

**DATE ISSUED:** October 2, 2008                      REPORT NO. PC-08-130

**ATTENTION:** Planning Commission, Agenda of October 9, 2008

**SUBJECT:** EMERALD STREET TENTATIVE MAP - PROJECT NO. 25879.  
PROCESS 4

**OWNER/  
APPLICANT:** Mr. John W. Reed, Managing Partner of Emerald Manor Apartment  
House, LLC

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map to convert an existing forty-eight unit apartment complex into residential condominiums with a request to waive the requirement to underground existing overhead utilities within the Pacific Beach Community Planning Area?

**Staff Recommendation:** APPROVE Tentative Map No. 70179 and the request to waive the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On September 26, 2007, the Pacific Beach Community Planning Committee voted 9-4-0 to recommend approval of the proposed project with an expressed concern over the number of off-street parking spaces.

**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 February 26, 2004; and the opportunity to appeal that determination ended on March 11, 2004.

**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 includes the conversion of forty

eight existing apartment units into condominiums. There would be a loss of forty eight rental units and a gain of forty 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 6). The project is required to set aside 10% of the units' for families earning 100% of the area median income or less.

## **BACKGROUND**

The 34,367 square foot site contains three, three-story buildings that are located at 4655 Lamont Street, 1918 and 1930 Emerald Street in the RM-2-5 Zone and Coastal Height Limit Overlay Zone. The development is located within a well established urbanized area of Pacific Beach and is designated Multi-Family Residential by, and located within, the Pacific Beach Community Plan area (Attachment 2). The surrounding area is developed with multi-family and some intermittent single family development. A Tentative Map is required, by the Land Development Code (Section 125.0410), for the proposed division of the property into forty-eight residential condominium dwelling units.

The existing development is a three-story, three building, forty-eight dwelling unit apartment complex that was constructed in 1968. At the time the property was developed the approved construction met all the current regulations. The apartment building includes five studio units, twelve one-bedroom units and thirty-one two-bedroom units, ranging in size from approximately 400 square feet to 950 square feet each. The original development provided forty-five parking spaces, twenty-three garage spaces accessible from the adjacent alley and twenty-two open spaces accessible from Emerald Street.

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 was undeveloped today, under the current RM-2-5 Zone development regulations, up to twenty-three residential dwelling units could be developed.

## **DISCUSSION**

### **Project Description:**

The project proposes to convert the existing residential complex, of forty-eight residential apartments, into forty-eight residential condominium dwelling units. Utilities are located above ground in the right-of-way of the alley at the rear of the property, north of Emerald Street and east of Lamont Street. The apartment building complex was constructed in 1968 and consists of three, three-story, earth tone colored stucco exterior walls with portions of white painted siding and a flat roof. The project has a total of forty-five off-street parking spaces; twenty-two accessible from Emerald Street and twenty-three garage spaces accessible from 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 of construction.

### **Undergrounding Waiver Request:**

The project site is located in Block 2Y1 of the City’s Undergrounding Master Plan and is not yet scheduled for undergrounding or is an “unallocated phase” (Attachment 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*, 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 6). If the requested waiver of undergrounding is not approved, the applicant would leave the two existing power poles, at the North West and north east corners 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 and Tenant Relocation Benefits adopted by the City Council on March 15, 2004. Conditions Nos. 20, and 21 of the draft Tentative Map Resolution (Attachment 6) require compliance with this ordinance.

**Building Conditions Report and Landscape Plan Requirements:**

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within the Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations (Attachment 12).

**Conclusion:**

The 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.

**ALTERNATIVES**

1. Approve Tentative Map with Waiver of Undergrounding No. 70179, with modifications.

2. Deny Tentative Map with Waiver of Undergrounding No. 70179, if 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 & Landscape Plan
6. Draft Tentative Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Proposed Undergrounding of Overhead Utilities
11. Photos of Existing Front and Rear Elevations
12. Building Conditions Report (under separate cover)