

RESOLUTION NO. R-251367 (R.80-2006)

Condominium Conversion Permit No. 1

MAR 11 1980

WHEREAS, TIMOTHY E. FIELDS appealed the decision of the Planning Commission in approving Tentative Subdivision Map No. TM-79-451 and Condominium Conversion Permit No. CCP-1, which proposes the conversion of existing apartment units to condominiums. The subject property is located on the northwest corner of Riley Street and Colusa Street, in the R-3 Zone and within the boundaries of the Kearny Vista Community Plan, and is more particularly described as Lots 9 and 10, Block 1, Silver Terrace Addition, Amendment Map-695; and

WHEREAS, on December 13, 1979, the Planning Commission voted 5 to 1 to approve the condominium conversion permit and the tentative map; and

WHEREAS, on December 28, 1979, pursuant to the provisions of Section 101.0995 of the San Diego Municipal Code, TIMOTHY E. FIELDS appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 22, 1980, trailed as unfinished business to January 28, 1980, and continued to February 12 and March 11, 1980, at the Mayor's request, 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 101.0995.1 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,

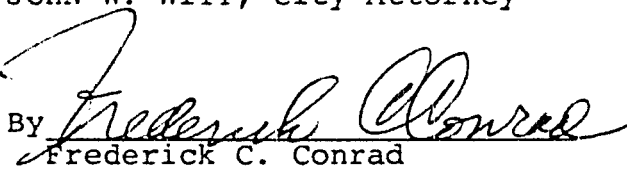
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

That said Council finds that the applicant has complied with all the terms and conditions of the Condominium Conversion Ordinance and that the purpose and intent of the permit will be met.

BE IT FURTHER RESOLVED, that the appeal of TIMOTHY E. FIELDS is denied, the decision of the Planning Commission to deny the appeal and approve the condominium conversion permit and the tentative map is upheld, and this Council does hereby grant to ROBERT AABERG Condominium Conversion Permit No. 1, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the question of the abuse of landlords' withholding security deposits to frustrate the intent of the Council and the Ordinance to provide assistance in the amount of two months' rent is referred to the Planning Commission.

APPROVED: JOHN W. WITT, City Attorney

BY 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ps
4/18/80
Or.Dept. Clerk
CCP-1

R-251367

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CONDITIONAL USE PERMIT NO. 589-PC
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to W/C JOINT VENTURE, a partnership, Owner, and SOUTHWESTERN CABLE T.V., a Colorado corporation, hereafter referred to as "Permittee", for the purposes and under the terms and conditions as set out herein, pursuant to the authority contained in Section 101.0507 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a Cable Television and office studio facility located north of Carroll Road and westerly of Camino Santa Fe described as a portion of Parcels 1 and 2, P.M. No. 2088, in the M-1B Zone.

2. The Cable Television and Studio facility shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

- a. A 22,250 square foot office building.
- b. A 40-foot-high microwave antenna and a 20-foot-high receiving dish.
- c. Off-street parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 142 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" dated January 24, 1980, on file in the office of the Planning Department. Parking spaces

shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

4. The microwave antenna shall not exceed 40 feet in height unless technical difficulties require a greater height. At such time the antenna may be raised up to 60 feet in height.

5. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON MARCH 11, 1980.

GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated January 24, 1980, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated January 24, 1980, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. Substantial construction of the project shall have commenced and shall be proceeding within 18 months from the effective date of this conditional use permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0507 and Section 101.0508 of the San Diego Municipal Code.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or

City Council, or both unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

8. The property included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

10. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

CONDOMINIUM CONVERSION PERMIT NO. 1
CITY COUNCIL

This Condominium Conversion Permit is granted by the Council of The City of San Diego to ROBERT AABERG, or his successors in interest, for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Sections 101.0990 to 101.0999 of the Municipal Code of The City of San Diego.

1. The Condominium Conversion Permit shall apply to the 10-unit apartment project at the location described herein. Permission is hereby granted to "Owner/Permittee" to utilize a Condominium Conversion Permit located on the northwest corner of Riley and Colusa Streets more particularly described as Lots 9 and 10, Block 1, Silver Terrace Addition, Map No. 695 in the existing R-3 Zone.

2. The applicant for the Condominium Conversion Permit shall provide the following benefits for those tenants who on the date of mailing of the notice of the Planning Commission hearing on the Condominium Conversion Permit were elderly, handicapped, disabled or low-income persons as defined by the Condominium Conversion Ordinance:

A. A relocation assistance payment equivalent to two (2) months current rent per unit, which shall be paid to the tenants by the applicant, for the purpose of assisting displaced tenants in relocating their places of residence, to be paid on or before the fifth (5th) working day after the tenant has vacated the unit; and,

B. Assistance in locating one dwelling unit acceptable to the tenant or tenants; provided, that if such a unit is unacceptable, the tenant or tenants shall be entitled to occupancy of the present unit of residence for a period of time that shall be; (1) one year from the day the 180-day written notice of intention to convert is given to the tenants; (2) 60 days following the notice of the right to purchase, whichever provides the tenant with the greater period of occupancy.

3. Permittee shall give written notice of intention to convert the premises to condominiums to all who were tenants of the premises on the date of the application for this permit. Such notice shall be given no less than 180 days preceding the sale of the first unit within the project. Termination of tenancy of any tenant to whom notice is required to be given by this permit without just cause before the expiration of the 180-day notice period shall constitute a violation of this permit.

4. The applicant shall mail or cause to be delivered written notice to all tenants residing within the project within ten (10) days after approval of any condominium conversion project. Such notice shall state all of the conditions of the approval.

5. A written notice shall also be given by the applicant to all prospective tenants prior to rental to them of any of the units for which a conversion permit has been applied for or approved, stating that an application for a conversion permit has been filed or granted, advising such prospective tenants that they shall not be entitled to any of the benefits of these

provisions, except as provided by California Government Code Sec. 66427.1, due to their acceptance of tenancy during a pending conversion. In the event that the Condominium Conversion Permit is approved, the notice shall also state all of the conditions of the approval.

6. This permit shall inure to the benefits of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

7. Proof of compliance with the provisions of conditions numbers 5 and 6 shall be submitted by permittee prior to City Council consideration of the final map of the property covered by this permit.

8. The Owner/Permittee is aware and understands that failure to perform the obligations of permittee as contained on this permit and the Condominium Conversion Permit Ordinance may result in the revocation of this permit by The City of San Diego.

Passed and adopted by the Council of The City of San Diego on

Passed and adopted by the Council of The City of San Diego on MAR 11 1980,
 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"/>
Bill Cleator	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gorch	<input type="checkbox"/>	<input checked="" 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.

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

(Seal)

By Ellen Rovard, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-251367 Adopted MAR 11 1980