



THE CITY OF SAN DIEGO

# REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** April 22, 2010                      **REPORT NO. PC-10-028**  
**ATTENTION:** Planning Commission, Agenda of April 29, 2010  
**SUBJECT:** AMENDMENT TO THE MISSION BEACH PLANNED DISTRICT  
(PROCESS 5)

## SUMMARY

**Issue:** Should the Planning Commission recommend to the City Council approval of amendment to the Mission Beach Planned District Ordinance (Chapter 15, Article 13, Divisions 1 through 4) and the City's Local Coastal Program to address community raised issues, clarifications, redundancies, and reorganization?

### Staff Recommendations:

1. Recommend that the City Council CERTIFY Negative Declaration No. 12003225.
2. Recommend that the City Council APPROVE the amendment to the Mission Beach Planned District Ordinance in Chapter 15, Article 13, Divisions 1 through 4 of the Municipal Code and the City's Local Coastal Program.

**City Council:** On February 24, 2009 the City Council voted 8-0 to initiate the zoning action for the Mission Beach Planned District Ordinance consistent with Section 123.0103(a) of the Municipal Code.

**Code Monitoring Team (CMT):** On February 10, 2010 the Code Monitoring Team recommended 7-0-1 to approve the amendment to the Mission Beach Planned District Ordinance with the following recommended modifications:

1. Maintain the ability to request a Neighborhood Development Permit to
  - exceed the height of walls, fences, and retaining walls by up to 20%; and
  - reduce the required setback for previously conforming structures by 20%;
2. Incorporate the architectural projections language of the Land Development Code to address supports for entry roofs; and
3. Clarify where the measurement for height is taken to determine the location of the angled plane.

The first recommendation has not been incorporated as it is a major component of the Mission Beach Community Precise Planning Board's recommendations for amendment. The draft Mission Beach Planned District Ordinance has been modified to incorporate the second recommendation. The third recommendation was reviewed and it was determined that the language in the draft ordinance does correctly address the issue of height with regard to the measurement of the angled plane.

**Mission Beach Precise Planning Board:** On November 18, 2008 the Mission Beach Precise Planning Board voted unanimously to recommend adoption of the draft amendment to the Mission Beach Planned District Ordinance. Since that time there have been modifications to the draft ordinance. Staff has been working with a subcommittee of the Planning Board which returned modifications deemed to be significant to the Planning Board for input. The current draft reflects that community input.

**Additional Public Outreach:** The proposed amendment to the Mission Beach Planned District Ordinance was made available for a 30-day review and comment period beginning on August 3, 2009. It was also made available to individuals and groups on the City Planning and Community Investment Department's interested parties list that were located in the 92109 zip code as well as to architects and builders known to work in the beach communities. The draft has been posted on the Development Services Department's website along with a tracking table that describes the proposed changes.

**Environmental Review:** The City of San Diego as Lead Agency under CEQA has prepared Negative Declaration No. 12003225, covering this activity.

**Fiscal Impact Statement:** Amendments to the Land Development Code are funded as an overhead expense in the Development Services Department's budget as a part of the Land Development Code Update Program.

**Code Enforcement Impact:** As proposed, the amended regulations would not result in an impact on Neighborhood Code Enforcement.

**Housing Impact Statement:** The proposed amendment would not affect provision of housing units.

## **BACKGROUND**

Geographically, the Mission Beach Community Planning Area is unlike any other community planning area in the City of San Diego. The community is located between the Pacific Ocean and Mission Bay on a two mile long sandbar that is one-quarter mile wide at its widest point.

Mission Beach was developed using a simple grid pattern. Primary vehicular access is provided by Mission Boulevard, the only north/south street in the community. Additional north/south vehicular circulation is provided by two one-way alleys that flank Mission Boulevard; Bayside Lane and Strandway (northbound and southbound respectively). East/west vehicular access within the community is provided by a series of alleys and places. Primary north/south

pedestrian access is provided by the sidewalks along Mission Boulevard, Bayside Walk and Ocean Front Walk. Primary east/west pedestrian access is provided by courts linking San Diego Bay and the Pacific Ocean. Adding to the uniqueness of Mission Beach are the small lot sizes. The community contains the smallest standard lot sizes of any community, with the largest standard lot size at 2,400 square feet and the smallest standard lot size at 1,250 square feet. These conditions are precisely why the community is regulated by the tailored zoning of the Mission Beach Planned District Ordinance (MBPDO) which was adopted in 1979.

The development regulations of the MBPDO differentiate between the north (large lot size) and south (small lot size) portions of the community plan area. The regulations further separate the community into two subdistricts; a residential subdistrict and a commercial subdistrict. The commercial subdistrict also permits residential use. The zoning designations identify whether the zone is in the north or south, for example the Residential Northern (R-N) and Neighborhood Commercial Northern (NC-N) are located in the northern portion of the community planning area. Attachment 1, Mission Beach Planned District Ordinance Zoning Map, illustrates the development pattern of the community.

## **DISCUSSION**

The proposed amendment to the MBPDO originated from the Mission Beach Precise Planning Board. The main issues relate to determining grade, allowable encroachments, eliminating the option to use a Neighborhood Development Permit to deviate from the requirements of the PDO, and expansion of the applicability of the 45 degree angled plane. Staff worked with a subcommittee of the Mission Beach Precise Planning Board to review and evaluate the requested changes. During the course of reviewing the community proposals other minor changes were incorporated into the amendment to clarify and reorganize existing language, and remove redundancies. The draft MBPDO is provided in ~~strikeout~~/underline in Attachment 2. Attachment 3 is a tracking table that identifies each section of the MBPDO that is proposed to be amended, where those sections were located in the existing code, and comments on the proposed change.

The majority of the proposed changes to the MBPDO address removal of redundant language that is located elsewhere in the Municipal Code, and reorganization and rewording intended to clarify existing language and concepts in order to increase usability. The following discussions address the main issues that the Mission Beach Precise Planning Board requested be modified.

### ***Determining Grade***

The primary intent of the change is to maintain the quality of Mission Beach's courts. The courts contribute significantly to the pedestrian experience and the community character of Mission Beach. Historically, the courts provided a comfortable pedestrian experience where adjacent ground level yards/gardens were visible and neighborly interaction was supported. The MBPDO did not historically address grade, it relied on the Municipal Code which pre-2000 defined grade as follows:

Grade is the elevation of the surface of the ground of a premises, pre-existing or finished, whichever is lower in elevation.

That definition guaranteed that fences and walls adjacent to courts, which were limited to three-feet in height, were in fact no more than three above the grade of the adjacent court. That definition was modified and broken into separate definitions for grade, existing grade, and proposed grade with adoption of the Land Development Code. The MBPDO was not modified to adjust for this change and as a result some projects have been able to “manipulate” grade such that the yard adjacent to the court is raised above the elevation of the court by 3 feet with a 3-foot wall or fence placed on top of the manipulated grade. The end result is that the pedestrian character of the court is slowly evolving and could eventually devolve into a walled walkway.

The proposed amendment would insert the phrase “above existing grade or proposed grade, whichever is lower” wherever height is addressed in the MBPDO. This would return the determination of height in Mission Beach to what it had been prior to 2000.

### ***Allowable Encroachments***

The MBPDO does not currently address allowable encroachments, with two exceptions. The first allows an 18 inch encroachment into the yard of a court or place provided that an equal amount of area is setback 18 inches more than the required setback. The second allows an encroachment into the 45 degree angled plane for dormers. These two encroachments are still allowed with only one modification, the maximum width of a single dormer is proposed to be increased from 8 feet to 10 feet consistent with the Land Development Code.

The MBPDO applies the regulations of Chapter 13 (Zones) of the Land Development Code where they do not conflict with regulations of the MBPDO. Over the years this has led to some confusion and inconsistent application with regard to what may or may not encroach, and how much of encroachment is appropriate given the lot sizes in Mission Beach. Section 131.0460 of the Land Development Code (Architectural Projections and Encroachments in Residential Zones) identifies typical architectural elements that may encroach into required setbacks. The projections and encroachments include eaves, cornices, trellises, bay windows, entry roofs, and fireplace enclosures. The amendment to the MBPDO specifically identifies typical architectural elements that may encroach into required setbacks. It includes a new subsection for allowable encroachments in the residential and commercial subdistricts. Elements that are allowed to encroach into courts, places, walks, and side yards include gutters, vents, fixtures, cornices, dormers, and entry roofs.

### ***Elimination of the 20% Deviation through the Neighborhood Development Permit***

As previously stated, Mission Beach is a unique natural and built environment. Application of citywide zoning regulations of the Land Development Code would result in continual requests for deviations and or variances. The MBPDO was developed to significantly reduce this need by developing zoning regulations that addressed the regulatory needs specific to the small lot sizes and the development pattern of courts, places, walks, and alleys. Prior to 2000, deviations were not permitted in the MBPDO. The reasoning was that the regulations of the MBPDO were specifically crafted to remove the need to deviate. The only method for developing a property that did not comply with the regulations of the MBPDO was to process a variance. Implementation of the Land Development Code in 2000 introduced the Neighborhood Use

Permit which provides a permit process to request a reduction in setbacks for additions to previously conforming structures by 20 percent and for increasing the height of fences, walls, and retaining walls by 20 percent. The proposed amendment to the MBPDO will re-establish the pre-2000 regulations and require that projects that request to deviate from the development regulations of the MBPDO process a variance.

### ***Expansion of the applicability of the Angled Building Plane***

The MBPDO currently applies a 45 degree angled building plane to specified development to reduce shading on courts, walks, and places, increase air circulation, and reduce the bulk and scale of structures. The current MBPDO applies this angled plane to development as follows:

- South side of a court or place in all Subdistricts - The 45 degree angled plane is applied at 20 feet above grade;
- Interior yards using a three-foot setback in all Subdistricts - The 45 degree angled plane is applied at 20 feet above grade;
- Bayside Walk in all Subdistricts - The 45 degree angled plane is applied as follows:
  - R-S, NC-S, and VC-S Subdistricts - Applied at 20 feet above grade; and
  - R-N, NC-N, and VC-N Subdistricts - Applied at 15 feet above grade.

