

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
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# W12g

## Addendum

March 2, 2012

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To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item W12g, City of San Diego LCP Amendment No. 3-10 (Mission Beach PDO Update)** for the Commission Meeting of March 7, 2012

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Staff recommends the following changes be made to the above-referenced staff report; additions are reflected in underlined revisions and deletions are shown in strike-out:

1. On Page 7 of the Staff Report, Suggested Modification #2 should be underlined since it is proposed to be retained in the code; it should therefore read as follows:

2. **Section 1513.0203 Encroachments/Ocean Front Walk** shall be retained 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.

2. On Page 9 of the Staff Report, Suggested Modification #6 shall be revised to reflect the current provisions for landscaping in public view corridors; new additions are shown in double underline and new deletions are shown in double-strikethrough. The updated modification should read as follows:

6. Revise **Section 1513.0402 Landscaping**, sub-section (a) Residential Subdistricts, as follows:

(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~~ 30 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 front yard area 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~~ 70 percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, paved areas, 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 ~~tall canopy trees that reach a height of 24 feet at maturity with canopy areas~~ 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 will be limited to no more than two tall, canopy type trees with thin trunks which shall be planted within 4 and 5 feet of the primary structure. ~~must be located as close to the structure as is feasible in order to reduce encroachments into the view corridors.~~ All landscaping and irrigation within the public-right-of-way shall be developed in accordance with the Landscape Standards of the Land Development Manual.

3. On Page 15 of the Staff Report, the first full paragraph shall be revised as follows:

The proposed amendment to the landscaping regulations of the PDO would reduce the amount of required vegetative landscaping from 50% to 30% of the yard area, and the amount of hardscaping would correspondingly increase from 50% to 70% of the yard area. The modifications would also make the use of two trees in the yard area, as currently required by the City's LDC, optional instead of mandatory. Members from the Community Planning Board have explained to staff that the impetus for this modification arose from the fact that currently the existing 50/50 landscaping/hardscaping requirements are not being met and the in-ground percentages are more commonly composed of a 10%

landscaping to 90% hardscaping ratio. Regardless of the identified code compliance issue, reducing the amount of required landscaping in the yard area to 30% would be inconsistent with the provisions of the Mission Beach Precise Plan, which specifically state that at least 20% of the total lot area should be landscaped, with an emphasis that the landscaping should not impede public views to the Ocean along Courts, Walks, or Places and should enhance the visual attributes of the community.

In addition to the provision that 20% of the total lot area should be landscaped, the certified Precise Plan also states that at least 40% of the front yard should be committed to landscaping. Front yard setbacks in the Mission Beach community on Courts, Walks and Places are required to be either 10 ft wide in the R-N zone or 15 ft wide in the R-S zone. Given that the interior yards (or side yards) and alley setbacks are not required to incorporate landscaping, the required front yard setback areas generally contain the only landscaping on site.

In the Mission Beach community, the standard lot size for the Residential North (R-N) zone is 25 ft. wide by 50 ft. long and the standard lot size for the Residential South (R-S) zone is 30 ft. wide by 80 ft. long. The certified Mission Beach Precise Plan (LUP) specifies that 20% of the total lot size should be landscaped, which would translate to 250 sq. ft. of required landscaping for standard R-N lots and 480 sq. ft. of landscaping for standard R-S lots. The current requirements of the Mission Beach PDO require that 50% of the 10 ft. front yard setback area for the R-N zone be landscaped and 50% of the 15 ft. front yard setback area for the R-S zone. As such, the PDO would require 125 sq. ft. of landscaping in the front yard for R-N standard lots and 225 sq. ft. of landscaping in the front yard for R-S standard lots. Therefore, there is already a deficit in the amount of recommended landscaping required through the certified PDO. While the current landscaping requirements in the Mission Beach PDO are less than the recommended commitment of 20% of the total lot, reducing the landscape requirement in the front yard area to 30% from the existing requirement of 50% in the PDO would deviate further from the specific recommendations of the certified Mission Beach Precise Plan (LUP), especially the related recommendation that 40% of the front yard setback be committed to landscaping.

Furthermore, reducing the amount of required landscaping and potentially reducing the amount of permeable landscaped area could contribute to flooding and inadequate drainage within the community. Additionally, the proposed change to the landscaping regulations of the PDO that make the use of two trees in the required yard area optional instead of mandatory, is not entirely inconsistent with the provisions of the LUP. Nonetheless, given the potential public view blockage resulting from trees along the public walkways, the Commission can support this revision to make the use of trees optional. However, the City did not include adequate language to restrict the placement, type or location of any proposed trees so as to protect and enhance existing view corridors along Courts, Walks, and Places. Finally, in order to maintain the public views to the ocean and bay and promote water conservation, the Commission has been requiring a set of landscaping provisions in its review of coastal development permits; these include three

foot height limitations for all landscape materials, excluding trees, in the front yard setback and requirements that all landscaping be drought-tolerant and native or non-invasive plant species. The Commission has also specified that fences within the front yards had to have at least 75% of its surface area open to light. The proposed PDO amendments do address the fencing provisions but they do not incorporate the Commission's other provisions. As such, the proposed reduction in required landscaping and increase in allowable hardscaping, along with inadequate landscaping specifications and siting provisions for trees, would not be adequate to implement the policies of the LUP regarding visual resources, community character, and residential development.

4. On Page 17, the second full paragraph and the beginning of **Part V., Findings for Approval, if Modified**, shall be revised as follows:

Since the adoption of the Mission Beach PDO on January 2, 1979, community members and the Community Planning Board have identified various issues with the language in the PDO that needed clarification in order to increase their effectiveness and uphold the provisions of the Mission Beach Precise Plan. These issues were discussed at the community level and incorporated into the City's proposed revisions to the PDO. The modifications that comprise the 'general clean up' of the existing PDO are as follows: a definition of grade level; a more comprehensive definition of lot coverage; prohibition of parking in front yards; except where the use had already been grandfathered in on the property; elimination of the 20% deviation for setback encroachments without the need to obtain a variance; addition of a definition describing a dormer; allowance for gross floor area calculations to ~~include~~ exclude carports as long as they are built and maintained with less than two walls that are at least 75% or more open; clarification of the language regarding density regulations and minimum lot standards and setbacks; and the prohibition of curb cuts on Mission Boulevard unless the premise has less than 10 feet of vehicular access to an alley. None of these 'general clean up' modifications will diminish the adequacy of the PDO to implement the certified LUP; instead, they will strengthen the PDO policies regarding residential construction, parking standards, setbacks, and density regulations.

5. On Page 18 of the staff report, the two paragraphs of sub-section **2. Landscaping** shall be revised as follows:

**2. Landscaping.** The proposed revision to the landscaping regulations of the PDO would reduce the amount of required vegetative landscaping from 50% to 30% of the yard area, and the amount of hardscaping would increase from 50% to 70% of the yard area. However, such a substantial reduction in the amount of required landscaping in the yard area would be inconsistent with the provisions of the Mission Beach Precise Plan, which specifically states that at least 20% of the total lot area should be landscaped, with an emphasis that the landscaping should not impede public views to the Ocean along Courts, Walks, or Places and should enhance the visual attributes of the community. Additionally, if the amount for required landscaping is reduced to 30% as opposed to 50%, it would ~~would~~ result in the reduction of the amount of permeable landscaped area and an increase

in impervious hardscaped area and could contribute to flooding and inadequate drainage within the community. Retaining the requirement for 50% of the front yard setback area to be landscaped, instead of the proposed 30%, would not wholly satisfy the requirement that 20% of the standard lot area is landscaped; however, it would still result in enhanced landscaping on site and there is no compelling rationale presented to allow a further reduction. Additionally, due to the small standard lot sizes in Mission Beach and the density of development, the certified Precise Plan notes that the landscaping commitment might not be feasible or appropriate in some circumstances. In the Residential Element's background discussion, the Plan states "[t]he intent of all of these landscaping requirements is to allow flexibility so that adequate yard area can be developed as useable open space, while preventing yards that consist of concrete slabs. [...]" So, while the Commission can find the current provision for committing 50% of the front yard to landscaping or pervious area acceptable, any further reduction would be inconsistent with the intent and specific recommendations of the Precise Plan. As such, staff is recommending that no modification to the language in the PDO occur that would reduce the amount of required landscaping area from 50% to 30%.

Additionally, the proposed revisions to the Mission Beach PDO include the addition of language making the use of two trees in the yards of properties on Courts, Walks, and Places optional, instead of mandatory, as in the current regulations stipulated in the City's LDC. However, while the revisions allow for the optional use of two trees in the 10-15 ft. required yard area, they do not specify the type or placement of the trees. The absence of any language in the proposed revisions to the Mission Beach PDO that restricts trees from encroaching into the 10-15 ft. yard setbacks is inconsistent with the policies of the Mission Beach Precise Plan (LUP). As such, language needs to be added to the Mission Beach PDO requiring that no more than two ~~any~~ trees should be proposed in the required yard areas along Courts, Places, or Walks, ~~will be~~ limited to two tall, canopy type trees with smaller trunks, and they should be located as close to the structure as is feasible in order to reduce encroachments into the view corridors. In addition, the inclusion of landscaping specifications for restricted height of plant materials in the front yard setbacks, along with the use of drought-tolerant and native or non-invasive plant species, should protect public views and minimize water consumption. Overall, the removal of language resulting in a reduction of required landscaping coverage and the recommended addition of language regarding the placement of trees and landscaping within the yards along Courts, Walks, and Places would be consistent with past Commission actions and would effectively implement the policies of the Mission Beach LUP.

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# W12g

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT  
MELISSA AHRENS, COASTAL PROGRAM ANALYST, SD COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO LCP AMENDMENT  
NO. 3-10 (MISSION BEACH PDO UPDATE) for Commission Meeting of  
March 7-9, 2012**

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## SYNOPSIS

On January 11, 2011, the City of San Diego Local Coastal Program (LCP) Amendment #3-10 was filed in the San Diego District office. The submittal included only the proposed changes to the Mission Beach Planned District Ordinance (PDO). A one-year time extension was granted on March 9, 2011. As such, the last date for Commission action on this item is the March 2012 hearing.

The amendment involves revisions to the Mission Beach PDO which serves as the primary implementing ordinance for the Mission Beach community. No changes are proposed to the community plan; therefore, the subject amendment only involves the certified LCP implementation plan.

## SUMMARY OF AMENDMENT REQUEST

The subject implementation plan (IP) amendment involves changes solely to the Mission Beach PDO, which is part of the City's certified Land Development Code (LDC), portions of which comprise the IP of the certified LCP. An overview of the amendment request includes, but is not limited to, the following items: expansion of allowable encroachments to include entry roofs and eaves; a new requirement for angled setbacks along Ocean Front Walk and the north side of Courts and Places; reduction of required landscape coverage from 50% to 30% and the addition of outdoor display regulations. Also proposed are a number of corrections to miscellaneous inconsistencies in the regulations that have resulted in misinterpretation of the development regulations. These include, in part, changes to the definition of "dormer" to accommodate bedroom areas or more usable space; clarification of density regulations, minimum lot standards and setbacks; language addressing the determination of grade level; language addressing

allowable carports, changes to the language regarding parking in yards and language addressing curb cuts on Mission Blvd.

### **SUMMARY OF STAFF RECOMMENDATION**

Although the vast majority of the proposed amendments to the Mission Beach PDO are acceptable as submitted and reflect clarifications and updates to improve the PDO's administration, there are a few critical issues presented by the ordinance update. First and foremost, the proposed amendments formalize and sanction encroachments, consisting of allowable entry roofs, into the required yards of Courts, Walks and Places. These public right-of-ways serve both as the primary coastal accessways and pedestrian circulation system of the community and they represent critical public view corridors to the ocean and bay. While entry roofs might appear as nominal improvements on an individual basis, as drafted, the amended ordinance could allow an entry roof to extend a substantial distance over sliding doors; and, as they proliferate, they represent a cumulatively significant encroachment into public view corridors.

A second area of major concern is the reduction in required landscape coverage from 50% to only 30% of the required yard area when the certified Precise Plan establishes a provision that 20% of the total lot area be maintained as pervious area. This provision is therefore inconsistent with the certified land use plan and further conflicts with efforts to address historic flooding issues in the community, water quality measures and efforts to address climate change. Another policy issue is preserving public access along Ocean Front Walk and Ventura Place. Historically, there were a number of encroachments located within Ocean Front Walk, which is more commonly known as the beachfront boardwalk and promenade. While the City and community have done an admirable job of abating and regulating those historic encroachments, the proposed amendment would delete a sub-section which addresses those encroachments. The City asserts that it is redundant and an encroachment permit would still be separately required for any existing or newly proposed encroachment. However, given the significance of this public boardwalk and the history of these encroachments, staff believes it is important to retain the sub-section as public notice to prospective property owners of the public's interest and rights. Along Ventura Place, the existing PDO did not have adequate regulation of these frontages because the property ownership extends to the curb and commercial interests here began placing merchandise along the sidewalks and restricting public passage. Therefore, new language must be added to address this important coastal access route just north of Belmont Park. Given these policy concerns, the amended PDO must be denied as submitted and then staff recommends the Commission approve it with suggested modifications.

The appropriate resolutions and motions begin on Page 6. The suggested modifications begin on Page 7. The findings for denial of the Implementation Plan Amendment as submitted begin on Page 10. The findings for approval of the plan, if modified, begin on Page 17.

## **BACKGROUND**

The City's first Implementation Program (IP) was certified in 1988, and the City assumed permit authority shortly thereafter. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code (LDC) and a few PDOs; this replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000. The City has been reviewing the LDC on a quarterly basis, and has made a number of adjustments to facilitate implementation; most of these required Commission review and certification through the LCP amendment process. Additional adjustments will continue to be made in the future. The City's IP includes portions of Chapters 11 through 14 (identified as the Land Development Code or LDC) of the municipal code and associated guidelines.

The Mission Beach Precise Plan is the certified land use plan for the Mission Beach community which is one of the many segments of the City's certified LCP. The Precise Plan was initially submitted in November 1979; and after multiple resubmittals, it was certified with many other segments in July 1988. The Mission Beach PDO was put into effect at the local level on January 2, 1979 and provides a set of regulations separate from the City's LDC addressing issues unique to the community.

The Mission Beach PDO was certified as the implementing ordinance, in part, for this community since the adoption of the City's LDC in 2000 and has not been amended or modified until this amendment request. The PDO applies the regulations of Chapter 13 (Zones) in the LDC where they do not conflict with the specified language of the Mission Beach PDO. Furthermore, the certified PDO contains a provision that states "[w]here there is a conflict between the Land Development Code and the Mission Beach Planned District Ordinance, the Planned District Ordinance applies".

In the Mission Beach community, there is a mix of single-family and multifamily structures, built on smaller lots in condensed neighborhoods. General zoning in the San Diego LDC was designed for much larger lots than those found in Mission Beach; and, as such, the Mission Beach PDO is instrumental in applying specific zoning policies that address the unique characteristics and smaller lot sizes found in Mission Beach.

A number of problems existing with development in the Mission Beach community have been identified by the Community Planning Board and incorporated into the subject LCP Amendment. These include the threat of overbuilding beyond the established building envelope, excessively bulky buildings that are out of scale with respect to their site and the community, lack of landscaping and the absence of a specific grade determination that would further alleviate a walled off effect along the courts, walks and places in the community.

**ADDITIONAL INFORMATION**

Further information on the City of San Diego LCP Amendment #3-10 may be obtained from Melissa Ahrens, Coastal Planner, at (619) 767-2370.

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## **PART I. OVERVIEW**

### **A. LCP HISTORY**

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November 1996.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. In November 1999, the Commission certified the City's Land Development Code (LDC), and associated documents, as the City's IP, replacing the original IP adopted in 1988. The LDC has been in effect within the City's coastal zone since January 1, 2000.

### **B. STANDARD OF REVIEW**

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

### **C. PUBLIC PARTICIPATION**

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

**PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION I:** *I move that the Commission reject the Implementation Program Amendment for the Mission Beach PDO Update of the City of San Diego LCP as submitted.*

**STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Program Amendment submitted for the *Mission Beach PDO Update of the City of San Diego LCP* and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Mission Beach Precise Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted

- II. MOTION II:** *I move that the Commission certify the Implementation Program Amendment for the Mission Beach PDO Update of the City of San Diego LCP if it is modified as suggested in this staff report.*

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM  
AMENDMENT WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Program Amendment for the *Mission Beach PDO Update of the City of San Diego LCP* if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment, with the suggested modifications, conforms with and is adequate to carry out the certified Mission Beach Precise Plan. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

**PART III. SUGGESTED MODIFICATIONS**

Staff recommends the following suggested revisions to the proposed Implementation Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

1. Under **Section 1513.0103, Applicable Regulations**, the following reference shall be deleted as follows:

~~Chapter 14, Article 2, Division 11(Outdoor Storage, Display, and Activity-Regulations);~~

2. **Section 1513.0203 Encroachments/Ocean Front Walk** shall be retained 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.

