



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 12, 2015 **REPORT NO.** PC-15-118

ATTENTION: Planning Commission, Agenda of November 19, 2015

SUBJECT: Sunroad PDP Amendment – Project No. 420300, Process Four.

**OWNER/
APPLICANT:** Sunroad Centrum Partners, L.P. (Attachment 9)
Tom Story

SUMMARY

Issue: Should the Planning Commission approve a request to modify a permit condition for the reallocation of park fees for the Sunroad Centrum property located within the New Century Master Plan, between Lightwave Avenue and Spectrum Center Boulevard within the Kearny Mesa Community Plan area?

Staff Recommendation: APPROVE Planned Development Permit Amendment No. 1470611.

Community Planning Group Recommendation: On September 17, 2015, the Kearny Mesa Planning Group voted 12-1-0 to recommend approval with no conditions (Attachment 8).

Environmental Review: The property is subject to final environmental documents for the site, including Environmental Impact Report (EIR) No. 96-0165, the Addendum to EIR No. 99-1269, and the Mitigated Negative Declaration (MND) LDR No. 41-0101. Staff has determined that the project is consistent with the previously certified EIR No. 96-0165, Addendum EIR No. 99-1269, and MND LDR No. 41-0101, and per Section 15162 of the California Environmental Quality Act, did not find the need to prepare a subsequent or supplemental environmental document and all project issues and mitigation for significant impacts have been adequately addressed pursuant to the California Environmental Quality Act for the project.

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: Not Applicable.

BACKGROUND

The project site is located between Lightwave Avenue and Spectrum Center Boulevard within the 13.87 acres of the New Century Center Master Plan (Master Plan), within the Kearny Mesa Community Planning Area (Attachment 2). The original 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 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, PID/PCD No. 99-1269.

In 2008, the City Council approved (on appeal) Project No. 99397 for the construction of 508 residential units. As part of this approval, a two-acre neighborhood park (Centrum Park) was required to be constructed on site. Centrum Park is currently located within the center of the subject site (Attachment 1B).

In 2012, the Planning Commission approved Project No. 257079, the Sunroad Spectrum Residential Phases 3 – 5, for the construction of 677 residential units, subterranean parking, three recreation centers, and eleven (11) commercial condominium units in approximately 5,100 square feet of ground floor retail uses (Attachment 6).

The residential portion of the Master Plan site is fully entitled and developed with the exception of two residential phases; Phase 4 - under construction, and Phase 5 – under review (Project No. 257079).

A full chronology of the entitlements from 2000 to the present is provided in Attachment 4.

DISCUSSION

Project No. 257079, Planned Development Permit No. 905832 includes a condition of approval requiring the payment of a one-time fee or, pro rata payment towards enhancements to Hickman Field Park, a neighborhood park located approximately 3 miles from the subject property (Attachment 1A). The current amendment seeks to re-allocate a portion of the required fees towards enhancements to the on-site Centrum Park (required as part of Project No. 41-0101) (Attachment 1B). As part of their application, the applicant has included the following information as a basis for this requested amendment:

Since building permits have been issued for Centrum Phases 3 and 4 and in compliance with PDP Condition 35, Sunroad has paid approximately \$2.5 million towards Hickman Field. The proposed change to condition 35 would allow some portion of the remaining Phase 5 park fees to be expended to enhance Centrum Park. With over 1200 residential units on all sides of Centrum Park, the park will serve the day to day park and recreation needs of all of these units.

A majority of the fees from the units around Centrum Park will be expended on Hickman Field. Hickman Field is over 3 miles away and practically speaking the residents will look to Centrum Park for their day to day activities that do not require driving to Hickman Field. If approved, the applicant, Sunroad Enterprises, would seek City approval to amend the General Development Plan (GDP) for the 2.0 acre Centrum Neighborhood Park to enhance the use of the park per Council Policy 600-33, Public Notification and Input for City-Wide Park Development Projects.

Project Description:

All conditions of PDP No. 905832 will remain in effect except where amended to modify the Park and Recreation Department condition related to ad hoc fees. The amendment would result in the following revision underlined to the existing permit condition (Condition No. 35):

35. Prior to the issuance of the 90th 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 90th residential unit of the project. The ad hoc fees for Phases 3-4 will be placed into an interest bearing account (Fund #200636, Developer Contributions Fund) to be used for public park improvements to serve the increased population generated by the project within the Hickman Field of the Kearny Mesa Community Plan area. The ad hoc fees for Phase 5, in the amount of approximately \$2,101,098, will be placed into an interest bearing account (Fund #200636, Developer Contributions Fund) and used proportionately as follows: approximately \$1,101,098 to be used for public park enhancements to serve the increased population generated by the project within the Hickman Field of the Kearny Mesa Community and approximately \$1,000,000 to be used for public park enhancements to Centrum Park to serve the increased population generated by the project within the Kearny Mesa Community Plan area.

Staff Analysis

Staff is in support of the requested amendment. Within the Kearny Mesa community there are two existing population-based parks: Hickman Field and Centrum Park (Attachment 1A/1B). Hickman Field is approximately 44 acres and in 2014 the City approved a General Development Plan for Hickman Field. The Plan calls for paved roads, sidewalks, ball fields, comfort stations and other recreation amenities. The City is currently working on a design/construction contract for phase one improvements to Hickman Field that include: underground utilities, a reclaimed water system, improved drainage and storm water retention, paved roads, sidewalks to meet accessibility requirements, and permanent restrooms. Centrum Park is approximately 2 acres and provides neighborhood park amenities including children's play area, passive turf areas and picnic areas. Funding for future enhancements to Centrum Park will expand the use of the neighborhood park for the Kearny Mesa community. Some of the desired enhancements include: Additional shade structures, expanded children's play area with play elements, an enhanced picnic area with additional seating, wayfinding, a dog park and enhanced pathways and seating

areas. The developer contribution of approximately up to \$1,000,000 will provide for the future enhancements. The amendment to the permit condition will allow for funding to enhance the park use of both Hickman Field and Centrum Park.

Phase One of the Hickman Field Park will require approximately \$5.1 million. Currently, Capital Improvement Program (CIP) has available funding of approximately \$1.45 million. Ad hoc park fees for Phase Four of the Centrum Apartments have been paid to the City in the amount of \$2,558,595 and will be added to the CIP in FY16.

Phase Five of the Centrum Apartments will generate park fees of approximately \$2,101,098. Of this amount, approximately \$1,101,098 is needed to fully fund Phase One of Hickman Field, along with Phase 3 and 4 ad hoc fees and CIP funding, total funding for the Hickman Project would be approximately \$5.1 million. This would leave approximately \$1,000,000 for funding the new enhancements at Centrum Park. Once the amendment to the permit is approved the park ad hoc fee for Phase Five will be paid to the city and deposited into Fund #200636, Developer Contributions Fund. The funding for Hickman Field will be transferred to the Hickman Field capital improvement project. Sunroad Centrum Partners will enter into a Reimbursement Agreement with the City for the design and construction of the enhancements to Centrum Park.

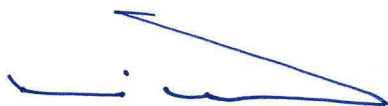
Conclusion:

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 amendment as proposed.

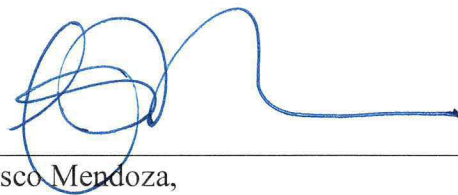
ALTERNATIVES:

1. **Approve** Planned Development Permit No. 1470611, **with modifications.**
2. **Deny** Planned Development Permit No. 1470611, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Francisco Mendoza,
Development Project Manager
Development Services Department

VACCHI:FM

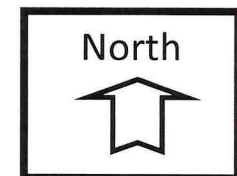
Attachments:

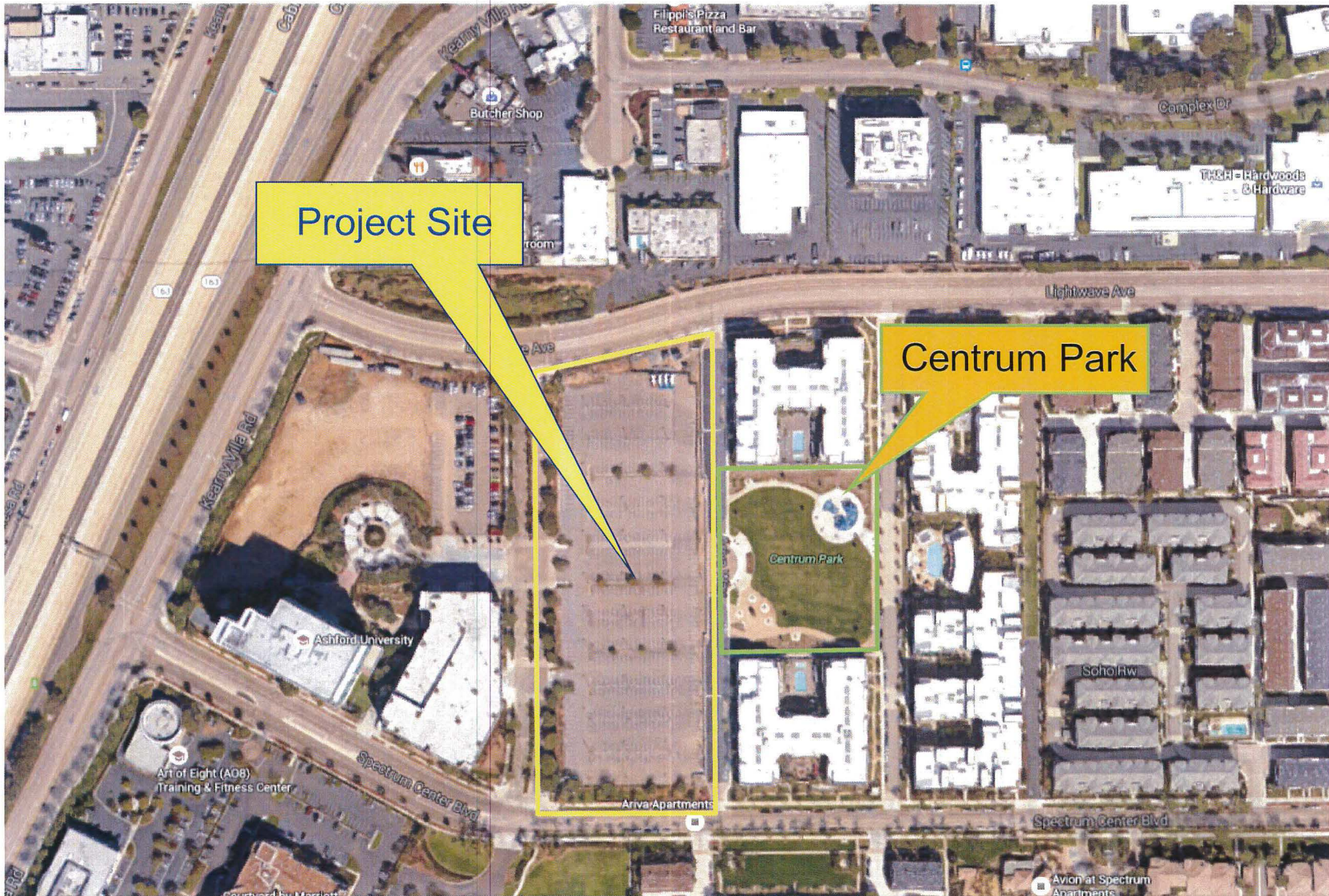
1. Aerial Photograph 1A/1B
2. Community Plan Land Use Map
3. Project Location Map
4. Entitlement Chronology
5. Draft Permit with Conditions
6. Draft Permit Resolution with Findings
7. Recorded Permit / Resolution PDP No. 905832
8. Community Planning Group Recommendation
9. Ownership Disclosure



Location Aerial Photo

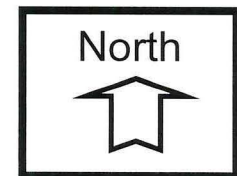
Sunroad PDP Amendment
PROJECT NO. 420300

