

206A
4/21

RESOLUTION NUMBER R-303604

DATE OF FINAL PASSAGE APRIL 21, 2008

WHEREAS, Sunroad Centrum Partners, Limited Partnership, Owner/Permittee, filed an application with the City of San Diego for a planned development permit to construct one 5-story residential building with 129 units, two 4-story residential buildings with a total of 379 units, subterranean parking, two recreations centers and a 2-acre park site to be known as the Sunroad Centrum Residential project on portions of a 12.49-acre site, located at 8773-8827 Lightwave Avenue and 8770-8786 Spectrum Center Boulevard, and legally described as portions of Parcels 13 thru 16, inclusive, of Parcel Map No. 18972, in the City of San Diego, County of San Diego, State of California, according to Map Thereof, filed in the Office of the County Recorder of San Diego County, May 24, 2002 as File No. 2002-0444396 of Official Records and portions of Parcels 1 thru 4, inclusive, of Parcel Map No. 19312, in the City of San Diego, County of San Diego, State of California, according to Map Thereof, filed in the Office the County Recorder of San Diego County, September 3, 2003, File No. 2003-1073075 of Official Records, in the Kearny Mesa Community Plan area and governed by the New Century Center Master Plan, in the CC-1-1 zone; and

WHEREAS, on December 13, 2007, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 325462, and pursuant to Resolution No. 4350-1-PC voted to approve the Permit; and

WHEREAS, Ian Trowbridge and William Lyon Homes, Inc. appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on February 19, 2008. and was continued for further review at the request of Councilmember Faulconer; and

WHEREAS, the matter was set for public hearing on April 21, 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 325462:

A. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The proposed project is located at 8773-8827 Lightwave Avenue and 8770-8786 Spectrum Center Boulevard venue within the New Century Center [NCC] in the Kearny Mesa Community Planning area, is designated in the plan for Mixed Use Commercial and Residential, and is subject to the development criteria of the NCC Master Plan, Design Manual and Development Standards. The project proposes to construct 508 residential units with on-site recreational facilities, a 2.0-acre park, and other amenities.

The project will provide a residential use conforming to site planning and architectural design guidelines, while creating a landscaped featured locale, and providing a 2.0-acre public park.

The residential element of the community plan includes the policy of encouraging residential development on urban infill sites within mixed-use projects. The NCC is a mixed-use project and the proposed project will provide 508 dwelling units in a residential development.

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 5-story residential building, two 4-story residential buildings for a total of 508 residential units; with subterranean parking, two recreation centers, and a 2-acre park site. 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. 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 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. The proposed project is located at 8773-8827 Lightwave Avenue and 8770-8786 Spectrum Center Boulevard within the NCC in the CC-1-3 zone of Kearny Mesa Community Planning Area, is designated in the plan for Mixed Use Commercial and Residential, and is subject to the development criteria of the NCC Master Plan, Design Manual and Development Standards. The project proposes to construct 508 residential units with on-site recreational facilities, a 2.0-acre park, and other amenities.

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, NCC Master Plan, Design Manual, and Development Standards, and the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed project will occupy 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 providing a 2.0-acre public park.

The residential element of the community plan includes the policy of encouraging residential development on urban infill sites within mixed-use projects. The NCC is a mixed-use project and the proposed project will provide 508 dwelling units in a residential development.

The Development Standards (Volume 2) of the NCC require the inclusion of approximately 10 percent of the proposed units as affordable housing when more than 550 dwelling units have been constructed. Further, the NCC defines affordable housing as units for households earning no more than 65 percent 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 twenty-four units of the proposed project not subject to the affordable housing requirement. Therefore 484 of the proposed residential units with this application would be subject to the affordable housing provision as stated in the NCC Master Plan. Accordingly, forty-eight units of affordable housing will be provided on-site and the project will meet the affordable housing recommendations of the NCC Development Standards. (This project is regulated by a preexisting Development Agreement (The NCC Master Plan) and is exempt from the Inclusionary Housing Ordinance).

The project would also upgrade improvements in the public right-of-way, as well as pay all applicable public facilities financing and school fees. Therefore, the proposed development, when considered as a whole, would be beneficial to the community.

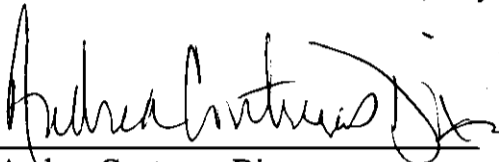
5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. There are no proposed deviations. The project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

(R-2008-1009)

BE IT FURTHER RESOLVED, that the motions to deny the appeal of Ian Trowbridge and William Lyon Homes failed for lack of a majority, effectively upholding the Planning Commission's decision; and Planned Development Permit No. 325462, with a new condition added, is granted to Sunroad Centrum Partners, Limited Partnership, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev

05/13/08

Or.Dept:Clerk

R-2008-1009

MMS #5750

L:\Dixon, Andrea\Resos\2008\R-2008-1009 (R-303604) Sunroad Centrum Appeal PRD Reso.doc

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-6264

PLANNED DEVELOPMENT PERMIT NO. 325462
SUNROAD CENTRUM RESIDENTIAL – PROJECT NO. 99397
CITY COUNCIL

This Planned Development Permit No. 325462 is granted by the Council of the City of San Diego to Sunroad Centrum Partners, Limited Partnership, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0604. The 12.49-acre site is located at 8773-8827 Lightwave Avenue and 8770-8786 Spectrum Center Boulevard in the CC-1-3 zone of the Kearny Mesa Community Plan and governed by the New Century City Master Plan. The project site is legally described as portions of Parcels 13 thru 16, inclusive, of Parcel Map No. 18972, in the City of San Diego, County of San Diego, State of California, according to Map Thereof, filed in the Office of the County Recorder of San Diego County, May 24, 2002 as File No. 2002-0444396 of Official Records and portions of Parcels 1 thru 4, inclusive of Parcel Map No. 19312, in the City of San Diego, County of San Diego, State of California, according to Map Thereof, filed in the Office of the County Recorder of San Diego County, September 3, 2003, File No. 2003-1073075 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct one 5-story and two 4-story residential buildings with a total of 508 units, with subterranean parking, two recreation centers and a 2-acre park site, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 21, 2008, on file in the Development Services Department.

The project or facility shall include:

- a. The construction of one 5-story residential building, Building A South, with 129 units, and two 4-story residential buildings, Buildings 'B' and 'C' with 184 and 195 units respectively; subterranean parking, two recreation centers,; and a 2-acre park site on a 12.49-acre site;
- b. Landscaping (planting, irrigation and landscape related improvements);

- c. Off-street parking; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This Permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this Permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
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 modifications to the

building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that 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 applicant 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, including, but not limited to, any 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant shall pay all of the costs related thereto between the City and applicant regarding litigation issues, the City shall have the authority to, including without limitation reasonable attorney's fees and costs. In the event of a disagreement control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

12. The mitigation measures specified in the MMRP, and outlined in Addendum to EIR No. 96-0165, EIR No. 96-0165, and Sunroad Centrum Mitigated Negative Declaration LDR No. 41-0101 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Addendum to EIR No. 96-0165, EIR No. 96-0165, and Sunroad Centrum Mitigated Negative Declaration LDR No. 41-0101 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontological monitoring
A waste management plan
Transportation improvements

14. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

15. Prior to the issuance of the building permit, the Owner/Permittee shall provide a letter to the Environmental Review Manager [ERM] of LDR verifying that the County of San Diego Department of Environmental Health concurs that human health, water resources, and the environment are adequately protected from any contamination that may have been present on the site.

16. The Owner/Permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the Project Paleontologist, and the City's Mitigation, Monitoring Coordination [MMC] Section representative.

ENGINEERING REQUIREMENTS:

17. Prior to building occupancy, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.

18. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code into the construction plans or specifications.

19. Prior to the issuance of any construction permit the subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.

20. All driveways and curb openings shall comply with City Standard Drawings G-14A G14B, G-16 and SDG-100.

21. This project proposes to export 84,500 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per Land Development Code [LDC] section 141.0620(i).

22. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order No. and Drawing No.. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.

23. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is private and subject to approval by the City Engineer.

24. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for private improvements located in the public right-of-way, including landscaping and enhanced pavement.

25. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

26. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.

27. The subdivider shall obtain a 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.

28. Prior to issuance of any construction permit, the applicant shall obtain private easements for onsite private storm drain pipes that convey drainage from adjacent lots and for the proposed offsite private storm drain pipes located on Parcel 1 and Parcel 7 of the adjacent property.

LANDSCAPE REQUIREMENTS:

29. Prior to issuance of any construction permits for grading, landscape construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this Permit (including Environmental conditions) and Exhibit "A."

30. Prior to issuance of any engineering permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

31. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

32. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.

33. Prior to Final Inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

34. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

35. 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 City Manager within thirty days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

TRANSPORTATION REQUIREMENTS:

36. No fewer than 871 automobile parking spaces (including seventeen accessible ones), fifty-one motorcycle spaces, and 225 bicycle spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A," (1027 automobile spaces (including twenty-five accessible spaces, fifty-three motorcycle spaces and 229 bicycle spaces are provided as shown on the project's Exhibit "A"). 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 City of San Diego.

37. All driveway widths shall not exceed 25 feet wide at the curb line, and these driveways shall have a 3-foot flare on each side.

38. No fewer than three off-street loading zones, each having a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance of 14 feet including entrances and exits, shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Four off-street loading zones, each having a minimum length of 35 feet and a minimum width of 12 feet, are provided as shown on the project's Exhibit "A."

39. Prior to building permit issuance for the 999th residential unit within the NCC Master Plan area, the Owner/Permittee shall assure the provision of an internal shuttle transit system, satisfactory to the City Engineer, including, but not limited to, the shuttle system implementation schedule and duration and operational characteristics (e.g. route, frequency, daily hours of operation).