3. Delete “Entry Roofs” as an Allowable Encroachment in **Table 1513-03B Allowable Encroachments**, as follows:

**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
<del>Entry Roofs<sup>2,5</sup></del>	<del>3 feet</del>	<del>None</del>
Lighting Fixtures	9 inches	9 inches
Rain Gutters	6 inches	6 inches
Vents	6 inches	6 inches

4. Delete sub-section (2)(b) in its entirety from **Section 1513.0304, Property Development Regulations-Residential Subdistricts (d) Encroachments**, as follows:

~~(B) — In addition to those encroachments identified in Table 1513.03B, entry roofs may encroach up to 3 feet into the Court, Place, or Walk yard setback consistent with the following, as set forth in Diagram 1513-03E:~~

~~(i) — The entry roof must be at least 9 feet above existing grade, whichever is lower, and no more than 12 feet above existing grade or proposed grade, whichever is lower;~~

~~(ii) — The entry roof must be supported by diagonal supports from the building wall, such as knee braces, extending within a 45 degree angle from the building wall to the horizontal portion of the projection, provided that the horizontal and vertical components of the supports do not exceed 3 feet. The entry roof shall not be supported through continuation of the floor joist;~~

~~————— (iii) The maximum width of the entry roof is the door width plus three feet; and~~

~~(iv) Within the R-N Subdistrict only one entry roof is allowed, and within the R-S Subdistrict two entry roofs are allowed, provided the entry roofs serve separate residential units.~~

5. Delete **Diagram 1513-03E, Entry Roof Encroachment** illustration from the amended ordinance.

6. Revise **Section 1513.0402 Landscaping**, sub-section (a) Residential Subdistricts, as follows:

(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 ~~30~~ 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. The remaining 50 ~~70~~ percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, paved areas, 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 tall trees with canopy areas and ground cover. Landscaping materials shall not encroach or overhang into the Courts and Places rights-of-way 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 will be limited to no more than two tall, canopy type trees with thin trunks which must be located as close to the structure as is feasible in order to reduce encroachments into the view corridors. All landscaping and irrigation within the public-right-of-way shall be developed in accordance with the Landscape Standards of the Land Development Manual.

7. Incorporate **Section 1513.0405, Outdoor Display Regulations** to the amended code as follows:

§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 for pedestrian passage.

**PART IV. FINDINGS FOR REJECTION OF THE CITY OF SAN DIEGO  
IMPLEMENTATION PLAN AMENDMENT #3-10, AS SUBMITTED,  
AND APPROVAL IF MODIFIED**

**A. AMENDMENT DESCRIPTION**

The subject amendment is an update to the Mission Beach PDO, which includes a general clean up of existing policy language as well as modifications to the provisions addressing landscaping, allowable encroachments, and outdoor storage displays. The more general changes to the Mission Beach PDO update are intended to clarify portions of the existing PDO regarding the definition of grade, standard setbacks and dormers, as well as to make minor modifications to prohibit parking in the front yard area of Courts and Places. All of the proposed minor modifications and language clarifications are consistent with the goals of the Mission Beach Precise Plan and aim to improve the residential and commercial development regulations of the PDO. However, the proposed amendment contains four components that cannot be supported, as submitted, and include the allowance for entry roofs to encroach into the required yard areas along Courts, Walks, and Places, a reduction of landscaping coverage, lack of appropriate outdoor display regulations, and the need for public notice about Ocean Front Walk encroachments. Specifically, they consist of the following:

1. **Entry roof encroachment.** The proposed changes to the development regulations regarding allowable encroachments will permit entry roofs to extend up to 3 feet into the required yard area along Courts, Walks and Places. The proposed changes would be implemented through Table 1513-03B ‘Allowable Encroachments’, as well as through Section 1513.0304(d)(2)(B). The proposed changes consist of the following:

- 1) Table 1513-03B allows for entry roofs to extend up to 3 feet into the required yard area along Courts, Places, and Walks;
- 2) Section 1513.0304(d)(2)(B)(i) specifies that the entry roof must be located at least 9 feet above the existing or proposed grade, whichever is lower, and no more than 12 feet above the existing or proposed grade, whichever is lower;
- (3) 1513.0304(d)(2)(B)(ii) states that the entry roof must be supported by diagonal supports from the building wall;
- (4) 1513.0304(d)(2)(B)(iii) specifies that the maximum width of the entry roof is the door width plus three feet; and
- (5) 1513.0304(d)(2)(B)(iv) states that only one entry roof is allowed in the R-N subdistrict and up to two entry roofs are permitted in the R-S subdistrict, provided that they serve separate residential units.

The proposed changes will allow for permanent entry roofs of varying widths to be constructed within the required yard areas along Courts, Places and Walks. These entry

roofs will be permitted to be installed along the entire length of longer glass sliding doors as well as on top of smaller, more typical entryway doors. Currently, the Mission Beach PDO does not allow for permanent encroachments and requires that no structure or landscaping is allowed in the required yard setbacks along Courts, Places or Walks above a height of 3 feet.

2. **Landscaping**. The proposed changes to the landscaping requirements of the PDO will reduce the amount of required vegetative landscaping coverage in the yard areas along Courts, Walks and Places from 50%, as it exists, to 30% and increase the amount of required hardscaping in yard areas fronting Courts, Walks, and Places from 50%, as it exists, to 70% coverage. Specifically, the changes proposed to Section 1513.0402 'Landscaping' include the following modifications:

(1) All required yards, except interior and rear yards, shall be landscaped with a minimum of at least 30% coverage and shall be any combination of trees, shrubs, and ground cover, except that the use of trees to meet this requirement shall now be optional.

(2) The remaining 70% may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, paved areas and decks not exceeding 3 feet in height.

3. **Outdoor Display Regulations**. The proposed changes involve the regulation of outdoor displays inadequately addressed by the LDC. Specifically, the amended code's cross-reference to the LDC would be insufficient to maintain public areas along Ventura Place. As submitted, the amendment would cross-reference Chapter 14, Article 2, Division 11 of the LDC. This cross-reference was intended to provide adequate regulation for outdoor displays of merchandise in the Commercial Subdistricts.

4. **Ocean Front Walk Encroachments**. The proposed code amendment includes the deletion of Section 1513.0203, which addresses existing or proposed encroachments into Ocean Front Walk. Ocean Front Walk is a unique public right-of-way, more commonly know to locals as the "Beach Boardwalk", because it is not open to vehicles. The existing code provides that no permit for any development or redevelopment may be issued unless the owner obtains an encroachment permit for any existing or proposed encroachment into the boardwalk/public right of way.

## **B. SPECIFIC FINDINGS FOR REJECTION**

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP, which in this case is the Mission Beach Precise Plan.

1. **Purpose and Intent of the Ordinance**. The purpose and intent of the Mission Beach PDO is to implement policies regarding residential and commercial development,

public access, visual resources, protection of environmental resources and the ocean and bay beaches and walkways, specifically crafted to be applicable to the unique and densely populated coastal community of Mission Beach. Primary elements of the PDO include regulations recognizing coastal scenic and visual qualities, community character, and public access as important public resources that need to be preserved and protected for the benefit of the immediate community and any member of the public visiting the community. Due to the smaller lot sizes within the community of Mission Beach, it is important that distinct policies, separate from the general land use regulations of the City LDC, are applied in Mission Beach. These specific regulations restrict the development envelope of lots within the community to allow for the protection of public ocean view corridors, general community character, and public access. Additionally, the regulations of the PDO identify that new development must protect the special attributes of the Mission Beach community, which, due to its unique characteristics, is a popular visitor destination.

2. **Major Provisions of the Ordinance.** The community of Mission Beach is distinct from the rest of the City of San Diego in that it is comprised of a thin strip of flat, densely populated land with only one main thoroughfare, Mission Boulevard, that intersects the community and connects with Pacific Beach to the north and Ocean Beach to the south. As such, the Mission Beach PDO has specific regulations regarding traffic circulation, public access, and parking regulations that help to alleviate unmanageable automotive congestion in the community and maintain public beach and bay access. Additionally, Mission Beach is comprised of approximately 100 acres of densely developed residential and commercial properties bordered by Mission Bay to the east and the Pacific Ocean to the west. As such, the applicable PDO includes regulations that restrict the buildable envelope available on residential and commercial lots and establishes setbacks on Mission Boulevard and along Courts, Walks, and Places within the community. Paved public boardwalks are established within the community and designated as Bayside Walk on the eastern side and Ocean Front Walk on the western side. Both public walkways run north/south along the beach and bayside and serve as highly popular public accessways, as well as a view corridors along the shoreline. The Courts and Places within the community generally run east/west and serve as critical public view corridors to the ocean or the bay waters. As such, the Mission Beach PDO contains specific provisions restricting encroachments into the yard areas of Courts, Walks, and Places, which function as valuable public view corridors to the ocean and bay. Overall, the major provisions of the ordinance address protection of visual resources, public access, residential and commercial development and transportation.

### 3. **Adequacy of the Ordinance to Implement the Certified LUP.**

a. **Entry roof encroachment.** The Mission Beach Precise Plan contains policies that protect public views and scenic resources in the community. The Commission's review of the proposed changes to the Planned District Ordinance must assure that the amended PDO conforms with, and is adequate to carry out the Precise Plan's provisions. Listed below are policies contained in the certified Land Use Plan which refer to protection of public ocean views, landscaping requirements, and residential development:

- The Courts and Places in Mission Beach provide the only pedestrian open space system other than the beaches. Every residence fronts on either the beach or a Court or Place. Consequently, their preservation is a top priority. Therefore, the existing requirement of a 15-foot setback should be maintained on all Courts and Places south of Santa Clara Place. Because of the extremely small lot sizes north of Santa Clara, a ten-foot setback is acceptable on single lots. For property on the south side of Courts, there is an additional problem of shadow control that will necessitate further setbacks for development over two stories.
- Views to, and along the shoreline from public areas shall be protected from blockage by development and or vegetation. This proposal is consistent with the Plan's intent to preserve and improve the physical appearance and character of the Mission Beach community.
- Visual Goal: To eliminate both visual and non-visual nuisances in Mission Beach.”

The City has indicated that the goal of including entry roofs as a permitted encroachment into yards along Courts, Walks and Places is to allow residents to construct sturdier, permanent roof covers above entryways. This proposed component of the subject LCP amendment would potentially allow for one 3 foot wide entry roof encroachment in the R-N subdistrict and two within the R-S subdistrict, provided that they are serving separate residential units such as condominiums. However, the proposed modification would allow for the entry roof to stretch the entire length of the entryway plus an additional three feet, extending a substantial distance if constructed above longer sliding glass door entryways. The permanent roof overhangs would also be permitted to encroach up to three feet into the yard area along Courts, Walks and Places, which currently exist as public ocean view corridors. Currently, there are no restrictions in the PDO or the LDC that restrict the use of temporary non-permanent awnings being utilized in the place of roof overhangs. These awnings are typically made of a cloth or fabric material, are less than 3 feet wide and are not as visually obstructive as the proposed permanent entry roof overhangs that would be required to include structural support in the form of diagonal supports attached to the structure.

The Mission Beach Precise Plan includes provisions and objectives requiring that public views to and along the shoreline must be protected through the use of adequate setbacks along Courts, Walks, and Places as well as through provisions restricting encroachments into identified public view corridors within the community. As the lot size and associated required setback areas are already comparatively small and restricted in the community of Mission Beach, any allowable encroachment into the Courts, Places and Walks that function as critical view corridors could result in significant adverse impacts to the visual quality of the community and the availability of public ocean and bay views. Although seemingly minor on a case-by-case basis, the proliferation of entry roofs, along with other appurtenances added over time, could result in cumulative impacts and deterioration of public views. The proposed changes regarding entry roof encroachments would extend beyond the historic allowable building envelope established with the initial

certification of the Mission Beach PDO and would not be consistent with the policies of the Mission Beach Precise Plan, which emphasize that the yard areas abutting Courts, Walks, and Places observe the required setbacks with no significant encroachments that extend above 3 feet. As such, the proposed modification to the PDO, allowing for the three foot encroachment of entry roofs, cannot be found adequate to implement the certified LUP.

**b. Landscaping.** The Mission Beach Precise Plan contains policies that protect public views, scenic resources and community character of the Mission Beach area. The Commission's review of the proposed changes to the Planned District Ordinance must assure that the amended PDO conforms with, and is adequate to carry out, the Precise Plan's provisions. Listed below are policies contained in the certified Land Use Plan which refer to protection of public ocean views, landscaping requirements, water quality and residential development:

- A minimum of 20 percent of the total lot area should be required to be in landscaping[...]
- There are a number of problems that exist at present, however, some of which are being amplified by new development. These include the threat of overbuilding in terms of density, excessively bulky buildings that are out of scale with respect to their site and the community, lack of parking, lack of landscaping, and the lack of adequate height regulation.
- The lack of mature trees and vegetation makes the other violations even more noticeable.
- Goal: The insurance of necessary environmental amenities such as the provision of open space, landscaping and vegetation.
- The intent of all of these landscaping requirements is to allow flexibility so that adequate yard area can be developed as useable open space, while preventing yards that consist of concrete slabs.
- Finally, landscaping is an important part of the overall appearance of the community. The amount, location, type (whether trees, shrubs, flowers) and kind (species) should be carefully arranged to complement the inanimate components of the community.
- The Courts and Places in Mission Beach provide the only pedestrian open space system other than the beaches. Every residence fronts on either the beach or a Court or Place. Consequently, their preservation is a top priority. Therefore, the existing requirement of a 15-foot setback should be maintained on all Courts and Places south of Santa Clara Place. Because of the extremely small lot sizes north of Santa Clara, a ten-foot setback is acceptable on single lots. For property on the south side of Courts, there is an additional problem of shadow control that will necessitate further setbacks for development over two stories.

- Views to, and along the shoreline from public areas shall be protected from blockage by development and or vegetation. This proposal is consistent with the Plan's intent to preserve and improve the physical appearance and character of the Mission Beach community.
- Recognize pollution, whether chemical or thermal, as a potentially serious problem that must be constantly guarded against and, in this connection, support fully the efforts of the San Diego Regional Water Quality Control Board.
- Summary Recommendation/ Public Utilities and Facilities section: That adequate storm drains be provided where necessary to eliminate any drainage problems.

The proposed amendment to the landscaping regulations of the PDO would reduce the amount of required vegetative landscaping from 50% to 30% of the yard area, and the amount of hardscaping would correspondingly increase from 50% to 70% of the yard area. The modifications would also make the use of two trees in the yard area, as currently required by the City's LDC, optional instead of mandatory. Members from the Community Planning Board have explained to staff that the impetus for this modification arose from the fact that currently the existing 50/50 landscaping/hardscaping requirements are not being met and the in-ground percentages are more commonly composed of a 10% landscaping to 90% hardscaping ratio. Regardless of the identified code compliance issue, reducing the amount of required landscaping in the yard area to 30% would be inconsistent with the provisions of the Mission Beach Precise Plan, which specifically state that at least 20% of the total lot area should be landscaped, with an emphasis that the landscaping should not impede public views to the Ocean along Courts, Walks, or Places and should enhance the visual attributes of the community.

Furthermore, reducing the amount of required landscaping and potentially reducing the amount of permeable landscaped area could contribute to flooding and inadequate drainage within the community. Additionally, the proposed change to the landscaping regulations of the PDO that make the use of two trees in the required yard area optional instead of mandatory, is not entirely inconsistent with the provisions of the LUP. However, the City did not include adequate language to restrict the placement, type or location of any proposed trees so as to protect and enhance existing view corridors along Courts, Walks, and Places. As such, the proposed reduction in required landscaping and increase in allowable hardscaping, along with inadequate siting provisions for trees, would not be adequate to implement the policies of the LUP regarding visual resources, community character, and residential development.

**c. Outdoor Display Regulations.** The Mission Beach Precise Plan contains policies that protect scenic resources and allowable signage in the Mission Beach area. The Commission's review of the proposed changes to the Planned District Ordinance must assure that the amended PDO conforms with, and is adequate to carry out, the Precise Plan's provisions. Listed below are policies contained in the certified Land Use Plan which refer to protection of views and sign regulations:

- Probably the most noticeable of street furnishings are signs, both public and private. Signs should be modest and attractive. Their use should be limited to identification.
- Views to and along the shoreline from public areas shall be protected from blockage by development and or vegetation. This proposal is consistent with the Plan's intent to preserve and improve the physical appearance and character of the Mission Beach community.

This addition of a cross-reference to Chapter 14, Article 2, Division 11 (Outdoor Storage, Display and Activity Regulations) to the Mission Beach PDO was intended to be removed by the City prior to the LCPA submittal; however, it was accidentally left in the proposed changes. The City intended to remove the suggested language prior to submittal as it does not provide adequate controls on Ventura Place to maintain public access and regulate sidewalk activities and displays. The sidewalk along Ventura Place is not public property since the lot lines for those parcels extend to the curb and, therefore, the City cannot regulate outdoor displays along the sidewalk unless Ventura Place is specifically addressed. As such, the City is requesting that the proposed reference to the LDC section be removed and that language specifying the Outdoor Display Regulations for Mission Boulevard, Pacific Beach Drive, Ventura Place, and Ocean Front Walk be added in order for the PDO to be found adequate to implement the policies of the Mission Beach Precise Plan regarding scenic resources, outdoor displays and associated signage.

**d. Ocean Front Walk Encroachments.** The Mission Beach Precise Plan contains policies that protect scenic resources and the public pathway of Ocean Front Walk in the western portion of the Mission Beach area. The Commission's review of the proposed changes to the Planned District Ordinance must assure that the amended PDO conforms with, and is adequate to carry out, the Precise Plan's provisions. Listed below are policies contained in the certified Land Use Plan which refer to protection of views and accessibility along Ocean Front Walk.

Goals for Pedestrian Movement:

- To maximize pedestrian safety through the separation of people and vehicles, including bicycles.
- To maintain and enhance the physical appearance of the pedestrian paths in Mission Beach.

Physical Development Proposals

- A special situation is the setback for yards fronting on beaches. Because of the adequate open space of the beaches, a requirement of ten feet is reasonable in most cases. Buildings over two stories should provide additional setback for at least the third story in order to prevent shadows from encroaching on the beaches except for those lots north of Santa Clara where any setback greater than ten feet would deny reasonable use of the property.

The City's proposed changes would remove Section 1513.0203 Encroachments/Ocean Front Walk, as it is considered to be redundant to the policies of the LDC, which implement the same restrictions requiring owners to obtain an encroachment permit for any encroachments extending into the setbacks along Ocean Front Walk. Removal of the subject section would reduce the degree of notification for property owners and could lessen the effectiveness of the encroachment regulation as a whole. Considering the importance of the visual quality and accessibility of Ocean Front Walk, as identified in the Mission Beach Precise Plan, reducing the degree of notification for encroachments onto Ocean Front Walk by removing the subject section would not adequately implement the policies of the Mission Beach Precise Plan.

**PART V. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO  
IMPLEMENTATION PLAN AMENDMENT #3-10, IF MODIFIED**

Since the adoption of the Mission Beach PDO on January 2, 1979, community members and the Community Planning Board have identified various issues with the language in the PDO that needed clarification in order to increase their effectiveness and uphold the provisions of the Mission Beach Precise Plan. These issues were discussed at the community level and incorporated into the City's proposed revisions to the PDO. The modifications that comprise the 'general clean up' of the existing PDO are as follows: a definition of grade level; a more comprehensive definition of lot coverage; prohibition of parking in front yards; except where the use had already been grandfathered in on the property; elimination of the 20% deviation for setback encroachments without the need to obtain a variance; addition of a definition describing a dormer, allowance for gross floor area calculations to include carports as long as they are 75% or more open; clarification of the language regarding density regulations and minimum lot standards and setbacks; and the prohibition of curb cuts on Mission Boulevard unless the premise has less than 10 feet of vehicular access to an alley. None of these 'general clean up' modifications will diminish the adequacy of the PDO to implement the certified LUP; instead, they will strengthen the PDO policies regarding residential construction, parking standards, setbacks, and density regulations.

However, the proposed amendment contains four components that cannot be supported, as submitted. These include the allowance for entry roofs to encroach into the required yard areas along Courts, Walks, and Places; a reduction of landscaping in the required yard area of Courts, Walks, and Places; inadequate outdoor display regulations and the elimination of specific direction on Ocean Front Walk encroachments. As such, the following changes must be made to the revised PDO in order to implement the certified Mission Beach Precise Plan:

**1. Entry roof encroachment.** The proposed amendment regarding entry roof encroachments would allow for a permanent entry roof to potentially stretch an extended distance on the structure when constructed above longer sliding glass door entryways. The permanent entry roof overhangs would be permitted to encroach up to three feet into the yard area along Courts, Walks and Places, which currently exist as public ocean view corridors. At present, there are no restrictions in the PDO or the LDC that restrict the use

of temporary non-permanent awnings being utilized in the place of roof overhangs. These awnings are typically made of a cloth or fabric material, are less than 3 feet wide, and provide adequate protection from the elements. However, the proposed permanent roof overhangs would be significantly more visually obstructive and would be required to include structural support in the form of diagonal supports attached to the structure. As the proposed amendment would allow for a permanent encroachment into the yards along Courts, Walks, and Places that could significantly impede public views to the Ocean, the proposed language and associated table section permitting entry roof encroachments must be removed in their entirety.

**2. Landscaping.** The proposed revision to the landscaping regulations of the PDO would reduce the amount of required vegetative landscaping from 50% to 30% of the yard area, and the amount of hardscaping would increase from 50% to 70% of the yard area. However, such a substantial reduction in the amount of required landscaping in the yard area would be inconsistent with the provisions of the Mission Beach Precise Plan, which specifically states that at least 20% of the total lot area should be landscaped, with an emphasis that the landscaping should not impede public views to the Ocean along Courts, Walks, or Places and should enhance the visual attributes of the community. Additionally, if the amount for required landscaping is reduced to 30% as opposed to 50% it would result in the reduction of the amount of permeable landscaped area and an increase in impervious hardscaped area and could contribute to flooding and inadequate drainage within the community. As such, staff is recommending that no modification to the language in the PDO occur that would reduce the amount of required landscaping area from 50% to 30%.

Additionally, the proposed revisions to the Mission Beach PDO include the addition of language making the use of two trees in the yards of properties on Courts, Walks, and Places optional, instead of mandatory, as in the current regulations stipulated in the City's LDC. However, while the revisions allow for the optional use of two trees in the 10-15 ft. required yard area, they do not specify the type or placement of the trees. The absence of any language in the proposed revisions to the Mission Beach PDO that restricts trees from encroaching into the 10-15 ft. yard setbacks is inconsistent with the policies of the Mission Beach Precise Plan (LUP). As such, language needs to be added to the Mission Beach PDO requiring that any trees proposed in the required yard areas along Courts, Places, or Walks will be limited to two tall, canopy type trees with smaller trunks and they should be located as close to the structure as is feasible in order to reduce encroachments into the view corridors. Overall, the removal of language resulting in a reduction of required landscaping coverage and the recommended addition of language regarding the placement of trees and landscaping within the yards along Courts, Walks, and Places would be consistent with past Commission actions and would effectively implement the policies of the Mission Beach LUP.

**3. Outdoor Display Regulations.** The addition of a cross-reference to Chapter 14, Article 2, Division 11 (Outdoor Storage, Display and Activity Regulations) to the Mission Beach PDO was intended to be removed by the City prior to the submittal of the LCPA, however; it was accidentally left in the submitted code amendment. The proposed language refers to the regulations of the LDC for regulating outdoor storage display and

activity regulations within the community. The City intended to remove the suggested language prior to submittal as the sidewalk along Ventura Place is not public property. Since the lot lines for those parcels extend to the curb, the City cannot regulate outdoor displays along the sidewalk unless Ventura Place is specifically addressed. As such, the City is requesting that the proposed reference to the LDC be removed and that Section 1513.0405 Outdoor Display Regulations be added to specify that within the Commercial Subdistrict along Mission Boulevard, Pacific Beach Drive, Ventura Place, and Ocean Front Walk only newspapers and rental items are allowable provided that an 8ft. wide clearance is present to allow pedestrian passage. As the Mission Beach Precise Plan emphasizes the protection of the visual quality in the community and public access along these important access corridors must be protected, Suggested Modifications Nos. 1 and 7 are needed.

**4. Ocean Front Walk Encroachments.** The City's proposed changes would remove Section 1513.0203 Encroachments/Ocean Front Walk, as it is considered to be redundant to the policies of the LDC, which implement the same restrictions requiring owners to obtain an encroachment permit for any encroachments extending into the setbacks along Ocean Front Walk. Removal of the subject section would reduce the degree of notification for property owners and could lessen the effectiveness of the encroachment regulation as a whole. Considering the importance of the visual quality and accessibility of Ocean Front Walk, as identified in the Mission Beach Precise Plan, reducing the degree of notification for encroachments onto Ocean Front Walk by removing the subject section would not adequately implement the policies of the Mission Beach Precise Plan. Therefore, Section 1513.0203 should be retained in the PDO and not deleted as proposed in the City's revisions. Retention of the section in the PDO will provide adequate notice of the regulations restricting encroachments onto Ocean Front Walk and will effectively implement the policies of the Mission Beach Precise Plan.

In summary, the Commission finds that, with the suggested modifications listed above and detailed in Section III of this report, the proposed LCP amendment to the Mission Beach PDO is appropriate, consistent with, and adequate to carry out, the certified Mission Beach Precise Plan.

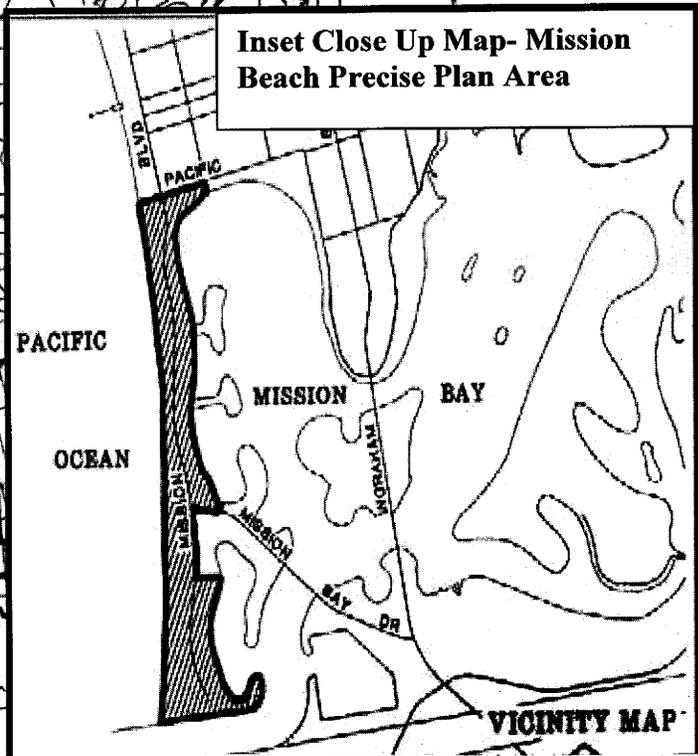
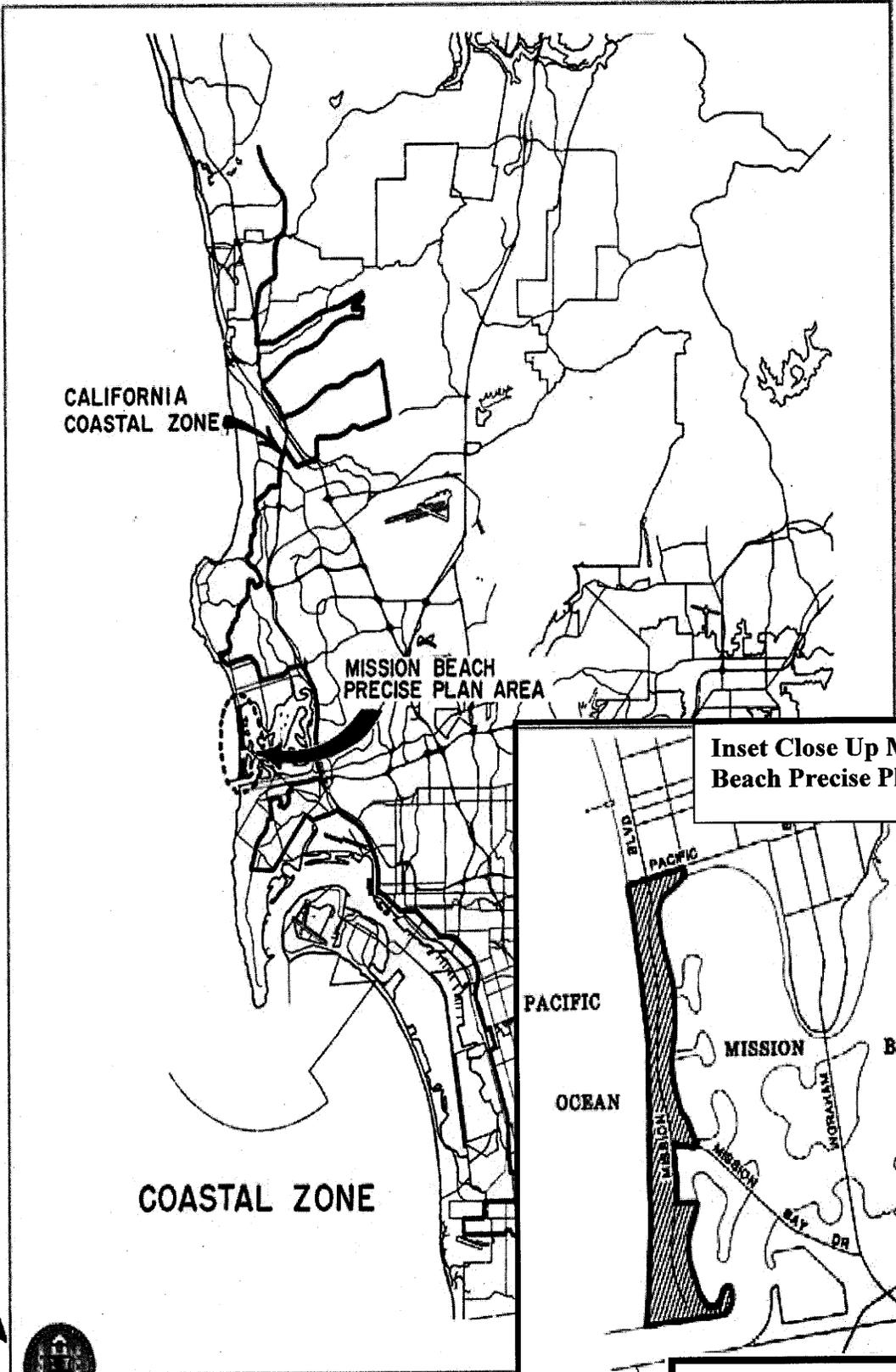
## **PART VI. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. At the local level, the City of San Diego prepared and certified

Negative Declaration No. 12003225 and found the project in its approved form would not have a significant effect on the environment.

The Commission finds however that the proposed amendment, as submitted, could have an adverse impact on visual resources by allowing encroachments into public view corridors, public access impediments due to inadequate protection of the beach boardwalk/Ocean Front Walk and Ventura Place from encroachments and potential flood risks and water quality degradation by expanding allowable hardscape areas. The suggested modifications address each of these concerns as described in the above findings. As modified herein, there are no feasible alternatives or mitigation measures available that would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds that the proposed PDO, as amended and modified herein, conforms with CEQA.



**EXHIBIT #1**

**Geographic Location**

LCPA #3-10 Mission Beach PDO Update

California Coastal Commission

ORDINANCE NUMBER O- 19999 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 18 2010

DEC 03 2010

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 13, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 1513.0103, 1513.0104, 1513.0105; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 2 BY AMENDING SECTION 1513.0202 AND BY REPEALING SECTION 1513.0203; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTIONS 1513.0303, 1513.0304, 1513.0306, AND 1513.0307; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 4 BY AMENDING SECTIONS 1513.0401, 1513.0402, 1513.0403 AND 1513.0404 ALL RELATING TO THE MISSION BEACH PLANNED DISTRICT.

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

Section 1. That Chapter 15, Article 13, Division 1 of the San Diego Municipal Code is amended by amending Sections 1513.0103, 1513.0104 and 1513.0105, to read as follows:

**Article 13: Mission Beach Planned District**

**Division 1: General Rules**

**§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)

(Planned Development Permit Procedures)

EXHIBIT #2
City Ordinance
LCPA #3-10 Mission Beach PDO Update
California Coastal Commission

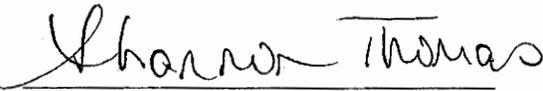
[refer to strike-out/underline version for complete code]

Section 5. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 6. That this ordinance shall not take effect until the date the California Coastal Commission unconditionally certifies these provisions as a local coastal program amendment.

Section 7. That the City Clerk is instructed to insert the effective date of this ordinance, once known, in the blank spaces provided in Municipal Code sections 1512.0403(b)(3)(A)(v) and 1513.0403(b)(3)(B)(ii).

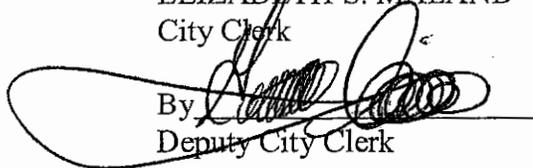
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Shannon Thomas  
Deputy City Attorney

ST:als  
09/14/10  
09/22/10 Cor. Copy  
Or. Dept: DSD  
O-2011-14  
PL#2010-01345

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 12 2010.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 10-18-10  
(date)

  
JERRY SANDERS, Mayor

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

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

Passed by the Council of The City of San Diego on OCT 12 2010, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 18 2010

AUTHENTICATED BY: JERRY SANDERS  
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 28 2010, and on OCT 18 2010

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal) ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 19999

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~STRIKEOUT~~**

**NEW LANGUAGE: UNDERLINE**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 13, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 1513.0103, 1513.0104, 1513.0105; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 2 BY AMENDING SECTION 1513.0202 AND BY REPEALING SECTION 1513.0203; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY AMENDING SECTIONS 1513.0303, 1513.0304, 1513.0306, AND 1513.0307; AMENDING CHAPTER 15, ARTICLE 13, DIVISION 4 BY AMENDING SECTIONS 1513.0401, 1513.0402, 1513.0403 AND 1513.0404 ALL RELATING TO THE MISSION BEACH PLANNED DISTRICT.

**Article 13: Mission Beach Planned District**

**Division 1: General Rules**

**§1513.0103 Applicable Regulations**

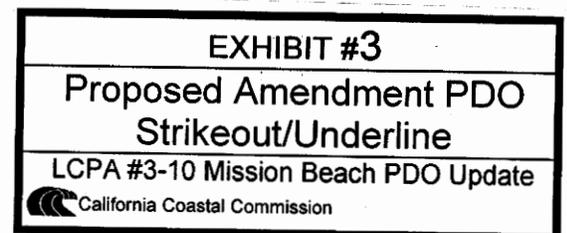
Where not otherwise specified in the Mission Beach Planned District Ordinance, the following provisions of the Land Development Code apply:

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 2, Division 11 (Outdoor Storage, Display, and Activity  
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.

**§1513.0104 Severability Ordinance History and Community Boundary**

~~(a) If any section, subsection, sentence, clause or phrase of this Planned  
District Ordinance is for any reason held to be invalid or unconstitutional~~

~~by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.~~

(b)(a) The following ordinances of the City of San Diego which zoned or rezoned all of that area within the boundaries of the Mission Beach Planned District, as shown on Zone Map Drawing No. C-637, filed in the office of the City Clerk as Document No. 765389, ~~be, and they are hereby repealed~~ insofar as they conflict ~~herewith~~ with this Article.

Ordinance No.	Date
119 N.S.	Adopted January 3, 1933
243 N.S.	Adopted June 5, 1933
2680 N.S.	Adopted June 8, 1943
3323 N.S.	Adopted January 7, 1947
6719 N.S.	Adopted October 25, 1955
6735 N.S.	Adopted November 3, 1955
10958 N.S.	Adopted December 5, 1972
10968 N.S.	Adopted January 2, 1973

(e)(b) The area, as described in the ~~appended~~ boundary description, on file in the office of the City Clerk as Document No. 765388, in the City of San Diego, California, within the boundaries of the ~~Planned District designated~~ "Mission Beach Planned District," together with designated subdistricts on Zone Map Drawing No. C-637, filed in the office of the City Clerk as

Document No. 765389, ~~be, and it is~~ are hereby incorporated in the Mission Beach Planned District Ordinance as such district, together with its various subdistricts, ~~is as described and defined~~ by Chapter 15, Article 13 of the San Diego Municipal Code.

**§1513.0105 Definitions - Purpose and Intent**

It is the purpose of Section 1513.0105 to provide clear and concise definitions of those words, terms and phrases which apply only to the Mission Beach Planned District area.

~~It is also intended that~~ The definitions in Land Development Code Section 113.0103 shall be used apply when they do not unless they conflict with the definitions set forth in this Planned District Ordinance, in which case the definitions in the Planned District Ordinance shall apply. This is to provide uniformity of interpretation and application.

**Balcony, Exterior through Court** [No change in text.]

**Dormer - Dormer means an enclosed roofed structure projecting from a sloping roof that is no more than 10 feet in width measured on the exterior frame. A dormer may or may not include a window or ventilating louver.**

~~**Floor Area Ratio**—The numerical value obtained by dividing the gross floor area of a building or buildings on the premises by the total parcel area of the premises on which such building or buildings are located.~~

**Gross Floor Area** – The total horizontal area, expressed in square feet, of all the floors of a building included within the surrounding walls. For calculating gross

floor area, an exterior wall thickness of 6 inches shall be used. Gross floor area shall include:

- (a) through (c) [No change in text.]
- (d) Carports, unless constructed and maintained with less than two elevations (walls) that are at least 75 percent completely open (see Diagram 113.02M in Section 113.0234(a)(6) of the Land Development Code).

**Lot Coverage - through Place** [No change in text.]

**Sign**—All definitions pertaining to “SIGN,” shall be all those definitions set forth in Land Development Code Section 113.0103.

**Standard Setback** – The required distance inward from and perpendicular to a property line at or behind which all structures must be located. Setbacks allowed as exceptions are not standard setbacks.

**Subdistrict** – through **Yard, Bayfront, Ocean Front, Court, Place, and Mission Boulevard** [No change in text.]

### **Article 13: Mission Beach Planned District**

#### **Division 2: Permits and Procedures**

#### **§1513.0202 Conditional Use Permit**

- (a) [No change in text.]
  - (1) through (3) [No change in text.]
  - (4) Residential care homes for ~~not more than 10-7~~ or more aged or mentally disordered or otherwise handicapped persons or dependent or neglected children and which are licensed by the State of California.

- (5) [No change in text.]
- (6) The following uses may be permitted in any eCommercial sSubdistrict, except as specified in Sections 1513.0202(a)(6)(D), (F) and (G).

(A) through (E) [No change in text.]

(F) Residential, commercial, industrial and institutional uses in and on historical sites resources in all Residential and Commercial Subdistricts.

(G) Video arcades limited to the vVisitor eCommercial sSubdistricts only.

The Hearing Officer shall consider the following criteria when approving, conditionally approving or denying an application for a conditional use permit for a video arcade.

(i) through (v) [No change in text.]

~~An approved conditional use permit for a video arcade may be revoked in accordance with Land Development Code Sections 121.0314, 121.0315, and 121.0316.~~

(b) Process Four-Planning Commission

An application for a eConditional uUse pPermit for amusement and entertainment enterprises such as amusement parks, all types of theatres, playhouses, swimming pools, skating rinks and dance halls limited to the Visitor Commercial Subdistrict only, may be approved, conditionally

approved or denied by the Planning Commission in accordance with  
"Process Four."

**§1513.0203 Eneroachments/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 eneroachments into the public right of way.~~

**Article 13: Mission Beach Planned District**

**Division 3: Zones and Subdistricts**

**§1513.0303 Permitted Uses – Residential Subdistricts**

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

- (a) Primary Uses [No change in text.]
- (b) Accessory Uses

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses including the following:

- (1) through (2) [No change in text.]
- (3) Lodgers, permitted as follows:
  - (A) For a single dwelling unit which is the only dwelling unit on the premises, not more than 2 lodgers with each being provided a ~~minimum of 100 square feet of bedroom area,~~

and with more than one full bathroom facility within the dwelling unit.

(B) For duplexes and multiple dwelling units, not more than one lodger being provided with a ~~minimum of 100 square feet of bedroom area~~ and with more than one full bathroom facility on the premises.

(4) On-premises signs, as defined by subject to the Sign Regulations in accordance with Section 1513.0404(a), On-premises Sign Regulations— titled Residential Subdistricts – On Premises Signs.

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

(a) Density Regulations-

One dwelling unit shall be allowed, including lodging and boarding units, per 1,200 square feet of lot area; except as follows: ~~that R-S lots of 2,000 square feet shall be entitled to a maximum of 2 dwelling units if such lots are developed separately. Also, an R-N lot or lots totaling between 1,800 and 2,400 square feet shall be temporarily entitled to a maximum of 2 dwelling units, provided any building permit for 2 units on such lots must be applied for on or before June 30, 1985. Land Development Code Section 113.0222 shall not apply to any property regulated by the Mission Beach Planned District Ordinance.~~

(1) A single R-S lot of 2,000 to 2,400 square feet shall be entitled to a maximum of 2 dwelling units;

(2) Two contiguous R-S lots developed concurrently with common wall construction shall be entitled to a maximum of 4 dwelling units; and

(3) Fractions of a dwelling unit shall not be rounded up when determining the total units permitted on a lot or lots.

(b) Minimum Lot Standards:

The minimum lot standards as shown in Table 1513-03A apply ~~with the following exception: except that~~ Any lot which qualifies under the definition of a lot as set forth defined in Land Development Code Section 113.0103 and Section that meets the criteria for being a legal lot under Section 113.0237 and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless in Table 1513-03A, may be used as permitted and otherwise regulated by in accordance with the provisions regulations of the applicable to this zone.

**Table 1513-03A  
Minimum Lot Standards**

<b>Standard</b>	<b>R-N</b>	<b>R-S</b>
Area	1,250 Square Ft. <u>Feet</u>	2,400 Square Ft. <u>Feet</u>
Street Frontage	25 Feet	30 Feet
Width	25 Feet	30 Feet
Depth	50 Feet	80 Feet

(c) Yards:

(1) Minimum Yards for Bayside and Ocean Front Walks:

The minimum yards for Bayside and Ocean Front Walks shall be as follows:

- (A) R-N Subdistrict, Bayside Walk – 5 feet foot standard setback.
- (B) R-N Subdistrict, Ocean Front Walk – ~~7 feet for the first story and for additional stories above the first story; 3 feet for 50 percent of the lot fronting on the walk and 5 feet for the remaining 50 percent.~~
  - (i) First story – 7-foot standard setback
  - (ii) Second and third story – a maximum of 50 percent of each story shall observe a minimum 3-foot setback from the standard setback with the remaining portion of each story observing a minimum 5-foot setback from the standard setback.
  - (iii) Use of these varying setbacks requirements of Section 1513.0304(c)(1)(B) shall fulfill requirements for vertical offset.
- (C) R-S Subdistrict, Bayside and Ocean Front Walks – 10-foot foot standard setback.
- (D) ~~Exceptions. A yard abutting Bayside Walk shall have an additional setback beginning 20 feet above grade in the R-S Subdistrict and 15 feet above grade in the R-N Subdistrict sloping back at a 45 degree angle. The angle is measured in~~

~~a horizontal plane perpendicular to and away from the building wall in either direction (Illustration A).~~

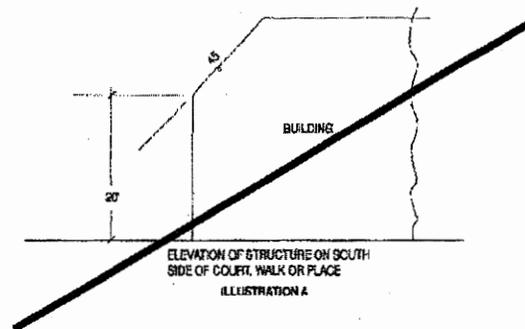
- (i) Bayside Walk. In the R-S Subdistrict, buildings abutting Bayside Walk shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. In the R-N Subdistrict, buildings abutting Bayside Walk shall observe an additional setback beginning at 15 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.
- (ii) Ocean Front Walk. In the R-S Subdistrict, buildings abutting Ocean Front Walk shall observe an additional setback beginning 25 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. In the R-N Subdistrict, buildings abutting Ocean Front Walk shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard

setback and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.

(2) Minimum Yards for Courts and Places

- (A) Ten feet in the R-N Subdistrict and 15 feet in the R-S Subdistrict except for buildings exceeding 20 feet in height and on the south side of a Court or Place. In this case an additional setback shall be observed beginning 20 feet above grade and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction

(Illustration A):



- (B) Buildings facing a Court, Place, Bayside or Ocean Front Walk shall not be wider than 25 feet in the R-N Subdistrict or 30 feet in the R-S Subdistrict, unless a vertical offset in the facade is provided. The vertical offset extending full height shall be a minimum of 3 feet in depth not less than

45 degrees for not less than 50 percent of the building. The following option is permitted when providing the required vertical offset. The building may encroach into the required yard a maximum of 18 inches for a width not more than one-half of the total building width. However, for all yard encroachment an equal area must be left vacant behind the required setback line adjacent to the Court, Place, or Walk. See Illustration B.

(A) R-N Subdistrict - 10 foot standard setback

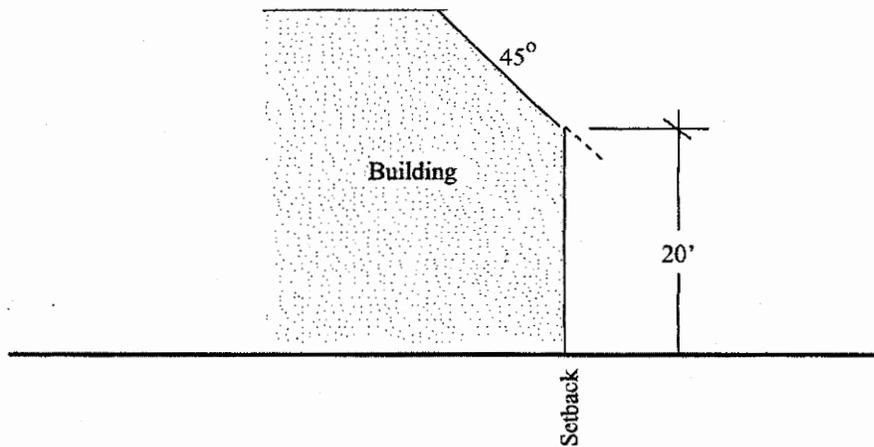
(B) R-S Subdistrict - 15 foot standard setback

(C) Exceptions:

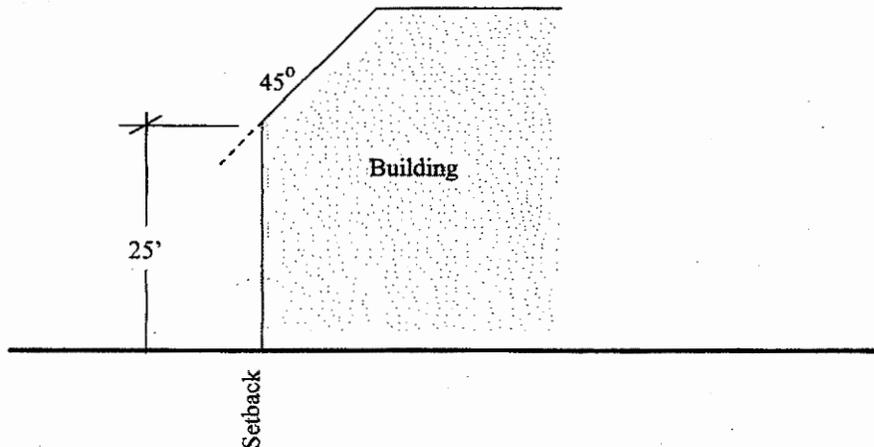
- (i) Buildings on the south side of a Court or Place shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle on the north facing facade. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction, as shown in Diagram 1513-03A.
- (ii) Buildings on the north side of a Court or Place shall observe an additional setback beginning 25 feet above existing grade or proposed grade, whichever is lower, at the setback and sloping back at a 45

degree angle on the south facing facade. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction, as shown in Diagram 1513-03B.

**Diagram 1513-03A**  
Elevation on South Side of Court or Place  
45° Angle on North Facing Facade



**Diagram 1513-03B**  
Elevation on North Side of Court or Place  
45° Angle on South Facing Facade



(3) Minimum Interior Yards

- (A) ~~Three feet for structures whose facade is a maximum of 20 feet in height abutting the yard. Any portion of the structure's facade exceeding 20 feet in height shall observe an additional setback for the remainder of the structure by sloping away from the plane of the facade at an angle of 45 degrees (Illustration A). Dormers shall be permitted to encroach into the 45 degree setback, provided that they shall be setback a minimum of 5 feet from the property line, shall not exceed a total width of 25 percent of the length of the roof abutting the interior yard, that each dormer shall not exceed a width of 8 feet, and that there shall be a minimum of 2 feet between each dormer. When 2 lots are developed at the same time with common wall construction (combined total of units shall not exceed 4) or when 2 or more lots are consolidated, each opposite side yard shall be 6 feet or 10 percent of the total width of the lots whichever is greater.~~ Five foot standard setback.
- (B) ~~Five feet for structures whose facade abutting the yard exceeds 20 feet in height.~~ Exceptions:
- (i) A three-foot setback may be applied to a structure that is 20 feet or less above existing or proposed grade, whichever is lower, provided that any portion

of the structure's facade that exceeds 20 feet in height above existing grade or proposed grade, whichever is lower, shall observe an additional setback for the remainder of the structure height by sloping away from the vertical plane of the facade at an angle not to exceed 45 degrees.

(ii) Structures that are developed with portions of the structure observing a 3-foot setback, and other portions of the structure observing a 5-foot setback may use a combination of Sections 1513.0304(c)(3)(A) and 1513.0304(c)(3)(B)(i), as shown in Diagram 1513-03C.

(iii) In the R-N Subdistrict development of any lot or combination of lots 45 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

(iv) In the R-S Subdistrict development of any lot or combination of lots 55 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

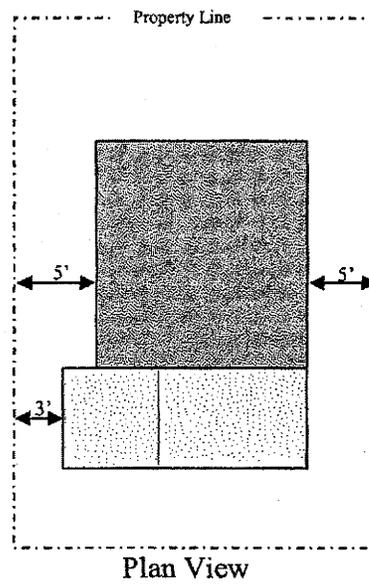
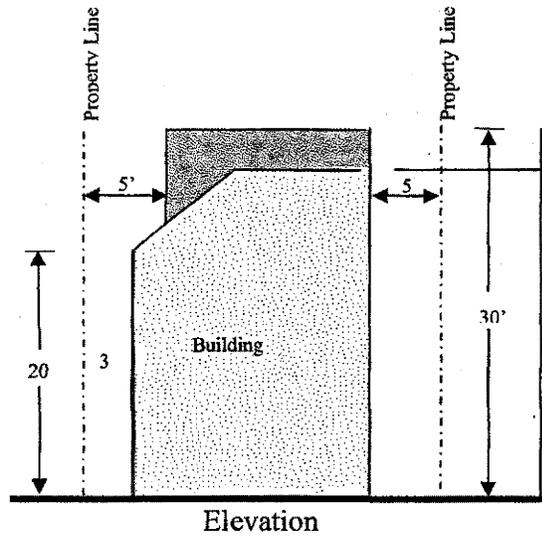
(4) Minimum Yards on Streets and Alleys- [No change in text.]

(5) Mission Boulevard Yards-

Buildings abutting Mission Boulevard shall observe a minimum standard setback ~~set back a minimum~~ of 3 feet or 10 percent of the lot's shortest property line intersecting Mission Boulevard, whichever is the greater. The maximum yard required need not exceed a 7-foot standard setback feet.

- (6) Minimum Rear Yards- [No change in text.]

**Diagram 1513-03C**  
**Interior Yards and Building**  
**Height**



**(d) Encroachments**

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

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

<u>Feature</u>	<u>Courts, Places, and Walks</u>	<u>Interior and Street Side Yard</u>
<u>Casings for Doors &amp; Windows</u>	<u>6 inches</u>	<u>6 inches</u>
<u>Cornices<sup>2,3</sup></u>	<u>1 foot</u>	<u>6 inches</u>
<u>Direct Vent Gas</u>	<u>1 foot</u>	<u>6 inches in 3-foot setback</u> <u>1 foot in 5-foot setback</u>
<u>Eaves<sup>2</sup></u>	<u>2 feet<sup>4</sup></u>	<u>6 inches</u>
<u>Entry Roofs<sup>2,5</sup></u>	<u>3 feet</u>	<u>None</u>
<u>Lighting Fixtures</u>	<u>9 inches</u>	<u>9 inches</u>
<u>Rain Gutters</u>	<u>6 inches</u>	<u>6 inches</u>
<u>Vents</u>	<u>6 inches</u>	<u>6 inches</u>

<sup>1</sup> For features in Table 1513-03B that are located on any portion of the facade 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.

<sup>5</sup> See Section 1513.0304(d)(2)(A)(ii).

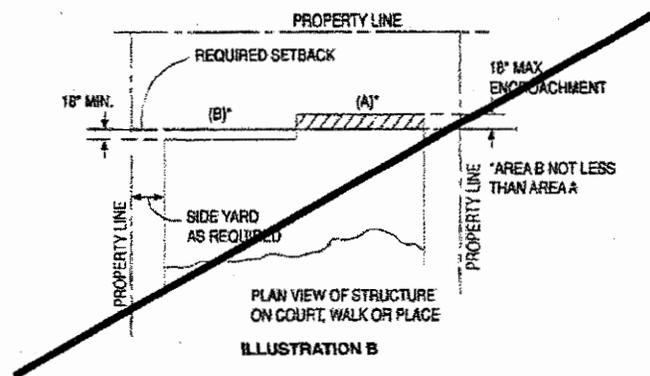
(2) Encroachments into yards for Courts, Places, and all yards on Ocean Front and Bayside Walks

(A) The following encroachments, in addition to those identified in Table 1513.03B, are permitted in yards for Courts, Places, and Walks:

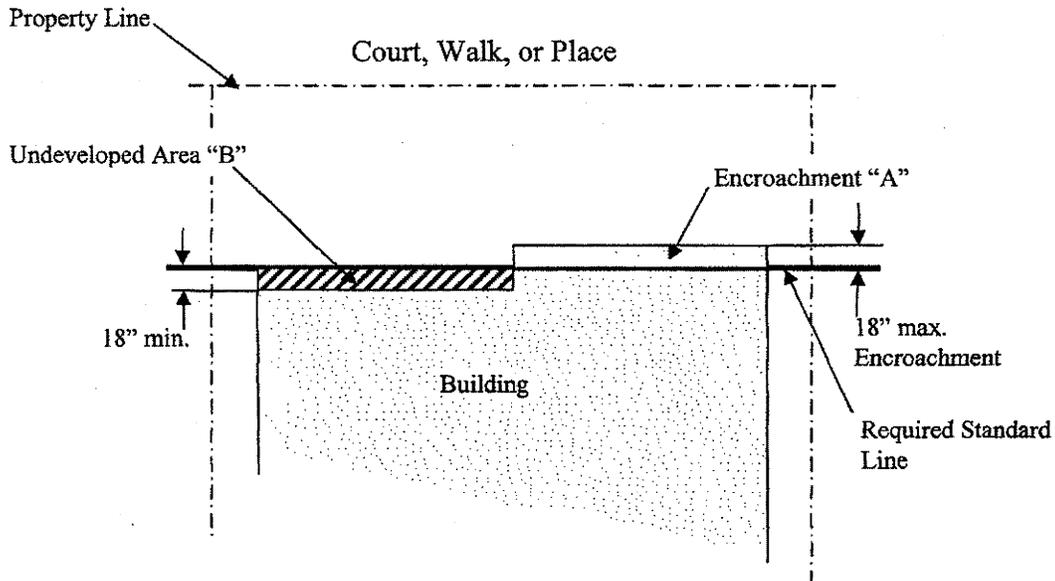
(i) An encroachment of up to 18 inches or a vertical offset extending full height of the building that is a

maximum of 3 feet deep and not less than 45 degrees for at least 50 percent of the building, as illustrated in Diagram 1513-03D, provided that the width of the encroaching offset is not more than one-half of the total building width, and an inset area equal to the width of the encroaching offset at a minimum depth of 18 inches is undeveloped behind the required setback line parallel to the Court, Place, or Walk.

- (ii) Only those encroachments identified in Table 1513-03B are allowed in the offset and inset areas.



**Diagram 1513-03D**  
18 Inch Offset for a Court, Walk, or Place



(B) In addition to those encroachments identified in Table 1513.03B, entry roofs may encroach up to 3 feet into the Court, Place, or Walk yard setback consistent with the following, as set forth in Diagram 1513-03E:

- (i) The entry roof must be at least 9 feet above existing grade or proposed grade, whichever is lower, and no more than 12 feet above existing grade or proposed grade, whichever is lower;
- (ii) The entry roof must be supported by diagonal supports from the building wall, such as knee braces, extending within a 45 degree angle from the building wall to the horizontal portion of the

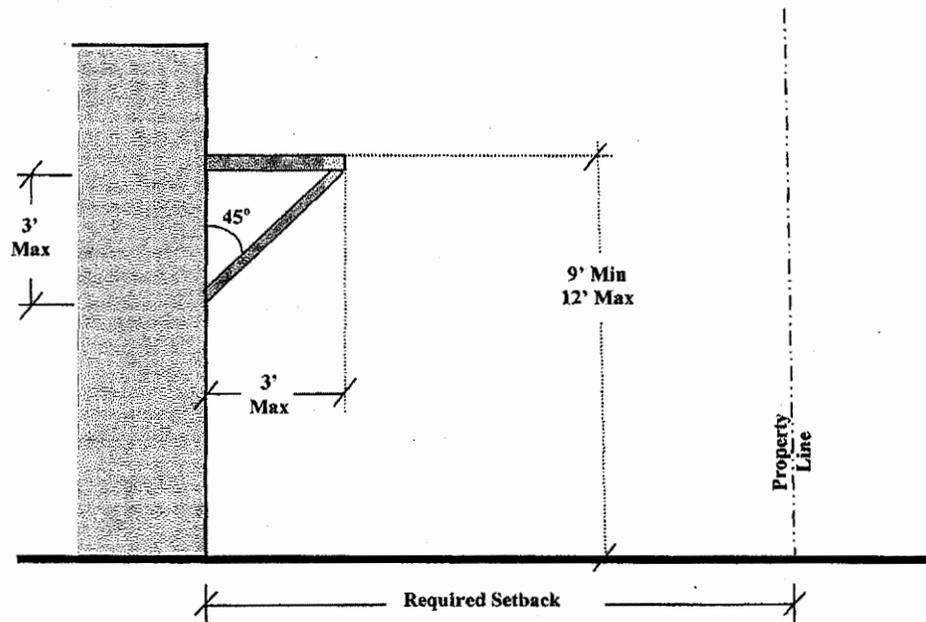
projection, provided that the horizontal and vertical components of the supports do not exceed 3 feet.

The entry roof shall not be supported through a continuation of the floor joist;

(iii) The maximum width of the entry roof is the door width plus three feet; and

(iv) Within the R-N Subdistrict only one entry roof is allowed, and within the R-S Subdistrict two entry roofs are allowed, provided the entry roofs serve separate residential units.

**Diagram 1513-03E**  
Entry Roof Encroachment



(C) 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, 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, or 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) Encroachments into interior yards and yards abutting Mission Boulevard
  - (A) Only those encroachments listed in Table 1513-03B are allowed in the interior yard.
  - (B) No encroachment may be closer than 2 feet, 6 inches from the property line.
- (4) Encroachments into the required 45 degree angled setbacks of the interior yard

The following features may encroach into the 45 degree angled setback required for interior yards:

  - (A) Chimneys measuring no more than 2 feet by 2 feet, and roof vents;

(B) Dormers shall be permitted to encroach into the 45 degree angled setback consistent with the following:

(i) The dormer shall be setback a minimum of 5 feet from the property line or the distance of the interior yard setback if the setback is greater than 5 feet;

(ii) Dormers may be located on each side of the roof ridge;

(iii) There shall be a minimum separation of 2 feet between dormers located on the same side of the roof ridge;

(iv) In the R-N Subdistrict the combined width of the dormers on the same side of the roof ridge shall not exceed 10 feet; and

(v) In the R-S Subdistrict the combined width of all dormers on the same side of the roof ridge shall not exceed 20 feet.

(C) Roof decks shall be permitted to encroach into the 45 degree angled setback consistent with the setback, location, and dimension requirements for dormers in Section 1513.0304(d)(4)(B).

(e) Building Width

(1) Buildings facing a Court, Place, Bayside or Ocean Front Walk shall not be wider than 25 feet in the R-N Subdistrict or 30 feet in

the R-S Subdistrict, unless a vertical offset in the front facade is provided. The vertical offset shall be a minimum of 3 feet in depth, not less than 45 degrees, and extend the full height of the building. The offset in Section 1513.0304(d)(2)(A)(i) may be used to satisfy this requirement (see diagram 1513-03D).

(2) The use of vertical offsets in Section 1513.0304(e)(1) is allowed for building widths less than 25 feet in the R-N Subdistrict and less than 30 feet in the R-S Subdistrict.

(df) Maximum Lot Coverage- [No change in text.]

(eg) Floor Area Ratio-

(1) through (2) [No change in text.]

(3) Regardless of lot size, individual buildings, including common wall construction, shall not exceed 5,280 square feet in total gross floor area. However, those areas excluded by Section 1513.0304(eg)(2) from the calculations of floor area ratio shall not be considered as part of the 5,280 square feet.

(fh) Height- [No change in text.]

§1513.0305 [No change in text.]

**§1513.0306 Permitted Uses – Commercial Subdistricts**

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

- (a) [No change in text.]
- (b) [No change in text.]
  - (1) through (2) [No change in text.]
  - (3) On-premises signs as permitted by Section 1513.0404(b) (~~On Premises~~) Sign Regulations - Commercial Subdistricts – On Premise Signs.

**§1513.0307 Property Development Regulations – Commercial Subdistricts**

- (a) Minimum Lot Standards:

The minimum lot standards as shown in Table 1513-03BC apply, with the following exception: ~~Any~~ except any lot which qualifies as defined in under the definition of a lot as set forth in the Municipal Land Development Code Section 113.0103 and that meets the criteria for a legal lot in accordance with 113.0237 and which does not comply in all respects with the minimum lot dimensions specified in Table 1513-03C herein may nevertheless be used as permitted and otherwise regulated by the provisions in accordance with the regulations of the applicable to this zone.

Table 1513-03BC

## Minimum Lot Standards

<u>Standard</u>	NC-N, VC-N	NC-S, VC-S
Area	1,250 Square Feet	2,400 Square Feet
Street Frontage	25 Feet	30 Feet
Width	25 Feet	30 Feet
Depth	50 Feet	80 Feet

## (b) Yards

## (1) Minimum Interior Yards

- (A) 5-foot standard setback. ~~Three feet for structures whose facade is a maximum 20 feet in height abutting the yard. Any portion of the structure's facade height exceeding 20 feet in height shall observe an additional setback for the remainder of the structure by sloping away from the vertical plane at least 45 degrees (Illustration A). 5 feet for structures whose facade abutting the yard exceeds 20 feet in height. Dormers shall be permitted to encroach into the 45-degree setback, provided that they shall be setback a minimum of 5 feet from the property line, shall not exceed a total width of 25 percent of the length of the roof abutting the interior yard, that each dormer shall not exceed a width of 8 feet, and that there shall be a minimum of 2 feet between each dormer. When 2 lots are developed at the same time with common wall construction (combined total~~

~~of units shall not exceed 4) or when 2 or more lots are consolidated, each opposite side yard shall be 6 feet or 10 percent of the total width of the lots whichever is greater.~~

(B) ~~A yard shall not be required for lots abutting Mission Boulevard, Ventura Place and West Mission Bay~~

Drive Exceptions:

- (i) A 3-foot setback may apply to a structure that is 20 feet or less above existing or proposed grade, whichever is lower, provided that any portion of the structure's facade that exceeds 20 feet in height above existing grade or proposed grade, whichever is lower, shall observe an additional setback for the remainder of the structure height by sloping away from the vertical plane of the facade at an angle not to exceed 45 degrees.
- (ii) Structures that are developed with portions of the structure observing a 3-foot setback, and other portions of the structure observing a 5-foot setback may use a combination of Sections 1513.0307(b)(1)(A) and 1513.0307(b)(1)(B)(i), as shown in Diagram 1513-03C.
- (iii) In the NC-N and VC-N Subdistricts, development of any lot or combination of lots 45 feet or greater

in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

(iv) In the NC-S and VC-S Subdistricts, development of any lot or combination of lots 55 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

~~(C) A yard, consistent with Section 1513.0307(b), shall be required along any portion of a lot line which abuts a property in a residential subdistrict.~~

(2) Minimum Yards on Streets and Alleys:

(A) A yard shall not be required for lots Yards abutting Strandway and Bayside Lane and alleys ~~shall not be required.~~

(B) A yard shall not be required for lots abutting Ventura Place and West Mission Bay Drive.

(C) A yard shall not be required on Mission Boulevard except as set forth in Section 1513.0402(b) ~~(Landscaping- Commercial Subdistricts).~~

(3) Minimum Yards on Bayside and Ocean Front Walks in NC-N, NC-S, VC-N and VC-S Subdistricts shall be as follows:

- (A) The minimum yard for ~~Bayside and Ocean Front Walks~~ shall be as follows: NC-N and VC-N Subdistricts, Bayside Walk 5-foot standard setback.
- ~~(i) NC-N and VC-N Subdistricts, Bayside Walk 5 feet.~~
- ~~(iiB) NC-N and VC-N Subdistricts, Ocean Front Walk 7 feet for the first story and for any additional stories above the first story; 3 feet for 50 percent of the lot fronting on the walk and 5 feet for the remaining 50 percent.~~ NC-N and VC-N Subdistricts Ocean Front:
- (i) First story – 7-foot standard setback.
- (ii) Second and third story – a maximum of 50 percent of each story shall observe a minimum 3-foot setback from the standard setback with the remaining portion of each story observing a minimum 5-foot setback from the standard setback.
- ~~(iiiC) NC-S and VC-S Subdistricts, Bayside and Ocean Front Walks – 10-foot standard setback feet.~~
- ~~(ivD) Exceptions:~~
- (i) A yard abutting Bayside Walk shall have an additional setback beginning 20 feet above grade in the NC-S and VC-S Subdistricts and 15 feet above grade in the NC-N and VC-N Subdistrict sloping back at a 45 degree angle. The angle is measured in

a horizontal plane perpendicular to and away from the building wall in either direction. Bayside Walk. In the NC-S and VC-S Subdistricts, buildings abutting Bayside Walk shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. In the NC-N and VC-N Subdistricts, buildings abutting Bayside Walk shall observe an additional setback beginning at 15 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.

- (ii) Ocean Front Walk. In the NC-S and VC-S Subdistricts, buildings abutting Ocean Front Walk shall observe an additional setback beginning at 25 feet above existing grade or proposed grade, whichever is lower at the standard setback and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.

- (4) Minimum Yards on Courts and Places in VC-N, VC-S, NC-N and NC-S. The minimum yard requirement shall be those set forth in Section 1513.0304(c)(2) (~~Minimum Yards for Courts and Places~~). The R-N Subdistrict requirements shall apply to the VC-N and NC-N and the R-S Subdistrict requirements shall apply to the VC-S and NC-S.
- (5) ~~Minimum Yards on Mission Boulevard. None required except as required for planter boxes as set forth in Section 1513.0402(b) (Landscaping - Commercial Subdistricts).~~

(c) Encroachments

- (1) Encroachments into Interior Yards. Allowable encroachments into the interior yard are listed in Table 1513-03D.

**Table 1513-03D**

**Allowable Encroachments**

<u>Feature</u>	<u>Interior Yard</u>
<u>Direct Vent Gas</u>	<u>6 inches in 3-foot setback</u> <u>1 foot in 5-foot setback</u>
<u>Eaves</u>	<u>6 inches</u>
<u>Lighting Fixtures</u>	<u>9 inches</u>
<u>Rain Gutters</u>	<u>6 inches</u>
<u>Vents</u>	<u>6 inches</u>

- (2) Encroachments into the required 45 degree angled setbacks of the interior yard. The following features may encroach into the 45 degree angles required for interior yards:

(A) Chimneys measuring no more than 2 feet by 2 feet, and roof vents;

(B) Dormers shall be permitted to encroach into the 45 degree angled setback consistent with the following:

(i) The dormer shall be setback a minimum of 5 feet from the property line or the distance of the interior yard setback if the setback is greater than 5 feet;

(ii) Dormers may be located on each side of the roof ridge; and

(iii) There shall be a minimum separation of 2 feet between dormers located on the same side of the roof ridge.

(C) In the NC-N and VC-N Subdistricts the combined total width of the dormers on the same side of the roof ridge shall not exceed 10 feet.

(D) In the NC-S and VC-S Subdistricts the combined width of all dormers on the same side of the roof ridge shall not exceed 20 feet.

(ed) Floor Area Ratio

(1) For lots developed exclusively for residential use in any Commercial Subdistrict, the floor area ratio provisions of Section 1513.0304(eg) shall ~~prevail~~ apply.

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

- (4) For ~~NS-N~~NC-N and NC-S Subdistricts, no individual building or structure shall exceed the total amount of gross floor area of 8,750 square feet.
- (~~e~~) Height: [No change in text.]

**Article 13: Mission Beach Planned District**

**Division 4: General and Supplemental Regulations**

**§1513.0401 Fences**

- (a) All Subdistricts
- (1) No fence shall exceed 3 feet in height above existing grade or proposed grade, whichever is lower, in that triangular area created by measuring 10 feet along each property line from the point of intersection where any combination of streets ~~and/or~~ alleys intersect.
- (2) No sharp-pointed or electrically charged fence shall be erected or maintained.
- (b) Residential Subdistricts
- (1) Fences and walls, including glass walls, trellis walls, and retaining walls, located within required yards for Courts, Places, and Walks ~~except interior yards and rear yards~~ shall not exceed a height of 3 feet above existing grade or proposed grade, whichever is lower.
- (2) Fences and walls, including glass walls, trellis walls, and retaining walls, located in interior or rear yards or adjacent to alleys or

streets except Mission Boulevard shall not exceed a height of 6 feet above existing grade or proposed grade, whichever is lower.

- (3) ~~No sharp pointed or electrically charged fence shall be erected or maintained.~~ Fences and walls, including glass walls, trellis walls, and retaining walls, located in yards adjacent to Mission Boulevard shall not exceed a height of 3 feet above existing grade or proposed grade, whichever is lower.

(c) Commercial Subdistricts

- (1) Fences and walls, including glass walls, trellis walls, and retaining walls, located within required yards, ~~except interior yards for~~ Courts, Places, and Walks shall not exceed 3 feet in height above existing grade or proposed grade, whichever is lower.
- (2) Fences and walls, including glass walls, trellis walls, and retaining walls, located in interior yards or adjacent to alleys, Bayside Lane or Strandway shall not exceed a combined height of 86 feet in height above existing grade or proposed grade, whichever is lower.
- (3) ~~No electrically charged fence shall be erected or maintained.~~
- (4) ~~Prior to the use or occupancy of any premises, a wall not less than 6 feet in height above existing grade or proposed grade, whichever is lower, shall be constructed along all portions of said property~~ premises that abuts property within a Residential Subdistrict, ~~provided, however, that within any required yards for Bayside and Ocean Front Walks, Courts, and Places such walls shall be reduced~~

~~in height to 3 feet above existing grade or proposed grade, whichever is lower. Such walls shall be not less than 6 feet in height above existing grade or proposed grade, whichever is lower, except within any required yards for Bayside and Ocean Front Walks, Court and Places, such walls shall be 3 feet above existing or proposed grade, whichever is lower.~~

**§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~~30 percent and shall be a any combination of trees, shrubs and ground cover; except that the use of trees to meet this requirement shall be optional. The remaining ~~50~~70 percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, paved areas, and decks not exceeding 3 feet in height, ~~and paved areas.~~
- (2) Landscaping located within the required yards for Courts and Places shall protect pedestrian view corridors by emphasizing tall trees with canopy areas and ground cover. Landscaping materials shall not encroach or overhang into the Courts and Places rights-of-way below a height of 8 feet above the finish surface or ~~finish~~ finished grade, as measured at the trunk. All landscaping and irrigation within the public-right-of-way shall be developed in

accordance with the Landscape ~~Guidelines~~ Standards of the Land Development Manual.

(b) Commercial Subdistricts

[No change in text.]

**§1513.0403 Parking**

(a) All Subdistricts

(1) [No change in text.]

(2) ~~Whenever an existing use which does not provide all the off street parking spaces required by the Municipal Code or any premises is enlarged by floor area there shall be provided at the same time an increase in the number of parking spaces. When an existing use is enlarged, the number of additional off-street parking spaces required are only those required by the enlargement consistent with Section 1513.0403. The number of spaces required by this paragraph need not exceed the total number of parking spaces required for the total enlarged development.~~

(b) Residential Subdistricts

(1) Every premises used for one or more of those uses permitted in Section 1513.0303 (~~Permitted Uses~~) shall be provided with a minimum of permanently maintained off-street parking spaces located on the premises as follows:

(A) Two spaces per dwelling unit; except for the following:

(i) ~~i~~In R-S Subdistricts when a unit is added to a lot with an existing single-family unit and the lot has less than 34 feet of frontage on a street or alley, then the requirement shall be 1.5 spaces per dwelling unit, ~~and~~.

(ii) ~~i~~In the R-N Subdistrict ~~where~~ the requirement shall be one space per dwelling unit for lots abutting Ocean Front Walk or Bayside Walk with less than 10 feet of vehicular access on a street or alley.

(B) [No change in text.]

(2) [No change in text.]

(3) Parking shall not be permitted in required yards other than interior or rear yards, except as provided herein.

(A) Development between February 27, 1964 and February 1, 1979.

For properties where any legal development, redevelopment or improvement ~~that~~ created or enlarged floor area on the premises ~~occurred between February 27, 1964, and February 1, 1979,~~ and the yard was being used for parking on or before February 1, 1979, parking shall be permitted within yards abutting Courts, Places, or Mission Boulevard provided that:

(i) and (ii) [No change in text.]

(iii) A minimum of 25 percent of all required yards, except interior and rear yards, shall be landscaped with a combination of trees, shrubs and ground cover in conformance with the Landscape Standards Guidelines of the Land Development Manual.

(iv) [No change in text.]

(v) The parking space was in existence on \_\_\_\_\_.

(B) Development prior to February 27, 1964.

For properties developed prior to February 27, 1964, where any legal development, redevelopment or improvement created or enlarged floor area on the premises and the yard was being used for parking on or before February 27, 1964, parking shall be permitted within yards abutting Courts, Places, or Mission Boulevard and are not required to provide additional landscaping or the fencing separation, provided ~~said property is in compliance with permits or regulations in effect at the time the property was developed~~ that:

(i) ~~s~~Said property is in compliance with permits or regulations in effect at the time the property was developed;

(ii) The parking space was in existence on \_\_\_\_\_.

- (4) Tandem off-street parking is permitted. ~~The space required is 8 feet by 35 feet and accommodates 2 cars, one behind the other.~~ The tandem space shall be marked reserved consistent with following:-
- (A) The space required is 8 feet by 36 feet and accommodates 2 cars, one behind the other, except that the width of parking spaces that abut a wall, column, or other immovable obstacle shall be 8 feet and 6 inches.
- (B) Both of the tandem spaces shall be assigned to the same unit.
- (C) Tandem spaces are not required to be enclosed.
- (D) Unenclosed tandem parking spaces may only encroach into an interior yard to achieve the required 36-foot depth.
- (5) Fifty percent of the individual (non-tandem) parking spaces shall have a minimum 8-foot width and ~~20~~19-foot depth. The other 50 percent shall not be less than a minimum ~~7.5~~ 8-foot width and ~~17~~5 foot depth. The width of parking spaces that abut a wall, column, or other immovable obstacle shall be 8 feet and 6 inches.
- (6) All parking areas adjacent to Courts, Places, Walks or Mission Boulevard shall be screened by a solid fence ~~5~~3 feet in height.
- (7) Driveways and parking are not allowed within required yards for Courts, Places, or Walks unless exempted in accordance with Section 1513.0403(b)(3).

(8) Curb cuts are not allowed on Mission Boulevard unless the premises has less than 10 feet of vehicular access from an alley.

(c) [No change in text.]

**§1513.0404 On-Premises Sign Regulations**

(a) Residential Subdistricts – On-Premises Signs

(1) The following non-illuminated wall signs shall be permitted, provided that no sign shall project above the parapet or eaves of the building to which affixed:

(A1) One nameplate per dwelling unit not exceeding one square foot in total area to identify only the occupant; or

(B2) In lieu of Section (A) 1513.0404(a)(1) above, the occupant of a dwelling unit, if the possessor of a valid home occupation permit, shall be permitted a sign indicating the nature of the home occupation, not to exceed 2 square feet in total area.

(C3) One building identity sign not exceeding one percent of the area of the wall to which it is affixed or 20 square feet, whichever is the smaller figure.

(D4) One directional sign per vehicular entryway not exceeding 2 square feet in total area nor 4 feet in height measured to the apex of the sign.

(E5) One temporary wall or freestanding sign offering the premises for sale, rent or lease, not to exceed 8 square feet

in total area nor 4 feet in height measured to the apex of the sign. Such sign is permitted in required yards.

(F6) One public interest wall or ground sign not to exceed 8 square feet in total area nor 4 feet in height measured to the apex of the sign. Such sign is permitted in required yard.

(G7) Any sign not in compliance with the provisions of this section within 7 years from ~~the effective date of the ordinance adopting these regulations~~ April 7, 1998, shall be removed or brought into compliance. Any sign located on property subsequently placed in the Residential Subdistricts and not in compliance with the provisions of this section shall be removed or brought into compliance within 5 years from ~~the effective date of the ordinance establishing the Residential Subdistricts~~ February 1, 1979.

(b) Commercial Subdistricts – On-Premises Signs

On-premises and public interest signs located in Commercial Subdistricts are permitted as follows:

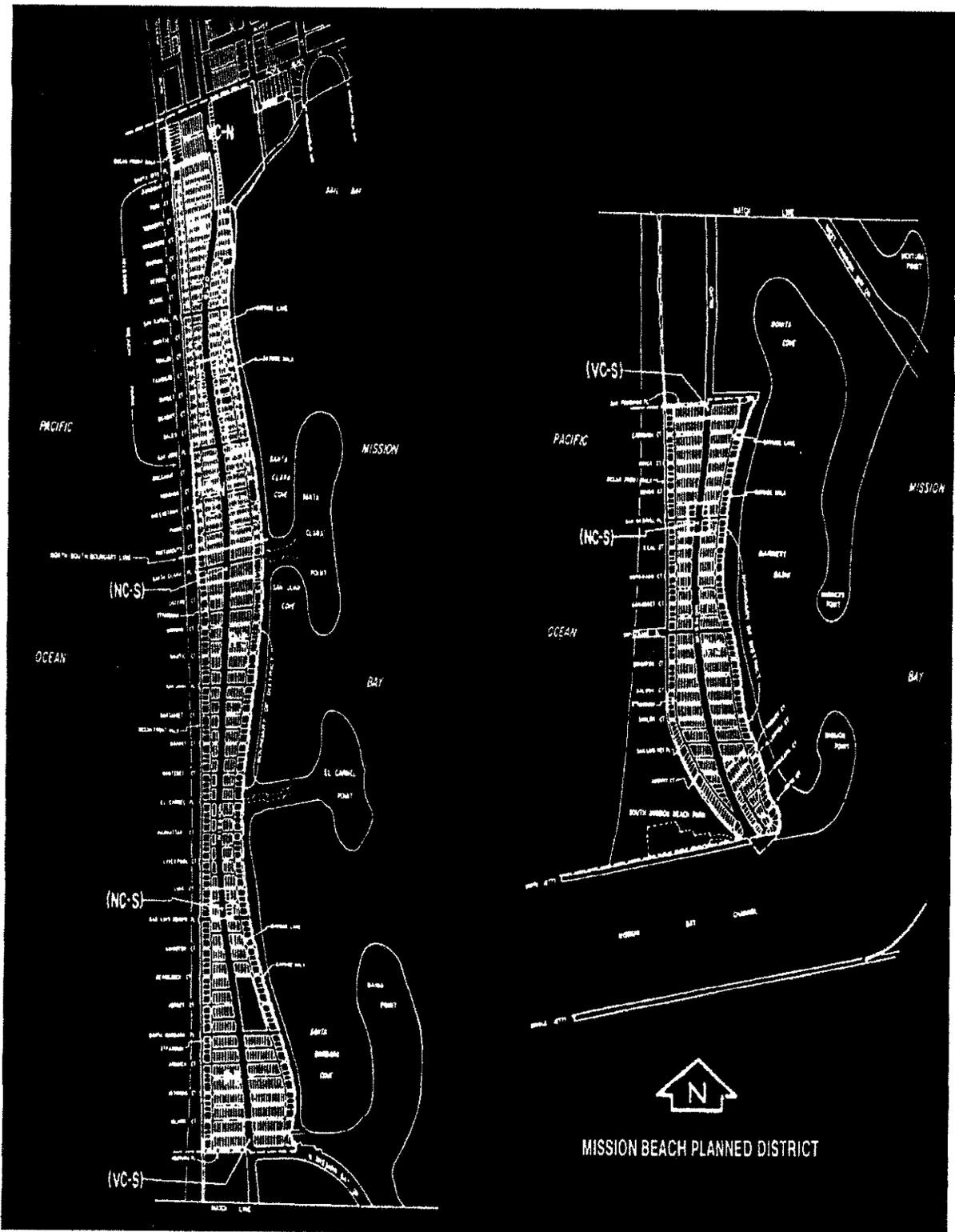
- (1) through (3) [No change in text.]
- (4) Any sign not in compliance with the provisions of this section within 7 years from ~~the effective date of the ordinance adopting these regulations~~ April 7, 1998, shall be removed or brought into compliance. Any sign located on property subsequently placed in a Commercial Subdistrict and not in compliance with the provisions

of this section shall be removed or brought into compliance within 5 years from ~~the effective date of the ordinance establishing the Commercial Subdistricts on said property~~ February 1, 1979.

