

DATE ISSUED: December 2, 2004 **REPORT NO. PC-04-233**

ATTENTION: Planning Commission, Agenda of December 9, 2004

SUBJECT: OYSTER SHELL – PROJECT NO. 5397 PROCESS FIVE.

**OWNER/
APPLICANT:** Soghra and Dr. Bruce Baker

SUMMARY

Issue(s) – Should the Planning Commission recommend approval to the City Council of a Coastal Development Permit, Site Development Permit, Rezone and Tentative Map for the construction of a three-story six unit residential condominium project, to be entirely within Zone 5 of the La Jolla Planned District within the La Jolla Community Plan Area?

Staff Recommendation:

1. RECOMMEND that City Council CERTIFY MITIGATED NEGATIVE DECLARATION PROJECT No. 5397, and ADOPT the Mitigation, Monitoring and Reporting Program (MMRP); and
2. RECOMMEND APPROVAL to the City Council of a Coastal Development Permit No. 10076, Site Development Permit No. 10078 and Rezone No. 10077; AND
3. RECOMMEND APPROVAL to the City Council of a Tentative Map No. 10079.

Community Planning Group Recommendation - On November 7, 2003, the La Jolla Community Planning Association voted 14-0-1, to recommend approval of the proposed project. There were no additional conditions or recommended changes.

Environmental Review – A MITIGATED NEGATIVE DECLARATION, PROJECT NO. 5397, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce the potential

impacts to Historical Resources (Archeological), Paleontological Resources, and Geology to a level below significant.

Fiscal Impact – None, all costs associated with the processing of the project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact - None.

Housing Impact Statement – Currently the site contains two single family residences and a commercial building, and is designated as Medium Density Residential (15-30 du/acre) in the La Jolla Community Plan. This designation would permit the development of a maximum of seven dwelling units. The project proposes to develop six multi-family dwelling units at a density of approximately 26 dwelling units per acre, resulting in a net increase of four dwelling units on the site. The units are proposed to be sold as market-rate condominiums. The applicant will pay the In-Lieu fee in order to comply with the Affordable Housing requirement.

BACKGROUND

The 9,982 square foot project site currently contains two single family residences and a commercial building. All three existing structures are more than 45 years old and were evaluated for historical significance. Based on the submitted Historical Assessment Report the three structures were determined not to have any historical significance. Surrounding the project site are predominately residential land uses with some commercial and mixed-use. The project site is located at 430, 432, and 440 Pearl Street, on the north side of Pearl Street just west of La Jolla Boulevard between Olivetas Street and La Jolla Boulevard, within Zones 4 and 5 of the La Jolla Planned District, Coastal (non-appealable) Overlay Zone, Coastal Height Limit Overlay Zone, and within the La Jolla Community Plan Area. The proposed grading, construction, and subdivision all constitute, 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 144.0202), for the proposed consolidation of the two existing lots into a one lot subdivision for six condominium units. The Rezone is required, by the Land Development Code (Section 123.0102); in order unify the split zoned property under one zone, Zone 5 of the La Jolla Planned District. The property's land use designation became Medium Density Residential (15 - 30 DU per net acre) during the recent Community Plan update and the most appropriate zone to implement that land use designation is Zone 5 of the La Jolla Planned District, which would allow for the increased residential density of up to 26 dwelling units per acre.

DISCUSSION

Project Description: The project proposes to construct a three-story structure containing a combined total of six three-bedroom residential condominium units, and a subterranean parking garage on the 9,982 square foot property. The total of the residential area is approximately 14,300 square feet of gross floor area. The three-bedroom residential units are approximately 2,495 square-feet in size. Each unit has an 82 square foot porch. The subterranean parking

garage takes access from Pearl Street and provides a total of 14 required parking spaces. The Tentative Map proposes to consolidate the existing two lots into one lot with divided interest into the proposed six condominium units.

The rezone proposes to change the zone on the eastern portion of the property from Zone 4 to Zone 5 of the La Jolla Planned District. This would result in the whole project site being zoned Zone 5 and would bring the alignment of the zone to match that of the land use designation by the La Jolla Community Plan. The surrounding zoning is Zone 5 to the north, west and south of the project site. Adjacent, to the east is commercially zoned property, all with Zone 4 and forming an “L” shaped pattern running along Pearl Street to the east and down La Jolla Boulevard to the south.

The proposed building elevations indicate a contemporary architectural style with the use of smooth and troweled stucco exterior walls (portions with lagger stone accents) metal framed windows with clear and translucent glass, balconies with glass rails with intergraded planter box detail for each of the residential units, and a flat roof. The project’s design will retain an existing mature palm tree that is located within the front setback area along the street. The project site is fairly flat with approximately 2,450 cubic yards of graded material to be exported for the construction of the subterranean garage. The project is designed to comply with the 30 foot height limit with a building height of approximately twenty-nine feet and eleven inches. The project site is not adjacent to a view corridor as identified by the La Jolla Local Coastal Program.

COMMUNITY PLAN ANALYSIS:

The subject property is designated as Medium Density Residential (15-30 du/ac) in the La Jolla Community Plan. The proposed project, at a density of 26 du/ac, conforms to this land use designation. At the time of initial submittal, the project was subject to the previous La Jolla Community Plan. Under the previous plan, the western portion of the property was designated as Medium Density Residential (14-43 du/ac), and the eastern portion was designated as General Commercial. As the project proposed solely residential uses with no commercial component, an amendment to the previous La Jolla Community Plan was required. While the Planning Commission initiated a request to amend the La Jolla Community Plan in 2001, the recently updated La Jolla Community Plan designates the entire property for residential uses. Therefore, the project no longer requires an amendment to the plan.

As recommended by the plan, the scale of the proposed project is compatible with the existing commercial development to the east and the existing multi-story residential development to the north, west, and south. The subject property is located within walking distance of beaches, parks, retail services, transit, and cultural amenities. The front elevation of the proposed project is well articulated, and exhibits numerous windows, balconies, and other features which contribute to the pedestrian-oriented character of the area. As recommended by the plan, the project is designed to encourage walking and transit usage, reducing reliance on private automobiles. The density and design of the project conform to the policies of the La Jolla Community Plan.

ENVIRONMENTAL ANALYSIS:

The Environmental Initial Study (EIS) identified potential significant impacts to Cultural Resources including historical (archeological) resources, Paleontological resources and Geology on the project site. This determination was based on the amount (2,450 cubic yards) of soil proposed to be exported from the site during the grading activity for the subterranean parking garage. A Mitigation, Monitoring and Reporting Program (MMRP) was established as part of the Mitigated Negative Declaration that mitigates potential impacts to the cultural resources to below a level of significance. The MMRP includes specific monitoring requirements including preconstruction meetings, full-time on-site monitoring by a qualified Archaeologist and Paleontologist and discovery and curation protocols. Due to the fact that the site is currently occupied by three buildings, trenching for potential faulting was not conducted. A Geotechnical Investigation Report is required to be submitted and reviewed after the structures are demolished. Additional environmental issues considered during the project review that were determined to not be significant included Water Quality, Noise, Visual Quality and Parking/Circulation/Traffic.

PROJECT RELATED ISSUES:

The proposed rezone of the eastern half of the project site to Zone 5 of the La Jolla Planned District, if approved by City Council, will more appropriately match the proper zone to implement the Medium Density Residential land use designation. However, the rezone will require a Local Coastal Plan Amendment to be reviewed and approved by the California State Coastal Commission after all of the City's required actions are completed.

The project site contains an old sewer easement, which is in the process of being abandoned under Project No. 34691 (a larger project area, the easement runs through the entire width of the block) and is more advanced in the approval process than this project. However, the draft permits and Tentative Map Resolution of this project contain conditions to require approval and completion of the Easement Abandonment prior to building permit issuance and map recordation.

CONCLUSION:

Staff has reviewed the request for a Coastal Development Permit, Site Development Permit, Rezone, and Tentative Map for the development of a six dwelling unit condominium project, and found the project in conformance with the applicable sections of the San Diego Municipal Code regulating Coastal Development, Site Development Permit, Tentative Map assuming that the proposed rezone is approved. Staff has determined that the development is consistent with the land use designation of the La Jolla Community Plan and believes the required findings can be supported (Attachments 10 and 12). Therefore, staff recommends that the Planning Commission forward a recommendation to the City Council, that they Certify the Mitigated Negative Declaration and Adopt the Mitigation, Monitoring and Reporting Program, Approve the Coastal Development Permit, Site Development Permit, Rezone and Tentative Map.

ALTERNATIVES

1. Recommend Approval to City Council of the Coastal Development Permit No. 10076, Site Development Permit No. 10078, Rezone No. 10077, and Tentative Map No. 10079, with modifications.
2. Recommend Denial to City Council of the Coastal Development Permit No. 10076, Site Development Permit No. 10078, Rezone No. 10077, and Tentative Map No. 10079, if the findings required to recommend approval the project cannot be affirmed.

Respectfully submitted,

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Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan
6. Tentative Map
7. Colored Rendering
8. Building Elevations
9. Landscape Plan
10. Draft Map Conditions and Subdivision Resolution
11. Draft Permit with Conditions
12. Draft Resolution with Findings
13. Community Planning Group Recommendation
14. Ownership Disclosure Statement
15. Project Chronology

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