

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



July 19, 2012

**Th11a**

**TO: COMMISSIONERS AND INTERESTED PARTIES**

**FROM: CHARLES LESTER, EXECUTIVE DIRECTOR**

**SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION** that the action by the City of San Diego, certifying the City's Local Coastal Program Amendment No. 3-10 (Mission Beach PDO Update), is adequate to effectively certify its local coastal program (for Commission review at its meeting of August 8-10, 2012)

**BACKGROUND**

At its March 7, 2012 meeting, the Coastal Commission certified, with suggested modifications, the City of San Diego Local Coastal Program Amendment #3-10, regarding the update of the Mission Beach Planned District Ordinance (PDO). By its action adopting Ordinance O-20175 on June 26, 2012, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications addressed retention of provisions to regulate encroachments along Ocean Front Walk; the rejection of entry roofs as an allowable encroachment throughout the planned district; revisions to the landscaping provisions of the PDO to promote water conservation, maintain pervious areas and protect public view corridors and provide regulations for outdoor storage and displays in the commercial districts to maintain pedestrian passage. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of San Diego is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

**RECOMMENDATION**

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



August 13, 2012

Mayor Jerry Sanders  
City of San Diego  
202 C Street  
San Diego, CA 92101

RE: Certification of the City of San Diego Local Coastal Program Amendment  
No. 3-10 (Mission Beach PDO Update)

Dear Mayor Sanders,

The California Coastal Commission has reviewed the City's Ordinance No. O-20175 together with the Commission's action of March 7, 2012 certifying City of San Diego Local Coastal Program Amendment #3-10 pertaining to an update for the Mission Beach Planned District Ordinance (PDO). In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of August 9, 2012.

By its action on June 26, 2012, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications addressed retention of provisions to regulate encroachments along Ocean Front Walk; the rejection of entry roofs as an allowable encroachment throughout the planned district; revisions to the landscaping provisions of the PDO to promote water conservation, maintain pervious areas and protect public view corridors and provide regulations for outdoor storage and displays in the commercial districts to maintain pedestrian passage. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Charles Lester  
Executive Director

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ORDINANCE NUMBER O- 20175 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 26 2012

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 13, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 1513.0103; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 2 BY ADDING NEW SECTION 1513.0203; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTION 1513.0304; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 4 BY AMENDING SECTION 1513.0402 AND ADDING NEW SECTION 1513.0405, ALL RELATING TO THE MISSION BEACH PLANNED DISTRICT.

WHEREAS, on October 12, 2010, pursuant to Ordinance O-19999, the Council of the City of San Diego adopted amendments to the Mission Beach Planned District Ordinance (PDO) and Local Coastal Program to determine grade, identify allowable encroachments, eliminate the option for a Neighborhood Development Permit to deviate from the requirements of the PDO, and to expand the applicability of the 45 degree angled plane; and

WHEREAS, the California Coastal Act (Public Resources Code section 30000 et seq.) requires California Coastal Commission certification of implementing actions to implement the approved Local Coastal Program Coastal Plan; and

WHEREAS, on March 7, 2012, the California Coastal Commission approved the amendments to the City of San Diego Local Coastal Program (LCP), Amendment No. 3-10 (Mission Beach PDO Update) with modifications that address the regulations for outdoor storage and displays in the commercial districts to maintain pedestrian passage; regulations for encroachments along Ocean Front Walk; the rejection of entry roofs as an allowable

encroachment throughout the planning area; and revisions to the landscaping provisions of the PDO to promote water conservation, maintain previous areas and protect public view corridors;

WHEREAS, the modifications suggested by the California Coastal Commission are before the City Council for consideration; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the City Council acknowledges receipt of the California Coastal Commission's certification resolution.

Section 2. That the City Council adopts the modifications to the Mission Beach Planned District Ordinance Coastal Program in satisfaction of the terms of the Coastal Commission's certification resolution.

Section 3. That Chapter 15, Article 13, Division 1 of the San Diego Municipal Code is amended by amending section 1513.0103, to read as follows:

**§1513.0103 Applicable Regulations**

Where not otherwise specified in the Mission Beach Planned District Ordinance, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures) except Article 3 Division 4

Section 113.0222 (Calculating Density);

Chapter 12 (Land Development Reviews) except Article 6, Division 6 (Planned Development Permit Procedures) and Article 6, Division 4,

Sections 126.0402(a)(4) and 126.0402(g) (When a Neighborhood Development Permit is Required);

Chapter 13 (Zones);

Chapter 14, Article 1 (Separately Regulated Use Regulations);  
Chapter 14, Article 2, Division 1 (Grading Regulations);  
Chapter 14, Article 2, Division 2 (Drainage Regulations);  
Chapter 14, Article 2, Division 5 (Parking Regulations);  
Chapter 14, Article 2, Division 6 (Public Facility Regulations);  
Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials  
Storage Regulations);  
Chapter 14, Article 3 (Supplemental Development Regulations) except  
Division 4 (Planned Development Permit Regulations);  
Chapter 14, Article 4 (Subdivision Regulations);  
Chapter 14, Article 5 (Building Regulations);  
Chapter 14, Article 6 (Electrical Regulations); and  
Chapter 14, Article 7 (Plumbing and Mechanical Regulations)

Where there is a conflict between the Land Development Code and the Mission Beach Planned District Ordinance, the Planned District Ordinance applies.

Section 4. That Chapter 15, Article 13, Division 2 of the San Diego Municipal Code is amended by adding new section 1513.0203, to read as follows:

**§1513.0203 Encroachments/Ocean Front Walk**

No permit for any development or redevelopment on any lot abutting the Ocean Front Walk public right of way or any public right of way may be issued, unless the owner obtains a permit in accordance with Land Development Code Chapter 12, Article 9, Division 7 (Public Right-of-Way Permits) for any existing or proposed encroachments into the public right of way.

Section 5. That Chapter 15, Article 13, Division 3 of the San Diego Municipal Code is amended by amending section 1513.0304, to read as follows:

**§1513.0304 Property Development Regulations – Residential Subdistricts**

(a) through (c) [No change in text.]

(d) Encroachments

(1) Only the encroachments identified in Section 1513.0304(d) are allowed.

**Table 1513-03B  
Allowable Encroachments<sup>1</sup>**

<b>Feature</b>	<b>Courts, Places, and Walks</b>	<b>Interior and Street Side Yard</b>
Casings for Doors & Windows	6 inches	6 inches
Cornices <sup>2,3</sup>	1 foot	6 inches
Direct Vent Gas	1 foot	6 inches in 3-foot setback 1-foot in 5-foot setback
Eaves <sup>2</sup>	2 feet <sup>4</sup>	6 inches
Lighting Fixtures	9 inches	9 inches
Rain Gutters	6 inches	6 inches
Vents	6 inches	6 inches

<sup>1</sup> For features in Table 1513-03B that are located on any portion of the façade that encroaches 18 inches into the court, place, or walk yard setback using the vertical offset in Section 1513.0304(d)(2)(A)(i), a maximum additional encroachment of 6 inches is allowed.

<sup>2</sup> The area that encroaches may not be used to support decks, exterior balconies, or floors.

<sup>3</sup> Cornices shall not exceed 1-foot in height.

<sup>4</sup> The eave shall not intrude into any required 45 degree angle for a court, place, walk or interior yard.

(2) [No change in text.]

(A) [No change in text.]

(B) The following encroachments are not permitted into yards for Courts, Places, or Walks:

- (i) Encroachment into the 45 degree setback by any part of the structure (including but not limited to eaves, fireplaces and chimneys, stairs, or railings).
- (ii) Any structure that exceeds 3 feet in height above existing grade or proposed grade, whichever is lower (including fences; solid, glass, planter, and retaining walls; stairs; rails; bay or garden windows; and fireplaces, grills, or barbeques that are constructed in place), except that encroachments consistent with Section 1513.0304(d)(2)(A) are permitted.

(3) through (4) [No change in text.]

(e) through (h) [No change in text.]

Section 6. That Chapter 15, Article 13, Division 4 of the San Diego Municipal Code is amended by amending section 1513.0402 and adding new section 1513.0405, to read as follows:

**§1513.0402 Landscaping**

- (a) Residential Subdistricts
  - (1) One hundred percent of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50 percent and shall be any combination of trees, shrubs and ground cover; except that the use of trees to meet this requirement shall be

optional. All proposed landscaping in the required yard areas for Courts, Places, or Walks shall be maintained at a height of three feet or lower (including raised planters) to preserve public views. All landscaping shall be drought-tolerant and native or non-invasive plant species. The remaining 50 percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding 3 feet in height.

- (2) Landscaping located within the required yards for Courts and Places shall protect pedestrian view corridors by emphasizing canopy trees that reach a height of 24 feet at maturity and ground cover. Landscaping materials shall not encroach or overhang into the Courts and Places rights-of-way and view corridors. Mature trees shall be maintained so that branches do not encroach below a height of 8 feet above the finish surface or finished grade, as measured at the trunk. Any trees proposed in the required yard areas along Courts, Places, or Walks shall be limited to no more than two trees which shall be planted within 4 and 5 feet of the primary structure. All landscaping and irrigation within the public-right-of-way shall be developed in accordance with the Landscape Standards of the Land Development Manual.

- (b) [No change in text.]

**§1513.0405 Outdoor Display Regulations**

Within the Commercial Subdistrict along Mission Boulevard, Pacific Beach Drive, Ventura Place, and Ocean Front Walk only the following may be displayed on the sidewalk:

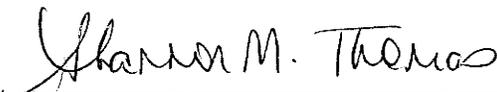
- (1) Newspapers;
- (2) Rental items provided that there is an 8-foot clearance, measured from the curb to the primary structure, for pedestrian passage.

Section 7. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 8. That this ordinance shall not take effect until the date the California Coastal Commission unconditionally certifies these provisions as a local coastal program amendment, or until the thirtieth day from and after its final passage, whichever occurs later.

Section 9. That after adoption, the Mayor or his designee is authorized to submit this ordinance to the California Coastal Commission for final certification and incorporation into the City's certified Local Coastal Program.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
5/03/2012  
Or.Dept: DSD  
Doc. No. 340348

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 12 2012

ELIZABETH S. MALAND

City Clerk       

By [Signature] *Signature on File*       

Deputy City Clerk       

*Signature on File*

Approved: 6.26.12  
(date)

[Signature]  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor