

Batten, Kelly

From: Batten, Kelly
Sent: Wednesday, March 06, 2013 1:57 PM
To: Tom Story
Subject: RE: Council Policy Waiver

Sounds great!! Thank you.

Kelly

From: Tom Story [<mailto:tstory@sunroadenterprises.com>]
Sent: Wednesday, March 06, 2013 1:55 PM
To: Batten, Kelly
Subject: RE: Council Policy Waiver

I will start working on this right away and have something to your tomorrow or Friday at the latest. Thx Tom

From: Batten, Kelly [<mailto:KMBatten@sandiego.gov>]
Sent: Wednesday, March 06, 2013 1:54 PM
To: Tom Story
Subject: RE: Council Policy Waiver

Really if you can send me whatever information is pertinent to waiving the council policy that I can put into the memo and then use for the docketing process would be fabulous. I have the information you gave me yesterday, but I just want to make the wording and language you want included is in the memo.

Feel free to email me or call me with what you want and I will draft the memo and send a draft to you before I finalize.

Kelly

From: Tom Story [<mailto:tstory@sunroadenterprises.com>]
Sent: Wednesday, March 06, 2013 1:52 PM
To: Batten, Kelly
Subject: RE: Council Policy Waiver

Great. Just let me know what information/justification for the request that you might need drafted by me. Thx Tom

From: Batten, Kelly [<mailto:KMBatten@sandiego.gov>]
Sent: Wednesday, March 06, 2013 1:41 PM
To: Tom Story
Subject: RE: Council Policy Waiver

I think so. We should get on it right away.

From: Tom Story [<mailto:tstory@sunroadenterprises.com>]
Sent: Wednesday, March 06, 2013 1:23 PM
To: Batten, Kelly
Cc: Dan Feldman; Craig Bachmann
Subject: RE: Council Policy Waiver

Kelly,

We'd like to go straight to Council. Ideally we will have this addressed by Mid April. Does that seem doable?

From: Batten, Kelly [<mailto:KMBatten@sandiego.gov>]
Sent: Wednesday, March 06, 2013 12:22 PM
To: Tom Story
Subject: Council Policy Waiver

Tom,

My suggestion is to take the item directly to council. We have a full LU&H meeting on the 27th and we are planning on doing a special joint meeting with NR&C in April. It would be faster for you to take it directly to council.

Let me know if that is what you want to do and I will work with you on language so our office can write a memo to the Council President's office to get it docketed.

Kelly

Kelly Batten
Deputy Chief of Staff
Councilmember Lorie Zapf
619-236-6616 (office)
619-379-4328 (cell)

Batten, Kelly

From: Tom Story [tstory@sunroadenterprises.com]
Sent: Friday, March 08, 2013 9:57 AM
To: Batten, Kelly
Subject: FW: Waiver of Council Policy 700-06
Attachments: Waiver of Council Policy 700-06.pdf

With the correct e-mail address this time.


From: Tom Story
Sent: Friday, March 08, 2013 9:56 AM
To: 'kbatten@sandiego.gov'
Cc: Job Nelson (jnelson@sandiego.gov); Rick Vann; Dan Feldman; 'Cindy Eldred'; Lizette Parra
Subject: FW: Waiver of Council Policy 700-06

Kelly,

Attached is our CP 700-06 waiver request. Pls let me know if this is sufficient for having this request placed on the Council Docket and if there is anything else I can do to assist in the process. A hard copy of the attached will be mailed to you today. I very much appreciate your attention to this matter and your office's support for this request.

Tom

SUNROAD ENTERPRISES
4445 Eastgate Mall Suite 400
San Diego CA 92121
Tel (858) 362-8500 Fax (858) 362-8448

To: Kelly Batten
From: Tom Story 
Date: March 8, 2013
Subject: Waiver of Council Policy 700-06

Request: Sunroad Centrum Partners, the owner of two parcels contiguous with the newly constructed 2.0-acre Centrum Park in Kearny Mesa, requests that the City Council waive Council Policy 700-06 and direct the Park and Recreation Department to accept a nine (9)-foot-wide building restricted easement along the north and south property lines of the park, adjacent to Sunroad's parcels.

Background: First approved by the City Council in 1997, the New Century Center Master Plan, aka Spectrum Center, contemplated redevelopment of the 244-acre former General Dynamics industrial site with mixed-use commercial/industrial development. Consistent with the City's General Plan and the City of Villages concept, the Spectrum Master Plan was amended in 2000 and 2002 to include multi-family residential uses in the western portions of the site. The 2002 amendments also included park requirements associated with the additional residential development authorized with the amendment.