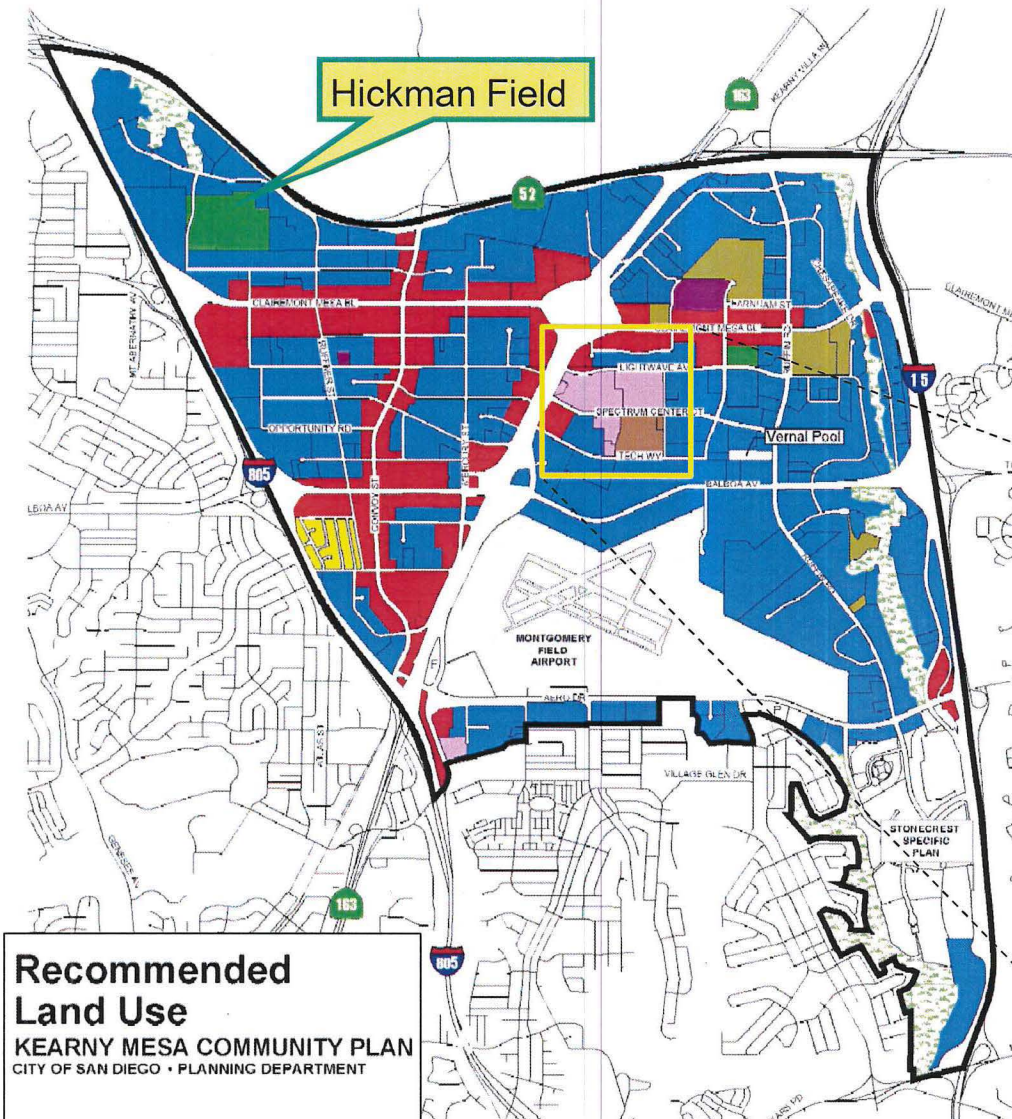




Location Aerial Photo

Sunroad PDP Amendment PDP
PROJECT NO. 420300

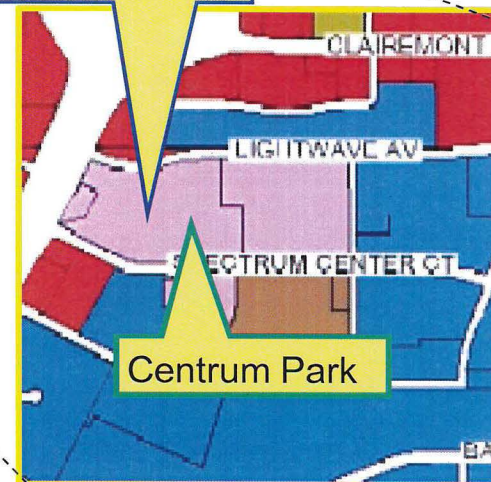




- LEGEND
- Industrial and Business Parks
 - General Commercial
 - Low Density Residential (5-9 DU/AC)
 - Low Medium Residential (10-20 DU/AC)
 - Mixed Use Commercial Residential
 - General Aviation Airport
 - Fire/Police Stations
 - County Facilities
 - Community Parks
 - Open space
 - Utility

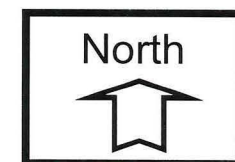


Project Site



Land Use Map

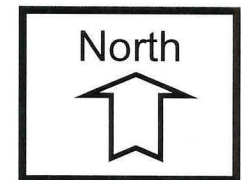
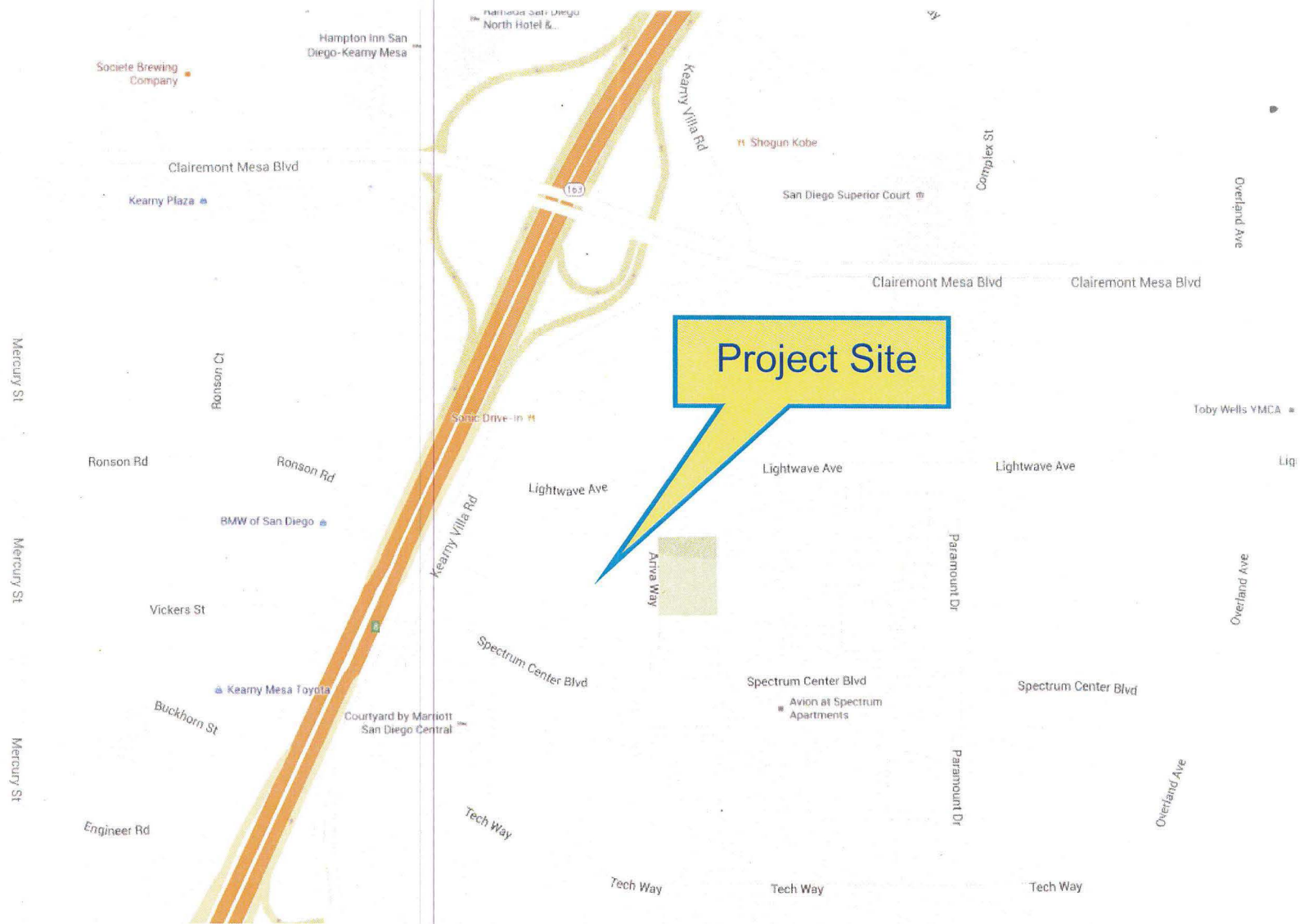
Sunroad PDP Amendment PDP
PROJECT NO. 420300





Project Location Map

Sunroad PDP Amendment PDP
PROJECT NO. 420300



NEW CENTURY MASTER PLAN CHONOLOGY OF ENTITLEMENTS

2000 – Present

October 3, 2000: Planned Industrial Permit/Planned Commercial Development Permit No. 991269 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 included the subject site. The Development Agreement was amended on October 3, 2000, to address the addition of residential use.

November 12, 2002: Amendment to the Master Plan was approved to allow 570 additional residential units on the 33 acre commercial/ mixed use are (Planning Areas “1A” “1B” and “2B”) and an eight acre industrial area (Planning Area “3A”) (PTS No. 41-0101). 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 on-site 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 999th building permit.

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).

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.

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

April 28, 2008: The City Council approved the Sunroad Centrum Residential Project (on appeal) 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. (PTS No. 99397).

May 3, 2012: The Planning Commission approved a Planned Development Permit and Vesting Tentative Map for the Sunroad Centrum Phases 3-5 for the construction of 677 residential condominiums units and amenities, a 2-acre park site and eleven commercial condominium units. (PTS No. 257079).

ATTACHMENT 4

April 10, 2014: The Planning Commission approved an appeal a substantial conformance review for modifications including the unit mix, elimination of parking spaces, reduction of retail space. (PTS 347300).

December 4, 2014: The Planning Commission approved on appeal a substantial conformance review to modify landscaping and parking areas. (PTS No. 364572).

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24005945

PLANNED DEVELOPMENT PERMIT NO. 1470611
SUNROAD CENTRUM PDP AMENDMENT PROJECT NO. 420300
(AMENDMENT TO PLANNED DEVELOPMENT PERMIT NO. 905832)
PLANNING COMMISSION

This Planned Development Permit No. 1470611 (Permit), amendment to Planned Development Permit No. 905832, is granted by the Planning Commission of the City of San Diego to Sunroad Spectrum 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 Avenue and Spectrum Center Boulevard, west of Paramount Drive in the CA zone of the New Century Center Master Plan (currently CC-1-3) and Airport Influence Area within the CC-1-3 zone in the Kearny Mesa Community Plan. The project 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, and 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 modify original permit Condition No. 35 relating to Park and Recreation Requirements, which required ad-hoc developer contribution fees (ad hoc fees). The terms and conditions of Planned Development Permit No. 905832 remain unchanged, except as amended by this Permit, and as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 03, 2012, on file in the Development Services Department.

The project shall include:

- a. The reallocation of a portion of the Phase 5 ad hoc developer contributions (ad hoc fees) to allow up to \$1,000,000.00 of ad hoc fees to be used for City-approved public park enhancements to Centrum Park (Reference new Condition No. 11 below);

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 December 04, 2018.
2. This Permit amends Planned Development Permit No. 905832, all conditions of which remain in effect except where amended by this Permit to modify Park & Recreation Requirements condition No. 35 of Planned Development Permit No. 905832 relating to ad-hoc fees (Reference Condition No. 11 below).
3. 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.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.

9. All of the conditions contained in this Permit have been considered and were determined-necessary 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" condition(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.

PARKS & RECREATION REQUIREMENTS:

11. Prior to the 90th 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 90th residential unit of the project. The ad hoc fees for Phases 3-4 will be placed into an interest bearing account (Fund #200636, Developer Contributions Fund) to be used for public park improvements to serve the increased population generated by the project within the Hickman Field of the Kearny Mesa Community Plan area. The ad hoc fees for Phase 5, in the amount of approximately \$2,101,098, will be placed into an interest bearing account (Fund #200636, Developer Contributions Fund) and used

proportionately as follows: approximately \$1,101,098 to be used for public park enhancements to serve the increased population generated by the project within the Hickman Field of the Kearny Mesa Community and approximately up to \$1,000,000 to be used for public park enhancements to Centrum Park to serve the increased population generated by the project within the Kearny Mesa Community Plan area.

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 October 22, 2015 and
Approved Resolution Number XXXX

Planned Development Permit No: 1470611
Date of Approval: November 05, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Francisco Mendoza
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 _____
Dan Feldman
President, Sunroad Enterprises

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

PLANNING COMMISSION RESOLUTION NO. XXXX
PLANNED DEVELOPMENT PERMIT NO. 1470611
(AMENDMENT TO PLANNED DEVELOPMENT PERMIT NO. 905832)
SUNROAD PDP AMENDMENT PROJECT NO. 420300
DRAFT

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 amend Planned Development Permit No. 905832 (as described in and by reference to the corresponding conditions of approval for the associated Permit No. 1470611), on portions of a 7.61-acre site;

WHEREAS, the project site is located at between Lightwave Avenue and Spectrum Center Boulevard 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 Parcels 1, 2, and 4 of Parcel Map No. 20922, and a portion of Parcel 4 of Parcel Map No. 20847, and a portion of Parcel 6 of Parcel Map No. 18972;

WHEREAS, on November 19, 2015, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1470611, Amendment to 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 Final Environmental Impact Report (FEIR) No. 96-0165, FEIR Addendum LDR No. 99-1269 and Mitigated Negative Declaration (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 November 19, 2015.

Planned Development Permit - Section 126.0604:

- 1. The proposed development will not adversely affect the applicable land use plan;**
The Sunroad Centrum Planned Development Permit (PDP) Amendment to PDP No. 905832 (Project No. 257095) modifies the original Park and Recreation Requirements Condition No. 35 (new Condition No. 11 in PDP 1470611) in order to reallocate ad hoc developer contributions (ad hoc fees). Specifically, the condition would be modified as follows:

Prior to the 90th 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 90th residential unit of the project. The ad hoc fees for Phases 3-4 will be placed into an interest bearing account (Fund #200636, Developer Contributions Fund) to be used for public park improvements to serve the increased population

generated by the project within the Hickman Field of the Kearny Mesa Community Plan area. The ad hoc fees for Phase 5, in the amount of approximately \$2,101,098 will be placed into an interest bearing account (Fund #200636, Developer Contributions Fund) and used proportionately as follows: approximately \$1,101,098 to be used for public park enhancements to serve the increased population generated by the project within the Hickman Field of the Kearny Mesa Community and approximately up to \$1,000,000 to be used for public park enhancements to Centrum Park to serve the increased population generated by the project within the Kearny Mesa Community Plan area.

Within the Kearny Mesa Community there are two existing population-based parks: Hickman Field and Centrum Park. Hickman Field is approximately 44-acres and in 2014 the City approved a General Development Plan for Hickman Field. The Plan calls for paved roads, sidewalks, ball fields, comfort stations and other recreation amenities. The City is currently working on a design/construction contract for phase one improvements to Hickman Field that include: underground utilities, a reclaimed water system, improved drainage and storm water retention, paved roads, sidewalks to meet accessibility requirements, and permanent restrooms. Ad hoc fees of approximately \$1,101,098 will provide for a portion of these enhancements. Centrum Park is approximately 2 acres and provides neighborhood park amenities including children's play area, passive turf areas and picnic areas. Centrum Park is surrounded by the five phases of the Centrum Residential PDP No. 905832 residential project. Funding for future enhancements to Centrum Park will facilitate the use of the neighborhood park for the residents of the Kearny Mesa Community. Some of the desired enhancements include: additional shade structures, expanded children's play area with play elements, an enhanced picnic area with additional seating, wayfinding, a dog park and enhanced pathways and seating areas. Ad hoc fees of approximately up to \$1,000,000 will provide for the future enhancements. The amendment to the PDP No. 905832 will allow for funding to enhance the park use of both Hickman Field and Centrum Park.

According to the Recreational Element of the General Plan, Population-based parks are generally located in close proximity to residential development and are intended to serve the daily needs of the neighborhood and the community, and ideally are within walking distance of the residences within their service area. The amendment provides, in addition to the enhancements to Hickman Field in progress, additional enhancements that meet the daily needs of the residents within walking-distance surrounding Centrum Park. Therefore, the proposed amendment will not adversely affect the applicable land use plan.

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

The amendment to PDP No. 905832 modifies Park and Recreation Requirements Condition No. 35 (new Condition No. 11) to reallocate ad hoc fees. The amendment will allow up to \$1,000,000 of ad hoc fees collected from Phase 5 of the Sunroad Centrum Residential PDP No. 905832 to fund City-approved public park enhancements to the 2.0-acre Centrum Park. Centrum Park is surrounded by the five phases of the Centrum Residential PDP No. 905832 residential project.

No new development is proposed. The amendment is consistent with the previous environmental documents and no new impacts or mitigation would be required. Therefore, the proposed amendment will not be detrimental to the public health, safety, and welfare. See references also Planned Development Permit Finding No. 1 above.

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 amendment to PDP No. 905832 modifies Park and Recreation Requirements Condition No. 35 (new Condition No. 11) to reallocate ad hoc fees. The amendment will allocate up to \$1,000,000 of ad hoc fees collected from Phase 5 of the Sunroad Centrum Residential PDP No. 905832 to fund City-approved enhancements to the existing 2.0-acre Centrum Park. Centrum Park is surrounded by the five phases of the Centrum Residential PDP No. 905832 residential project.

No new development is proposed. No deviations are proposed. The modifications to the Park and Recreation Requirements Condition No. 35 (new Condition No. 11) allow a portion of ad hoc fees to be used for public park enhancements at Centrum Park, such as: additional shade structures, expanded children's play area with play elements, an enhanced picnic area with additional seating, wayfinding, a dog park and enhanced pathways and seating areas. Whereas the majority of ad hoc fees have been allocated to Hickman Field, allocating a portion of the park fees for Centrum Park provides for a greater range of enhancements to two parks that meet the needs of the residents throughout the Kearny Mesa Community as well as the neighborhood surrounding Centrum Park. Therefore, the proposed amendment results in a more desirable project; complies with the regulations of the Land Development code and policy documents; and is consistent with the recommended land use, design guidelines, and development standards in effect for this site.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 1470611, Amendment to 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. 1470611, a copy of which is attached hereto and made a part hereof.

Francisco Mendoza
Development Project Manager
Development Services

Adopted on: November 19, 2015
SAP Number: 24005945

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

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON MAY 25, 2012
DOCUMENT NUMBER 2012-0308429
Ernest J. Dronenburg, Jr., COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 10:52 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002154

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, 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 seven-stories 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);

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- 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 determined-necessary 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" condition(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].

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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

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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 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.
- 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 90th 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 90th 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.



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37. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

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. 4793-PC-2

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Permit Type/PTS Approval No.: 257079
Date of Approval: 5/3/12


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 
Dan Feldman
President, Sunroad Enterprises

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

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PLANNING COMMISSION RESOLUTION NO. 4793-PC-2
 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. Planned Development Permit - Section 126.0604

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 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.

