

RESOLUTION NUMBER R- 302638

DATE OF FINAL PASSAGE MAY 15 2007

WHEREAS, Coastal Development Company, Applicant/Subdivider, and Nasland Engineering, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 251403) for the demolition of all but one existing structure and the development of a mixed-use project consisting of 588 multi-family dwelling units (including 10 percent affordable units) and 135,228 square feet of office and retail uses to be know as Centerpointe [Project], located within the block surrounded by Vandever Avenue, Fairmount Avenue, Twain Avenue, and Mission Gorge Road within the Navajo Community Plan, and legally described as Lots 2 and 3 of Padre Center, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5147, filed in the Office of the County Recorder of San Diego County, April 3, 1963, together with Parcels 1 through 3 inclusive of Parcel Map No 18793 in the City of San Diego, County of San Diego, State of California, recorded in the Office of the County Recorder for San Diego County on September 14, 2001 as instrument No. 2001-0663372 of Official Records in the Navajo Community Plan area, in the Community Plan Implementation Overlay Zone [CPIOZ] Type A; and

WHEREAS, the Map proposes the subdivision of an 11.95-acre site into 613 separate condominium ownerships, 588 residential and twenty-five commercial; and

WHEREAS, on January 11, 2007, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 251403, and pursuant to Resolution No. 4197-PC voted to recommend City Council approval; and

WHEREAS, Supplemental Environmental Impact Report No. 80450 to the Grantville Redevelopment Project Program environmental Impact Report has been prepared in accordance with the California Environmental Quality Act [CEQA]; 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, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of residential dwelling units is 588 and commercial condominium units is twenty-five; 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 MAY 15 2007, 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. 251403:


1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the General Plan, Navajo Community Plan and any applicable land use plan (San Diego Municipal Code/Land Development Code [SDMC/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 San Diego Municipal Code/Land Development Code (SDMC/LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (SDMC/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 (SDMC/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 (SDMC/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 (SDMC/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 (SDMC/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 of its residents and the available fiscal and environmental resources (SDMC/LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).
9. The discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a California

regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code (Subdivision Map Act Section 66474.6).

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

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 251403 is granted to Coastal Development Company, Applicant/Subdivider and Nasland Engineering, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Shirley R. Edwards  
Chief Deputy City Attorney

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Or.Dept:DSD  
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CONDITIONS FOR TENTATIVE MAP NO. 251403

CENTERPOINTE AT GRANTVILLE PROJECT

ADOPTED BY RESOLUTION NO. R-302638 ON MAY 15 2007

**GENERAL**

1. Prior to the Vesting Tentative Map expiration date, a Final Map shall be recorded in the Office of the County Recorder.
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. The Final Map shall substantially conform to the provisions of Site Development Permit No. 270199.

**AFFORDABLE HOUSING**

4. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

**ENGINEERING**

5. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
6. The subdivider shall replace the existing alley, including alley aprons fronting the project site full width with new city standard alley satisfactory to the City Engineer.
7. The subdivider shall replace the existing 50 feet of 18 inch storm drain pipe connecting the two curb inlets in Fairmount Avenue, as shown on improvement drawing 18355-1-D, with 30 inch RCP and replace the 227 feet of 18 inch storm drain pipe extending to the intersection of Twain Avenue and Fairmount Avenue with 36 inch RCP, satisfactory to the City Engineer, as appropriate for the phase of construction.
8. Prior to the issuance of any construction permit, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance.

9. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
10. 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.
11. 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.
12. 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.
13. All driveways and curb openings shall comply with City Standard Drawings G-14A, G14B, G-16, and SDG-100.
14. 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.
15. 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.
16. 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 Number and Drawing Number. 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.
17. The subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.

18. Prior to recordation of the Final Map, the Subdivider shall enter into a bonded agreement to underground all existing on-site utilities serving the subdivision, with appropriate permits. The applicant shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
19. The applicant shall enter into a deferred improvement agreement for future widening of Mission Gorge Road along the project's Mission Gorge Road frontage.
20. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
21. Prior to the issuance of any construction permit, the subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for private improvements including enhanced pavement located in the public right-of-way.
22. This project proposes to export 84,000 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 LDC Section 141.0620(i).
23. The subdivider shall construct City standard curb ramp(s) on both sides of the adjacent public alley at its intersection with Twain Avenue, and Vandever Avenue.
24. Prior to issuance of any construction permit, the subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for private improvements located in the public right-of-way including, the proposed pedestrian bridge which crosses the existing alley and proposed enriched paving located in the alley, Twain Avenue, Vandever Avenue, and Fairmount Avenue.
25. 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

26. "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].
27. "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."
28. 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.

## WASTEWATER

29. All onsite sewer facilities serving this development will be private.
30. The developer shall provide CC&R's, satisfactory to the Metropolitan Wastewater Department Director, for the operation and maintenance of private sewer facilities that serve more than one lot or ownership.
31. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
32. The developer shall design and construct all proposed private sewer facilities serving more than one lot to conform with the most current State, Federal and City Regulations, and to the requirements of the most current edition of the Metropolitan Wastewater Department Sewer Design Guide or the California Uniform Plumbing Code as adopted by the City of San Diego.
33. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.



## WATER

34. The Subdivider shall design and construct on-site 12-inch public water facilities as identified in the accepted water study, in a manner satisfactory to the Water Department Director and the City Engineer.
35. The Subdivider shall design and construct 24 feet wide fully paved public alley, in a manner satisfactory to the Water Department Director and the City Engineer.
36. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.) for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer.
37. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
38. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.
39. 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, shall be modified at final engineering to comply with standards.

## TRANSPORTATION

40. Prior to the recordation of the first final map, subdivider shall dedicate 10 feet of right-of-way and assure by permit and bond, half width improvement of Fairmount Avenue including 30 feet of pavement, curb, gutter and 5 feet wide sidewalk within a 10 feet curb to propertyline distance along property frontage with the appropriate off-site roadway transition, satisfactory to the City Engineer.
41. Prior to the recordation of the first final map, subdivider shall dedicate 4 feet of right-of-way and assure by permit and bond, construction of a noncontiguous sidewalk within a 14 foot wide parkway along property frontage on Twain Avenue, satisfactory to the City Engineer.
42. The applicant hereby agrees to grant the required additional 16-foot irrevocable offer to dedicate [IOD] along the project property line fronting Mission Gorge Road as part of the approval of the Centerpointe at Grantville project. This irrevocable offer may be partially exercised by the City to the extent that no removal of existing private improvements constructed as part of or serving Building G shall be required unless the property owner voluntarily agrees to remove such improvements. This partial exercise of the irrevocable offer to dedicate shall only be exercised at a time when a Mission Gorge Road widening

project has been assured and shall not require a greater width of right-of-way dedication than is being obtained or acquired from all other properties with frontage on Mission Gorge Road in the same block as the Centerpointe at Grantville project frontage. The satisfactory assurance of the Mission Gorge Road widening shall be at the City's sole discretion. This irrevocable offer to dedicate shall be recorded concurrent with the Site Development Permit for the Centerpointe at Grantville project.

43. Prior to the issuance of any building permits, the applicant shall dedicate 4 feet of right-of-way and assure by permit and bond, full width improvement of alley including 24 feet of pavement along property frontage of lots E, F, G, and H, and appropriate transitions, satisfactory to the City Engineer.
44. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

**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 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.

- Additional geotechnical review may be required as final building or grading plans are developed for the project and if a building or grading permit is requested. Please refer to the Land Development Code Section 145.0203, Table 145-02 or Information Bulletin 515 for the required geotechnical study based on the geologic hazard category and project approval group.
- 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.