In partial satisfaction of the park requirements for Phase 1 residential development, a 379 D.U. apartment project, Wood Partners completed construction of the 2.0-acre Centrum Park in 2012. Under separate permits, Sunroad Centrum Partners is now constructing residential Phases 2 and 3 (252 total D.U.s) contiguous with the Centrum Park and to the immediate north and south of the park. Consistent with the development standards of the Spectrum Master Plan, which established a minimum building setback of zero (0) feet for the rear yards, the Planned Development Permits for Phases 2 and 3 (PDP #'s 325462 and 9058321) were approved by the City Planning Commission with rear yard building setbacks of 6'-0".

In reliance on the approved PDP's, construction drawings were then prepared showing 6'-0" building setbacks from the Park. During the building permit plan check review it was noted that the California Building Code (CBC) would require a 15' building setback from the park if the park were not designated a 'Public Way'.

As more fully detailed in the attached letter from James Churchill, P.E., the park could reasonably be deemed a public way because it meets the CBC definition as a "...parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public uses..."

An alternative to having the Centrum Park designated a public way would be to record a nine (9)-foot wide building restricted easement along the north and south property lines of the park, adjacent to Sunroad's parcels. City staff has identified that the request to record a building restricted easement over any portion of the park is inconsistent with Council Policy 700-06 and as such they are obligated to deny Sunroad's request absent waiver of the Council Policy.

It is Sunroad's contention that the requested building restricted easement will not impede access to or use of the site for park purposes. As a practice, small neighborhood parks do not have structures such as restrooms or Recreation Centers. In all likelihood, there will never be a desire or need to build a structure on this neighborhood park. The easement would place no restriction on the park's landscaping. Nor would it necessitate any modification of the current Centrum Park General Development Plan, park maintenance, or park operations.

The key issue is whether or not the City would ever proceed to build a structure on the 2.0-acre park. While it is theoretically possible that in the future the City might want to build a structures on the site within nine ((9) feet of the north and south property lines of the park, it is unlikely that the City would ever secure a public vote to dispose of dedicated parkland, nor is it likely that the neighbors would support having a structure built on the park.

Draft Findings: Waiver of Council Policy 700-06 in this instance, meets the guidelines established in Council Policy 700-06 because recordation of a nine (9)-foot-wide building restricted easement along the north and south property lines of the park: (1) would not violate any deed restrictions related to the park, map requirements or other land use regulations; (2) would not be detrimental to the City's property interests; (3) would not preclude appropriate uses of the park; (4) would be consistent with the General Plan; (5) would otherwise be prudent and reasonable; and (6) would not change or interfere with the use and purpose of the park.



CHURCHILL ENGINEERING, INC.

Building and Fire Code Consulting

June 7, 2012

VIA EMAIL

tstory@sunroadenterprises.com

Tom Story
V.P. Development
Sunroad Enterprises
4445 Eastgate Mall, Suite 400
San Diego, California 92121
858-362-8500

Re: Park - Public Way
Sunroad Centrum Residential, Phases II & III
Lightwave Ave. & Spectrum Center Blvd.
San Diego, California
CEI Project No: 12037

Dear Tom:

Churchill Engineering, Inc. has evaluated the classification of the proposed park located between the Sunroad Centrum Phase II and III projects as a public way in determining the maximum allowable area of openings permitted within the exterior walls facing the park property. Our opinion is that the park should be considered as a public way for determining the fire separation distance for both buildings facing the park. As described on page 159 of the 2009 IBC Handbook Fire- and Life-Safety Provisions, a public way may also include open spaces other than streets or alleys that the building official may determine are reasonably likely to remain unobstructed through the years. Based on the size and location of the proposed park it appears to be unlikely that a building or other type of obstruction that may potentially create an exposure hazard would be placed on the park property in the future. Section 1002 of the 2010 California Building Code (CBC) defines a public way as:

"A street, alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet."

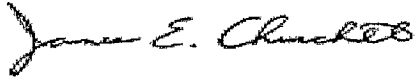
Sunroad Centrum Phases I & II
San Diego, California

June 7, 2012
CEI Project No.: 12037

In accordance with Section 705.8.1 of the CBC, the maximum area of exterior wall openings permitted is based on the fire separation distance. When the exterior walls of a building face a public way the building code defines the fire separation distance as the distance measured from the building face to the centerline of the public way. Based on the area of exterior wall openings being proposed each of the buildings are required to have a minimum fire separation distance of 15 feet. At a fire separation distance of 15 feet to less than 20 feet CBC Table 705.8 permits the maximum area of unprotected openings in an exterior wall in any story of a building equipped throughout with an automatic sprinkler system to be 75 percent of the wall area; and at a fire separation distance of 20 feet or greater there is no limit to the amount of openings permitted. The centerline of the proposed park is greater than 20 feet from the building face of both buildings, therefore, the area of exterior wall openings being proposed are clearly within the limitations of the building code when considering the park as a public way.

