

RESOLUTION NUMBER R-301991

DATE OF FINAL PASSAGE OCTOBER 16, 2006

WHEREAS, Western Pacific Housing, Inc., Applicant/Subdivider, and Nasland Engineering, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 178023) for the subdivision of a 3.92-acre site into 114 residential condominium dwelling units and one commercial condominium unit for the Scripps-Wisteria Project [Project], located at 9889 Erma Road, west of Scripps Ranch Boulevard, and legally described as Parcel 2 of Parcel Map 10259, in the Scripps Miramar Ranch Community Plan area, in the CO-1-2 zone; and

WHEREAS, the Map is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of residential condominium dwelling units is 114 and the total number of commercial condominiums is thirty; and

WHEREAS, on June 22, 2006, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 178023, and pursuant to Resolution No. 4068-1-PC voted to approve the Vesting Tentative Map; and

WHEREAS, Craig Jones, for the Scripps Ranch Community Planning Group, appealed the Planning Commission decision to the Council of the City of San Diego; 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, 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 October 16, 2006, 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. 178023:

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] 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 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 the appeal of Craig Jones, for the Scripps Ranch Community Planning Group, is denied, the decision of the Planning Commission is sustained, and Vesting Tentative Map No. 178023 is granted to Western Pacific Housing Inc., Applicant/ Subdivider, and Nasland Engineering, Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev
11/2/06
Or.Dept:Clerk
R-2007-452
MMS #3938

CONDITIONS FOR VESTING TENTATIVE MAP NO. 178023

SCRIPPS WISTERIA PROJECT

ADOPTED BY RESOLUTION NO. R-301991 ON OCTOBER 16, 2006

GENERAL

1. This Tentative Map will expire October 16, 2009.
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. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
4. The Final Map shall conform to the provisions of Site Development Permit No. 153465.

ENGINEERING

5. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
6. Prior to recordation of the Final Map, all existing on-site utilities serving the subdivision shall be undergrounded 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.
7. All on-site water facilities shall be private including all domestic, irrigation, and fire systems. Prior to the approval of any improvement plans, the subdivider shall provide CC&Rs for the operation and maintenance of the on-site private water system that serves or traverses more than a single unit.
8. 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

9. "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].
10. "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."
11. 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.
12. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

WASTEWATER

13. 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 ownership.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission 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.
- This development may be subject to payment of a park fee prior to the filing of the Final 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.
- 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.

Passed by the Council of The City of San Diego on OCT 1 6 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 1 6 2006

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California
R-301991
Resolution Number _____

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR SPECIAL COUNCIL MEETING
OF
MONDAY, OCTOBER 16, 2006
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The special meeting was called to order by Council President Peters at 9:06 a.m. Council President Peters recessed the special meeting 10:08 a.m. for the purpose of a break. Council President Peters reconvened the special meeting at 10:13 a.m. with all Council Members present. The special meeting was recessed by Council President Peters at 11:55 a.m. for the noon break.

The special meeting was called to order by Council President Peters at 2:06 p.m. with Council President Pro Tem Young not present. Council President Peters recessed the special meeting at 3:27 p.m. to convene the regular meeting. Council President Peters reconvened the special meeting at 4:26 p.m. with all Council Members present. The special meeting was adjourned by Council President Peters at 6:00 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (gs/je)

FILE LOCATION: MINUTES

ITEM-600: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

ITEM-601: Kroll Remediation Status.

(See memorandum from Mayor Sanders dated 10/5/2006.)

MAYOR SANDERS' RECOMMENDATION:

Take the following action:

RETURNED TO THE MAYOR

Hear informational update report on the Kroll remediation per memo of Mayor Sanders.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:52 a.m. – 11:52 a.m.;
2:06 p.m. – 2:06 p.m.)

MOTION BY ATKINS TO TRAIL THE REMAINDER OF THE SPECIAL MEETING ITEMS TO THE REGULAR COUNCIL MEETING WHICH IS SCHEDULED TO BEGIN AT 2:00 P.M. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR FOR FURTHER REVIEW. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-602: Amending the San Diego Municipal Code to Require Approval by the City Council of the Draft Comprehensive Annual Financial Report for Use by the City's Outside Auditor.

MAYOR SANDERS' RECOMMENDATION:

Introduce the following ordinance:

(O-2007-38) RETURNED TO THE MAYOR

Introduction of an Ordinance amending the San Diego Municipal Code by amending Chapter 2, Article 2, Division 7, Section 22.0710, relating to the review and approval of the City's Comprehensive Annual Financial Report.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:07 a.m. – 9:07 a.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR FOR FURTHER REVIEW. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-603: Approval by the City Council of the Draft Comprehensive Annual Financial Report (CAFR) for use by the City of San Diego Outside Auditor.

(See Report to the City Council No. 06-141 and Unaudited A&C Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2003.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-383) RETURNED TO THE MAYOR

Approving the draft of the unaudited City's Financial Year 2003 CAFR for use by KPMG, the City's outside auditor.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:14 a.m. – 11:52 a.m.;
2:07 p.m. – 3:27 p.m.;
4:26 p.m. – 6:00 p.m.)

MOTION BY ATKINS TO TRAIL THE REMAINDER OF THE SPECIAL MEETING ITEMS TO THE REGULAR COUNCIL MEETING WHICH IS SCHEDULED TO BEGIN AT 2:00 P.M. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO RETURN TO THE MAYOR AND REFER THE COMMENTS MADE BY THE PUBLIC AND COUNCIL TO THE AUDITOR AND CHIEF FINANCIAL OFFICER. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-604: Confirmation of City Treasurer.

(See memorandum from Mayor Sanders dated 10/6/2006.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-384) CONTINUED TO TUESDAY, OCTOBER 24, 2006

Confirming the appointment by Mayor Jerry Sanders of Gail R. Granewich to be City Treasurer of the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 9:08 a.m. – 10:07 a.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, OCTOBER 24, 2006, TO ALLOW MORE TIME TO ADDRESS THE QUESTIONS RAISED BY COUNCIL. Second by Maienschein. Passed by the following vote: Peters-nay, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

NON-DOCKET ITEMS:

None.

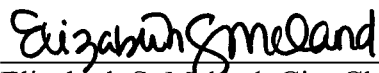
ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:00 p.m. in honor of the memory of:

Former Council Member George Stevens as requested by Council President Pro Tem Young.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:52 a.m. – 11:55 a.m.;
6:00 p.m. – 6:00 p.m.)



Elizabeth S. Matand, City Clerk
City of San Diego