

**CALIFORNIA COASTAL COMMISSION**

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# F19a

## ADDENDUM

**April 13, 2021**

**To:** Commissioners and Interested Persons

**From:** California Coastal Commission  
San Diego Staff

**Subject:** Addendum to **Item F19a**, Coastal Commission Permit Application **#6-19-1162 (Toor)** for the Commission Meeting of April 16, 2021

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The purpose of this addendum is to attach and respond to a public comment letter received on April 8, 2021 from the Mission Beach Precise Planning Board (MBPPB) in opposition to the subject project in the March 25, 2021 staff report. Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by ~~striketrough~~ and additions shall be underlined:

1. On Page 3 of the staff report, add the MBPPB comment letter to the staff report dated March 25, 2021 and attached to this addendum as a new exhibit as follows:

Exhibit 5 – Letter from Mission Beach Precise Planning Board dated April 8, 2021

2. On Page 10 of the staff report, the following shall be added after the fourth paragraph:

After the staff report was issued, the Mission Beach Precise Planning Board (MBPPB) submitted a letter asserting that ADUs exacerbate traffic and public safety issues in Mission Beach, that ADUs do not comply with the Mission Beach Precise Plan and Planned District Ordinance policies regarding density and parking, and that allowing ADUs with reduced or no parking requirements conflicts with Sections 30213 and 30252 of the Coastal Act and with the Commission’s Environmental Justice priorities (Exhibit 5).

Mission Beach is a very dense community, and like most beach communities in urban areas, parking, traffic and circulation are a concern. However, as described above, the proposed project includes construction of a junior ADU, which the certified LCP specifically excludes from parking requirements

consistent with state law. The intent of state legislation regarding regulation of ADUs is to increase the availability of smaller, more affordable housing units statewide. The proposed unit is under 300 square feet in size and has the potential to serve as a more affordable unit located within walking distance to the beach, which is a form of access to the shoreline. Affordable units are more likely to serve a diverse section of the population and provide public access to people with a wide range of income levels.

The City of San Diego has adopted new regulations relating to ADUs and LCP-6-SAN-21-0005-5 will be presented to the Commission in the coming months which will allow for a more broad-reaching review of impacts to coastal resources associated with ADUs. The one junior ADU associated with the subject project is not expected to result in significant adverse impacts to coastal resources.

**Comments from Mission Beach Precise Planning Board**

**Application No. 6-19-1162**

**Project Location: 722 San Jose Place, Mission Beach, San Diego, San Diego County**

**Hearing Date: April 16, 2021**

**Re:** Application of Baljit Toor to demolish 806 sq. ft., 1-story single family home and construct a new 1,063 sq. ft., approx. 30' high, 3-story single family home with attached garage and 292 sq. ft. junior ADU on 1,241 sq. ft. lot, at 722 San Jose Place, Mission Beach, San Diego, 92109

**The Case Against Accessory Dwelling Units in Mission Beach**

The Mission Beach Precise Planning Board (“MBPPB”) recommends that Accessory Dwelling Units (“ADU’s”) sometimes referred to as Companion Units not be permitted in Mission Beach.

The basis for this recommendation is that ADU’s in Mission Beach:

- 1) Adversely impact traffic and public safety;
- 2) Result in structures that are out of compliance with both the Mission Beach Precise Plan (“the Land Use Plan”) and Planned District Ordinance (“the Implementation Plan”);
- 3) Coastal Act – violate Sections 30213 (Lower Cost Visitor Recreation Opportunities) and 30252 (Maintenance and Enhancement of Public Access);
- 4) Conflict with Coastal Commission Environmental Justice policies;
- 5) Conflict with Coastal Commission Sea Level Rise policies; and
- 6) Issues regarding Mission Beach’s erroneous status as a Transit Priority Area

**Background**

The community of Mission Beach is located on a 700-foot wide by 2-mile long peninsula. Mission Boulevard is a two-lane road that runs North/South the entire length of the peninsula, dead ending at the Mission Bay Channel at the South end and intersecting Pacific Beach Drive at the North end. Mission Boulevard is bisected at approximately its half-way point by West Mission Bay Drive. The Mission Beach circulation system is comprised of 14 Places (streets) and 47 Courts (sidewalks). This circulation system provides front yard access to the residences on both sides of the court and alleys, and provides rear vehicle access, all oriented East/West feeding onto Mission Boulevard.

The land use is predominately residential with business dispersed along Mission Boulevard. The residential use is characterized by single family dwellings on 1,250 sq. ft.

lots in North Mission (R-N zone) and duplexes on 2,400 sq. ft. lots in South Mission (R-S zone), most with deficient on-site parking. The result is a residential density of **36 units per net acre**, the highest residential community density in the City of San Diego and the highest of any beach community in California. Belmont Park, an amusement park, is located close to the center of the peninsula.

There are limited public parking lots and street parking spaces (approximately 3,700 total spaces) available for day use beachgoers. Mission Beach is in the Beach Parking Overlay Zone. Parking in Mission Beach is inadequate and completely constrained by the fact it is a peninsula. The beach, bay and Belmont Park create an extremely high, diverse use demand for parking. The demand consists of beachgoers, residents, student renters, vacation renters, business patrons and employees and Belmont Park patrons and employees. The lack of existing adequate on-site parking results in significant spillover into the public parking lots by residents, students, vacation renters, business patrons and employees, which adversely impacts beach day use parking. Beach day users can spend hours looking for parking spaces. Moreover, traffic on summer days and winter weekends backs up for over a mile for hours.

## **Declarations – ADU’s in Mission Beach**

### **1) Adversely impact traffic and public safety**

Mission Beach does not meet current emergency ingress and egress standards. Public safety is compromised with police, fire and lifeguard reduced response times due to traffic congestion. The traffic is the result of high residential density and the out of community beach demand. Emergency incidents have occurred in the last six (6) months that brought traffic to a standstill throughout Mission Beach, with people waiting in parking lots for two (2) hours. Allowing ADU’s will add to the density and exacerbate the traffic and public safety issues.

### **2) Result in structures that are out of compliance with both the Mission Beach Precise Plan and Planned District Ordinance**

The Mission Beach Precise Plan states in its Overall Goals:

*The continuation of the existing medium-density character of Mission Beach, exemplified by the overall low profile and random mix of housing types and styles. p.12*

*The establishment of an overall maximum density in Mission Beach in order to prevent overdevelopment. p.15*

Section 1513.0304(a) of the PDO states:

*(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:*

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

The adding of ADU's to the existing allowed density results in a project that is out of compliance with the Precise Plan and the PDO. The resulting density will be **55 units per net acre** – an increase of **19 units per net acre**.

The City's ADU ordinance allows reduced or no parking requirements, which again will allow projects that will be out of compliance with the Precise Plan and the PDO.

The Precise Plan states: p.21

*Parking*

*The lack of adequate off-street parking facilities is one of the most critical problems facing Mission Beach. At present, there are more automobiles (about 5,000) than there are legal offstreet parking spaces (approximately 3,700). Consequently, on-street spaces, which should be used for short-term parking such as for visitors, are the only available parking for some residents. The extreme deficiency in parking spaces exists because many older units in Mission Beach do not provide any parking at all.*

The PDO states:

**§1513.0403 Parking**

*(b) Residential Subdistricts*

*(1) Every premises used for one or more of those uses permitted in Section 1513.0303 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:*

ADU's with reduced parking or no parking required as is allowed in Chapter 14, Article 1 (Separately Regulated Use Regulations) are not in compliance with the PDO.

**§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 14, Article 1 (Separately Regulated Use Regulations);*

ADU's are not specifically addressed in the PDO so it appears ADU's are allowed under this Section, however, there is language at the end of Section 1513.0103 that adds a qualifier:

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

The Municipal Code also adds a qualifier.

**§11.0206 Conflicting Ordinances**

*If provisions of the Municipal Code are in conflict with each other, the more restrictive provisions shall apply.*

The PDO clearly governs and ADU's are out of compliance.

**3) Violate Coastal Act Sections 30213 (Lower Cost Visitor and Recreation Opportunities) and 30252 (Maintenance and Enhancement of Public Access)**

***Section 30213 Lower Cost Visitor and Recreational Facilities; Encouragement and Provision; Overnight Room Rentals***

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Day use is the lowest cost access to the beach. Other than the beach, parking is the most important component of day use. Mission Beach is the highest demand day use beach in San Diego. Because of its peninsular geography, it is the most parking constrained beach, making street parking and public parking lots an important coastal resource for low cost coastal access.

The Precise Plan states: p.21

*Parking*

*The lack of adequate off-street parking facilities is one of the most critical problems facing Mission Beach.*

***Section 30252 Maintenance and Enhancement of Public Access***

*The location and amount of new development should maintain and enhance public access to the coast by . . .*

*(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation*

Street parking is fully used by residents, students and vacation renters leaving public parking lots as the main source of parking for day users. Depending on the time of year, 15% - 40% of the parking lot spaces are used by residents, students, business employees and vacation renters. There is no evidence that ADU residents do not have cars. The Mission Beach community as a whole has 1.6 cars per unit. Approving ADU's in Mission Beach is a direct violation of Sections 30213 and 30252.

**4) Conflict with Coastal Commission Environmental Justice Policies**

Page 2, 4 and 7 of Environmental Justice Policies:

*Concern remains that historically, much of the Commission's work has been largely shaped by coastal residential, commercial and industrial landowners, without adequate consideration of those whose lives and livelihoods are connected to our coast through their labor, recreation, and cultural practices but who cannot afford to live on the coast. p.2*

*The California Coastal Commission's commitment to diversity, equality and environmental justice recognizes that equity is at the heart of the Coastal Act, a law designed to empower the public's full participation in the land-use decision-making process that protects California's coast and ocean commons for the benefit of all the people. In keeping with that **visionary mandate, but recognizing that the agency has not always achieved this mission with respect to many marginalized communities** throughout California's history, the Commission as an agency is committed to protecting coastal natural resources and providing public access and lower-cost recreation opportunities for everyone. p.4*

*The Commission will strive for a no-net-loss of lower-cost facilities in the coastal zone, while implementing a longer-term strategy to increase the number and variety of new lower-cost opportunities. p.7*

Mission Beach is the most intensely day use beach in San Diego and its users are among the most diverse in the state, many of whom these policies are intended to protect. The permitting of ADU's with reduced or no parking flies in the face of these policies. Moreover, it ignores the needs of the people these policies are designed to protect by not protecting public parking.

**5) Conflict with Coastal Commission Sea Level Rise policies**

*Sea Level Rise Policy Guidance*

***Minimize Coastal Hazards through Planning and Development Standards [Coastal Act Sections 30253, 30235; 30001, 30001.5]***

*6. Avoid significant coastal hazard risks to new development where feasible. p.15*

***Maximize Protection of Public Access, Recreation, and Sensitive Coastal Resources [Coastal Act Chapter 3 policies]***

*11. Provide for maximum protection of coastal resources in all coastal planning and regulatory decisions.*

*15. Address the cumulative impacts and regional contexts of planning and permitting decisions. p.16*

*The Coastal Act's broad concern for all the people is best borne out in its public access policies, which require the maximum provision and protection of the public's rights of access to and along the shoreline (Sections 30210-214). p.59*

*The goal of these steps is to ensure that projects are designed and built in a way that minimizes risks to the development and avoids impacts to coastal resources in light of current conditions and the changes that may arise over the life of the project. p.100*

Mission Beach is the most vulnerable to sea level rise given its topography. The primary theme of the Sea Level Rise Policy Guidance is to be proactive and minimize future risk. Mission Beach has the highest density of any other beach community in San Diego along with being the most vulnerable to sea level rise. Permitting ADU's will intensify, not minimize the risks.

**6) Issues regarding Mission Beach's erroneous status as a Transit Priority Area**

The City of San Diego Transit Priority Area Map dated 2/5/2019, includes North Mission Beach and half of South Mission Beach as a Transit Priority Area. The Coastal Commission approved an LCP Transit Priority Area Amendment (LCP-6-SAN-19-0063-1) in October 2019. The map exhibits for the hearing did not show any of Mission Beach as being in a Transit Priority Area, so there is a discrepancy between the City's map dated 2/5/2019 and what the Commission approved. In any case, Mission Beach should not be in a Transit Priority Area because the only bus route (#8) through Mission Beach does not meet the State standard of 15-minute intervals and there is not an intersection of two (2) routes in Mission Beach. Mission Boulevard and the bus turnout lanes do not meet the State standard. Keeping a bus on schedule going through Mission Beach is impossible during the summer months.

## Conclusion

The State gave municipalities the ability to determine areas that are not appropriate for ADU's .

*65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:*

*(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.*

The MBPPB believes Accessory Dwelling Units are not an appropriate use in the Mission Beach Planning Area. The existing density, lack of parking with no possibility of increasing parking due to the geography, increased response time for first responders, and day-use beachgoers spending as much time in their cars as they do on the beach, all send a clear message that ADU's must not be permitted in Mission Beach.

Date: April 7, 2021

Respectfully submitted,

*Debbie Watkins*

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