

**MISSION BEACH PRECISE PLANNING BOARD (“MBPPB”)  
Tuesday, October 18, 2022, 2022 @ 6:30 PM  
Meeting via Zoom (Video) Conference  
Minutes of Meeting**

**Board Members Present:**

Rebecca Abbott	Rob Brown	Josh Geller	Gloria Henson
Cindi Stratton	Gernot Trolf	Debbie Watkins	Jenine Whittecar

**Absent:** Michelle Baron; Dennis Lynch; Bob Semenson; Brian McCarthy

**OPENING FUNCTIONS**

Meeting was called to order by Chair Debbie Watkins at approximately 6:37 PM, and a quorum was confirmed.

**Administrative Items**

**Revisions to Agenda**

Copies of the Agenda for the October 18, 2022 Meeting via Zoom Conference were distributed and reviewed. No changes or additions.

- **Approval of Minutes** for September 2022 Meeting via Zoom Conference  
Copies of the draft September 20, 2022 Minutes of Meeting via Zoom Conference were distributed and reviewed. There being no corrections, the September 20, 2022 Minutes were **APPROVED by UNANIMOUS CONSENT.**

- **Chair’s Report**

(1) Chair reported that since the Governor has not lifted his emergency order regarding COVID measures and with related cases still in the picture, the plan is to conduct the Board’s November 15, 2022 Meeting via Zoom. Chair asked if there were any objections from Board Members. There being NO objections, the November 15, 2022 meeting will be conducted via Zoom Conference.

(2) Community Planning Group Reforms – At the September MBPPB Zoom meeting, Board members asked whether contributions from Board Members to fund a dedicated website would be considered a conflict of interest. Chair learned from a representative in Councilmember Joe LaCava’s office that contributions from Board Members are considered “voluntary contributions” so no conflict would be considered.

**REPORTS FROM GOVERNMENT OFFICIALS**

- **Miki Holmes, District Representative, CA State Assemblymember Christopher Ward, 78<sup>th</sup> Assembly District**

Miki Holmes reported that Assemblymember Ward had 11 new laws passed he assisted in creating. He also initiated a bill for solar credits for solar farms like community gardens. The Board and public were given an opportunity to comment and ask questions.

- **Seamus Kennedy, Community Representative for District 2 Councilmember Jennifer Campbell**

Seamus Kennedy reported that the City Council has set a date of November 14, 2022 to vote on sidewalk vendor ordinance and wording for push carts. Once the sidewalk vending ordinance is enforced in Mission Beach, there would be no vending in Mission Beach Park and on the Boardwalk. There will be a second reading 30 days from that date or January 2023, dependent upon passing the sidewalk vending ordinance “as is” with no addendums. Regulation of beach fires is being reviewed by District 1 Councilmember LaCava. Boardwalk lights repairs and replacement from the Jetty to the Catamaran is in the works.

The Board and public were given an opportunity to comment and ask questions. General comments from Board members and the public: no workers seen in Mission Beach repairing the lights; loud motorcycles at El Carmel and need for police department enforcement; new homeless encampments around Mission Beach; homeless women asking for handouts along median at intersection of Mission Bay Drive and Mission Boulevard; and status of repair of seawall.

## **BUILDING PLAN REVIEWS**

### **Action Items:**

- **Pan Residence; Project No. 698872;** Coastal Development Permit for the demolition of an existing 2-level residence and construction of new 1,469 SF 3-level single family residence with an attached garage located at 3812 Bayside Lane. The 0.03-acre site is located in the MBPD-R-N and the Coastal (appealable) Overlay Zone within the Mission Beach Community Plan and Council District 2. Presentation by Tim Golba, Architect at Golba Architecture, Inc.

Property Owners were not present; Architect Tim Golba represented the owners.

Architect Tim Golba gave a thorough PowerPoint presentation of the proposed project with multiple views of the structure, internally and externally, which included an update on the FEMA Flood Map changes in Mission Beach particularly along the bayside. He pointed out there will be no rooftop deck as the owners preferred to add an additional bedroom with a smaller master bedroom. Architect Golba responded to all inquiries and explained in detail the challenges to meet all of the legal criteria.

After further discussion, the following motion was duly made:

**MOTION #1 was made by Josh Geller and seconded by Rob Brown TO APPROVE Project No. 698872 located at 3812 Bayside Lane as presented.**

**VOTE: For: 7 Against: 0 Abstain: 0  
Motion Passed.**

### **Action Item:**

- **3757 Mission Boulevard; PRJ-1059496;** (Process 3) Coastal Development Permit for the demolition or removal of 50 percent or more of the exterior walls of the existing structure (810 Queenstown Court) to allow expansion of adjacent retail space. Work to include the addition of 1,219 square feet to existing 1,710 square-foot retail building for total of 1,989 square feet. The property is located at 3757 Mission Boulevard. The 0.09-acre site is in the

MBPD-NC-N and Coastal Overlay (Appealable) Zone and Coastal Height Limitation and Parking Impact (Coastal) Zones within the Mission Beach Community Plan area and Council District 2.

In addition, consideration at Applicant's request for a Neighborhood Development Permit (Process 2) to keep previously conforming rights of existing setbacks per SDMC Section 127.0106(b) for the expansion of the structure per SDMC Sections 127.0104(a & b). Presentation by Daniel Linn Architect

The property owner was present.

Architect Linn (the Applicant) presented a PowerPoint showing a portion of the architectural drawings combining the Hub Liquor store on Mission Boulevard with a residential property located at 810 Queenstown Court (Lot P). The Queenstown Court property was a single-story beach cottage with a sloped roof that was torn down except the front door entrance wall set along a 0' front-yard setback. Mr. Linn informed the group that the City initially gave him a permit for a remodel but later came back and required a Coastal Development Permit (Process 3) for the demolition of 50% or more of the exterior walls of the existing structure along Queenstown Court, which would require that any new structure would have to meet the current regulations and setbacks of the PDO. Later, the Applicant asked the City to consider a Neighborhood Development Permit ("NDP") (Process 2) so the previously conforming 0' setback can be kept for the new building construction on Queenstown Court.

Mr. Linn provided a colorful rendering of the proposed Hub Liquor store frontage along Mission Boulevard. However, there were no renderings presented of the back of the building along Queenstown Court where the commercial building will extend its footprint into the residential area as a two-story cement building with a windowless façade and flat roof. This is the area where the Applicant is requesting consideration of a NDP to be able to keep the previously conforming structure's 0' setback along the southwest side along Queenstown Court. According to the City, the structure that was demolished in the rear would have to maintain at least a 10-ft setback from the wall to the property line along Queenstown Court.

Mr. Linn's digital plans were difficult to decipher the heights of the new flat roof along this southwest corner and at the second floor. His answers were even more confusing. That is why the Board asked for a rendering of the proposed new structure along Queenstown Court.

The MBPPB's Project Reviewer showed several pictures related to the 10' setback required along Queenstown per the Mission Beach PDO requirements and questioned the 0' setback at the front of the structure along Queenstown Court where the remaining pieces of wood would be connected to the Hub Liquor building and roof line.

The next door neighbor stated that a standing water problem existed between the properties and was concerned the new building would worsen the problem by building a solid cement building with a flat roof that would drain off rain with no place to go. Architect Linn stated a permeable ground cover will be added along the property line. The neighbor also asked what that south side of Hub Liquor would look like as one enters Queenstown Court.

In considering the NDP, Chair pointed out that a NDP cannot subvert or override the Land Development code, which includes our PDO regulations. Chair pointed out the *Findings for a NDP Approval under SDMC Section 126.0404(a) (1), (2) & 3* must be met, which this proposed project fails to meet as follows:

(1) Proposed *development* will not adversely affect the applicable *land use plan*.

- "Land Use Plan" means the **General Plan and adopted community plans, specific plans, precise plans, and sub-area plans** (SDMC Section 113.0103). What this means is that the project needs to follow our PDO regulations as consistently applied since its inception in 1979 and not wander off into other provisions of the Land Development Code and attempt to override our PDO.

(2) The proposed *development* will not be detrimental to the public health, safety, and welfare.

- Air, space, light = PDO objective principals are lacking. Coastal Commission "View Corridor" further obstruction with 0' setback.

(3) The proposed development will comply with the applicable regulations of the land development code including any allowable deviations pursuant to the Land Development Code.

- Applicable development must comply with the applicable regulations of the LDC - per our PDO - always demolition of over 50% of existing walls of structure requires new construction building back to the PDO regulations as a new structure. No non-conforming encroachments allowed. Our PDO trumps any and all exceptions -- All setbacks must be adhered to unless a variance is obtained.

Chair thanked all who submitted letters expressing support of the Hub Liquor project and Mr. Ibrahim's generous and kind service to community members. Chair noted that the Board's responsibility is to enforce the Mission Beach PDO regulations so developers and the community can rely on it now and into the future. By subverting the legal requirements of the PDO and Coastal Development Permit process for a NDP that violates required setbacks sets a precedent for other to do the same, which the PDO was established to prevent. Chair expressed hope that the Architect will be amenable to making changes to this project that meets the PDO requirements for the benefit of the community.

At this point, Robin Madaffer the attorney for the owner, and the owner asked to continue the Board's review of this project to the November 15, 2022 meeting so they can answer some of the questions raised at this meeting. Chair agreed to schedule a second review at the Board November 15, 2022 Meeting via Zoom.

**NON-AGENDA PUBLIC COMMENT** – One minute per speaker for issues NOT on the Agenda within the purview of the MBPPB. Comments are subject to time and technological constraints. None.

#### **BOARD COMMUNICATIONS**

- **Liaison Update (ANAC)** – ANAC Representative Gloria Henson stated she would give an update at the Board's November 15, 2022 Meeting.

There being no further business, the next MBPPB meeting takes place on Tuesday, November 15, 2022 via Zoom conference at 6:30 PM.

**ADJOURNMENT**

**Motion #2 was made by Gernot Trolf and seconded by Rebecca Abbott  
TO ADJOURN the meeting at 8:12 PM.**

**VOTE: For: 7 Against: 0 Abstain: 0**

**Motion Passed.**

Prepared by Debbie Watkins, Secretary