

RESOLUTION NUMBER R- 312221

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2/12/19

DATE OF FINAL PASSAGE FEB 12 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DENYING THE APPEAL AND APPROVING THE
VESTING TENTATIVE MAP NO. 2003387 FOR SUNROAD
CENTRUM RESIDENTIAL, PHASE 6 – PROJECT NO. 565879.

WHEREAS, Sunroad Centrum Office Land, LP, a California Limited Partnership, Subdivider, and Stevens Cresto Engineering, Inc., Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 2003387, Sunroad Centrum Residential, Phase 6 Project (Project), proposing to consolidate five existing lots into two lots, and create 443 condominiums, consisting of 442 residential condominiums and one commercial condominium in a seven-story 554,640 square-foot building. The Project site is located at the 4890 Sunroad Centrum Lane in the in Commercial-Community (CC-1-3) Zone, Geologic Hazards (51, level mesas), Transit Priority Areas, Airport Land Use Compatibility (MCAS Miramar and Montgomery Field), Airport Influence Areas (MCAS Miramar and Montgomery Field), Safety Zone (Montgomery Field), FAA Part 77 Noticing Area (MCAS Miramar and Montgomery Field) Overlay Zones, and New Century Center Master Plan (NCC Master Plan) within the Kearny Mesa Community Plan; and

WHEREAS, the property is legally described as Lots 1 through 5, inclusive, of Sunroad Centrum, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 15873 filed in the Office of the County Recorder of San Diego County, July 10, 2012 of official records; and

WHEREAS, the Map proposes the subdivision of a 5.83-acre site into 2 lots for 443 condominiums, consisting of 442 residential condominiums and one commercial condominium; and

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

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of residential condominium units is 442 and one commercial condominium unit; and

WHEREAS, on December 13, 2018, the Planning Commission approved the Vesting Tentative Map and on December 26, 2018 an appeal of that approval was filed; and

WHEREAS, on February 12, 2019, the City Council of the City of San Diego considered Vesting Tentative Map No. 2003387, and pursuant to San Diego Municipal Code section 125.0440 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, under San Diego 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 City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 2003387:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan. The Project proposes a Vesting Tentative Map for the consolidation of five existing lots into two lots and the creation of 443 condominium units, consisting of 442 residential units and one commercial unit within a seven-story 554,640-square-foot building located at 4890 Sunroad Centrum Lane.

As contemplated by the applicable land use plan, the NCC Master Plan and the Kearny Mesa Community Plan, the proposed subdivision provides for a Medium to High density (up to 70 dwelling units per acre) residential development on the former General Dynamics industrial site within the Kearny Mesa Community Plan area, which is centrally located with adequate existing infrastructure and supporting freeway access. The 5.83-acre Project site is designated as Mixed-Use Commercial/Residential which allows mixed-use commercial office, commercial retail, and residential development that capitalizes on the excellent accessibility of the site.

The proposed development is required to comply with the NCC Master Plan, General Commercial CA zone (which incorporates the Commercial Office (CO) and Commercial Neighborhood (CN) zones) and development regulations in-lieu of the implementing Community Commercial (CC-1-3) Zone. Mixed-Use Commercial/Residential areas of the NCC Master Plan does not have a lot size minimum or maximum for this site. Rather, flexibility of lot size is provided to accommodate the unique blend of uses possible in the area. Specifically, the Project as proposed conforms to the NCC Master Plan Site Volume Two, Development Standards (B) for Lot Size, Lot Consolidation, Setbacks and Density.

The proposed subdivision does not request nor require deviations and would comply with the development regulations of the NCC Master Plan's Development Criteria and Design Guidelines as well as the applicable development regulations of the Land Development Code.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code. The Project proposes a Vesting Tentative Map for the consolidation of five existing lots into two lots and the creation of 443 condominium units, consisting of 442 residential units and one commercial unit within a seven-story 554,640-square-foot building located at 4890 Sunroad Centrum Lane.

The proposed development is required to comply with the NCC Master Plan, General Commercial CA zone (which incorporates the Commercial Office (CO) and Commercial Neighborhood (CN) zones) and development regulations in-lieu of the implementing Community Commercial (CC-1-3) Zone.

