

DATE ISSUED: March 22, 2007

REPORT NO. PC-07-020

ATTENTION: **Planning Commission, Agenda of March 29, 2007**

SUBJECT: 233 PROSPECT TENTATIVE MAP - PROJECT NO. 77255.
PROCESS 4

OWNER/

APPLICANT: CHATEAU LA JOLLA, a California General Partnership, Mr. Robert Collins

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map and Coastal Development Permit for the conversion of a 115 unit residential Retirement Facility which would remain under the regulations of a previously approved Conditional Use Permit at 233 Prospect Street within the La Jolla Planned District and La Jolla Community Plan?

Staff Recommendation:

1. CERTIFY Negative Declaration No. 77255; and
2. APPROVE Coastal Development Permit 243065; and
3. APPROVE Tentative Map No. 239256

Community Planning Group Recommendation: The La Jolla Community Planning Association voted 10-0-0 on January 5, 2007, to approve this application with no conditions.

Other Recommendations: None

Environmental Review: A Negative Declaration, Project No. 77255, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed conversion of 115 existing residential dwelling units to condominiums, there would be a loss of 115 rental units and a gain of 115 for-sale units. These units were developed under a Conditional Use Permit as a retirement facility for senior citizens and the development contains common area facilities and a reduced on-site parking requirement. Under this application, the Conditional Use Permit would remain in effect and force in perpetuity. This condominium conversion project was deemed complete on August 26, 2005, and is subject to the regulations regarding Inclusionary Housing and tenant relocation assistance.

BACKGROUND

The 1.5 acre site is located at 233 Prospect Street within Zone 5 of the La Jolla Planned District Ordinance and within the boundaries of the La Jolla Community Plan, Coastal Overlay Zone (non-appealable area), and the Coastal Height Limit. The property was developed in 1971 under Conditional Use Permit No. 176 for the development of a 110 unit residential Retirement Facility with a Health Care Unit, 80 off-street parking spaces, and a common Kitchen, Dining and Lounge. In 1980, an amendment to Conditional Use Permit No. 10-176 1 raised the number of living units to 115. The current action is for a Tentative Map to permit the conversion of the 115 dwelling units and the Retirement Facility to condominium ownership with no other entitlements.

The site is approximately two blocks east of the shoreline and beaches of the Pacific Ocean and in a neighborhood of newly constructed and converted condominium developments, additional retirement facilities, single-family residences and within a short distance of institutional and commercial sites. The Conditional Use Permit allowed a reduction in off-street parking in the context of the Retirement (Senior) Facility.

The Tentative Map is required for the conversion of these 115 dwelling units to condominium ownership and the Coastal Development Permit is required because of the project's location within the California Coastal Zone. No Conditional Use Permit is required by this action and the Conditional Use Permit will remain in full force for the continued use of this site.

DISCUSSION

Project Description:

This proposed project is a typical condominium conversion request with the exception of the applicable Conditional Use Permit for the use of the site as a Retirement Facility with reduced off-street parking, a Health Care Unit, and common Kitchen, Dining and Lounge areas. The site was developed in 1971 and is fully landscaped and well maintained. Public utilities serving this

site have been previously undergrounded. There are 115 residential dwelling units proposed to be converted to individual ownership.

The project is subject to both the Inclusionary Housing and Condominium Conversion Ordinances. In addition, the project is subject to the Coastal Affordable Housing Compliance program restrictions. To meet the requirements of the Inclusionary Housing Ordinance, the applicant has indicated that they will pay an in-lieu fee. The applicant will have to pay \$386,535.50(or assure payment) of the in -lieu fee prior to receiving a final subdivision map. The in-lieu fee is higher than the fee otherwise required under the Coastal Affordable Housing Compliance program.

Community Plan Analysis:

The property is included within the boundaries of the La Jolla Planned District, which was adopted by the City Council in 1984. The property was developed under the Conditional Use Permit in 1971 and amended in 1980. At the time of the development of the site, the project conformed to the applicable underlying zone and discretion permitted by the Conditional Use Permit Ordinance for Senior Citizen Housing.

The current Zone 5 applicable to the site is a higher density multi-family residential land use designation permitting up to 29 dwelling units per acre. The current proposal to maintain the Conditional Use Permit but convert the ownership to condominiums is consistent with the La Jolla Community Plan and La Jolla Planned District Ordinance.

Environmental Analysis:

A Negative Declaration No. 77255 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

Project-Related Issues:

The project site is located within the Coastal Overlay Zone and is not yet subject to new regulations for condominium conversions adopted by the City Council on June 13, 2006. The California Coastal Commission is tentatively scheduled to consider the certification of the City Council's regulations on May 10, 2007.

The project will remain in perpetuity as a senior citizen retirement facility regulated by the existing Conditional Use Permit with the health care unit and shared common facilities. The reduced parking on-site of 80 spaces for the 115 dwelling units is permitted by the Conditional Use Permit and would not be affected by the new condominium regulations.

The neighborhood has been previously undergrounded and no 'waiver of undergrounding of overhead utilities' is necessary for this application. The La Jolla Community Planning Association voted 10-0-0 on January 5, 2007, citing no issues and having no conditions recommended as a condition of approval.

Conclusion:

All regulations relative to condominium conversions are applicable to this project application. Noticing, Right of First Refusal, Tenant Relocation, and other requirements are contained in the Draft Map Resolution. The Conditional Use Permit is not being amended or cancelled and will remain in full force to maintain the Retirement Facility with Health Care Unit, reduced parking and the common Kitchen, Dining and Lounge areas.

ALTERNATIVES

1. **Recommend Approval** of Coastal Development Permit 243065 and Tentative Map No. 239256, **with modifications.**
2. **Recommend Denial** of Coastal Development Permit 243065 and Tentative Map No. 239256, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Robert Korch
Project Manager
Development Services Department

Attachments:

1. Aerial Photograph(s)
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map Exhibit
6. Draft Map Conditions and Subdivision Resolution
7. Draft Coastal Development Permit with Conditions
8. Draft Coastal Development Permit Resolution with Findings
9. Copy of Recorded (existing) Permit and Amendment
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement