

AUG 13 1979

WHEREAS, ROBERT A. COLLINS appealed the decision of the Planning Commission in denying the proposed Tentative Sub-division Map 79-146 which proposes a one-lot subdivision (Chateau La Jolla) of Lots 8 through 16, Block 15, La Jolla Park, Map 352. The subject property is located on the south side of Prospect Street and the north side of Ravina Street in the R-3 Zone and within the boundaries of the La Jolla Community Plan; and

WHEREAS, on June 14, 1979, the Planning Commission voted 5 to 2 to deny the tentative map; and

WHEREAS, on June 22, 1979, pursuant to the provisions of Section 101.0205 of the San Diego Municipal Code, ROBERT A. COLLINS appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on July 17, 1979, continued to July 31, 1979, and August 13, 1979, and 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, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 102.0205, to affirm, reverse or modify in whole or in part any determination of the Planning Commission subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

That the City Council adopts findings of the Subdivision Board as follows:

1. The proposed map is consistent with the General Plan and La Jolla Community Plan which designate the property for residential use.

2. The design and proposed improvements for the subdivision are consistent with the General Plan and La Jolla Community Plan and R-3 Zoning/Development Regulations.

3. The site is physically suitable for residential development.

4. The site is suitable for the proposed residential density of development.

5. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, based upon the findings of the Environmental Report EQD No. 79-04-27 EX.

6. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as the map is consistent with R-3 zoning and conforms with City development regulations.

7. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

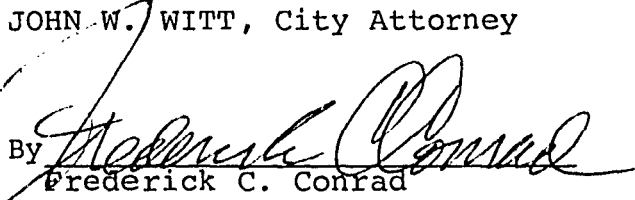
8. The undergrounding utility requirements for existing facilities are waived since the conversion involves a short

span of overhead facility (less than 600 feet in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area. The undergrounding utility requirements for existing facilities are waived since the conversion would represent an isolated undergrounding with a minimum possibility of extension in the future.

All 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 ROBERT A. COLLINS is granted; the decision of the Planning Commission to deny the appeal is overruled; the decision of the Subdivision Board is upheld, and said tentative map is hereby granted with the conditions spelled out by appellant in letter dated July 31, 1979, under suggested added conditions as attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ps
2/15/80
T.M. 79-146
Or.Dept. Clerk

00177

R- 250030



A PRIVATE APARTMENT RESIDENCE

July 31, 1979

TO ALL RESIDENTS OF CHATEAU LA JOLLA:

In connection with the possible future use of the Chateau as condominiums, we have asked the City to approve a subdivision map of the Chateau La Jolla property. In response to the concerns of the residents, we have voluntarily suggested to the City Council that its approval be subject to a condition, the text of which is enclosed. The Council has requested that we give each resident a copy of the enclosure, which we are happy to do.

We believe that the additional lease rights set out in the enclosure reasonably satisfy your concerns for continued occupancy and maintenance of the present services.

Very truly yours,

ROBERT A. COLLINS

JEROME E. FEE

00178

233 PROSPECT STREET, LA JOLLA, CALIFORNIA 92037 (714) 459-4451

R- 250030

SUGGESTED ADDED CONDITION TO
TENTATIVE MAP RESOLUTION FOR TM 79-146

8. Prior to the recordation of the final subdivision map, the subdivider shall provide evidence satisfactory to the City Council that:

a. The subdivider has tendered to each present tenant (as of July 31, 1979) holding a written lease, a lease amendment assuming:

(1) That the tenant has the option of periodically renewing the lease through July 31, 1994, on the same terms except for rental increases (which, in no event, shall exceed the increase in the Consumer's Price Index Revised) and provided the tenant is physically able to occupy an apartment.

(2) That a present lease provision which allows the landlord to early terminate a lease if, in its sole discretion, the termination would be in the best interests of the facility and other residents, be changed to provide for early termination for cause.

(3) That the present services will not be diminished, it being understood food cost may be reasonably increased.

(4) That, if condominium units are put on the market, only those which become vacant and those which are purchased by present tenants will be sold.

(5) That, if condominium units are put on the market, each present tenant may purchase his unit at a 10% discount from the going asking price.

b. There will be recorded, as the next document following the final subdivision map, a condominium Declaration of Restrictions containing, inter alia, the following:

"At least one occupant of each Unit shall be at least 62 years of age; anything elsewhere herein to the contrary notwithstanding, the foregoing restriction shall not be amended, modified or rescinded without the approval of the City Council of The City of San Diego, a municipal corporation."

"The Chateau La Jolla Owners' Association, Inc., a California non-profit corporation, shall provide the services described in Subparagraphs 2.b, 2.c and 2.e of Conditional Use Permit (Planning Commission) No. 176-PC, as the same may from time to time be amended; anything elsewhere herein to the contrary notwithstanding, the foregoing restriction shall not be amended, modified or rescinded without the approval of the City Council of The City of San Diego, a municipal corporation."

Passed and adopted by the Council of The City of San Diego on AUG 13 1979,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Walter Bloomham, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-250030 Adopted AUG 13 1979

CC-1276 (REV. 10-78)

00180