

6/4/2007

CITY COUNCIL RESOLUTION NO. (DRAFT)
TENTATIVE MAP NO. 10144
BANKERS HILL TOWNHOMES - PROJECT NO. 5606

WHEREAS, AVALON PROPERTY DEVELOPMENT, INC. Applicant/Subdivider, and LANDMARK CONSULTING, Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 10144, for the creation of 19 condominiums, and to waive the requirement to underground existing overhead utilities. The project site is located between Laurel Street and Maple Street at 2561 First Avenue in the NP-3 (proposed NP-1) Zone of the Mid-City Communities Planned District within the Uptown Community Plan Area and legally described as Lots "A", "B", "C" and "D" in Block 287 of HORTONS 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; and

WHEREAS, the Map proposes the subdivision of a 0.46-acre site into 19 condominiums; and

WHEREAS, Mitigated Negative Declaration No. 5606 was prepared for the project by the City of San Diego; 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 condominium dwelling units is nineteen (19); and

WHEREAS, on June 8, 2004, the City Council of the City of San Diego considered Tentative Map No.10144, and pursuant to Sections 125.0122, 125.0440, 125.0444, of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City 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 (Land Development Code Section 125.0440.a and State Map Action 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 (Land Development Code Section 125.0440.b).

3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State 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 (Land Development Code Section 125.0440.d and State 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 (Land Development Code Section 125.0440.e and State 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 (Land Development Code Section 125.0440.f and State 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 (Land Development Code Section 125.0440.g and State 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 (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, the City Council of the City of San Diego **APPROVES** Tentative Map No. 10144 to AVALON PROPERTY DEVELOPMENT, INC., Applicant/Subdivider, and LANDMARK CONSULTING Engineer, subject to the following conditions:

1. This Tentative Map will expire June 8, 2007.
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 BMP maintenance.
13. 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 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 Best Management Practices (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 90 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 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.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON JUNE 8, 2004.

By _____
J. Patrick Hooper
Development Project Manager
Development Services Department

Job Order No. 42-1306