

RESOLUTION NUMBER R- 307196

DATE OF FINAL PASSAGE NOV 15 2011

A RESOLUTION RECINDING VESTING TENTATIVE MAP
NO. 571214 FOR THE ERMA ROAD APARTMENTS PROJECT
NO. 217843 [MMRP].

WHEREAS, FENTON ERMA ROAD, LLC, a California Limited Liability Corporation, Owner and Permittee, filed an application with the City of San Diego for a Site Development Permit to cancel Site Development Permit No. 697691 and Planned Development Permit No. 571238, and to rescind Vesting Tentative Map No. 571214, to allow for the construction of 114 (for rent) residential units; and

WHEREAS, the Vesting Tentative Map No. 571214 has not been utilized, and is no longer required the proposed for rent residential units located on a single lot; and

WHEREAS, the project site is located at 9889 Erma Road, north of Mira Mesa Boulevard and west of Scripps Ranch Boulevard. The 3.92-acre site is located in the RM-2-5 Zone within the Scripps Miramar Ranch Community Plan. The site is within the Airport Environs Overlay Zone (AEOZ) for the Airport Influence Area-Review Area 2, the Overflight Notification Area and the Federal Aviation Administration (FAA) Part 77 Noticing Area for the Marine Corps Air Station (MCAS) Miramar, Scripps Miramar Ranch Facilities Benefit Assessment District, Residential Tandem Parking Overlay Zone, and Council District 5; and

WHEREAS, the project site is legally described as Parcel 2 of Parcel Map No. 10259 in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, July 21, 1980 as File No. 80-229350 of Official Records; and

WHEREAS, on July 14, 2011, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering the rescission of Vesting Tentative Map No. 571214 and voted to approve the rescission; and

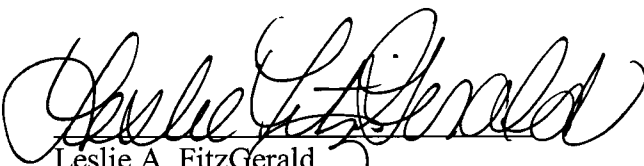
WHEREAS, the Owner/Permittee filed an appeal of the Planning Commission's decisions regarding the Erma Road Apartments Project No. 217843 to the City Council; and

WHEREAS, the matter was set for public hearing before the City Council on November 15, 2011, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, pursuant to City Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it hereby rescinds Vesting Tentative Map No. 571214.

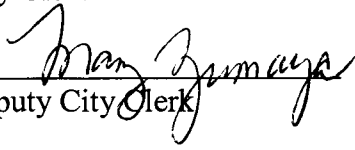
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Leslie A. FitzGerald
Deputy City Attorney

LAF:jls
11/16/2011
Or.Dept:DSD

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~NOV 15 2011~~

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk