

206B
4/21

RESOLUTION NUMBER R-303605

DATE OF FINAL PASSAGE APRIL 21, 2008

WHEREAS, Sunroad Centrum Partners, Applicant/Subdivider, and Stevens Cresto Engineering, Inc., Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 329293) to construct one 5-story residential building with a total of 129 units, and two 4-story residential buildings with a total of 379 units, subterranean parking, two recreation centers, and a 2-acre park site on a 12.49-acre site, for the Sunroad Centrum Residential project [Project]. The Project is 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-1-3 zone; and

WHEREAS, the Map proposes the subdivision of a 12.49-acre site into four lots for a residential development (Lot 1 is a 379-unit residential condominium project as defined in Section 1350 et. seq. of the Civil Code of the State of California and are filed pursuant to the Subdivision Map Act, Lot 4 is residential apartment lots, and Lot 3 is a public park site). The total number of condominium dwelling units is 508; and

WHEREAS, on December 13, 2007, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 329293, and pursuant to Resolution No. 4350-PC-2 voted to approve the project; 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, this activity is covered under New Century Center EIR No. 96-0165; San Diego Spectrum Master Plan Amendment LDR No. 99-1269, Addendum to EIR No. 96-0165; and Sunroad Centrum Mitigated Negative Declaration LDR No. 41-0101. The activity is adequately addressed in the previous environmental documents and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposes of California Environmental Quality Act [CEQA] review pursuant to State CEQA Guidelines Section 15060(c)(3); and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; 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 Vesting Tentative Map No. 329293:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (LDC Section 125.0440(d) and Subdivision Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

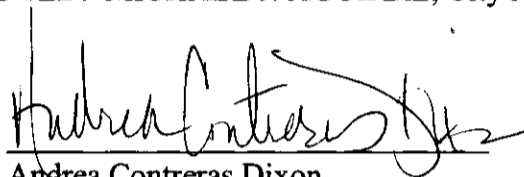
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

(R-2008-1010)

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 Vesting Tentative Map No. 329293 is granted to Sunroad Centrum Partners, Applicant/Subdivider, and Stevens Cresto Engineering, Inc., Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Andrea Contreras Dixon
Deputy City Attorney

ACD:pev

05/13/08

Or.Dept:Clerks

R-2008-1010

MMS #5750

I:\Civil\FORM FILLS; RESO_ORD FORMS\MAPS\Tentative Map 09-20-05.doc

CONDITIONS FOR VESTING TENTATIVE MAP NO. 329293
SUNROAD CENTRUM RESIDENTIAL PROJECT – PROJECT NO. 99397
ADOPTED BY RESOLUTION NO. R-303605 ON APRIL 21, 2008

GENERAL

1. This Tentative Map will expire April 21, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Vested Tentative Map expiration date, a Final Map to consolidate the existing lots into four lots shall be recorded in the Office of the County Recorder.
4. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
5. The Final Map shall conform to the provisions of Vesting Tentative Map No. 329293 and Planned Development Permit No. 325462.
6. Prior to Recordation of the Final Map, 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.
7. Prior to Recordation of the Final Map, the “COVENANT, RESTRICTION AND NEGATIVE EASEMENT PROHIBITING DEVELOPMENT OF LAND” shall be recorded with the County Recorders and referenced on the Final Map.

AFFORDABLE HOUSING

8. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide forty-eight affordable housing units in compliance with the New Century Center Master Plan

ENGINEERING

9. Prior to recordation of the Final Map, pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.

10. Prior to recordation of the Final Map, the subdivider shall provide a 32-foot wide public access easement across the private drive located adjacent to the easterly property line of the proposed public park lot, Lot 3.
11. Prior to recordation of the Final Map, the subdivider shall provide a 15-foot wide public access easement for the proposed jogging trail located along the northerly lot line of Lot 2 and the southerly lot line of Lot 4.
12. The subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
13. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
14. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

MAPPING

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

and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid to ground distances shall be shown on the map.

WATER

18. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the City Engineer and the Water Department Director. If more than two fire hydrants or thirty equivalent dwelling units are located on a dead end main then the Subdivider shall install adequate facilities to provide a redundant water supply.
19. If the Subdivider makes any request for new water facilities (including services or fire hydrants), then the Subdivider shall design and construct such 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.
20. The Subdivider shall provide a letter to the Development Project Manager agreeing to prepare CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single condominium unit or lot.
21. The Subdivider 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 tentative map may require modification to comply with standards.
22. 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

23. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.
24. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot/condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot/condominium.
25. The developer shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's

sewer design guide. Improvement drawings are required for private sewer facilities serving more than one lot.

INFORMATION:

- The approval of this Tentative Map by the Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- The applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.