

**DATE ISSUED:** November 9, 2006                      REPORT NO. PC-06-296

**ATTENTION:** Planning Commission, Agenda of November 16, 2006

**SUBJECT:** 2123 GARNET TENTATIVE MAP - PROJECT NO. 89756.  
PROCESS 4

**OWNER/  
APPLICANT:** 2123 Garnet, LLC.

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Coastal Development Permit and Tentative Map to convert eight existing apartment units into residential condominiums, create three commercial condominiums from existing commercial space and a request to waive the requirement to underground existing overhead utilities?

**Staff Recommendation:**

1. APPROVE Coastal Development Permit No. 287321; and
2. APPROVE Tentative Map No. 287322 and the request to waive the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On March 22, 2006, the Pacific Beach Community Planning Committee voted 11-0-0 to recommend approval of the proposed project.

**Environmental Review:** The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15301 (k), as "Existing Facilities". This project is not pending an appeal of the environmental determination. The exemption determination for this project was made on December 12, 2005; an appeal to that determination was filed on December 13, 2005 and later withdrawn on April 4, 2006.

**Fiscal Impact Statement:** All costs associated with processing of this application are paid for by the applicant.

**Code Enforcement Impact:** None.

**Housing Impact Statement:** The proposed project is the conversion of eight existing apartment units into condominiums. There would be a loss of eight rental units and a gain of eight for-sale units. This Tentative Map project is required to comply with the inclusionary housing requirements and tenant relocation assistance program, which are conditions of the proposed Tentative Map (Attachment 8).

## **BACKGROUND**

The 12,80 square foot site is located at 2123 Garnet Avenue in the CO-1-2 Zone, Coastal Overlay Zone and Coastal Height Overlay Zone. The development is located on four parcels and designated Office Commercial by, and located within, the Pacific Beach Community Plan area (Attachment 2). The surrounding area is developed with a mix of multi-family and single family developments to the south and with commercial development to the east, west and north. The proposed subdivision constitutes, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit. A Tentative Map is required, by the Land Development Code (Section 125.0410), for the proposed division of the property into eight residential condominium dwelling units and three commercial units.

The existing development was constructed in 1985. At the time the property was developed the approved construction met all current regulations. The site is presently improved with a two story mixed-use building. The building includes four, one-bedroom units and four, two bedroom units, ranging in size from approximately 596 square feet to 780 square feet each. The existing commercial-office area is 2,324 square feet. The original development provided twenty-one parking spaces.

The development complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations are recorded against the property. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. If this property were vacant today, under the current CO-1-2 Zone development regulations, up to eight residential dwelling units could be developed.

## **DISCUSSION**

### **Project Description:**

The project proposes to convert the existing mixed-use building, made up of eight residential apartments with first floor commercial space into eight residential condominium dwelling units and three commercial condominium units. Utilities are located above ground in the right-of-way of the alley at the rear of the property, south of Garnet Avenue. The complex was constructed in 1985 and consists of a two-story, concrete and stucco building. No physical changes to the development site are proposed or will occur should the Planning Commission action be to approve the application. The project has a total of twenty-one parking spaces located within a

garage on the ground level and open parking off the alley with access to all of the parking spaces off the rear alley. During the project's review, City Staff determined that the existing structure was in conformance with the development codes in effect at the time.

**Undergrounding Waiver Request:**

The project site is located in Block 2-Y of the City's Undergrounding Master Plan and is yet to be scheduled for undergrounding by City Council at this time (Attachment 3) . 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*, 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 and all onsite utilities serving the subdivision will be undergrounded as a condition of the Tentative Map (Attachment 8). If the requested waiver of undergrounding is not approved, the applicant would have to remove one power pole off the alley and add a new pole at the south-east corner of the property along the alley.

**Project-Related Issues:**

All condominium conversion projects deemed complete on or after February 7, 2004, must conform to the regulations regarding inclusionary housing, coastal affordable housing and tenant relocation benefits adopted by the City Council. Conditions Nos. 11 and 12 of the draft Tentative Map (Attachment 8) resolution require compliance with this ordinance. In order to meet this requirement the applicant has elected to pay the in-lieu fee for Inclusionary Housing, which is calculated to be \$10,000.00.

The building is vacant and thus the Housing Commission determined (Attachment 12) that this proposal is not subject to Coastal Affordable Housing and tenant relocation benefits.

**Conclusion:**

A Coastal Development Permit, "Tentative Map and Waiver of Undergrounding for a Condominium Conversion" is a Process Four, Planning Commission decision pursuant to San Diego Municipal Code Sections 126.045 and 125.0430. A Tentative Map for Condominium Conversion may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

The project site is located within the Coastal Overlay Zone and not subject to new condominium

conversion regulations adopted by the City Council on June 13, 2006, until certified by the California Coastal Commission.

**ALTERNATIVES**

1. Approve Coastal Development Permit No. 287321 and Tentative Map with Waiver of Undergrounding No. 287322with modifications .
2. Deny Coastal Development Permit No. 287321 and Tentative Map with Waiver of Undergrounding No. 287322if the findings required to approve the project cannot be affirmed.

**Respectfully submitted,**

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**Mike Westlake  
Program Manager  
Development Services Department**

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**Glenn Gargas  
Project Manager  
Development Services Department**

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan/Tentative Map
6. Draft CDP Permit
7. Draft CDP Resolution
8. Draft Tentative Map Conditions and Subdivision Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Housing Commission Letter - Coastal Affordable Housing Compliance
13. Proposed Undergrounding of Overhead Utilities
14. Photos of Existing Front and Rear Elevations