

RESOLUTION NO. R-251371 (R.80-2106)

Condominium Conversion Permit No. 16

MAR 11 1980

WHEREAS, JOSEPHINE and DONALD B. CURTIS et al appealed the decision of the Planning Commission in granting Condominium Conversion Permit No. 16, which proposes the conversion of existing apartment units (Villa West) to condominiums. The subject property is located on the north side of Beadnell Way between Cannington Drive and Charger Boulevard, in the R-3 Zone and within the boundaries of the Clairemont Mesa Community Plan, and is more particularly described as Lots 1 through 4, Balboa Townhouses Resubdivision No. 1, Map-5622; and

WHEREAS, on November 29, 1979, the Planning Commission voted 6 to 0 to approve the condominium conversion permit; and

WHEREAS, on December 6, 1979, pursuant to the provisions of Section 101.0995 of the San Diego Municipal Code, JOSEPHINE and DONALD B. CURTIS et al appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 15, 1980, 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,

01746


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 JOSEPHINE and DONALD B. CURTIS et al is denied, the decision of the Planning Commission to grant the condominium conversion permit is upheld, and this Council does hereby grant to DOMM DEVELOPERS Condominium Conversion Permit No. 16, 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 four people who were prospective tenants are to be included under the provisions of the Ordinance for relocation assistance.

APPROVED: JOHN W. WITT, City Attorney

BY 
Frederick C. Confad
Chief Deputy City Attorney

FCC:ps
4/30/80
Or.Dept. Clerk

R-251371

CONDOMINIUM CONVERSION PERMIT NO. 16
CITY COUNCIL

This Condominium Conversion Permit is granted by the Council of The City of San Diego to DOMM DEVELOPERS or their 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 56-unit apartment project at the location described herein: Permission is hereby granted to "Owner/Permittee" to utilize a Condominium Conversion Permit located on the northeast corner of Cannington Drive and Beadnell Way more particularly described as Lots 1-4, Balboa Townhouse Resubdivision 1, Map 5622 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 March 11, 1980.

AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____,
before me the undersigned, a Notary Public in and for said
County and State, residing therein, duly commissioned and
sworn, personally appeared PETE WILSON, known to me to be
the Mayor, and CHARLES G. ABDELNOUR, known to me to be the City
Clerk of The City of San Diego, the municipal corporation
that executed the within instrument and known to me to be the
persons who executed the within instrument on behalf of the
municipal corporation therein named, and acknowledged to me
that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
official seal, in the County of San Diego, State of California,
the day and year in this certificate first above written.

(Notary stamp)

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee by execution hereof agrees to
each and every condition of this condominium conversion permit
and promises to perform each and every obligation of Permittee
hereunder.

DOMM DEVELOPERS

By _____

NOTE: NOTARY ACKNOWLEDGMENTS
MUST BE ATTACHED - PER
CIVIL CODE, SEC. 1180 et seq.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-251371 Adopted MAR 11 1980