The proposed amendment would apply the 45 degree angled plane to Ocean Front Walk and the north side of Courts and Places. This would provide additional opportunities for increased light on courts, walks, and places, increased air circulation, and reductions in bulk and scale. The proposal is similar to the requirements currently in place for Bayfront Walk and the south side of Courts and Places. The Proposed amendment would expand the application of the 45 degree angled building plane as follows:

- North side of a court or place in all subdistricts - The 45 degree angled plane would be applied at 25 feet above grade;
- Ocean Front Walk in all Subdistricts - The 45 degree angled plane would be applied as follows:
  - R-S, NC-S, and VC-S Subdistricts - Applied at 25 feet above grade; and
  - R-N, NC-N, and VC-N Subdistricts - Applied at 20 feet above grade.

### ***Miscellaneous Modifications***

Other modifications are proposed to the MBPDO are less noteworthy than those discussed above. The following bullet points address those changes.

- Added calculation for when a carport counts as gross floor area consistent with the LDC. §1513.0105(d) Gross Floor Area
- Reduced the height of fences and walls in interior yards, alleys, Bayside Lane, and Strandway from 8' to 6' consistent with the requirements for the residential subdistrict. §1513.0401(c)
- Modified the percentage of landscape plant material (50% to 30%) and hardscape/water features 50% to 70 %). The lots are generally developed to the maximum coverage

available. Allowing greater landscape hardscape provides greater usable outdoor living area. §1513.0402(a)(3)

- Clarified that the parking exception applies only to parking spaces that are in use at the time of the adoption of this ordinance. §1513.0403(b)(3)(A)(v) and §1513.0403(b)(3)(B)(ii)
- Modified parking space dimensions to be consistent with city wide dimensions. §1513.0403(b)(5)
- Reduced screening height for parking from 5 feet to 3 feet to be consistent with citywide screening height for parking. §1513.0403(b)(6)
- Clarified that driveways and parking are not allowed in required yards for courts, places, or walks unless otherwise exempted. §1513.0403(b)(7)
- Limited curb cuts along Mission Boulevard unless alley access is limited. §1513.0403(b)(8)
- Required off-premises signs to comply with the Land Development Code sign requirements and captured Ventura Place which was not previously subject to the regulations. §1513.0404(c)

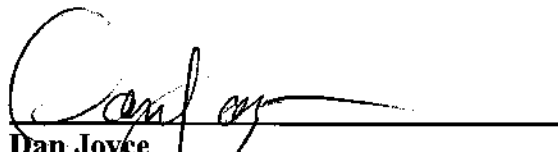
## **CONCLUSION**

The modifications proposed to the Mission Beach Planned District Ordinance are community-based. The majority of the changes identified in the strikeout/underline text reflect a reorganization of existing language, clarification of existing language/concepts, and removal of redundant language. Modifications that will affect new development in Mission Beach are limited and discussed in the discussion portion of this report.

## **ALTERNATIVE**

Recommend that the City Council approve the amendment to the Mission Beach Planned District Ordinance in Chapter 15, Article 13, Divisions 1 through 4 of the Municipal Code and the City's Local Coastal Program with modification(s).

**Respectfully submitted,**



**Dan Joyce  
Senior Planner,  
Development Services Department**



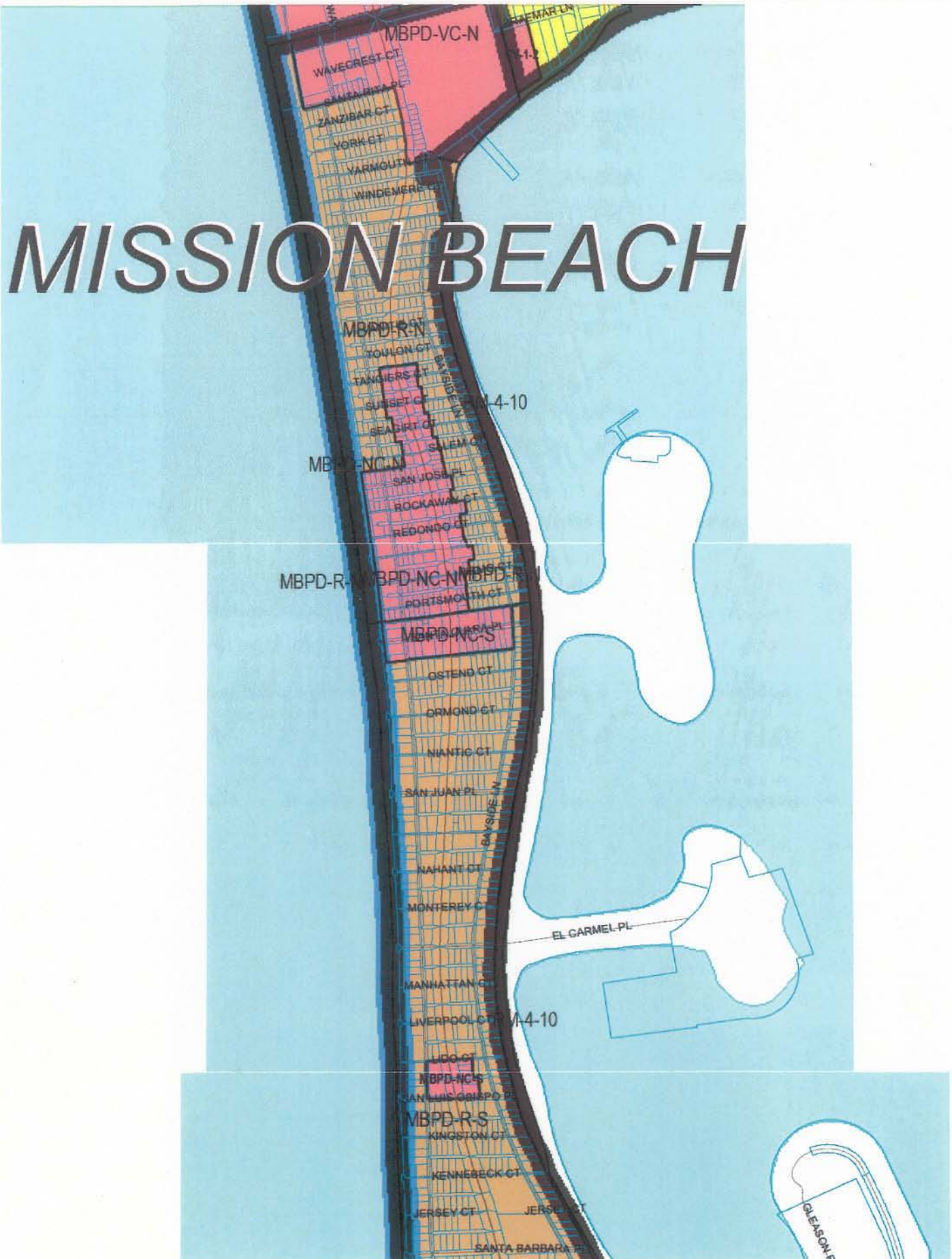
**Kelly G. Broughton  
Director,  
Development Services Department**

BROUGHTON/DJ

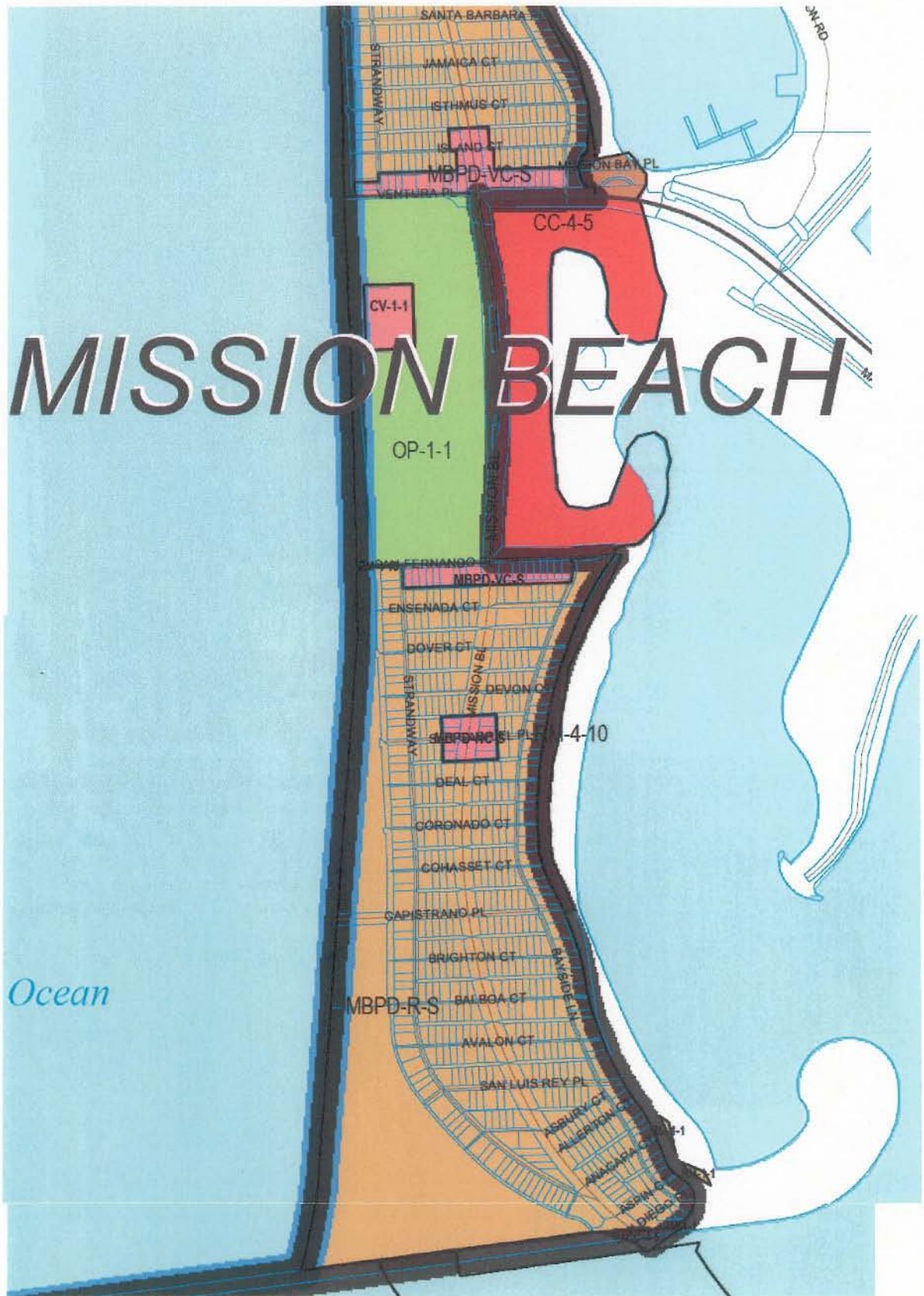
Attachments:

1. Mission Beach Planned District Ordinance Zoning Map
2. Draft Mission Beach PDO in strikeout/underline
3. Tracking Table





# MISSION BEACH





## Article 13: Mission Beach Planned District

### Division 1: General Rules

#### §1513.0101 Purpose and Intent

It is the purpose of these regulations to provide reasonable restrictions on the construction or alteration of residential and commercial developments related to the small-lot size and the urbanization pattern of the Mission Beach community. The intent is to implement the adopted Mission Beach Precise Plan.

#### §1513.0102 Boundaries

The regulations which follow shall apply in the Mission Beach Planned District. The boundaries of the Mission Beach Precise Plan Area in the City of San Diego, California, are designated on Map Drawing No. C-637.1. (Described in the appended boundary description, filed in the office of the City Clerk under Document No. 768482.) The Mission Beach Planned District is generally bounded by Pacific Beach Drive on the north, Mission Bay Park on the east, the San Diego River Flood Control Channel on the south, and the Pacific Ocean on the west.

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

- (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) 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:

| 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  |

- (eb) 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 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~~ 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** – A roofed or unroofed platform, enclosed by a railing or parapet, projecting from an exterior wall of a building. When a balcony is roofed and has less than 40 percent of its vertical surface permanently open, it is considered to be part of the room or interior area it serves and is included in computations of gross floor area. When a portion of a roof is enclosed by a railing, said area shall be defined as a porch or terrace.

**Corner Lot, Mission Beach** - Any lot situated at the intersection of 2 or more streets, courts, places, walks, or alleys, which have an angle of intersection, measured within said lot, of not more than 135 degrees.

**Court** - Any named pedestrian way having no motorized vehicular access dedicated for the primary use of pedestrians as a means of access to abutting properties.

**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.

Gross floor area shall include:

- (a) Enclosed exterior stairwells (excluding the enclosed area under any stairwell from the ground to the second floor only), aboveground parking structures and exterior elevator shafts.
- (b) The floor area of mezzanines and other similar interior balconies.
- (c) Exterior balconies, entrances, porches, canopies, rigid awnings, stoops, openly supported terraces, openly supported stairways, and sun baffles or shades which are constructed and maintained with less than 40 percent of the vertical surface permanently open.
- (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 §113.0234(a)(6) of the Land Development Code).

**Lot Coverage** - Lot coverage is that portion of the area of a lot, expressed as a percentage, occupied by all buildings or structures which are roofed or otherwise covered and which extend more than 3 feet above grade level provided, however, that the following shall be exempted:

- (a) Exterior balconies, entrances, canopies, rigid awnings, stoops, openly supported terraces, openly supported exterior stairways and sun baffles or shades provided they:
  - (1) Do not encroach into required yards;
  - (2) Do not project more than 6 feet from the supporting structures;
  - (3) Are constructed and maintained with not less than 40 percent of the vertical surface permanently open except for those walls which are used in common with the building.
- (b) Roofed areas enclosed by no more than 3 exterior walls of a building which provide shelter to exterior balconies, entrances, stoops, terraces, and exterior stairways.
- (c) Cornices and eaves.
- (d) Those portions of a structure lying partially above grade but not exceeding 3 feet above grade. All horizontal dimensions shall be taken from the exterior faces of walls, including those structural and architectural appendages as defined and set forth herein.



**Place** - Any named vehicular way, also having pedestrian access, dedicated for the primary use of vehicles and pedestrians.

~~**Sign** - All definitions pertaining to "SIGN," shall be all those definitions set forth in Land Development Code Section 113.0103.~~

**Subdistrict** - A portion of the territory within the boundaries of the Mission Beach Planned District within which certain regulations and requirements apply under the provisions of the Planned District Ordinance Regulations.

**Walk, Bayside and Ocean Front** - Any public way immediately adjacent to the ocean in the case of an Ocean Front Walk and the bay in the case of a Bayside Walk, dedicated for the primary use of pedestrians and bicycles.

**Yard, Bayfront, Ocean Front, Court, Place, and Mission Boulevard** - That open, unoccupied space extending across the lot and measured inward, perpendicularly, from the property line adjacent to either Bayside Walk, Ocean Front Walk, Public Beach, Court, Place and/or Mission Boulevard and parallel thereto for a distance specified in this Planned District Ordinance.

**Article 13: Mission Beach Planned District****Division 2: Permits and Procedures****§1513.0201 Mission Beach Planned District Permit**

The City Manager shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration, or enlargement of any building, structure or improvement, or for the occupancy of any building or structure in any portion of the Mission Beach Planned District until a Mission Beach Planned District Permit has been obtained from the City Manager by the applicant or owner. Each application for a permit shall state therein the purpose for which the proposed building, structure, or improvement is used.

**§1513.0202 Conditional Use Permit****(a) Process Three – Hearing Officer**

An application for a Conditional Use Permit for the uses listed below, may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three and Land Development Code Chapter 12, Article 6, Division 3 (Conditional Use Permit Procedures), subject to the development regulations in Land Development Code Chapter 14, Article 1. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.

- (1) Public and private schools for academic, artistic, and vocational instruction.
- (2) Churches, temples or buildings of a permanent nature and used primarily for religious purposes.
- (3) Teaching of the fine arts including, but not limited to: music, drawing, painting, sculpture, drama and dancing.
- (4) Residential care homes for not more than 10 aged or mentally disordered or otherwise handicapped persons or dependent or neglected children and which are licensed by the State of California.
- (5) Parking lots for nonresidential uses in residential and commercial subdistricts.
- (6) The following uses may be permitted in any commercial subdistrict, except as specified in Sections 1513.0202(a)(6)(D), (F) and (G).
  - (A) Automobile service station.

- (B) Buildings, structures, and uses operated by a public utility or by a public body having the power of eminent domain.
- (C) Drive-in or drive-thru offices, retail facilities, and food-handling establishments and services, including those providing pre-prepared food and "fast-food" services.
- (D) Residential structures with a maximum of 6 dwelling units for any development qualifying and approved for housing assistance under programs administered by the Housing Authority of the City of San Diego or similar programs. The number of dwelling units on any lot shall not exceed the maximum permitted density in the applicable Residential or Commercial Subdistricts.
- (E) Laboratories for medical, dental or general research, development or testing.
- (F) Residential, commercial, industrial and institutional uses in and on historical sites in all Residential and Commercial Subdistricts.
- (G) Video arcades limited to the visitor commercial subdistricts 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) The video arcade is so constructed that it mitigates for adverse noise.
- (ii) The facility will be adequately supervised during hours of operation.
- (iii) Hours of operation shall be restricted to be consistent with the surrounding uses.
- (iv) Adequate lavatory facilities will be provided.
- (v) Bicycle racks are provided within 25 feet of the video arcade.

~~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 conditional use permit 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**

#### **§1513.0301 Subdistricts of the Mission Beach Planned District**

In order to regulate the location of dwellings, businesses, recreation areas and other specified uses, subdistricts of the Mission Beach Planned District are established. The boundaries of said subdistricts are designated on that certain Map Drawing No. C-637.1.

#### **§1513.0302 Residential Subdistricts — Northern and Southern — Definition and Intent**

- (a) The Residential Subdistricts are designated R-N and R-S. The purpose of the Residential Subdistrict is to regulate the small-scale and low-profile developed area with a maximum residential density of approximately 36 dwelling units per net residential acre.
- (b) It is the intent of these regulations to allow the improvement or development of the standard Mission Beach lots with little or no need for variances.

#### **§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
  - (1) Single dwelling units.
  - (2) Duplexes (2 dwelling units in a single structure).
  - (3) Multiple dwelling units; restricted to a maximum of 4 dwelling units in any single structure including common wall construction on adjoining lots.
  - (4) Parks and Playgrounds.
  - (5) Off-premises parking lots for residential uses in accordance with the provisions of Land Development Code Section 142.0535 except that the parking lot shall be within a horizontal distance of 300 feet of the premises for which the off-street parking is located. Off-premises parking shall not be utilized in lieu of required on-premises parking.

## (b) Accessory Uses

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

- (1) Private garages, parking areas, and storage areas.
- (2) Recreational facilities intended only for the use of residents residing on the premises.
- (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-premise signs as defined by Section 1513.0404(a) ~~On-premises Sign Regulations - 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 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 ~~Any~~ lot which qualifies under the definition of a lot as set forth in Land Development Code Sections 113.0103 and 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 the provisions of the applicable to this zone.

Table 1513-03A  
Minimum Lot Standards

| <u>Standard</u> | R-N                   | R-S                   |
|-----------------|-----------------------|-----------------------|
| Area            | 1,250 Square Ft. Feet | 2,400 Square Ft. Feet |
| 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.

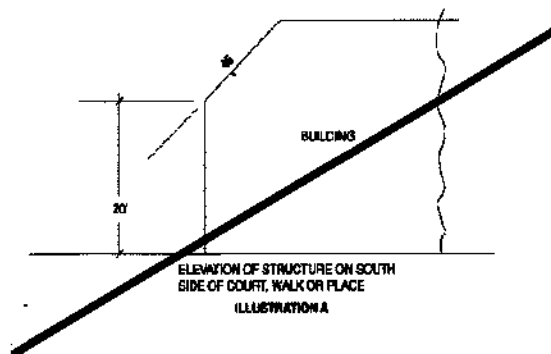
The minimum yards for Bayside and Ocean Front Walks shall be as follows:

- (A) R-N Subdistrict, Bayside Walk - 5 feet.
- (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. Use of these varying setbacks shall fulfill requirements for vertical offset.
- (C) R-S Subdistrict, Bayside and Ocean Front Walks - 10 feet.
- (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) A yard abutting Bayside Walk shall have an additional setback beginning 20 feet above existing grade or proposed grade, whichever is lower, in the R-S Subdistrict and 15 feet above existing grade or proposed grade, whichever is lower, 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.
- (ii) A yard abutting Ocean Front Walk shall have an additional setback beginning 25 feet above existing grade or proposed grade, whichever is lower, in the R-S Subdistrict and 20 feet above existing grade or proposed grade, whichever is lower, in the RN 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.

(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 feet

(B) R-S Subdistrict - 15 feet

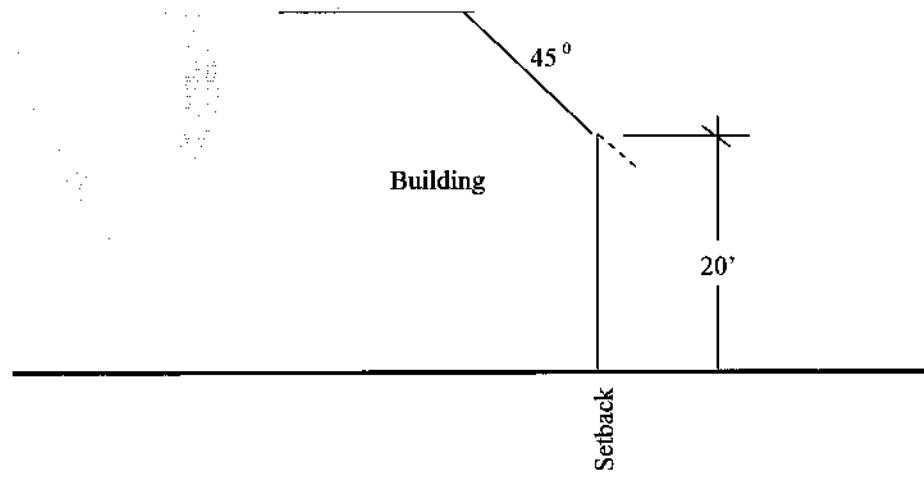
(C) Exceptions:

(i) Buildings on the south side of a Court or Place exceeding 20 feet in height above existing grade or proposed grade, whichever is lower, shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the 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 (Diagram 1513-03A).

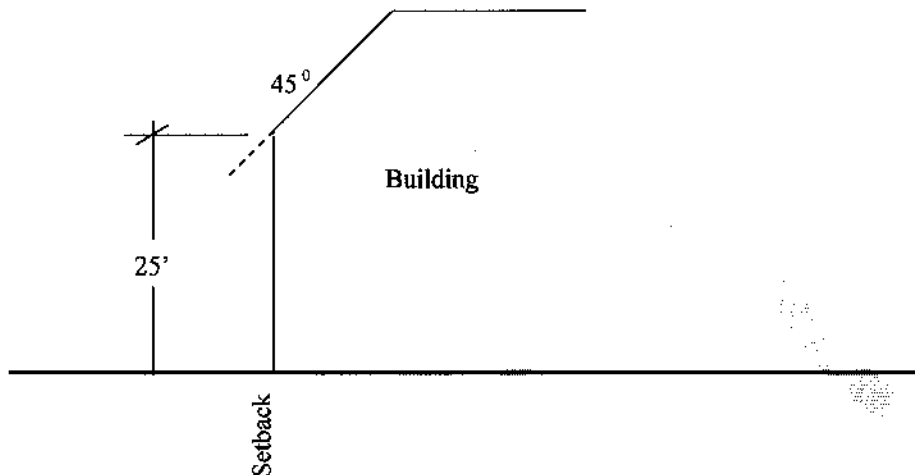
(ii) Buildings on the north side of a Court or Place and exceeding 25 feet in height above existing grade or proposed grade, whichever is lower, shall observed an additional setback beginning 25 feet above existing grade or proposed grade, whichever is lower, at the setback and sloping back at a 45 degree 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 (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) Five feet. 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.
- (B) Exceptions: Five feet for structures whose facade abutting the yard exceeds 20 feet in height.
  - (i) A three-foot setback may 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 façade 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 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.

(4) Minimum Yards on Streets and Alleys.

Yards abutting Strandway and Bayside Lane and alleys shall not be required.

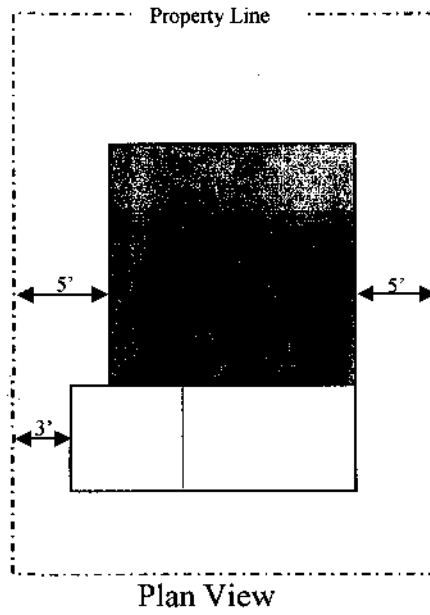
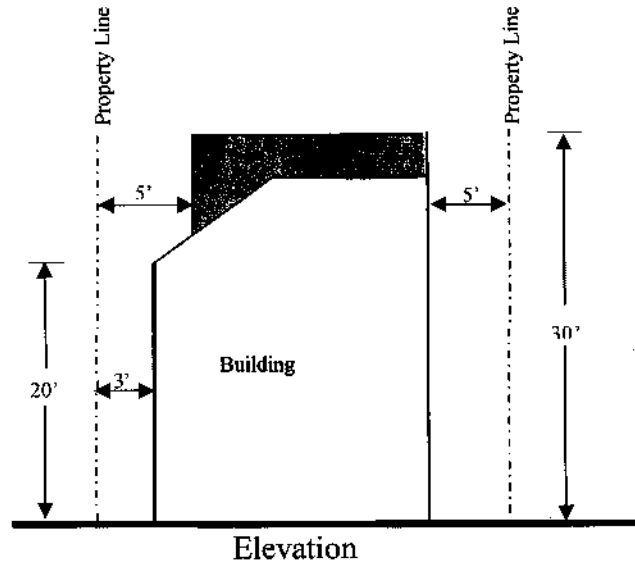
(5) Mission Boulevard Yards.

Buildings abutting Mission Boulevard shall be 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 7 feet.

(6) Minimum Rear Yards.

No rear yard is required except where the rear yard abuts an interior or rear yard of an adjacent lot; then, the regulations in Section 1513.0304(c)(3) shall apply.

**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>6 inches</u>                  | <u>6 inches</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>6 inches</u>                  | <u>6 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>                      |

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 the 45% angle required in 1513.0304(c)(1)(D).

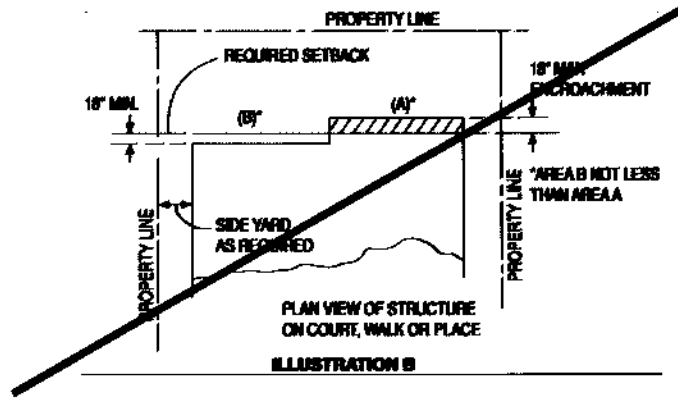
<sup>5</sup> See Section 1513.0304(d)(2)(A)(ii).

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

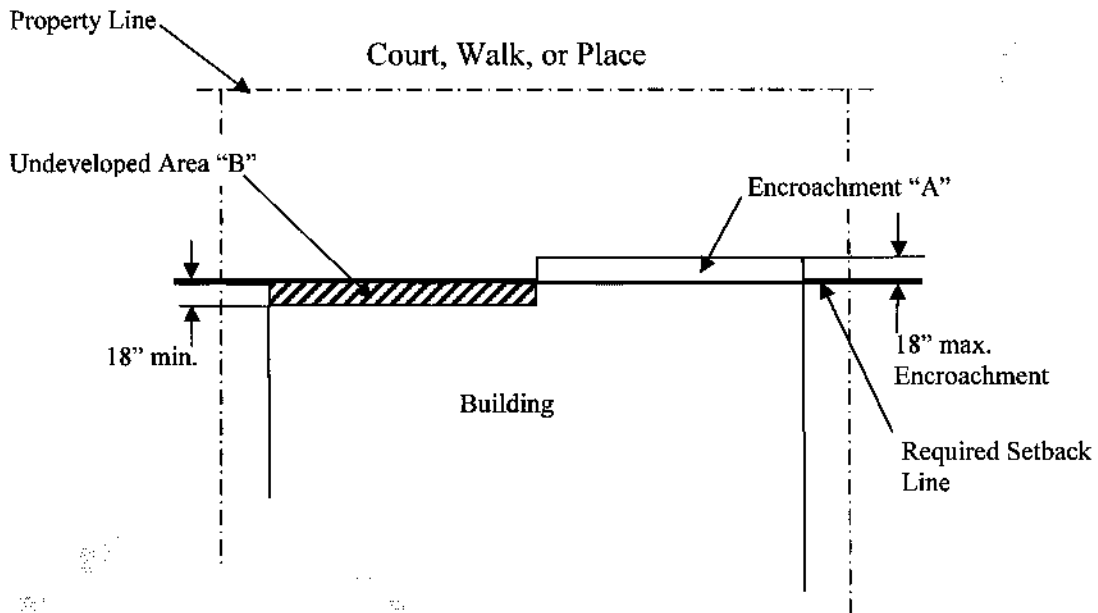
(A) The following encroachments are permitted:

(i) An encroachment of up to 18 inches or a vertical offset extending full height that is a minimum of 3 feet in depth and not less than 45 degrees for not less than 50 percent of the building as illustrated in Diagram 1513-03D consistent with the following:

- The width of the offset that encroaches is not more than one-half of the total building width extending the full height of the building, and
- An area equal to the width of the encroaching offset at a minimum depth of 18" is undeveloped behind the required setback line parallel to the Court, Place, or Walk.



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



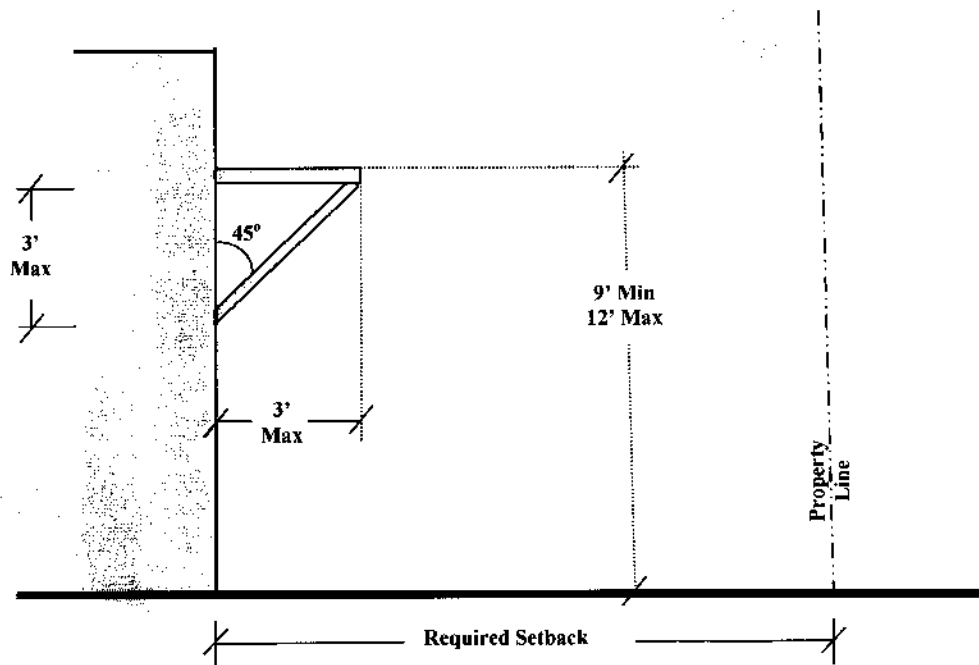
(ii) Entry roofs may encroach up to 3 feet into the court, place, or walk yard setback consistent with the following (see Diagram 1513-E):

- 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;
- 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 roof cannot be supported through a  
continuation of the floor joist;

- The maximum width is the door width plus three feet; and
- Only one entry roof per premises is allowed to encroach into the yard.

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



**(B)** The following encroachments are not permitted into yards for courts, places, or walks:

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

(3) Encroachments into Interior Yards

Only those encroachments listed in Table 1513-03B are allowed in the interior yard.

(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 (no more than the minimum size required by the California Building Code) 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) A dormer 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 dormer(s) 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.

(e) Building Width

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 façade is provided. The vertical offset shall be a minimum of three feet in depth, not less than 45 degrees, and extend the full height of the building. The offset in Section 513.0304(d)(2)(A)(i) may be used to satisfy this requirement (see diagram 1513-03D).

(df) Maximum Lot Coverage.

The maximum lot coverage shall be 65 percent.

(eg) Floor Area Ratio.

(1) The basic maximum floor area ratio shall be 1.1.



- (2) Portions of the building or structure used exclusively for required off-street parking shall not be included as part of the building area for the purposes of determining floor area ratio. This exemption is restricted to a maximum 200 square feet per required off-street parking space.
  - (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. The maximum height of a building or structure shall be 30 feet. If the 30-foot height limitation of Ordinance No. 10960 N.S. is removed from Mission Beach, the building height limit shall be 35 feet.

#### **§1513.0305 Commercial Subdistricts — Definition and Intent**

The Neighborhood Commercial Subdistricts are designated NC-N or NC-S and the Visitor Commercial Subdistricts are designated VC-N and VC-S. The purpose of the Neighborhood Commercial is to provide adequate commercial services for the residents while the Visitor Commercial accommodates tourists, visitors and vacationers.

It is the intent of these regulations to provide development possibilities that will accommodate both commercial and mixed uses as well as compliment existing development and the surrounding residential areas.

#### **§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) Primary Uses**

- (1) Those primary uses and density set forth in Section 1513.0303 (Permitted Uses) and Section 1513.0304(a) (Density Regulations) except that residential uses shall not be permitted within the first story of any building on any lot abutting Mission Boulevard; and for lots exclusively developed residentially, that development is subject to all regulations of the abutting residential subdistrict.
- (2) Business Offices (not including hiring halls) provided, however, that business offices shall not be permitted within the first story of any building on any lot within the VC-N and VC-S Subdistricts and further provided that 50 percent of the ground floor area of the first story shall be reserved for those uses permitted in Section 1513.0306(a)(3).

- (3) Retailing of consumer convenience goods and dispensing of consumer services from the following establishments provided, however, that no premises shall contain drive-in or drive-thru facilities:
- (A) Apparel shops
  - (B) Art stores
  - (C) Bakeries
  - (D) Barber shops
  - (E) Beauty shops
  - (F) Bicycle shops
  - (G) Book stores
  - (H) Curtain and drapery shops
  - (I) Drug stores
  - (J) Dry cleaning and laundry establishments and agencies and self-service dry cleaning and laundry establishments
  - (K) Gyms, when equipped for physical fitness activities and athletic training programs
  - (L) Florists
  - (M) Food stores
  - (N) Hardware stores
  - (O) Hobby shops
  - (P) Jewelry stores
  - (Q) Liquor stores
  - (R) Nurseries – plants
  - (S) Paint and wallpaper stores
  - (T) Photographic studios
  - (U) Radio, television and home appliance repair shops

- (V) Restaurants
- (W) Shoe stores
- (X) Shoe repair shops
- (Y) Sporting goods including rental items
- (Z) Stationers
- (AA) Studios for teaching of art, dancing and music
- (BB) Variety stores
- (CC) Taverns and other similar places serving alcoholic beverages.
- (4) Schools and studios for academic, cultural (including the fine arts), technical, vocational, or professional instruction.
- (5) Motels and hotels in the VC Subdistrict only including:
  - (A) Housekeeping units -- guest rooms having separate access to the outside or to a hallway used in common with other guest rooms and having cooking facilities and used for combined living, dining and sleeping purposes.
  - (B) Related recreational facilities.
  - (C) Restaurants and bars with incidental entertainment and dancing.
- (b) Accessory Uses

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

- (1) Private garages, parking areas and storage areas except access shall not be off Mission Boulevard.
- (2) Recreational facilities intended only for the use of residents residing on the premises.
- (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 under the definition of a lot as set forth in the Municipal Land development Code Section 113.0103 and 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 of the applicable to this zone.

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

| <u>Standard</u> | <u>NC-N, VC-N</u> | <u>NC-S, VC-S</u> |
|-----------------|-------------------|-------------------|
| 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) ~~Five feet. 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) Exceptions: A yard shall not be required for lots abutting Mission Boulevard, Ventura Place and West Mission Bay Drive.
- (i) A three-foot setback may 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 façade 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 1513.077(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) 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 is not 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 feet.
- (i) ~~NC N and VC N Subdistricts, Bayside Walk - 5 feet.~~
- (ii) ~~NC-N and VC-N Subdistricts, Ocean Front Walk - 7 feet for the first story, and for~~ For any additional stories above the first story, 3 additional feet for 50 percent of the lot fronting on the walk and 5 additional feet for the remaining 50 percent.
- (iii) ~~NC-S and VC-S Subdistricts, Bayside and Ocean Front Walks - 10 feet.~~
- (iv) ~~Exceptions:~~
- (i) ~~A yard abutting Bayside Walk shall have an additional setback beginning 20 feet above~~ grade existing grade or proposed grade, whichever is lower, in the NC-S and VC-S Subdistricts and 15 feet above ~~grade existing grade or proposed grade, whichever is lower, in the NC-N and VC-N Subdistricts 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) ~~A yard abutting Ocean Front Walk shall have an additional setback beginning 25 feet above existing grade or proposed grade, whichever is lower, in the NC-S and VC-S Subdistricts 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 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</u>      |
| <u>Eaves</u>             | <u>6 inches</u>      |
| <u>Lighting Fixtures</u> | <u>6 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 (no more than the minimum size required by the California Building Code) 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) A dormer 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 NC-N and VC-N Subdistricts the combined total width of the dormer(s) on the same side of the roof ridge shall not exceed 10 feet.
    - (v) 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.
- (2) For lots exclusively developed with nonresidential development the following floor area ratios are applicable:
  - (A) The basic floor area ratio shall be 1.25.
  - (B) The basic floor area ratio may be increased to 1.75 if one off-street parking space is provided for every 800 square feet of gross floor area.
- (3) For lots with mixed development with the first (or ground) story reserved for nonresidential activities (excluding parking and residential storage) and with the upper stories being designed for residential occupancy, the following floor area ratios are applicable:
  - (A) The basic floor area ratio shall be 1.25.
  - (B) The basic floor area ratio may be increased to 1.75 if 2.0 off-street parking spaces are provided for each dwelling unit.
- (4) For NS-N and NC-S Subdistricts, no individual building or structure shall exceed the total amount of gross floor area of 8,750 sq. ft.

(de) Height. The maximum height of a building or structure shall be 30 feet. If the 30-foot height limitation of Ordinance No. 10960 is removed from Mission Beach, the building height limit shall be 35 feet.



**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) 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. No sharp-pointed or electrically charged fence shall be erected or maintained.

## (c) Commercial 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 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.~~

- (43) 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 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.

#### §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~~<sup>30</sup> percent and shall be a combination of trees, shrubs and ground cover. The remaining ~~50~~<sup>70</sup> percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding 3 feet in height 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 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 of the Land Development Manual.

(b) Commercial Subdistricts

A minimum of 10 percent of the total lot area shall be landscaped adjacent to courts, places, walks, or Mission Boulevard in accordance with the standards set forth in Section 1513.0402(a).

#### §1513.0403 Parking

(a) All Subdistricts

- (1) Where off-street parking access is perpendicular to an alley or street, it shall be a minimum of 21 feet measured from the opposite edge of the right-of-way. This 21-foot distance may be reduced one foot for each 6-inch increase in parking space width but shall not be less than 18 feet.
- (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 additional off-street parking spaces required for the area of the enlargement is the amount required by Land Development Code Chapter 14, Article 2, Division 5. 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) ~~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) ~~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) One space per unit (room) of boarder or lodger.

(2) At least one space per dwelling unit and one space per 2 boarding or lodging units shall have direct access to a dedicated and improved street or alley.

(3) Parking shall not be permitted in required yards other than interior or rear yards, except as provide 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) Said area shall not be utilized to satisfy off-street parking as required by this Planned District Ordinance.

- (ii) Said area shall not be utilized by any vehicle that exceeds 6' in height when measured vertically from the highest point of the vehicle to the parking surface.
  - (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 Guidelines of the Land Development Manual.
  - (iv) For yards abutting courts or places and for parking adjacent to and parallel to Mission Boulevard:
    - A 3-foot high wall or fence shall be located between the parking area and the sidewalk.
    - Said wall or fence may be located within the public right-of-way if an encroachment permit is obtained.
    - The City Manager or designee may approve alternative methods of landscape and screening.
  - (v) The parking space was in existence on [INSERT ADOPTION DATE].
- (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 1, 1979,~~ 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 that said property is in compliance with permits or regulations in effect at the time the property was developed.;
- (i) 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 [INSERT ADOPTION DATE].
- (4) Tandem off-street parking whether enclosed or unenclosed, is permitted. The space required is 8 feet by 35 feet and accommodates 2 cars, one behind the other. For unenclosed tandem off-street parking the required 36-foot depth is measured from the edge of the alley.

Unenclosed tandem parking space may only encroach into an interior yard to achieve the required 36-foot depth. The tandem space shall be marked reserved.

- (5) Fifty percent of the individual (non-tandem) parking spaces shall have a minimum 8-foot width and 20-foot depth. The other 50 percent shall not be less than a minimum 7.5-foot width and 15-foot depth. Parking space dimensions shall comply with the requirements in Table 142-05J of Chapter 14, Article 2, Division 5.
- (6) All parking areas adjacent to Courts, Places, Walks or Mission Boulevard shall be screened by a solid fence 53 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) Commercial Subdistricts

- (1) For hotels and motels, there shall be provided 1.2 parking spaces for each guest room or suite. For hotels and motels with kitchenettes, there shall be provided 1.5 parking spaces for each unit containing one bedroom or less and 2.0 spaces per each unit containing 2 or more bedrooms.
- (2) For residential development the parking requirement shall be as required by Section 1513.0403(b) (Residential Subdistricts).
- (3) For business and professional office uses, there shall be provided one parking space for each 500 square feet of gross floor area.

**§1513.0404 On-Premises Sign Regulations**

(a) Residential Subdistricts – On-Premises Signs

~~(4)~~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 ~~(A)~~ 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.

- (E3) 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.
- (E4) 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.
- (E6) 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.
- (E7) Any sign not in compliance with the provisions of this section within 7 years from April 7, 1998 ~~the effective date of the ordinance adopting these regulations~~ 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 February 1, 1979 ~~the effective date of the ordinance establishing the Residential Subdistricts~~.

(b) Commercial Subdistricts – On-Premises Signs

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

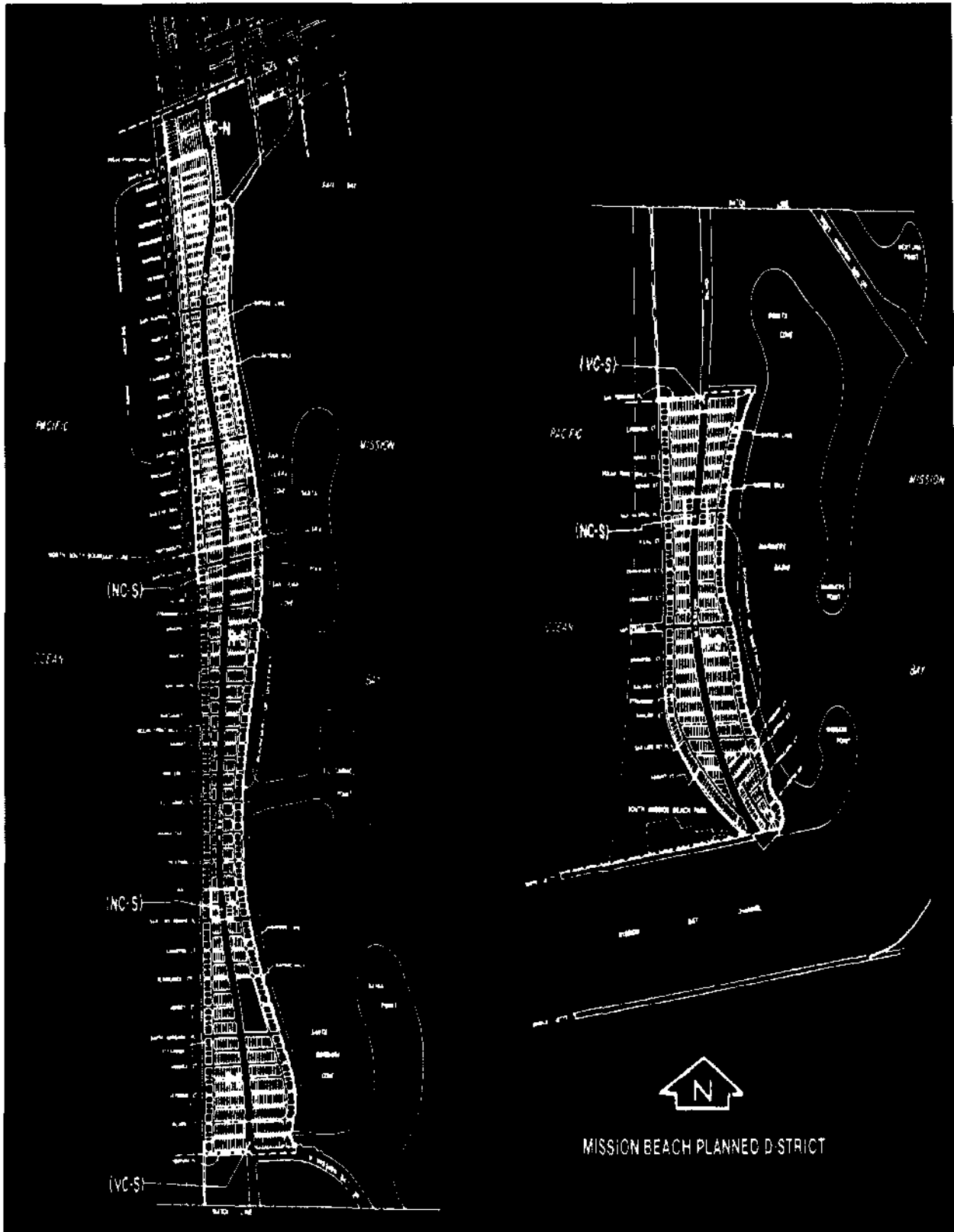
- (1) Signs on the faces of buildings are permitted provided that no sign shall project above the nearest parapet or eave of the building to which the signs are attached. The aggregate sign area for each street frontage on a given premises shall not exceed one square foot for each lineal foot of street frontage or 25 square feet, whichever is larger. In addition, the following identification signs shall be permitted:
  - (A) One single-faced or double-faced freestanding sign located adjacent to each entrance or exit driveway to a parking lot. Signs shall not exceed 12 square feet in area nor a height of 8 feet measured vertically from the base at ground level to the apex of the sign.

- (B) One sign on the exterior wall at each side or rear entrance to a store, shop or place of business provided that no sign shall project above the nearest parapet or eave of the building to which it is attached and, provided further, that no sign shall be attached to the perimeter framing of the building or to the face of canopies or porch roofs. No such sign shall have an area exceeding 12.5 square feet or 0.50 square foot for each lineal foot of street frontage of the premises, whichever is larger.
- (2) For each street frontage of the premises, one sign attached to the wall or one freestanding sign designating the premises for sale, rent or lease is permitted, provided such sign has a maximum area of 8 square feet and a height, if a freestanding, sign not exceeding 8 feet measured vertically from the base at ground level to the apex of the sign.
- (3) Where the face of the building sets back from the property line in excess of 20 feet, single-faced or double-faced, freestanding signs, in addition to those on the building, are permitted, provided that:
- (A) No part of such signs shall extend over public property or have a height exceeding 8 feet measured vertically from the base at ground level to the apex of the sign.
- (B) The total area of all such signs on any street frontage of the premises shall not exceed four-tenths (4/10) of a square foot per lineal foot of street frontage or 37.5 square feet, whichever is smaller.
- (4) Any sign not in compliance with the provisions of this section within 7 years from April 7, 1998~~the effective date of the ordinance adopting these regulations~~ 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 February 1, 1979~~the effective date of the ordinance establishing the Commercial Subdistricts on said property.~~
- (5) Signs permitted herein which are attached to walls or the face of a building shall be parallel to the wall or the face of the building and shall project not more than 18 inches there from.
- (6) Signs permitted herein may be illuminated; however, none shall contain visibly moving parts or be illuminated by flashing lights.
- (7) All signs permitted by the provisions of this section shall also comply with the Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).

(c) Commercial Subdistrict – Off-Premises Signs

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





**TRACKING TABLE  
MISSION BEACH PDO AMENDMENTS**

March 3, 2010

| Proposed Amendments<br>Strikeout/Underline<br>Section | Existing PDO Language<br>Section            | Comments   |
|---|---|--|
| .0103 – Chapter 11 (Land Development                  | .0103 – Chapter 11 (Land Development        | New. This needed to be done to reflect that density is calculated differently in the PDO than in the Land Development Code. See new section .0304(a)(3).   |
| .0103 – Chapter 12 (Land Development                  | .0103 – Chapter 12 (Land Development        | New. Removed NUP, which allowed a 20% deviation with the permit. This was “added” to the PDO during the 1997 LDC Update process. The amendment would restore the PDO to require a variance to deviate. |
| .0103 – Chapter 14 (Land Development                  | .0103 – Chapter 14 (Land Development        | New. Applied LDC Outdoor Storage, Display & Activity regulations. The regulations need to be specifically cited for enforcement purposes.  |
| .0103 – Ordinance History and Community               | .0103 - Severability                        | Renamed.   |
|   | .0103(a) – If any section, subsection       | Redundant. Severability already applies.   |
| .103(a) – The following ordinances, sub-              | .0103(b) – The following ordinances, sub-   | Renumbered.  |
| .0103(b) – The area, as described in                  | .0103(c) – The area, as described in        | Renumbered.  |
| .0105 – It is also intended                           | .0105 – It is also intended                 | Clarified.   |
| .0105 – Dormer  |   | New. Added definition for dormer including increased maximum width of 10 feet consistent with LDC  |
|   | .0105 – Floor Area Ratio                    | Redundant. Same as the LDC, already applies per this section.  |
| .0105 – Gross Floor Area. (d) Carports                |   | New. Clarifies when carport counts in GFA consistent with LDC.   |
|   | .0105 - Sign                                | Redundant - it is the same as the LDC so it already applies per this section.  |
|   | .0202(a)(6)(G) – An approved conditional    | Redundant. Already applies per LDC   |
|   | .0203 – Encroachments/Ocean Front Walk      | Redundant. It applies without stating in the LDC   |
|   | .0303(b)(3)(A) – For a single dwelling unit | Redundant. This is regulated by the City building code   |
|   | .0303(b)(3)(B) – For duplexes and           | Redundant. This is regulated by the City building code   |
| .0304(a) – Density Regulations                        | .0304(a) – Density Regulations              | Reorganized section & deleted expired temporary entitlement  |
| .0304(a)(1) – A single R-S lot                        | .0304(a) – A single RS lot                  | Reorganized.   |
| .0304(a)(2) – Two Contiguous                          | .0303(a)(3) – Multiple Dwelling units;      | Clarification and Relocated.   |
| .0304(a)(3) – Fractions of a dwelling                 |   | New. Uses the method for single family calculation of density. The development allows two dwelling units and   |

**TRACKING TABLE**  
**MISSION BEACH PDO AMENDMENTS**  
 March 3, 2010

| Proposed Amendments<br>Strikeout/Underline<br>Section | Existing PDO Language<br>Section           | Comments  |
|---|--|---|
|   |  | no more. This clarifies existing PDO, and disallows rounding to more than 2 du per lot.   |
| .0304(b) – The minimum lot standards                  | .0304(b) – The minimum lot standards       | Clarified.  |
| Table 1513-03A  | Table 1513-03A                             | Reworded.   |
| .0304(c)(1)(D) – Exception. A yard Abut-              | .0303(D) – Exception. A yard Abutting      | Reorganized.  |
| .0304(c)(1)(D)(i) – A yard abutting Bayside           | .0303(D) – Exception. A yard Abutting      | Reorganized. Revised grade (throughout PDO) to read “existing or proposed whichever is lower”   |
| .0304(c)(1)(D)(ii) – A yard abutting Ocean-           |  | New. Applied angled setback to Ocean Front Walk   |
| .0304(c)(2)(A) – R-N Subdistrict – 10 feet            | .0304(c)(2)(A) – Ten feet in the R-N       | Reorganized. Broke into subsections with setbacks and exceptions  |
| .0304(c)(2)(B) – R-S Subdistrict – 15 feet            | .0304(c)(2)(B) – Buildings facing a court  | Reorganized. Broke into subsections with setbacks and exceptions and relocated the building width to .0304(e) and 18” encroachment to .304(d)(2)(A)(i)  |
| .0304(c)(2)(C) – Exceptions:                          | .0304(c)(2)(A) – Ten feet in the R-N       | Reorganized. Broke into subsections with setbacks and exceptions  |
| .0304(c)(2)(C)(i) – Buildings on the South            | .0304(c)(2)(A) – Ten feet in the R-N       | Reorganized. Broke into subsections with setbacks and exceptions  |
| .0304(c)(2)(C)(ii) – Buildings on the North           |  | New. Applied the angled setback to North side of Courts and places  |
| Diagram 1513-03B                                      | Diagram 1513-03B                           | Cleaned up illustration   |
| .0304(c)(3)(A) – Five feet.                           | .0304(c)(3)(A) – Three feet for structures | Reorganized. Added grade language.<br>Moved three- foot into exception in .0304(B)(i)<br>Relocated angled setback to .0304(3)(D)<br>Relocated Dormer to .0304(d)(1)(4)(B) encroachments into 45degree angled setback.<br>Relocated two lots developed at same time to .0304(a)(2)<br>Relocated consolidated lots to .0304(c)(3)(E) and Modified to address widths in two R-S and R-N subdistricts |
| .0304(c)(3)(B) – Exceptions                           |  | New section for exceptions to minimum interior yards  |
| .0304(c)(3)(B)(i) – A three-foot setback              | .0304(c)(3)(A) – Three feet for structures | Renumbered and Clarified. Placed into exceptions .0304(c)(3)(A). This is actually an exception to the five-foot setback   |

**TRACKING TABLE**  
**MISSION BEACH PDO AMENDMENTS**

March 3, 2010

| Proposed Amendments<br>Strikeout/Underline<br>Section | Existing PDO Language<br>Section           | Comments  |
|---|--|---|
| .0304(c)(3)(B)(ii) – Structures that are              | .0304(c)(3)(A) – Three feet for structures | Renumbered and Clarified The combinations of the three-foot and five-foot setbacks are permissible.   |
| .0304(c)(3)(B)(iii) - In the R-N Subdistrict          | .0304(c)(3)(A) – Three feet for structures | Relocated and Reworded Added lot width for R-S and R-N subdistricts   |
| .0304(c)(3)(B)(iv) - In the R-S Subdistrict           | .0304(c)(3)(A) – Three feet for structures | Relocated and Reworded. Added lot width for R-S and R-N subdistricts  |
| Diagram 1513-03C                                      |  | Clarification. Added new diagram to illustrate existing concept using combinations of setbacks.   |
| .0304(d) - Encroachments                              |  | New. Created new subsection with new and relocated language.  |
| .0304(d)(1) – Only the encroachments                  |  | New. Created new section for encroachments. Limits encroachment to no closer that 2 feet 6 inches from property line (same as LDC)  |
| Table 1513-03B  |  | New. List allowable encroachments   |
| .0304(d)(2) – Encroachments into yards                |  | New. New subsection   |
| .0304(d)(2)(A) – The following                        |  | New. New subsection   |
| .0304(d)(2)(A)(i)- An encroachment of up              | .0304(c)(2)(B) – The following option is   | Relocated and clarified   |
| Diagram 1513-03D                                      | Illustration B                             | Clean-up  |
| .0304(d)(2)(A)(ii) – Entry Roofs may                  |  | New. New encroachments for entry roofs. Incorporated language regarding supports for the roof from the Land Development Code – Projections and Encroachments into Residential Zones |
| .0304(d)(2) (B) – The following encroach-             |  | New. This section really clarifies since these encroachments were not specifically permitted previously   |
| .0304(d)(2) (B)(i) – Encroachment into the            |  | New. This section really clarifies since these encroachments were not specifically permitted previously   |
| .0304(d)(2) (B)(ii) – Any structure that              |  | New. This section really clarifies since these encroachments were not specifically permitted previously   |
| .0304(d)(3) – Encroachments into interior             |  | New. Refers to Allowable encroachments table  |
| .0304(d)(4) – Encroachments into the                  |  | New. New subsection   |
| .0304(d)(4)(A) – Chimneys (no more than               |  | New. Specifically allows specified chimney to encroach into the 45 Degree angled plane for interior yards   |
| .0304(d)(4)(B)- Dormers shall be permit-              | .0304(c)(3)(A) – Three feet for structures | Relocated.  |

ATTACHMENT 3

**TRACKING TABLE**  
**MISSION BEACH PDO AMENDMENTS**

March 3, 2010

| <b>Proposed Amendments<br/>Strikeout/Underline<br/>Section</b> | <b>Existing PDO Language<br/>Section</b>   | <b>Comments</b>   |
|--|--|---|
| .0304(d)(4)(B)(i) – The dormer shall be                        | .0304(c)(3)(A) – Three feet for structures | Relocated.  |
| .0304(d)(4)(B)(ii) – A dormer(s) may be                        | .0304(c)(3)(A) – Three feet for structures | Relocated and Clarified. A dormer can be on each side of the roof ridge line  |
| .0304(d)(4)(B)(iii) – There shall be a min-                    | .0304(c)(3)(A) – Three feet for structures | Relocated.  |
| .0304(d)(4)(B)(iv) – In the R-N Subdistrict                    | .0304(c)(3)(A) – Three feet for structures | Relocated and Reworded. Addressing maximum combined length (10 feet) through R-N Subdistrict. Rather than a percentage.   |
| .0304(d)(4)(B)(v) – In the R-S Subdistrict                     | .0304(c)(3)(A) – Three feet for structures | Relocated and Reworded. Addressing maximum combined length (20 feet) through R-S Subdistrict. Rather than a percentage  |
| .0304(e) – Building width                                      | .0304(c)(2)(B) – Building facing a court   | Relocated and Clarified   |
| .0304(f) – Maximum lot coverage                                | .0304(d) – Maximum lot coverage            | Renumbered.   |
| .0304(g) – Floor Area Ratio                                    | .0304(e) – Floor Area Ratio                | Renumbered.   |
| .0304(h) – Height  | .0304(f) – Height                          | Renumbered.   |
| .0306.(b)(3) – On-premise signs as permit-                     | .0306.(b)(3) – On-premise signs as permit- | Reworded.   |
| .0307(a) – The minimum lot standards                           | .0307(a) – The minimum lot standards       | Reworded.   |
| Table 1513-03 C  | Table 1513-03 C                            | Reworded.   |
| .0307(b)(1)(A) – Five feet.                                    | .0307(1)(A) – Three feet for               | Reorganized. Added grade language.<br>Moved three-foot into exceptions .0307(B)(i)<br>Relocated angled setback to .0307(1)(D)<br>Relocated 5 feet for to .0307(1)(A)<br>Relocated Dormer to .0307(c)(2)(B) encroachments into 45degree angled setback.<br>Relocated two lots developed at same time to .0304(a)(2) it is captured thorough 0306(a)(2)<br>.0307(b)(1)(E)and Modified to address widths in two R-S and R-N subdistricts |
| .0307(b)(1)(B) - Exceptions                                    | .0307(b)(1)(B) a yard shall not be         | Relocated. Moved yard requirement to .0307(b)(2)(B)& (C)  |
| .0307(b)(1)(B)(i) – A three-foot setback                       | .0307(1)(A) – Three feet for               | Relocated from 0307(1)(A) into exceptions.  |
| .0307(b)(1)(B)(ii) – Structures that are                       | .0307(1)(A) – Three feet for               | Renumbered and Clarified. The combination of the three-foot and five-foot setbacks is are permissible.  |
| .0307(b)(1)(B)(iii) – In the NC-N and VC-N                     | .0307(1)(A) – Three feet for               | Relocated and Reworded. Added lot width for R-S and R-  |

ATTACHMENT 3

**TRACKING TABLE**  
**MISSION BEACH PDO AMENDMENTS**

March 3, 2010

| Proposed Amendments<br>Strikeout/Underline<br>Section | Existing PDO Language<br>Section   | Comments  |
|---|--|---|
|   |  | N subdistricts.   |
| .0307(b)(1)(B)(iv) – In the NC-S and VC-S             | .0307(1)(A) – Three feet for   | Relocated and Reworded. Added lot width for R-S and R-N subdistricts  |
| .0307(b)(2)(A) – Yards abutting Strandway             | .0307(b)(2) – Yards abutting Strandway                                     | Renumbered  |
| .0307(b)(2)(B) – A yard shall not be                  | .0307(b)(1)(B) - a yard shall not be                                       | Relocated. For Ventura and West Mission. Created new section for Mission BLVD .0303(b)(2)(C)  |
|   | .0307(b)(1)(C) – A yard, consistent with                                   | Redundant. The section applies to all development in the commercial subdistrict so it would automatically apply to development adjacent to residential subdistrict. |
| .0307(b)(2)(C) – A yard is not required on            | .0307(b)(1)(B) a yard shall not be<br>.0307(b)(5) – A yard is not required | Relocated and combined into one section.  |
| .0307(b)(3) – Minimum yards on Bayside                | .0307(b)(3) – Minimum yards on Bayside                                     | Reworded.   |
| .0307(b)(3)(A) – Minimum yards on Bay-                | .0307(b)(3)(A) – The minimum yard  | Reworded.   |
| .0307(b)(3)(A) - NC-N and VC-N Subdist-               | .0307(b)(3)(A)(i) – NC-N and VC-N  | Relocated.  |
| .0307(b)(3)(B) – NC-N and VC-N Subdis-                | .0307(b)(3)(A)(ii) - NC-N and VC-N   | Renumbered and clarified  |
| .0307(b)(3)(C) – NC-S and VC-S Subdis-                | .0307(b)(3)(A)(iii) NC-S and VC-S  | Renumbered.   |
| .0307(b)(3)(D) – Exceptions:                          | .0307(b)(3)(A)(iv) – Exception:  | Renumbered reword   |
| .0307(b)(3)(D)(i) – A yard abutting Bay-              | .0307(b)(3)(A)(iv) – Exception:  | Renumbered and added modified grade language  |
| .0307(b)(3)(D)(ii) – A yard abutting Ocean-           |  | New. Applied the angle plane to Ocean Front Walk  |
| .0307(b)(4) – Minimum yards on Courts                 | .0307(b)(4) – Minimum yards on Courts                                      | Clarified. Explains the comparable for subdistricts for purposed of yard.   |
|   | .0307(b)(5) – Minimum yards on Mission                                     | Relocated. Moved to .0307(b)(2)(C)  |
| .0307(c) - Encroachments                              |  | New. Created new subsection with new and relocated language.  |
| .0307(c)(1) – Encroachments into interior             |  | New. New Subsection.  |
| Table 1513-03D  |  | New. List of allowable encroachments  |
| .0307(c)(2) – Encroachments into the                  |  | New. New Subsection   |
| .0307(c)(2)(A) – Chimneys (no more                    |  | New. Specifically allows specified chimney to encroach into the 45 Degree angled plane for interior yards   |
| .0307(c)(2)(B) – Dormers shall be permitted           | .0307(b)(1)(A) – Three feet for structures                                 | Relocated.  |
| .0307(c)(2)(B)(i) – The dormer shall be               | .0307(b)(1)(A) – Three feet for structures                                 | Relocated.  |
| .0307(c)(2)(B)(ii) – A dormer may be                  | .0307(b)(1)(A) – Three feet for structures                                 | Relocated and Clarified. A dormer can be on each side of the roof ridge line  |

ATTACHMENT 3

**TRACKING TABLE**  
**MISSION BEACH PDO AMENDMENTS**  
 March 3, 2010

| Proposed Amendments<br>Strikeout/Underline<br>Section | Existing PDO Language<br>Section            | Comments   |
|---|---|--|
| .0307(c)(2)(B)(iii) – There shall be                  | .0307(b)(1)(A) – Three feet for structures  | Relocated.   |
| .0307(c)(2)(B)(iv) – In the NC-N and VC-N             | .0307(b)(1)(A) – Three feet for structures  | Relocated and Reworded. Addressing maximum combined length (10 feet) through NC-N and VC-N Subdistricts. Rather than a percentage.                 |
| .0307(c)(2)(B)(v) – In the NC-S and VC-S              | .0307(b)(1)(A) – Three feet for structures  | Relocated and Reworded. Addressing maximum combined length (20 feet) through NC-S and VC-S Subdistricts. Rather than a percentage                  |
| .0307(d) – Floor Area Ratio                           | .0307(c) – Floor Area Ratio                 | Renumbered.  |
| .0307(c) - Height                                     | .0307(d) - Height                           | Renumbered.  |
| .0401(a)(1) – No fence shall exceed 3 feet in         | .0401(a) – No fence shall exceed 3 feet     | Added grade language   |
| .0401(a)(2) – No sharp-pointed or electric-           | .0401(b)(3) – No Sharp-pointed or           | Relocated. This applies to residential and commercial citywide.  |
| .0401(b)(1) – Fences and walls, including             | .0401(b)(1) – Fences and walls including    | Clarified. Added grade language.   |
| .0401(b)(2) – Fences and walls including              | .0401(b)(2) – Fences and walls including    | Clarified. Added grade language.   |
| .0401(b)(3) – Fences and walls including              | .0401(b)(3) – Fences and walls including    | New. There was no language regulating Mission Blvd. included grade language.   |
| .0401(c)(1) – Fences and walls including              | .0401(c)(1) – Fences and walls including    | Clarified. Added grade language.   |
| .0401(c)(2) – Fences and walls including              | .0401(c)(2) – Fences and walls including    | Clarified. Added grade language and reduced height in the commercial subdistrict from 8' to 6' consistent with the residential subdistrict height. |
|   | .0401(c)(3) – No electrically charged       | Relocated. Moved to .0401(a)(2) and added sharp-pointed  |
| .0401(c)(3) – Prior to the use or occupancy           | .0401(c)(4) – Prior to the use or occupancy | Renumbered. Added grade language   |
| .0402(a)(1) – One hundred percent of all              | .0402(a)(1) – One hundred percent of all    | Modified. Changed the percentage of landscape planting area and landscape hardscapes/water features  |
| .0403(a)(2) – When an existing use is                 | .0403(a)(2) – Whenever an existing use is   | Reworded.  |
| .0403(b)(1)(A) – Two spaces per dwelling              | .0403(b)(1)(A) – Two spaces per dwelling    | Reworded. Reorganized into subsections.  |
| .0403(b)(1)(A)(i) – In the RS Subdistrict             | .0403(b)(1)(A) – Two spaces per dwelling    | Reorganized.   |
| .0403(b)(1)(A)(ii) – In the RN Subdistrict            | .0403(b)(1)(A) – Two spaces per dwelling    | Reorganized.   |
| .0403(b)(3)(A) – Development between                  | .0403(b)(3)(A) – For properties where any   | Reworded   |
| .0403(b)(3)(A)(v) – The parking space was             |   | New. Clarifies that the exception only applies if the parking was in existence when this amendment is adopted                                      |
| .0403(b)(3)(B) –Development prior to                  | .0403(b)(3)(B) –For properties developed    | Reworded. Clarifies that for development built prior to '64 the parking had to still be in use in '79 when PDO                                     |

ATTACHMENT 3

**TRACKING TABLE**  
**MISSION BEACH PDO AMENDMENTS**

March 3, 2010

| Proposed Amendments<br>Strikeout/Underline<br>Section | Existing PDO Language<br>Section             | Comments  |
|---|--|---|
|   |  | adopted. Also relocated a portion to subsection (i)   |
| .0403(b)(3)(B)(i) – Said Property                     | .0403(b)(3)(B) –For properties developed     | Relocated from section (B) above  |
| .0403(b)(3)(B)(ii) – The parking space was            |  | New. Clarifies that the exception only applies if the parking was in existence when this amendment is adopted |
| .0403(b)(4) – Tandem off-street parking               | .0403(b)(4) – Tandem off-street parking      | Clarification.  |
| .0403(b)(5) – Parking space dimensions                | .0403(b)(5) – Fifty percent of the individ-  | Modified. Changed to be consistent with City-wide dimensions  |
| .0403(b)(6) – All parking areas adjacent              | .0403(b)(6) – All parking areas adjacent     | Modified. Changed to be consistent with City-wide screening for parking.                                      |
| .0403(b)(7) – Driveways and parking are               |  | New to provide clarification  |
| .0403(b)(8) – Curb cuts are not allowed               |  | New.  |
| .0404 – Sign Regulations                              | .0404 – On Premises Sign Regulations         | Renamed to reflect addition of new section .0404(c)   |
| .0404(a) – Residential Subdistricts – The             | .0404(a) – Residential Subdistricts          | Reworded and renumbered   |
|   | .0404(a)(1) – The following non-ill          |   |
| .0404(a)(1) – One nameplate per dwelling              | .0404(a)(1)(A) - One nameplate per           | Renumbered.   |
| .0404(a)(2) – In lieu of (A) above                    | .0404(a)(1)(B) – In lieu of (1) above        | Renumbered. And corrected a reference   |
| .0404(a)(3) – One building identity sign              | .0404(a)(1)(C) - One building identity sign  | Renumbered.   |
| .0404(a)(4) – One directional sign per                | .0404(a)(1)(D) - One directional sign per    | Renumbered.   |
| .0404(a)(5) – One temporary wall or free-             | .0404(a)(1)(E) - One temporary wall or       | Renumbered.   |
| .0404(a)(6) – One public interest wall or             | .0404(a)(1)(F) - One public interest wall or | Renumbered.   |
| .0404(a)(7) – Any sign not in compliance              | .0404(a)(1)(G) - Any sign not in com-        | Renumbered.   |
| .0404(b) – Commercial Subdistricts - On               | .0404(b) – Commercial Subdistricts           | Reworded.   |
| .0404(b)(4) – Any sign not in compliance              | .0404(b)(4) – Any sign not in compliance     | Clarification. Inserted dates of referenced ordinances  |
| .0404(c) – Commercial Subdistrict – Off               |  | New. Addresses off premises signs such as sidewalk signs. Added to provide enforcement authority              |

ATTACHMENT 3