

RESOLUTION NUMBER R-301090

ADOPTED ON NOVEMBER 29, 2005

WHEREAS, Avalon Property Development, Inc., Applicant/Subdivider, and Landmark Consulting, Engineer, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 10144) for the subdivision of an 0.46-acre site into sixteen condominiums, and to waive the requirement to underground existing overhead facilities for the Banker's Hill Townhomes project [Project], located between Laurel Street and Maple Street at 2561 First Avenue, and legally described as Lots "A," "B," "C," and "D," Block 287 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by L.L. Lockling on file in the Office of the County Recorder of San Diego, in the Mid-City Communities Planned District within the Uptown Community Plan area, in the NP-3 zone which is proposed to be rezoned to the NP-1 zone; and

WHEREAS, on August 12, 2004, the Planning Commission of the City of San Diego considered Tentative Map No. 10144, and pursuant to Resolution No. 3498.1-PC voted to recommend City Council approval of the tentative map; and

WHEREAS, on December 9, 2004, the project (as originally proposed) was before the City Council requesting an override vote and subsequently seeking approval of the General/Community Plan Amendment, Rezone, Planned Development Permit and Tentative Map; and

WHEREAS, after staff presentation and public testimony, a motion to override the Airport Authority determination failed to garner the required two-thirds vote, and therefore the development project was not considered; and

WHEREAS, the project has been redesigned to avoid any encroachment into the airport approach path buffer by reducing the number of units from nineteen to sixteen and incrementally stepping the building back from the buffer zone; and

WHEREAS, the revised plans have been reviewed by the City staff and on September 8, 2005, the Airport Land Use Commission found the redesigned project to be "consistent" with the San Diego International Airport [SDIA] Comprehensive Land Use Plan; 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 matter was set for public hearing on November 29, 2005, 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 Tentative Map No. 10144:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code/Land Development Code [SDMC/LDC] section 125.0440(a) and Subdivision Map Action 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 and the available fiscal and environmental resources (SDMC/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.

BE IT FURTHER RESOLVED, that Tentative Map No. 10144 is granted to Avalon Property Development, Inc., Applicant/Subdivider and Landmark Consulting, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
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Douglas K. Humphreys  
Deputy City Attorney

DKH:pev  
02/14/06  
Or.Dept:Clerk  
R-2006-552  
MMS #2721

CONDITIONS FOR TENTATIVE MAP NO. 10144

BANKER'S HILL TOWNHOMES PROJECT

ADOPTED BY RESOLUTION NO. R-301090 ON NOVEMBER 29, 2005

**GENERAL**

1. This Tentative Map will expire November 29, 2008.
2. Prior to the Tentative Map expiration date, a Parcel Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
3. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map unless otherwise noted.
4. A Parcel Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
5. The Parcel Map shall conform to the provisions of Tentative Map No. 10144 and Site Development Permit No. 10143.
6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
7. The subdivider shall close all non-utilized driveways with City standard curb, gutter and sidewalk, on Maple Street and First Avenue, per Standard Drawings G-2, G-7, G-9 and SDG-100.
8. The subdivider shall replace the existing curb with City standard curb and gutter, along the project frontage on Maple Street and First Avenue, per Standard Drawings G-2 and SDG-100.
9. The subdivider shall replace the damaged sidewalk with the same scoring pattern City standard sidewalk, along the project frontage on Maple Street and First Avenue, per Standard Drawings G-7 and G-9.
10. The subdivider shall replace the existing pedestrian ramp with City standard pedestrian, at the southeast corner of Maple Street and First Avenue, per Standard Drawing G-27 and G-32.
11. The subdivider shall install a 20 foot wide City standard driveway, on First Avenue, per Standard Drawings G-14B, G-16 and SDG-100.

12. Prior to the issuance of any construction permit, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.

13. 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 Municipal Code, into the construction plans or specifications.

14. Prior to the issuance of any construction permit, the subdivider shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

15. 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, consistent with the approved Water Quality Technical Report.

16. The subdivider shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is consistent with the Tentative Map.

17. 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.

18. "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).

19. "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."

20. Every Parcel 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.

21. Water and Sewer Requirements:

- a. Providing sewer for this development is dependent upon prior construction of the City Group Job 2001 that replaces the existing 6" sewer main in 1st Avenue with a new 10" and other upgrades in the area. Sewer lateral(s) of this development shall only be connected to the new 10" main.
- b. If the new 10" main has not been constructed by the City at the time when it is needed for this development, the developer shall construct it according to the City Drawings to the point where necessary by Group Job 2001. In such case, the developer will be reimbursed by the City for the parts that are beyond the frontage of the development. Developer shall coordinate timely with the City staff to find out the status of Group Job 2001.
- c. The developer shall design and design 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 re-designed.
- d. The developer will need to provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each dwelling unit will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer facilities that serve more than one unit.

22. 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.).

23. 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.

**FOR INFORMATION:**

- If the 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.

- This development may be subject to payment of a park fee prior to the filing of the Parcel Map in accordance with the San Diego Municipal Code.
- 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.