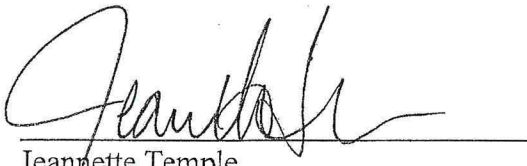
The residential element of the community plan includes the policy of encouraging residential development on urban infill sites within mixed-use projects. The Master Plan is a mixed-use project and the proposed project will provide 677 dwelling units and 5,100 sq. ft. of ground floor retail in a mixed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

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City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

Project Name: Sunroad Centrum PDP Amendment		Project Number: 420300	Distribution Date: 6/5/2015
Project Scope/Location: KEARNY MESA: (PROCESS 4) Amendment to Planned Development Permit 905832 to amend Condition 35. Permit allowed construction of 677 residential condominium units on 7.61 acres site between Lightwarve Ave and Spectrum Center Blvd in the CA zone of the New Century Center Master Plan within the Kearny Mesa Community Plan Area, Council District 6			
Applicant Name: Tom Story		Applicant Phone Number: (619) 286-1330	
Project Manager: John Fisher	Phone Number: (619) 446-5231	Fax Number: (619) 446-5245	E-mail Address: JSFisher@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input checked="" type="checkbox"/> Vote to Approve	Members Yes 12	Members No 1	Members Abstain 0
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS: NONE			
NAME: JEFFREY SAIEN		TITLE: CHAIR, KMPG	
SIGNATURE:		DATE: 9.17.15	
Attach Additional Pages If Necessary.		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			

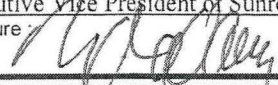
Project Title: Sunroad Centrum Apartments--Amendment to Planned Development Permit	Project No. (For City Use Only) <u>420300</u>
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General) What State? CA Corporate Identification No. _____
☒ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☐ Yes ☒ No

Corporate/Partnership Name (type or print): Sunroad Centrum Apartments 4, L.P. (owns Phase 4) <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 4445 Eastgate Mall, Suite 400 City/State/Zip: San Diego, CA 92121 Phone No: (858) 362-8500 Fax No: (858) 362-8448 Name of Corporate Officer/Partner (type or print): Rick Vann Title (type or print): Executive Vice President of Sunroad G.P., Inc. (general ptr) Signature:  Date: 4/17/2015	Corporate/Partnership Name (type or print): Sunroad GP, Inc. (General Partner) <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 4445 Eastgate Mall, Suite 400 City/State/Zip: San Diego, CA 92121 Phone No: (858) 362-8500 Fax No: (858) 362-8448 Name of Corporate Officer/Partner (type or print): Dan Feldman Title (type or print): President Signature: _____ Date: _____
Corporate/Partnership Name (type or print): Sunroad Real Estate Holding Corporation-Limited Partner <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 4445 Eastgate Mall, Suite 400 City/State/Zip: San Diego, CA 92121 Phone No: (858) 362-8500 Fax No: (858) 362-8448 Name of Corporate Officer/Partner (type or print): Dan Feldman Title (type or print): President Signature: _____ Date: _____	Corporate/Partnership Name (type or print): The Aaron Feldman Family Trust-Limited Partner <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 4445 Eastgate Mall, Suite 400 City/State/Zip: San Diego, CA 92121 Phone No: (858) 362-8500 Fax No: (858) 362-8448 Name of Corporate Officer/Partner (type or print): Aaron Feldman Title (type or print): Trustee Signature: _____ Date: _____
Corporate/Partnership Name (type or print): Sunroad Centrum Apartments 23, L.P. (owns Phase 3) <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 4445 Eastgate Mall, Suite 400 City/State/Zip: San Diego, CA 92121 Phone No: (858) 362-8500 Fax No: (858) 362-8448 Name of Corporate Officer/Partner (type or print): Dan Feldman Title (type or print): President of Sunroad G.P., Inc., its General Partner Signature: _____ Date: _____	Corporate/Partnership Name (type or print): Sunroad Centrum Partners, L.P. (owns Phase 5) <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 4445 Eastgate Mall, Suite 400 City/State/Zip: San Diego, CA 92121 Phone No: (858) 362-8500 Fax No: (858) 362-8448 Name of Corporate Officer/Partner (type or print): Dan Feldman Title (type or print): President of Sunroad, G.P., Inc., its General Partner Signature: _____ Date: _____

Ownership Disclosure Statement

Sunroad Centrum PDP Amendment
PTS# 420300

Owner: Sunroad Centrum Partners, L.P. (Phase 5)

Ownership Interests:

Sunroad Centrum Apartments 4, L.P. (Phase 4)

Sunroad GP, Inc.

Sunroad Real Estate Holding Corp.

The Aaron Feldman Family Trust

Sunroad Centrum Apartments 23, L.P. (Phase 3) and

Sunroad Centrum Partners, L.P.

Aaron Feldman is 100 percent owner of all the listed entities.