Sincerely,

CHURCHILL ENGINEERING, INC.

A handwritten signature in cursive script that reads "James E. Churchill".

James E. Churchill, P.E.
President

Batten, Kelly

From: Tom Story [tstory@sunroadenterprises.com]
Sent: Monday, March 11, 2013 10:13 AM
To: Batten, Kelly
Subject: RE: Sunroad Park Memo

Kelly,

A few corrections/edits

1st Para. First line: Sunroad does not own the park, the property for the Park and the obligation to build it was sold to Wood Partners when they acquired the 379 unit Phase one project. We own the parcels immediately north and south of the Park.

2nd Par. I think you need to revise it along these lines " A 2 acre park was completed by Wood Partners in 2012, in partial satisfaction of the park requirements for the first of a five phase residential development project known as Centrum. "

Next to last Para.: Revise as follows "The requested building restricted easement will not impede access to or use of the site for park purposes. The park does not have any structures such as restrooms..."

Thx Tom

From: Batten, Kelly [mailto:KMBatten@sandiego.gov]
Sent: Sunday, March 10, 2013 12:19 PM
To: Tom Story
Subject: Sunroad Park Memo

Mr. Story,

Here is a draft of the memo I put together to send to the Council President's office for the Waiver of Council Policy. I was trying to sum up what you sent me without leaving anything too important off. Let me know if you have changes.

Kelly Batten



**COUNCILMEMBER LORIE ZAPF
COUNCIL DISTRICT SIX**

M E M O R A N D U M

DATE: March 13, 2013
TO: Council President Todd Gloria
FROM: Councilmember Lorie Zapf
Chair, Land Use and Housing Committee
SUBJECT: Request to Docket Waiver of Council Policy 700-06

Sunroad Centrum Partners, owners of two parcels located immediately to the north and south of Centrum Park, a park facility that is part of a multi-family residential project in Kearny Mesa, is requesting a waiver of Council Policy 700-06 in relation to a 6'-0" building setback from the park.

A 2 acre park was completed by Wood Partners in 2012, in partial satisfaction of the park requirements for the first of a five phase residential development project known as Centrum. Under separate permits, Sunroad Centrum Partners is now constructing residential Phases 2 and 3 contiguous with the park and to the immediate north and south of the park. These phases are being constructed consistent with the development standards of the Spectrum Master Plan, which established a minimum building setback of zero feet for the rear yards. The Planned Development Permits for these phases were approved by the City Planning Commission with rear yard building setbacks of 6'-0".

In reliance of the Planned Development Permits, construction drawings were prepared showing the 6'-0" setbacks from the park. During the building permit plan check review it was noted that the California Building Code would require a 15' setback from the park if the park was not designated a 'Public Way'. The park could easily be designated as a 'Public Way' by definition of the California Building Code which defines it as, "... *parcel of land open to the outside air leading to the street that has been deeded, dedicated or otherwise permanently appropriated to the public for public uses....*"

An alternative to designating the park a public way would be to record having a nine (9) foot wide building restricted easement along the north and south property lines of the park, adjacent to Sunroad's parcels. City Staff has identified that the request to record a building restricted

easement over any portion of the park is inconsistent with Council Policy 700-06 and as such they are obligated to deny Sunroad's request absent waiver of Council Policy.

The requested building restricted easement will not impede access to or use of the site for park purposes. The park does not have any structures such as restrooms, or recreation centers.

I am requesting the docketing of Waiver of Council Policy 700-06 meets the guidelines established in Council Policy 700-06 because the recordation of a nine (9)-foot wide building restricted easement along the north and south of the property lines of the park: (1) would not violate any deed restrictions related to the park map requirements or other land use regulations; (2) would not be detrimental to the City's property interests; (3) would not preclude appropriate uses of the park; (4) would be consistent with the General Plan; (5) would otherwise be prudent and reasonable; and (6) would not change or interfere with the purpose of the park.

Batten, Kelly

From: Tom Story [tstory@sunroadenterprises.com]
Sent: Tuesday, March 12, 2013 3:46 PM
To: Batten, Kelly
Subject: RE: Sunroad Park Memo

Kelly,

Memo looks fine. I mentioned this to Steve Hill this morning and will brief him shortly. I've also spoken to Allen Jones this PM and sent him the memo request I had previously sent to you. Let me know if/when this will be docketed so I can schedule other briefings. Thx

Tom

From: Batten, Kelly [<mailto:KMBatten@sandiego.gov>]
Sent: Monday, March 11, 2013 1:28 PM
To: Tom Story
Subject: Sunroad Park Memo

Let me know if this works.

Kelly

Batten, Kelly

From: Tom Story [tstory@sunroadenterprises.com]
Sent: Thursday, March 21, 2013 7:22 AM
To: Batten, Kelly
Subject: RE: Waiver of CP 700-06

When does the notice need to be posted? Tomorrow sometime? And what would be the minimum graphic necessary to satisfy the notice requirements? I'll pull something together.

From: Batten, Kelly [mailto:KMBatten@sandiego.gov]
Sent: Thursday, March 21, 2013 7:12 AM
To: Tom Story
Subject: Re: Waiver of CP 700-06

Kind of. I need to have it ASAP for public noticing.

Sent from my iPhone

On Mar 21, 2013, at 6:53 AM, "Tom Story" <tstory@sunroadenterprises.com> wrote:

I will. Is Monday too late?

From: Batten, Kelly [mailto:KMBatten@sandiego.gov]
Sent: Wednesday, March 20, 2013 4:42 PM
To: Tom Story
Subject: RE: Waiver of CP 700-06

Do you have any presentation/powerpoint etc to send to be presented at the meeting?

From: Tom Story [mailto:tstory@sunroadenterprises.com]
Sent: Wednesday, March 20, 2013 11:41 AM
To: Batten, Kelly
Subject: FW: Waiver of CP 700-06

Kelly,

Per your request. Tom

Batten, Kelly

From: Tom Story [tstory@sunroadenterprises.com]
Sent: Monday, March 25, 2013 1:56 PM
To: Batten, Kelly
Subject: RE: RE: Centrum Park

I can e-mail as soon as it's done. Probably have it to you tomorrow morning.

From: Batten, Kelly [mailto:KMBatten@sandiego.gov]
Sent: Monday, March 25, 2013 1:53 PM
To: Tom Story
Subject: RE: RE: Centrum Park

Awesome! It would be best if you could email it ahead, but if you want to get to the meeting a few minutes early so we can get it on the computer that would be ok.

Thanks!!!
Kelly

From: Tom Story [mailto:tstory@sunroadenterprises.com]
Sent: Monday, March 25, 2013 1:53 PM
To: Batten, Kelly
Subject: RE: RE: Centrum Park

Cindy Eldred and I will attend and I'm putting together a short (10 image) powerpoint. Can I give you a thumb drive for display at the hearing?

From: Batten, Kelly [mailto:KMBatten@sandiego.gov]
Sent: Monday, March 25, 2013 12:47 PM
To: Tom Story
Subject: RE: RE: Centrum Park

Will you or someone from your office be able to give some background/report on the item at committee on Wednesday?

Kelly

From: Tom Story [mailto:tstory@sunroadenterprises.com]
Sent: Friday, March 22, 2013 9:17 AM
To: Batten, Kelly
Subject: FW: RE: Centrum Park

Kelly, Will this do for the notice? Tom

Batten, Kelly

From: Tom Story [tstory@sunroadenterprises.com]
Sent: Tuesday, March 26, 2013 1:19 PM
To: Batten, Kelly
Cc: Rick Vann; Dan Feldman; Craig Bachmann; 'Cindy Eldred'
Subject: RE: Waiver of Council Policy 700-06 Pwrpt

Kelly,

I asked Allen if the BP waiver was still necessary and he has not had a chance to look into it and won't until later in the week (he's on jury duty). We agreed we would proceed tomorrow at LU&H and pull it from the Council April 9th docket if it is determined to not be necessary.

Tom

From: Batten, Kelly [mailto:KMBatten@sandiego.gov]
Sent: Monday, March 25, 2013 5:01 PM
To: Tom Story
Subject: RE: Waiver of Council Policy 700-06 Pwrpt

We should be able to just upload it directly to the laptop.

Thank you so much!
Kelly

From: Tom Story [mailto:tstory@sunroadenterprises.com]
Sent: Monday, March 25, 2013 4:37 PM
To: Batten, Kelly
Subject: Waiver of Council Policy 700-06 Pwrpt

Kelly, here is the presentation. Let me know if you can upload this or if I need to do anything else. Thanks Tom

Batten, Kelly

From: Tom Story [tstory@sunroadenterprises.com]
Sent: Monday, April 15, 2013 11:15 AM
To: Batten, Kelly
Subject: RE: Waiver of CP 700-06

Thank you. Pls let me know as soon as you know so I can understand what my calendar will look like next Tuesday.

From: Batten, Kelly [mailto:KMBatten@sandiego.gov]
Sent: Monday, April 15, 2013 11:14 AM
To: Tom Story
Subject: RE: Waiver of CP 700-06

I've submitted to the City Attorney for final review. Hopefully I will be cleared to go forward today.

From: Tom Story [mailto:tstory@sunroadenterprises.com]
Sent: Monday, April 15, 2013 8:17 AM
To: Batten, Kelly
Cc: Dan Feldman
Subject: Waiver of CP 700-06

Good morning Kelly,

Can you let me know what the situation is with this and whether you expect it to be on the docket next week?

Thx Tom

Batten, Kelly

From: Tom Story [tstory@sunroadenterprises.com]
Sent: Wednesday, April 24, 2013 9:01 AM
To: Batten, Kelly
Subject: RE: Item for docket

Kelly,

I meant to ask if this is on the adoption agenda or Consent?

Will there be a staff report? If so can I get a copy?

If not who introduces the item and will I just be providing public testimony in support of a recommendations of approval?

Will the powerpoint be loaded and available? If so, I'll need explicit instruction on how to start the powerpoint. I definitely do not want a repeat of LU&H .

Thanks Tom

From: Batten, Kelly [<mailto:KMBatten@sandiego.gov>]
Sent: Tuesday, April 23, 2013 4:48 PM
To: Tom Story
Subject: Item for docket

Mr. Story,

Your item has been docketed for April 30th at 10:00 am.

Kelly

Kelly Batten
Deputy Chief of Staff/Land Use and Housing Committee Consultant
Councilmember Lorie Zapf
619-236-6616 (office)
619-379-4328 (cell)

Batten, Kelly

From: Tom Story [tstory@sunroadenterprises.com]
Sent: Monday, April 29, 2013 12:35 PM
To: Batten, Kelly
Subject: RE: Presentation

Excellent.

From: Batten, Kelly [mailto:KMBatten@sandiego.gov]
Sent: Monday, April 29, 2013 12:17 PM
To: Tom Story
Subject: Presentation

Mr. Story,

I am going to put together a paragraph for Lorie for tomorrow for her to read when the item is presented. Then if anyone has questions, we will just refer to you. This way you do not have to worry about a prepared presentation.

Kelly

Kelly Batten
Deputy Chief of Staff/Land Use and Housing Committee Consultant
Councilmember Lorie Zapf
619-236-6616 (office)
619-379-4328 (cell)

Batten, Kelly

From: Batten, Kelly
Sent: Monday, May 20, 2013 4:11 PM
To: Tom Story
Subject: Veto
Attachments: sharpcopier@sandiego.gov_20130517_150239

Mr. Story,

Here is the Mayor's veto of your item. Let me know what you want me to do. Right now it is going to be docketed for June 4th, but we may not have the votes to override.

Kelly

Batten, Kelly

From: Tom Story [tstory@sunroadenterprises.com]
Sent: Tuesday, May 21, 2013 8:56 AM
To: Batten, Kelly
Subject: RE: Veto

OK, Time permitting, we will stop by before 2 PM.

-----Original Message-----

From: Batten, Kelly [<mailto:KMBatten@sanidiego.gov>]
Sent: Tuesday, May 21, 2013 6:29 AM
To: Tom Story
Subject: Re: Veto

Job won't be in. I should still be though but I have a meeting at 2.

Sent from my iPhone

On May 21, 2013, at 5:52 AM, "Tom Story" <tstory@sunroadenterprises.com> wrote:

> Dan and I are mtg with Allen Jones at 1PM today, perhaps we could stop by right after that (1:30?) to debrief with you and Job?

>

> Sent from my iPad

>

> On May 20, 2013, at 4:11 PM, "Batten, Kelly" <KMBatten@sanidiego.gov<<mailto:KMBatten@sanidiego.gov>>> wrote:

>

> Mr. Story,

>

> Here is the Mayor's veto of your item. Let me know what you want me to do. Right now it is going to be docketed for June 4th, but we may not have the votes to override.

>

> Kelly

> <[sharpcooper@sanidiego.gov 20130517 150239.pdf](#)>