PLANNING/DESIGN REQUIREMENTS:

40. Prior to issuance of building permits, the project must demonstrate that all ground floor units facing Spectrum Center Boulevard have individual exterior building entries. All entrances must conform to the setback requirements of the approved Exhibit "A" unless a deviation from this requirement is approved or granted as a condition of approval of this Permit.

41. All terms and conditions of the original PID/PCD No. 96-0165 and PID/PCD No. 99-1269 are in effect unless otherwise noted in this Permit.

42. Prior to Issuance of any building permit, a Building Restricted Easement shall be recorded over a 0.69-acre, unencumbered area on portions of Parcel 6 and portions of Parcel 7, of Parcel Map No. 18972, to the satisfaction of the City of San Diego.

43. No development rights are provided in this permit for Lot 2 of Tentative Map No. 329293. Future development rights to Lot 2 will require an Amendment to this permit and shall not be applied prior to the removal of the SDG&E substation that currently exists at the corner of Lightwave Avenue and Paramount Drive.

44. This Planned Development Permit development shall be consistent with the "COVENANT, RESTRICTION AND NEGATIVE EASEMENT PROHIBITING DEVELOPMENT OF LAND" recorded and referenced in Vesting Tentative Map No. 329293.

45. A Certificate of Occupancy for the final fifty of the permitted 508 residential units shall not be granted until SDG&E submits to the City written verification, satisfactory to the City Engineer, which confirms the existing substation identified in the New Century Center Master Plan has been decommissioned. "Decommissioned" shall be defined as de-energizing the substation, permanently removing the substation from service, and permanently ceasing operation of the substation in accordance with the California Public Utility rules and regulations, and shall include removal of the substation. The fifty units restricted by this condition shall not include the forty-eight required affordable housing units.

WATER REQUIREMENTS:

46. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s), if needed, outside of any driveway or drive aisle and the removal of any existing unused water services within all rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

47. 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), if needed, in a manner satisfactory to the Water Department Director, the City Engineer and the Cross Connection Control Group in the Customer Support Division of the Water Department.

48. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install additional fire hydrants, if needed, at locations satisfactory to the Fire Department and the City Engineer.

49. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services and meters, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

50. The Owner/Permittee agrees to design and construct all proposed public water facilities 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. Water facilities as shown on the approved plans shall be modified at final engineering to comply with standards.

51. It is the sole responsibility of the Owner/Permittee for any damage caused to or by public water facilities, adjacent to the project site, due to the construction activities associated with this development. In the event any such facility loses integrity then, prior to the issuance of any certificates of occupancy, the Owner/Permittee shall reconstruct

any damaged public water facility in a manner satisfactory to the Water Department Director and the City Engineer.

WASTEWATER REQUIREMENTS:

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

53. There is an approved master sewer study that covers this area. The total number of EDUs generated by this Development shall be consistent with that of the approved master sewer study. (no more than what was approved by the master sewer study).

GEOLOGY REQUIREMENTS:

54. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within fifteen days of completion of grading operations. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

PARK AND RECREATION REQUIREMENTS:

55. Prior to the first building permit for Sunroad Centrum Residential, the Permittee must assure through a Park Development Agreement and a letter of credit acceptable to the City Attorney, that population-based park requirements shall be satisfied, pursuant to the MMRP, Public Services (Park and Recreation) Option 2.b.

56. All signage for the Public Park outside of the park parcel shall be approved by the Park and Recreation Department prior to the Park and Recreation Board approval of the General Development Plan, pursuant to Council Policy 600-33, Community Notification and Input for City-wide Park Development Projects.

AFFORDABLE HOUSING REQUIREMENTS:

57. After the 550th dwelling unit within the mixed use Commercial/Residential area of the New Century Center Master Plan, residential projects shall include approximately 10 percent of the proposed units as affordable housing. Affordable housing shall be defined as units to be rented or sold to households earning no more than 65 percent of median income, or an equally acceptable affordable housing program approved by the City Manager (Mayor) and the Housing Commission. The applicant will set aside forty-eight units as Affordable Housing.

58. Prior to receiving the first residential building permit, the applicant shall comply with the affordable housing requirements of the New Century Center Development Standards by providing forty-eight dwelling units affordable to households earning no more than 65 percent of the Area Median Income. Prior to receiving the first residential

building permit, the applicant must enter into an agreement with the San Diego Housing Commission to assure that the affordable units are built and occupied by eligible households.

59. The Owner/Permittee shall post a copy of this approved discretionary permit and Tentative Map in the sales office for consideration by each prospective buyer.

60. 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.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 Council of the City of San Diego on April 21, 2008 by Resolution No. 303604.

AUTHENTICATED BY THE CITY MANAGER

By _____

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

SUNROAD CENTRUM PARTNERS,
Limited Partnership
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER - Permit Shell 11-01-04