The Project as proposed will consolidate five lots into two lots with Lot One 5.092-acres and Lot Two 0.740-acres. The NCC Master Plan allows lot size flexibility to accommodate the unique blend of uses possible in the area. The Project will observe setbacks of at least 20-feet along the street frontage where 10-foot setbacks are required. The NCC Master Plan contains specific land use recommendations, an urban design framework, and mobility recommendations consistent with the General Plan City of Villages strategy. The proposed Project is consistent with the land use intent outlined in the Community Plan, as well as the NCC Master Plan, Design Guidelines, and Development Standards. The NCC Master Plan allows for flexibility in land and development intensity of the site subject to the projects transportation and circulation demand being at or below the New Century Center Final Program Environmental Impact Report No. 96-0165/SCH No. 96031091, aggregate trip limitation. The 443- unit condominium development conforms to the NCC Master Plan, Volume Two (IV)(B) for Lot Consolidation, Lot Size, Setbacks, and Density.

The proposed subdivision does not request nor require deviations and would comply with the development regulations of the NCC Master Plan's Development Criteria and Design Guidelines as well as the applicable development regulations of the Land Development Code.

3. The site is physically suitable for the type and density of development. The Project proposes a Vesting Tentative Map for the consolidation of five existing lots into two lots (Lot One 5.092-acres and Lot Two 0.740-acres) and the creation of 442 residential condominiums and one commercial condominium in a seven-story 554,640-square-foot building, located at 4890 Sunroad Centrum Lane.

The proposed subdivision would be consistent with the Mixed-use Commercial/Residential Element applicable to the site as articulated in the NCC Master Plan, Development Standards, and Design Manual and would comply with the applicable regulations of the Planned Development regulations.

The proposed development is required to comply with the NCC Master Plan development regulations in-lieu of the implementing Community Commercial (CC-1-3) Zone.

The proposed Project is consistent with the land use intent outlined in the Community Plan, as well as the NCC Master Plan, Design Guidelines, and Development Standards. The NCC Master Plan allows for flexibility in land and development intensity of the site subject to the projects transportation and circulation demand being at or below the New Century Center Final Program Environmental Impact Report No. 96-0165/SCH No. 96031091, aggregate trip limitation. The 443-condominium unit development conforms to the NCC Master Plan, Volume Two (IV)(B) for Density.

Except for a temporary surface parking lot, the five existing lots are vacant and generally flat, having been cleared when the former General Dynamics industrial use was abandoned. The site has one and two-story commercial to the north, 10-story Ashford University to the south, seven story multiple dwelling unit residential to the east, and interstate 163 to the west. The development of the university and multiple dwelling unit residential is of similar density, bulk, and scale. Therefore, the bulk, scale, and siting of the proposed development would be compatible with the existing and future surrounding land uses and the site is physically suitable for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Project proposes a Vesting Tentative Map for the consolidation of five existing lots into two lots and the creation of 442 residential condominiums and one commercial condominium in a seven-story 554,640-square-foot building, located at 4890 Sunroad Centrum Lane.

The Project site is a previously graded level lot, located in an urbanized neighborhood of San Diego containing no environmentally sensitive lands or habitat. Addendum No. 565879 to New Century Center Final Program Environmental Impact Report (FEIR) No. 96-0165/SCH No. 96031091 has been prepared for the Project in accordance with California Environmental Quality Act guidelines. Based upon a review of the current Project, there are no new significant environmental impacts not considered in the previous FEIR, no substantial changes have

occurred with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance to the Project. Therefore, 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.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare. The Project proposes a Vesting Tentative Map for the consolidation of five existing lots into two lots and the creation of 443 condominium units, consisting of 442 residential units and one commercial unit within a seven-story 554,640-square-foot building to be located at 4890 Sunroad Centrum Lane.

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

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The Project proposes a Vesting Tentative Map for the consolidation of five existing lots into two lots and the creation of 443 condominium units, consisting of 442 residential units and one commercial unit within a seven-story 554,640-square-foot building located at 4890 Sunroad Centrum Lane.

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

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities. The proposed subdivision is of a 5.83-acre parcel into 443 lots, consisting of 442-residential units and one commercial unit. The design and proposed improvements for the lot consolidation and condominium construction are consistent with California Government Code Section 66473.1 and SDMC Section 125.0440(g) regarding the design of the subdivision for future passive or natural heating and cooling opportunities. The proposed Project establishes appropriate setbacks and distances between buildings to allow for passive natural heating and cooling opportunities. The physical layout of the building onsite allows for the passage of air between the existing and proposed structure. The landscape plan proposes a high-quality design with many trees that will promote natural cooling onsite. The Project would highlight natural materials and colors, usable outdoor spaces, and drought-tolerant landscaping. The mixed-use development would feature a contemporary architectural style with varied façade materials including stucco siding in earth tone colors as well as metal canopies, and glass and metal railing systems. The ground floor would contain the

Commercial Leasing Office store front, auto court, and residential condominiums with porches, stoops, or balconies. Floors two through seven are residential with balconies, open space areas, active recreation, and amenities. The Project does not impede or inhibit any future passive or natural heating and cooling opportunities. The structure will have the opportunity through building materials, site orientation, architectural treatments and the placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources. The Project proposes a Vesting Tentative Map for the consolidation of five existing lots into two lots and the creation of 443 condominium units, consisting of 442 residential units and one commercial unit within a seven-story 554,640-square-foot building located at 4890 Sunroad Centrum Lane.

The Project implements the City's General Plan Housing Element goal of retaining existing well-maintained residential communities and promoting quality urban infill development. The NCC Master Plan contains specific land use recommendations, an urban design framework, and mobility recommendations consistent with the General Plan City of Villages strategy. The proposed Project is consistent with the land use intent outlined in the Community Plan, as well as the NCC Master Plan, Design Guidelines, and Development Standards.

The objectives of the NCC Master Plan applicable to the proposed Project include, but are not limited to: facilitate an imaginative, innovative, and flexible multi-use framework which is adaptable to emerging marketing opportunities and fosters compatible residential, commercial, and employment uses; and promote, through a variety of land uses, a diversified economic base that can help expand employment and housing opportunities and promote revitalization of the Kearny Mesa community. Specific objectives for Planning Area 1A also call for a mix of residential and employment with residential areas linked to commercial areas by pedestrian paths and common landscape themes. The proposed residential uses are consistent with this vision and the primarily residential Project instead of commercial retail/office uses are allowed through a transfer of vehicle trips from within the same planning area.

The purpose of the General Plan's Mobility Element, which is carried through the Transportation Element of the NCC Master Plan, is to improve and facilitate mobility through development of a balanced, multi-modal transportation system. The NCC Master Plan indicates that Planning Area 1A is envisioned as a pedestrian-focused area with landscaped gateway areas. The proposed Project would provide pedestrian access and comfort by development of non-contiguous sidewalks on Lightwave Avenue and Kearny Villa Road. Direct connections to surrounding developments, retail uses, and Centrum Park have been incorporated into the site design.

All appropriate public services (including fire, police, medical, schools, public parks, and libraries) as well as necessary utilities such as electricity, water, and sewer, will be available and adequate for the proposed Project.

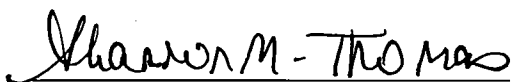
The decision maker has reviewed the administrative record including the Project plans, technical studies, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region and those needs are balanced against the needs for public services and the available fiscal and environmental resources and the addition of 442 new attached residential units would assist the housing needs of the community.

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

BE IT FURTHER RESOLVED, by the City Council of the City of San Diego, that the appeal of the Planning Commission's decision is denied, based upon the substantial evidence provided in the record to support the findings of approval.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No.2003387, is hereby granted to Sunroad Centrum Office Land, LP, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Shannon M. Thomas
Senior Deputy City Attorney

SMT:als
02/14/2019
Or.Dept:DSD
Doc. No.: 1930013

Attachment: Vesting Tentative Map Conditions

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 2003387
SUNROAD CENTRUM RESIDENTIAL, PHASE 6
PROJECT NO. 565879

ADOPTED BY RESOLUTION NO. R- 312221 ON FEBRUARY 12, 2019

GENERAL

1. This Vesting Tentative Map will expire February 12, 2022.
2. Compliance with all the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into two lots shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Final Map shall conform to the provisions of Planned Development Permit No. 2003388.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

7. The Tentative Map shall comply with the conditions of Planned Development Permit No. 2003388.

8. Prior to recordation of Final Map, the Subdivider shall assure, by permit and bond, the upgrade of all existing street lights surrounding the site to current City Standards to satisfaction of City Engineer.
9. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
10. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

11. Prior to the expiration of the Tentative Map, if approved, a Final Map to consolidate and subdivide the properties into 442 Residential Condominium units and one Commercial Condominium unit on Lot 1 together with Lot 2 shall be recorded to the County Recorder's office.
12. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
13. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (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 First Order accuracy. 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 shall be shown on the map.
14. The Final Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.
15. All survey monuments shall be set prior to the recordation of the Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be

applied on the Final Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.

INFORMATION:

- The approval of this Tentative Map by the City 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 § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Passed by the Council of The City of San Diego on FEB 12 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 12 2019.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>312221</u>