-2776 619.400.2400 WWW.SAN.ORG

February 28, 2012

Ms Jeanette Temple City of San Diego Development Services Department 1222 First Avenue San Diego, California 92101

Re: Airport Land Use Commission Consistency Determination – Construction of 677 Multifamily Residential Units at Lightwave Avenue and Spectrum Center Boulevard, City of San Diego; APN 369-220-56, -57, -73, -87 & -93

Dear Ms Temple:

As the Airport Land Use Commission (ALUC) for San Diego County, the San Diego County Regional Airport Authority acknowledges receipt of an application for a determination of consistency for the project described above. This project is located within the Airport Influence Area (AIA) for the Montgomery Field Airport Land Use Compatibility Plan (ALUCP).

ALUC staff has reviewed your application and accompanying materials and has determined that it meets our requirements for completeness. In accordance with ALUC Policies and applicable provisions of the State Aeronautics Act (Cal. Pub. Util. Code §21670-21679.5), ALUC staff has determined that the proposed project is **consistent** with the Montgomery Field ALUCP based upon the facts and findings summarized below:

(1) The proposed project involves the construction of 677 multifamily residential units.

- (2) The proposed project is located outside the 60 dB CNEL noise contour. The ALUCP identifies residences located outside the 60 dB CNEL noise contour as compatible with airport uses.
- (3) The proposed project is in compliance with airspace protection surfaces because a determination of no hazard to air navigation has been issued by the Federal Aviation Administration (FAA).
- (4) The proposed project is located within Safety Zone 6. The ALUCP identifies residences located within Safety Zone 6 as compatible with airport uses.
- (5) Therefore, the proposed project is consistent with the adopted Montgomery Field ALUCP.
- (6) This determination of consistency is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065.



SAN DIEGO INTERNATIONAL AIRPORT Ms Temple Page 2

Please contact Ed Gowens at (619) 400-2244 if you have any questions regarding this letter.

Yours truly, amison mgela

Angela Jamison Manager, Airport Planning

cc: Amy Gonzalez, SDCRAA – General Counsel Ron Bolyard, Caltrans – Division of Aeronautics Chris Schmidt, Caltrans, District 11 Tait Galloway, City of San Diego

# Kearny Mesa Planning Group

C/O Gibbs Flying Service, Inc. 8906 Aero Drive, San Diego, CA 92123 858-277-0162 FAX 858-277-0854 www.kearnymesaplanninggroup.org

December 7, 2011

Jeanette Temple, Project Manager City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101

Re: Sunroad Centrum Phase 3-5

Dear Jeanette,

At the regularly monthly meeting of the Kearny Mesa Planning Group on November 16, 2011 Mr. Tom Story and Mr. Brian Paul presented the Sunroad Centrum Phase 3-5 Planned Development Permit and Vesting Tentative Map to construct 677 residential condominium units on a 7.61 acre site between Lightwave Ave and Spectrum Center Blvd in the CA zone of the New Century Center Master Plan area. Tom started the presentation with a review of the site plan explaining that this site is between the existing and soon under construction office towers fronting on Kearny Villa Road and the area to the East of existing and under construction residential units surrounding the "park". Due to market conditions Sunroad expects that it will be many years before the additional office entitlements, those beyond the approved third office building, about 250,000 sf will be economically viable. So they have elected to transfer those entitled ADTs into additional residential units. Such transfers are permitted in the Master Plan. Of the 677 requested units in Phases 3=5, 6 units are already entitled as the number of units left over from the approved phase 1 - 2 Sunroad project. He further explained that a traffic study will determine if additional traffic mitigation will be required but it is believed that no additional mitigation will be required as the residential trips are somewhat opposite of commercial.

Brian Paul then explained the details of the proposed buildings. These units will be constructed in three buildings, four to five stores, podium style with above parking that will be at grade and two or three levels below grade. The podium will have the pool and other amenities and be open toward the park on the podium level. Building will increase in unit size and features from building 3 to 5. There will be a street between buildings 4 and 5 that provides a corridor and view to the park. That street will have some retail stores and will function as a private street.

After the presentation and numerous questions and answers, a motion was made to recommend approval of the project as presented when conversations about allocating some of the park fees due on this development toward the needs of Hickman Field, Kearny Mesa's youth sports fields. Three statements were agreed to be added to the recommendation motion, 1) that the Planning Group prefers that Sunroad pay the "in liu" fee rather that provide park land in Kearny Mesa of which there appears to be no suitable or available sites, 2) that a majority of the park fees be allocated to needed improvements at Hickman Field, the only City Park in Kearny Mesa, and 3) that Sunroad be authorized to directly provide the park improvements to Hickman Field that are authorized by the City as part of Sunroad's park requirements, to maximize the impact of Sunroad's park fees from this project. That motion was approved 11-0-0.

If you need any additional information about this recommendation, please give me a call.

Sincerely,

- 1.71 : Jui Buzz Gibbs, Chair

Project Title:	Project No. (For City Use Only)
Sunroad Centrum Apartments Phases 3-5	251079
Part II - To be completed when property is held by a co Legal Status (please check):	orporation or partnership
Corporation Limited Liability -or- General) Wh	hat State? Corporate Identification No
as identified above. will be filed with the City of San Diego the property. Please list below the names, titles and addre otherwise, and state the type of property interest (e.g., tend in a partnership who own the property). <u>A signature is rec</u> property. Attach additional pages if needed. <b>Note:</b> The app ownership during the time the application is being processe	r(s) acknowledge that an application for a permit, map or other matter. on the subject property with the intent to record an encumbrance against esses of all persons who have an interest in the property, recorded or ants who will benefit from the permit, all corporate officers, and all partners quired of at least one of the corporate officers or partners who own the oblicant is responsible for notifying the Project Manager of any changes in ed or considered. Changes in ownership are to be given to the Project the subject property. Failure to provide accurate and current ownership Additional pages attached Yes No
Corporate/Partnership Name (type or print): Sunroad Centrum Partners LP	Corporate/Partnership Name (type or print):
Xowner     Tenant/Lessee	Owner Tenant/Lessee
Street Address: 4445 Eastgate Mall, Suite 400	Street Address:
City/State/Zip: San Diego, CA 92121	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
(858) 362-8500 (858) 362-8448 Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Sunroad Asset Management, Inc. Title (type or print):	Title (type or print):
Sunroad Asset Management, Inc. Title (type or print): Dan Feldman, President Signature: Date:	Signature:
Sunroad Asset Management, Inc. Title (type or print): Dan Feldman, President Signature: Date: Sep 14, 2011	Signature: Sun Pad Heset Mgmt Sunnach
Sunroad Asset Management, Inc. Title (type or print): Dan Feldman, President Signature: Date:	Signature:
Sunroad Asset Management, Inc. Title (type or print): Dan Feldman, President Signature: Date: Sep 14, 2011	Signature: Sun Pad Heset Mgmt Sunnach
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#### SUNROAD CENTRUM RESIDENTIAL PHASES 3-5

PROJECT CHRONOLOGY

### PTS # <u>257079</u> IO#\_24002154

Date	Action	Description	City Review Time	Applicant
Response		· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	
	Customer Submits First			
	Cycle			
11/10/11 Initial Ass Sent	Initial Assessment Letter		1 month, 18 days	
	Sent		A	
12/8/11	Customer submits 2 <sup>nd</sup> Cycle			28 days
1/13/12	2 <sup>nd</sup> Assessment Letter Sent	Holidays and furlough	1 month, 6 days	
2/13/12	Customer submits 3 <sup>rd</sup> Cycle			1 month
3/7/12	3 <sup>rd</sup> Assessment Letter Sent		23 days	
3/8/12	Customer submits 4 <sup>th</sup> Cycle			1 day
3/22/12	4 <sup>th</sup> Assessment Letter Sent		14 days	
3/23/12	Park and Recreation	Working through issues and Conditions	· · · · · · · · · · · · · · · · · · ·	1 day
5/3/12	Planning Commission		1 month, 10 days	
	Hearing			

Total Staff Time (Average at 30 days per month):Approximately 5 months, 10 daysTotal Applicant Time (Average at 30 days per month):Approximately 2 monthsTotal Project Running Time (Years/Months/Days):7 months and 10 days

ACHMEN

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