

**DATE ISSUED:** February 17, 2004                      **REPORT NO. PC-05-050**

**ATTENTION:**            **Planning Commission, Agenda of February 24, 2004**

**SUBJECT:**                      GARNET CONDO CONVERSION - PROJECT NO. 41145.  
PROCESS 4

**OWNER/  
APPLICANT:**            Betty T. Ma, Trustee of the Betty T. Ma Living Trust and Ching-Ping  
Chang, Trustee of the Ching-Ping Chang Revocable Trust.

**SUMMARY**

**Issue(s):** Should the Planning Commission approve Tentative map and Waiver of Undergrounding No. 117492 for the conversion of four residential apartments and one commercial space to condominium ownership on a 6,243 square-foot lot at 2138 Garnet Avenue in the CO-1-2 zone within the Pacific Beach Community Plan area?

**Staff Recommendation:**

1.        **APPROVE** Tentative Map and Waiver of Undergrounding No. 117492

**Community Planning Group Recommendation:** The Pacific Beach Community Planning Committee voted 15-0-0 on September 27, 2004, to recommend approval with no additional conditions suggested.

**Other Recommendations** – None

**Environmental Review** - The project is Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Article 19, Section 15301(k), 'existing facilities'.

**Fiscal Impact** – None with this action. All costs associated with the processing of this project are paid by the applicant through maintenance of a deposit account with the City of San Diego.

**Code Enforcement Impact** - None

**Housing Impact Statement** - Approval of the proposed conversion of four residential apartment dwelling units and one commercial space to condominiums would result in an increase of four for-sale market-rate residential units and the loss of four existing residential rental units. There is no loss or addition to the supply or demand for housing in the Pacific Beach Community.

**BACKGROUND**

The 6,243 square-foot site is located at 2138 Garnet Avenue on the north side between Noyes and Olney Streets in the CO-1-2 zone of the Pacific Beach Community Plan area. The existing four residential and one commercial space building was constructed in 1988 when the site was zoned CO and permitted four residential units. The existing building on-site, is a two-story stucco structure with parking on the surface level accessed from the alley abutting the property. It is assumed that the development complied with all development criteria at the time as building and occupancy permits were approved. Property sites in the adjacent areas are developed with a varied mix of residential developments and commercial services.

This project is subject to the City of San Diego's, 'Inclusionary Housing Ordinance'. The San Diego Housing Commission has stipulated that the applicant will pay an in-lieu fee to the Housing Commission prior to the filing of a Final Map to comply with the requirements of the Inclusionary Housing Ordinance and it is required that an income survey of existing tenants will need to be completed by the Housing Commission to determine if any existing tenants will qualify for relocation assistance under provisions of the Inclusionary Housing Ordinance.

**DISCUSSION**

**Project Description:**

The project proposes a Tentative Map for the subdivision of this 6,243 square-foot site to consolidate the lot for the conversion of four residential apartments and one commercial space into condominiums. The conversion of the four apartments to condominiums would remove four rental units from the market within the Pacific Beach Community and create four new units for ownership at a generally accepted entry level cost. The tenants have the right of first refusal to purchase his or her unit at the same or better terms than those that will be offered to the public. No other entitlements accrue to the Owner/Permittee through this action other than the change of ownership to condominiums. The site has been fully developed for approximately 16 years.

**Waiver of Undergrounding:**

The Council District 2 'neighborhood' in which the project site is located is in Block 2-Y and a

date and schedule for undergrounding has not yet been determined by the City Council. (Attachment No. 10).

San Diego Municipal Code Section 144.0240, allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the subdivision, or within the abutting public rights-of-way. City staff has determined the undergrounding waiver request qualifies under the Guidelines of Council Policy 600-25, *Undergrounding Conversion of Utility Lines at the Developers Expense* (Attachment No. 10), in that it involves a short span of under 600-feet, would not represent a logical extension to an undergrounding facility and is a condominium conversion application. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision, per Condition No. 4 of the draft Subdivision Resolution.

There is one power pole in the abutting alley to the north that is adjacent to the site. If the undergrounding were required, the existing power pole would remain and one additional pole would be required in order to underground 50-feet of existing overhead utility lines.

**Community Plan Analysis:**

The Pacific Beach Community Plan designates this site for residential and commercial development. The site is within a corridor fronting Garnet Avenue that is developed with a variety of residential and commercial uses while the properties beyond the corridor are residentially developed. No physical changes to the building or site are being conveyed with this condominium conversion.

**Project-Related Issues:**

The requested conversion of these four residential units and one commercial space to condominiums represents primarily a change in ownership and key applicable issues to the review and consideration of approval is that this project application was deemed complete after February 6, 2004, and is subject to the condominium amendments added to the Inclusionary Affordable Housing Regulations. The request to waive the undergrounding of existing overhead utilities is in accord with City Council policy.

The project was Deemed Complete on June 28, 2004, after the adoption of the Amendments of Chapter 14, Article 2, Division 13, Sections 142.1303 and 142.1306 of the San Diego Municipal Code, all relating to Inclusionary Affordable Housing Regulations. Therefore, the proposed project is subject to the amended regulations.

The Pacific Beach Community Planning Committee has recommended approval of the requested project as submitted.

**Conclusion:**

The project application is a Tentative Map for the conversion of four residential units and one commercial space to condominium ownership with no other entitlements requested or granted with this action. The project will make available residential dwelling units for ownership at more affordable prices than single-family and new condominium units and allow existing renters into ownership.

**ALTERNATIVES**

1. **Approve** Tentative Map and Waiver of Undergrounding No. 117492 wih **modifications.**
2. **Deny** Tentative Map and Waiver of Undergrounding No. 117492 **if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Marcela Escobar-Eck**  
**Deputy Director, Project Management Division**  
**Development Services Department**

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**Robert Korch**  
**Development Project Manager**  
**Development Services Department**

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Undergrounding Schedule and City Council Policy 600-25
11. Sample 'Notice to Tenants'