(5) through (7) [No change in text.]

(c) Commercial Subdistrict-Off-Premises Signs

Off-premises signs, including signs on the sidewalk for Ventura Place, shall comply with the Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).



(O-2011-14)

ST:als  
09/14/10  
Or.Dept:DSD  
O-2011-14  
PL#2010-01345

February 21, 2012

FILE COPY

California Coastal Commission  
7575 Metropolitan Dr. Suite 103  
San Diego, CA 92108-4402

Re: Mission Beach PDO

Dear Coastal Commission,

I was one of the committee members who helped write the update to the Mission Beach PDO. A member for twenty years of the Planning Group. The original PDO was written in 1979. The intent was to create a view corridors to the ocean and bay. People were building structures out to the court and blocking out views.

In the last twenty years people have started to encroach into the front yard setbacks. It was not to create additional living space. Since houses were usually built to the maximum allowed living space. Fireplaces, bay window, stairs, railing, etc. have been built into the front yard setback.

Our goal was to get the buildings back behind the front yard setback and to keep structures in the front yard to a height of three feet.

A new small group was able to vote a three foot entry overhang into the setback. I feel that it is a gross violation of the view corridor. It is one thing back in the 1930's and 1940's with a one story building. But now we have three story structures. So you now have a tunnel view out to the ocean and bay that is restricted 30% of your view. Plus, we have an offset rule. Which means a building can come out 18 inches into the front yard setback if they go back 18 inches back of the setback line. You cannot exceed half of the building. So if you have a ten foot front yard. The building goes out 18 inches plus 3 feet for the front door entry over hang total 4 and half feet. Which is 45% of the front yard blocked by allowing this. Unbeleivable. It need to stop.

This view corridor is not only for the year round residences. Over 50% of the houses down in Mission Beach are rented out weekly during the summer. So basically it is a hotel down here which needs to have a view corridor for visitors to enjoy.

Plus there was also put in the PDO to allow two foot eves. Another blockage of view corridors.

So we ask the Commissioners to not allow the 3 foot entry and to cut back the two foot eves to 6 inches to one foot.

Thank you,

*Mike Meyer*

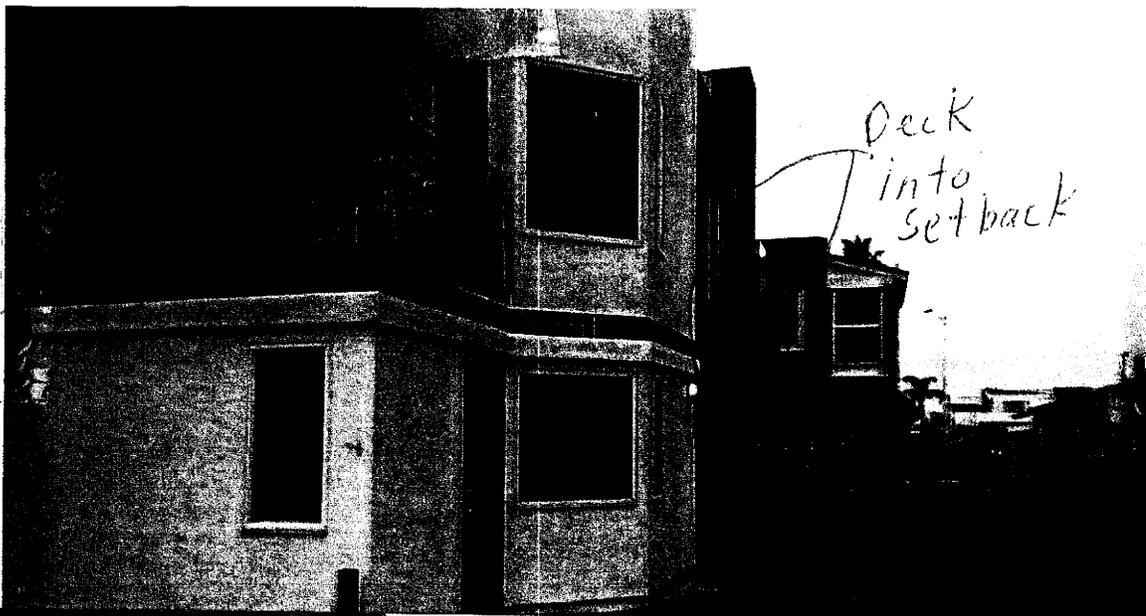
Mike Meyer  
714 Coronado Ct.  
South Mission Beach, CA 92109  
mikem488@gmail.com

EXHIBIT #4

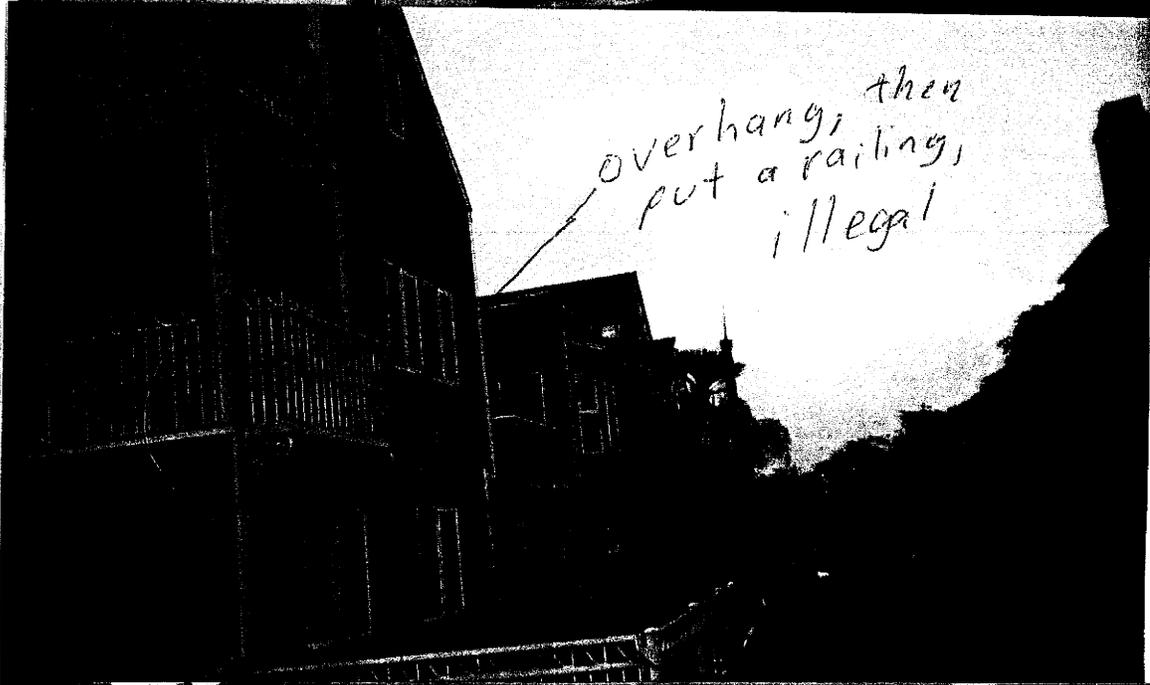
Comment Letters

LCPA #3-10 Mission Beach PDO Update

 California Coastal Commission



①



②



③



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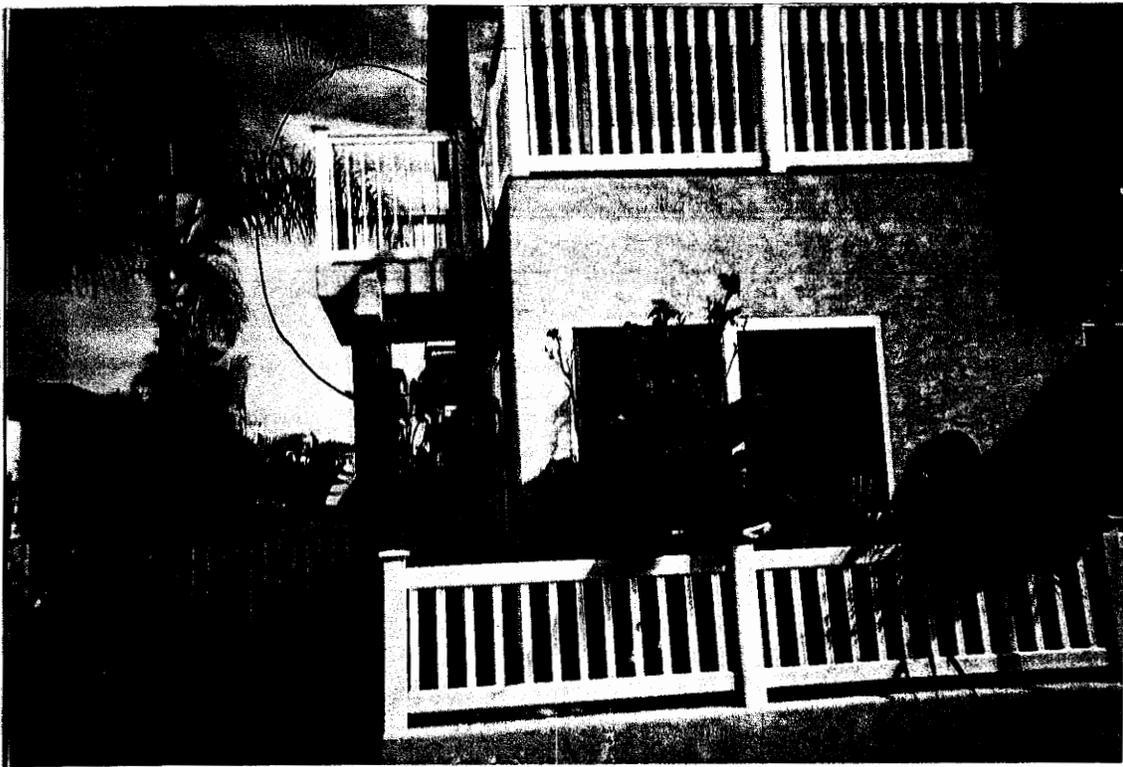
8



9



10



11

12



This is legal. You are allowed to come into the front yard setback 18 inches if you then go back 18 inches from setback on half the building.

This owner then created a front door entry roof out of the legal structure.

50% of new construction are using the 18 inch offsets.

# FILE COPY

February 6, 2012

Ms. Deborah Lee, District Manager  
California Coastal Commission  
7575 Metropolitan Avenue  
San Diego, CA 92108-4402

**RECEIVED**

FEB - 7 2012

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

RE: Mission Beach Plan District Ordinance Update

Dear Ms. Lee:

The Mission Beach Planned District Ordinance (PDO) has been in effect since January 2, 1979. It was authored by Kendrick Bangs Kellogg, international architect, with the overwhelming support of the Mission Beach community. It has served our unique and densely-packed community for over 32 years. I personally have been a member of our planning board for over 32 years.

The Mission Beach Planned District Ordinance (PDO) provides for construction within a spatial envelope with the intention of creating light, air flow and space, between our small 30'x80' and 25'x50' lots with 15' and 10' front yard setbacks respectively. Our PDO was designed to provide additional open space and view corridors -- beyond our narrow 6' sidewalk courts -- which the public uses to access the beaches. The unencumbered front yard setback gives residents peripheral views from their homes to their respective beaches and skylines.

I personally began the update process currently under consideration in 1999 with a personal meeting with Stephen Hasse, then Director of Development Services for the City of San Diego. The purpose of the update was to resolve 20 years of issues and recurring problems with interpretation of our PDO. Also, our Board had received requests from the City to rephrase certain provisions of our PDO in order to be more accurately interpreted by City staff.

Mike Meyer and I, the sole plan reviewers for the Mission Beach Planning Board, accumulated a list of every issue in need of revision that the Board encountered over the prior 20 years. These included the following items: a definition of grade, which had been subject to extreme abuse; a better definition of lot coverage; prevent vehicle parking in front yards; eliminate City-wide zoning code changes from their application to Mission Beach, such as a requirement of two trees being planted in every front yard; eliminating 20% deviations for setback encroachments without the need to obtain a variance; and many more. Again, all relating to circumstances existing during the prior 20 years.

In 2003 an architect joined our Board and presented his list (Exhibit A - enclosed) of his desired changes to the PDO. All of these were encroachments into setbacks that penetrated our PDO's construction envelope. To be sure, none of these issues had ever come up in the

history of our PDO.

I am specifically taking issue with Diagram 1513-03E of the PDO revisions that provide for a three-foot entryway overhang encroaching into the front yard. This three foot projection, at a potential height of 3 feet, would have significant impact on our 10' and 15' front yard setbacks which otherwise provide for a maximum height of 36 inches for any man-made objects in front yards, including fences. As this entryway overhang is defined, it could stretch up to 15 feet across the front of a single unit structure. Furthermore, two entryway overhangs could be constructed on double entry 30'x80' lots which could potentially stretch across the entire front of the structure.

Our PDO has always provided for an 18" front yard offset, as illustrated by Diagram 1513-03D. This has provided numerous alternatives for creating front yard entryways on all projects constructed in our community over the years. It has not been a problem.

I do not feel the community is in favor of this protruding three-foot entryway. For the past 15 years I have been the individual who reviews neighborhood zoning complaints. This program was established to lighten the City's workload and to avoid the fear of retribution to individuals reporting the zoning violations of their neighbors. My role was to visit the site, review the circumstances to determine if a violation was present, try to resolve it if it did, and if unable to do so, report it to Neighborhood Code Compliance by phone. It worked smoothly.

The most frequent violations I experienced over the years related to projections into the front yard setbacks. The spectrum of occurrences ranged from flags and banners to significant permanent construction into the setbacks. Residents prize what little view they have out of their front and corner side windows and the sense of openness it provides to them.

The three-foot entryway overhang issue was presented and discussed at a San Diego Planning Commission Hearing during the PDO revision review process. The Commission acknowledged the view problem and in their motion to approve our PDO changes, they eliminated the three-foot entryway encroachments on both Ocean Front Walk and Bay Side Walk. The Planning Commission also made comment that the Coastal Commission may also have concerns about these entryway encroachments into the view corridors of the courts. I have a CD copy of that hearing I would like to share with you.

An additional point regarding these entryway overhangs, which also applies to the two-foot first and second story eaves contained in the PDO revisions, is the opportunity it gives individuals to enclose the porch area with plant trellises or other material, or to just hang items from the overhang, which further reduces the view corridor. You can not control it.

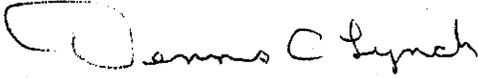
Finally, entryway overhangs could be used for the creation of illegal second story balconies. I am enclosing a picture of this situation recently done on an existing property (Exhibit B). This particular project was designed and built, as the owner's representative, by the same architect who was the member of our Board who initially introduced the three-foot entryway overhang.

I am submitting this letter as an introduction to my meeting with you prior to submitting your recommendations to the Coastal Commission for the March 2012 meeting in Chula Vista. I

have information I would like to share with you that I believe will be helpful in your final analysis.

I am a life-long resident of South Mission Beach. I can be reached at 858-488-1638. Thank you so much for your consideration of my concerns. I look forward to meeting with you.

Sincerely,

A handwritten signature in cursive script that reads "Dennis C. Lynch". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Dennis C. Lynch  
812 Balboa Ct.  
San Diego, CA 92109

# EXHIBIT A

San Diego Municipal Code  
Division V  
Mission Beach Planned District

Proposed Amendments:

S103.0502 Applicable Regulations

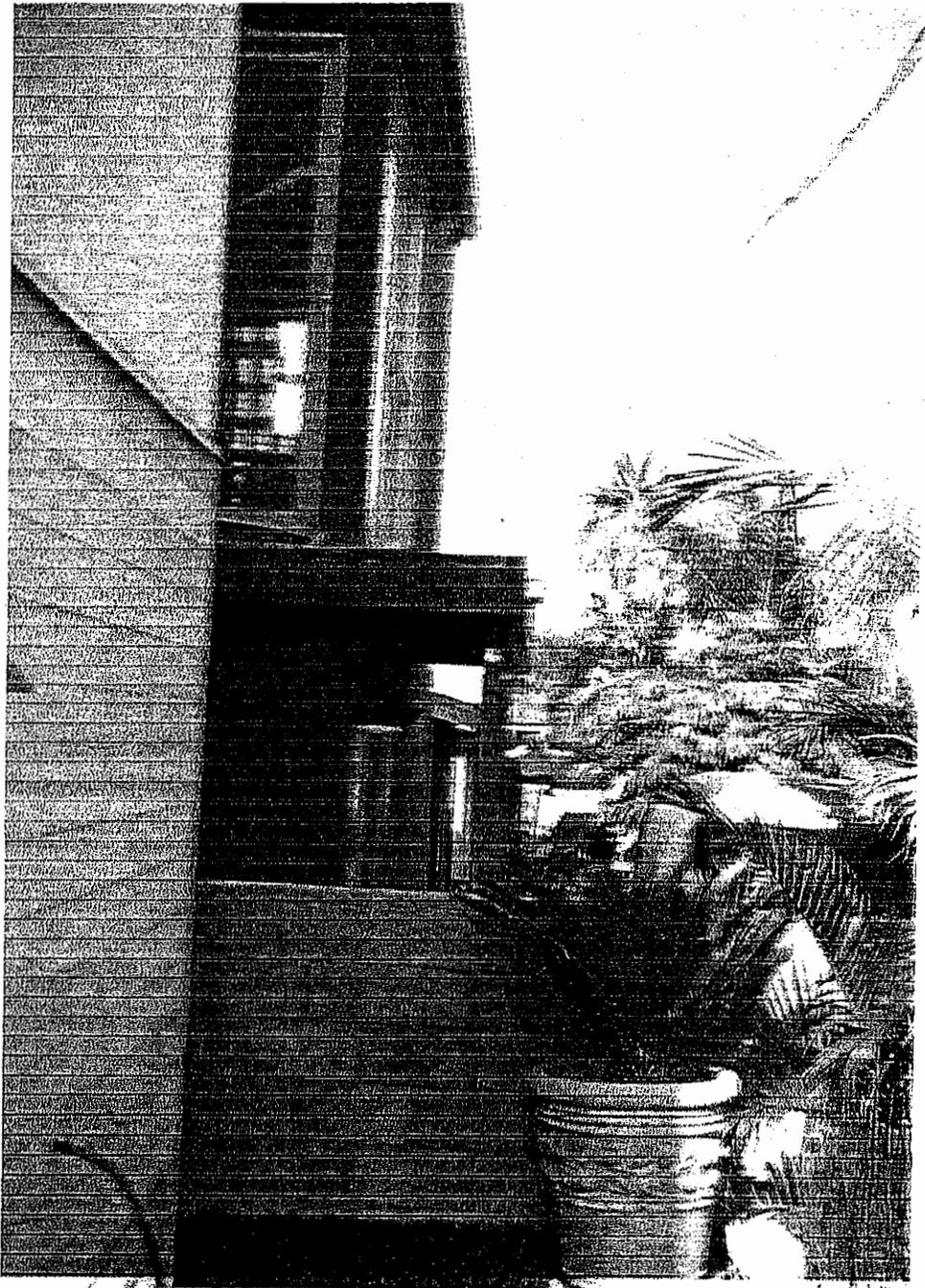
The regulations and particulars of the Mission Beach Planned District preempt and override any other apparently applicable sections of the San Diego Municipal Code. Where not otherwise specified in this Division, the following provisions of the Land Development Code apply:

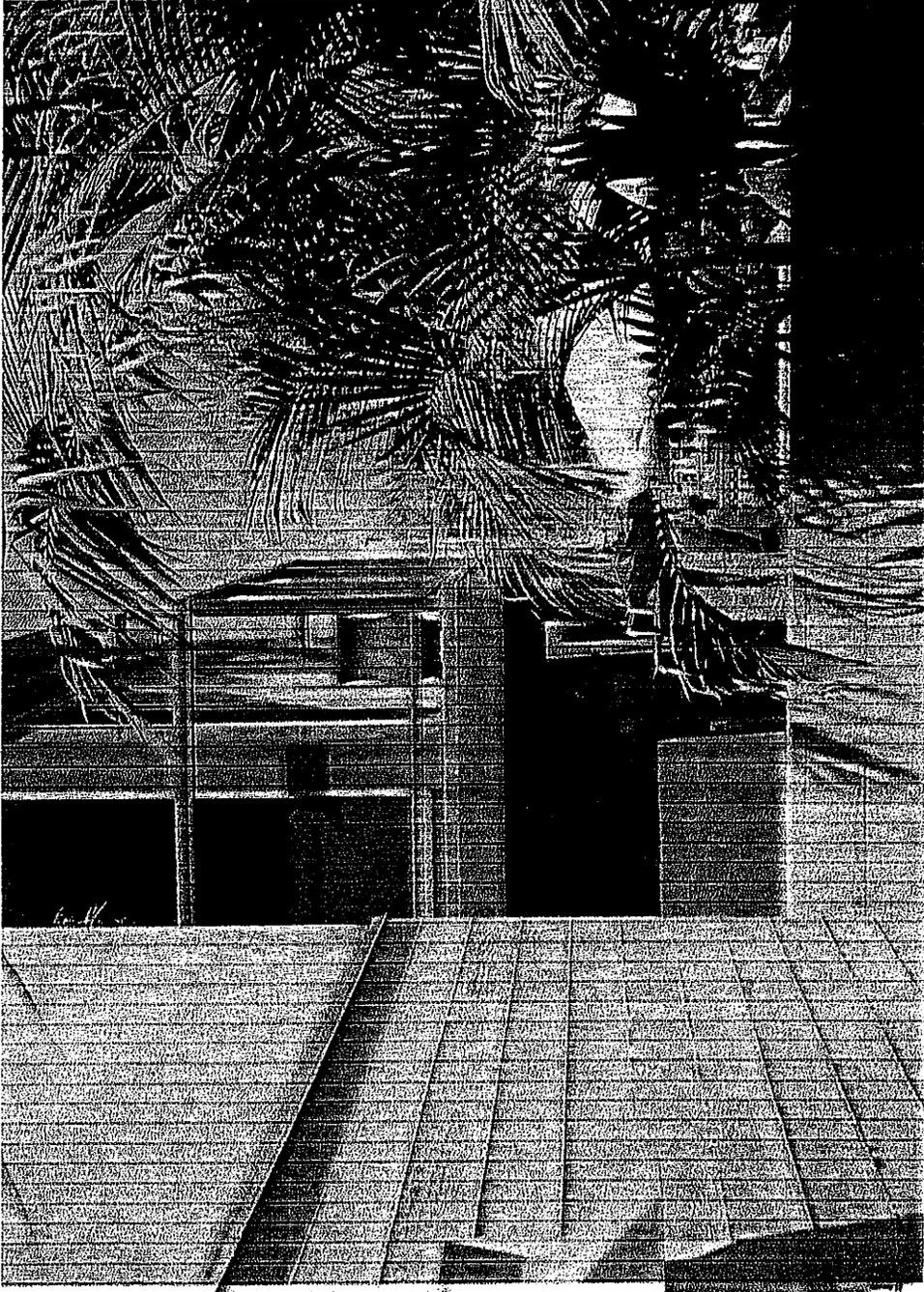
S103.0520.138

- (a) Eaves shall be allowed to project 6 inches into the side yards and two feet into the front yard setbacks.
- (b) Cornices shall be allowed to project 12 inches into the front yard setback.
- (c) Rigid awnings, sun baffles, shades, etc. are limited in projection to 18 inches in horizontal dimension into the front yard setback and are limited to 16 inches in vertical dimension. No rigid awnings, sun baffles, shades, etc. are allowed in the side yard setbacks.
- (d) No openly supported stairway nor any stairway may encroach any yard setback.
- (e) Stoops are allowed to encroach the front setback horizontally up to 4 feet and vertically to a height above grade of no more than 29 inches.
- (f) All entry roofs must be within eight (8) to thirteen (13) feet above grade and are limited in their projection from the supporting structure by the following criteria:
  - 1. A four-foot projection is allowed if the roof structure is no more than 1 foot in vertical dimension not including the supporting columns/posts.
  - 2. A three-foot projection is allowed if the projection is less than 3 feet in vertical projection not including the supporting columns/posts.
  - 3. Any entry roof more than 4 feet in vertical dimension is limited in projection to 2 feet. This projection is allowed for  $\frac{1}{2}$  of the width of the structure. The remaining half will be allowed to project no more than 2 feet.
  - 4. No entry roof will be allowed with more than 5 feet in vertical dimension.
  - 5. Any and all roof support columns/posts shall be limited to columns a maximum 6 inches in any horizontal dimension. These columns shall be singularly placed no less than three feet from the front face of the house and will be no less than 8'0" on center across the face of the house.
  - 6. If the option to do the 18" offset is utilized none of the above details can encroach more than 6 inches into the front yard on the side of the greater projection.
- (g) Balcony/roof-deck rails shall be no more than 50% solid above 20 feet above grade.

S103.0526.7.2

Sideways abutting the Strandway and Bayside Lane shall not be required until the height above grade of 12 feet. At 12 feet above grade a three foot setback is required. The three-foot setback above 12 feet will be eliminated if a three-foot setback is maintained for one-half the length of the property abutting the Strandway or Bayside Lane at grade level.





**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
Entry Roofs <sup>2,5</sup>	3 feet	None
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.

<sup>5</sup> See Section 1513.0304(d)(2)(A)(ii).

(2) Encroachments into yards for Courts, Places, and all yards on Ocean Front and Bayside Walks

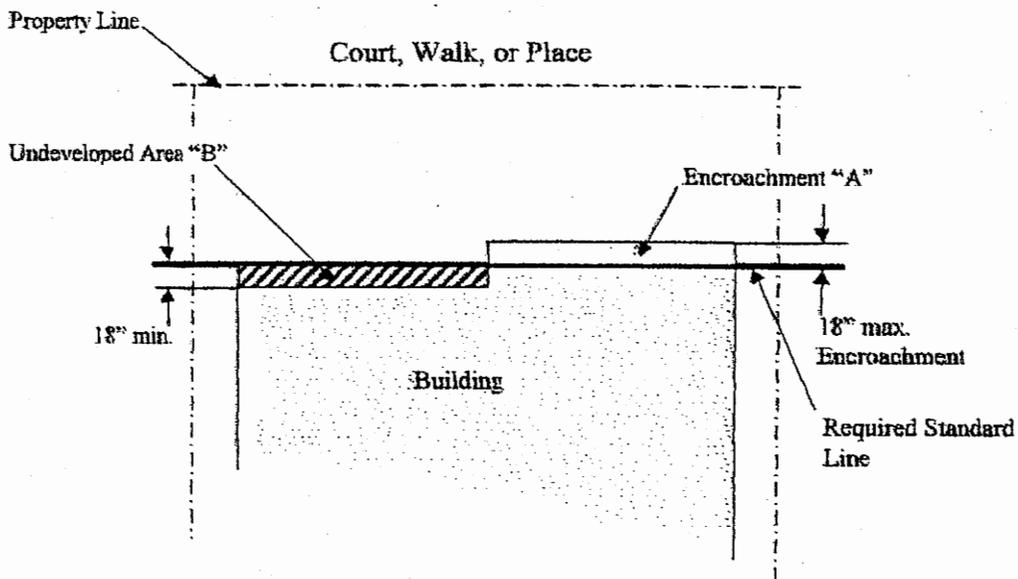
(A) The following encroachments, in addition to those identified in Table 1513-03B, are permitted in yards for Courts, Places, and Walks:

(i) An encroachment of up to 18 inches or a vertical offset extending full height of the building that is a maximum of 3 feet in deep and not less than 45 degrees for at least 50 percent of the building as

illustrated in Diagram 1513-03D provided that the width of the encroaching offset is not more than one-half of the total building width, and an insert area equal to the width of the encroaching offset at a minimum depth of 18 inches is undeveloped behind the required setback line parallel to the Court, Place, or Walk.

- (ii) Only those encroachments identified in Table 1513-03B are allowed in the offset and inset areas.

**Diagram 1513-03D**  
18 Inch Offset for a Court, Walk, or Place

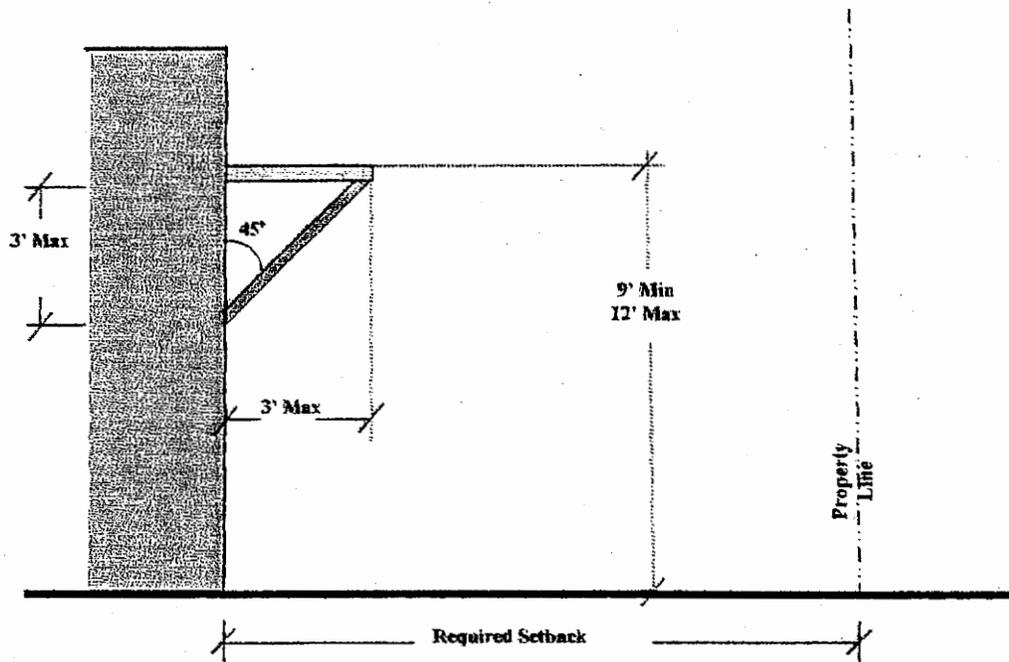


- (B) In addition to those encroachments identified in Table 1513-03B, entry roofs may encroach up to 3 feet into the

Court, Place, or Walk yard setback consistent with the following, as set forth in Diagram 1513-E:

- (i) The entry roof must be at least 9 feet above existing grade or proposed grade, whichever is lower, and no more than 12 feet above existing grade or proposed grade, whichever is lower;
- (ii) The entry roof must be supported by diagonal supports from the building wall, such as knee braces, extending within a 45 degree angle from the building wall to the horizontal portion of the projection, provided that the horizontal and vertical components of the supports do not exceed 3 feet. The entry roof shall not be supported through a continuation of the floor joist;
- (iii) The maximum width of the entry roof is the door width plus three feet; and
- (iv) Within the R-N Subdistrict only one entry roof is allowed, and within the R-S Subdistrict two entry roofs are allowed, provided the entry roofs serve separate residential units.

**Diagram 1513-03E**  
**Entry Roof Encroachment**



(C) 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, 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, or retaining walls; stairs; rails; bay or garden windows; and fireplaces, grills, or barbeques that are constructed in place) except that encroachments

September 27, 2011

Deborah Lee  
Melissa Ahrens  
California Coastal Commission

Dear Deborah and Melissa,

I was in your office last week looking at some Mission Beach building plans from the September agenda. I usually look at the plans before the vote and make any comment to Laurinda the past three or four years. Didn't know that they had move the monthly meeting to the first week of the month.

Last week in your office I was trying to set up a fifteen minute meeting so Dennis Lynch and myself could discussed the Mission Beach Planning District Ordinance update. We were two the five people on the update committee . We both have a major problem with the plan submitted to your office.

There are two items that we think could cause a lot of problems with the view corridor. The first item is allowing two foot eaves. We can show you at least ten pictures of recent new construction that have built two feet eaves. Then use that eve for an extension of their decks into the front yard setback with a three foot railing. The extended decks are then illegal but the city does not enforce the setback. Also, there is a second item to have a three foot cover over the front door entrance. This might have been okay when there was one story building. Now we have three story building that block sunlight plus the three foot could turn into a deck. That three feet is thirty percent of a front yard view corridor of ten feet.

Our whole intent was to make sure the view corridor was observed in the new plan. We have eliminated fireplaces, bay windows, stairs, planters, driveways in the front yards, etc. in the view corridor under the new plan. But we were out voted on the two issue of eaves and over hang.

We would appreciate brief fifteen minute meeting and any questions that you have about the updated new plan we would be glad to answer.

Also, I would like to know if you would like for me to come down and go thru the new building plans in Mission Beach. This would save you a lot of times. You could review my work. It usually only take me five to ten minutes. Dennis and myself do all the new building plan reviews. So I know where all the same mistakes builders make all the time. If is not legal. You could make me a unpaid intern.

Plus, hopefully for me, the Mission Beach update will not be on the November or February meeting. I will be out of the country.

Thank you,  
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