




THE CITY OF SAN DIEGO

MEMORANDUM

DATE: August 4, 2010

TO: Members of the City Planning Commission

FROM: Dan Joyce, Senior Planner, Development Services Department 

SUBJECT: Mission Beach PDO – Response to Recommendations of June 17, 2010

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On June 17, 2010 the Planning Commission held a hearing on amendments to the Mission Beach Planned District Ordinance (MBPDO). During the hearing Commissioner Golba recommended that a number of items in the MBPDO (existing and proposed language) be reassessed. The Planning Commission voted 6-1-0 to continue the item to August 12. The purpose of the continuance was to allow the Mission Beach Precise Planning Board and staff to evaluate the recommendations, and then return to the Planning Commission with responses to those recommendations. Commissioner Golba provided staff with his comments in writing the following week (see attached Planning Commission Recommendations).

Staff and the Mission Beach Precise Planning Board subcommittee met to review the recommendations and over the next weeks identified which changes/modifications would be made. A response to each recommendation is provided in the attached Response to Recommendations. Included in the response is the item number as identified in the Planning Commission Recommendations, the MBPDO section number, the page on which the section number appears in the MBPDO, and the response to the recommendation. The pages of the MBPDO that are associated with the Planning Commission Recommendations are also attached (MBPDO Language for Each Item).

On July 20, 2010 the subcommittee presented the modifications to the Mission Beach Precise Planning Board. There was consensus among the members of the Planning Board to move forward with those changes/modifications identified in the Response to Recommendations.

DPJ

Attachments: Planning Commission Recommendations  
Response to Recommendations  
MBPDO Language for Each Item

# Planning Commission Recommendations for Mission Beach PDO

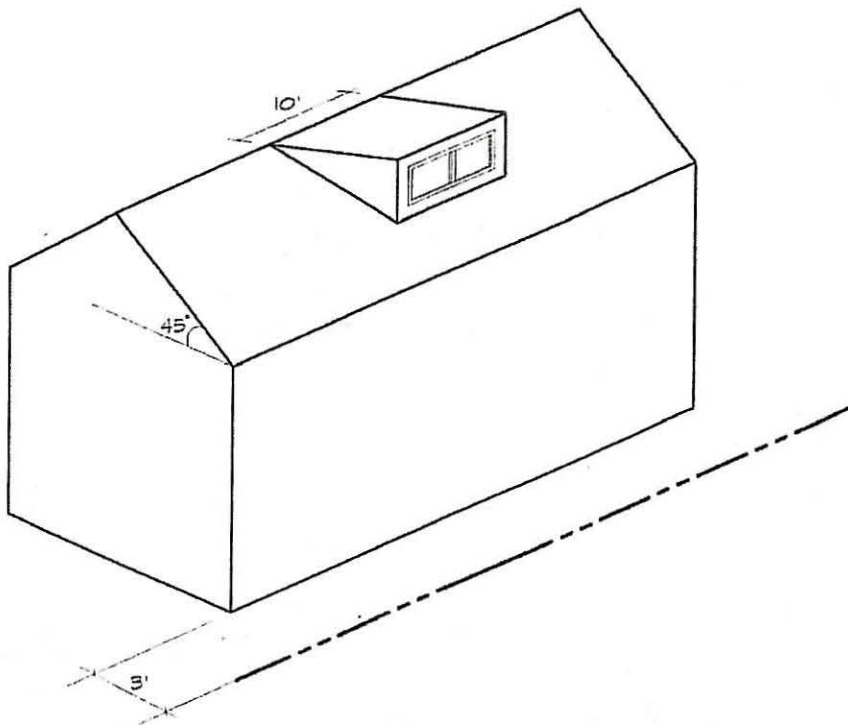
## ITEM #1 - §1513.0105 Definitions – Purpose and Intent

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.

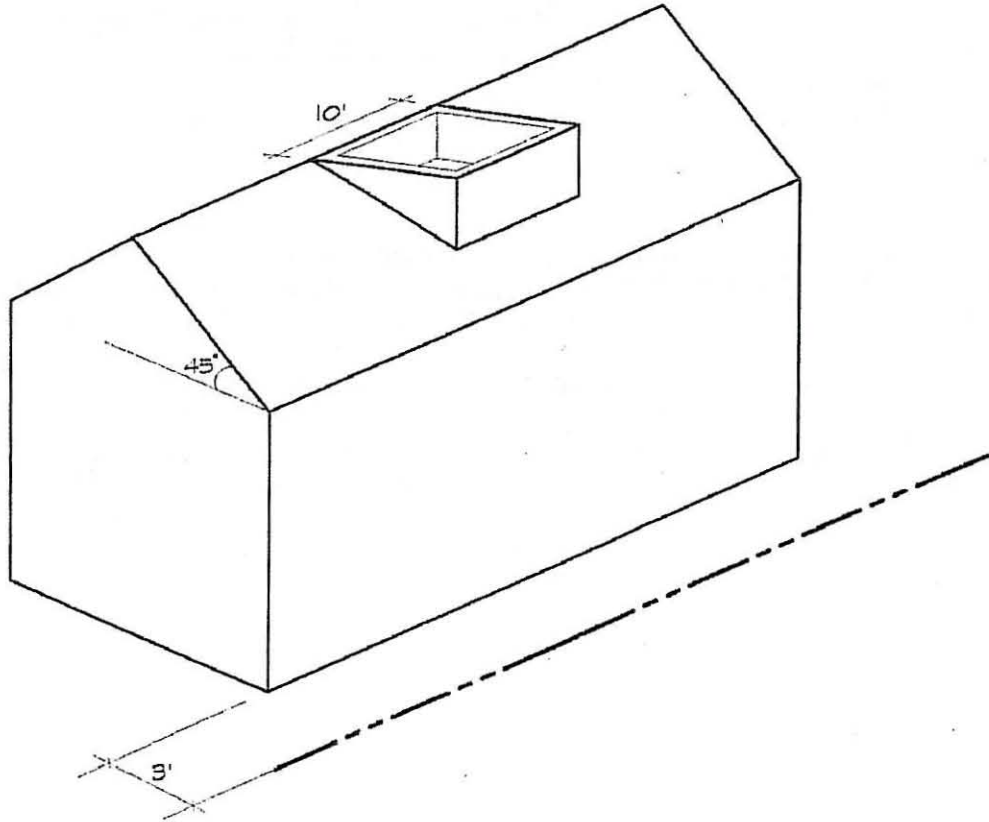
**CONCERNS:** The definition of this element limits the allowable encroachment defined elsewhere in this PDO to ONLY the condition described on the new definition. (see Diagram 1 below showing the exclusive Dormer use)

**SUGGESTED MODIFICATION:** Either the definition or the location of the allowable encroachment should be modified to encourage and allow similar uses in the zoning envelope encroachment allowed by this section. For example, a designer might want to allow a 10' wide roof deck in the zoning envelope allowed for the fully enclosed dormer footage but with this new section it would not be allowed even though the roof deck example presents significantly less mass or volume, due to the extremely restrictive definitions, it would not be allowed yet if you put a roof over the same deck and enclosed the walls on all sides, it would be allowed and that simply makes no sense. Latitude should be included to allow any structure, element or projection to fully utilize the allowable envelope prescribed in the zoning limitations. (see Diagram 2 example below of a roof deck and how it fits within the same zoning Envelope)

**DIAGRAM 1** (illustrating strict Dormer only zoning envelope)



**DIAGRAM 2** (showing a roof deck as a sample of a non-Dormer use in the Dormer allowed zoning envelope)



**ITEM #2 §1513.0105 Definitions – Purpose and Intent**

**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:

**CONCERNS:** Lack of specificity in measuring mechanism

**SUGGESTED MODIFICATION:** For decades, the Mission Beach PDO was the only zone in the City that measures square footage to the inside of the exterior walls. This measurement in key for the small lots typical to Mission Beach and the failure to specify how it is to be measure or qualified, has led to a countless number approaches by City staff over the years. Currently, senior City staff has privately limited the measurement to no more than a 6" offset from the exterior walls, regardless of the actual thickness of the wall itself. I would suggest either a specific number or a not to exceed cap be placed on this measurement method to avoid the "personalization" by City staff.



**ITEM #3 §1513.0304 Property Development Regulations**

(c) Yards.

- (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 Sub-district and 15 feet above existing grade or proposed grade, whichever is lower, in the R-N Sub-district 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.

**CONCERNS:** No concern with the clarification of where the measurement is taken but rather how to apply the setback on staggered building facades.

**SUGGESTED MODIFICATION:** Clarification should be added for areas where the building façade is required to be offset to avoid wide unbroken facades. Clarification should be added to specify whether the setback described is taken at the actual building façade or is it taken at each offset setback encroachment.

**ITEM #4 §1513.0304 Property Development Regulations**

(2) Minimum Yards for Courts and Places

(C) Exceptions:

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

**CONCERNS:** This new setback serves no purpose as being on the NORTH side of a Court or Place, this additional setback will NOT allow any additional light into the Courts. Further, it removes the prime view potential from the third floor of these structures by created a new and unnecessary setback.

**SUGGESTED MODIFICATION:** Section 1513.0304(2) c(i) requests a setback on the SOUTH side of a court or place and serves a purpose to allow light and air into the pedestrian courts. Without any possibility of additional sun or light being let into the pedestrian courts, this section is a de-facto down-zoning of the 3<sup>rd</sup> floor of any unit and effectively removes a significant portion of the prime view potential of the North side Court lots and it should be removed from this PDO update entirely.

<b>ITEM #5 §1513.0304 Property Development Regulations</b>
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(3) Minimum Interior Yards

(B) Exceptions: ~~Five feet for structures whose façade abutting the yard exceeds 20 feet in height.~~

(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.

**CONCERNS:** NO concern with new measurement methods described in (B)(i) but in (ii) the method of using the setbacks and encroachments should be clarified.

**SUGGESTED MODIFICATION:** Suggest exploring a dual table of allowable Encroachments into the setbacks. The proposed use of dual setbacks allows the opportunity for more significant setback encroachments should a design choose the larger option. For instance, when using the larger 5' setback, items such as roof eaves, fireplace vents, lights or sustainable features such as tankless water heaters should be allowed more latitude than when using the minimum 3 foot setback. For instance, roof eaves as an example, a 6" encroachment could be allowed if the 3' setback is chosen but if the 5' option is chosen, the roof eave encroachment should be allowed to increase to something like 18". This could be done in the new table of encroachments having two columns for each setback.

**ITEM #6 §1513.0304 Property Development Regulations**

Diagram 1513-03C  
Interior Yards and Building Height

**CONCERNS:** Diagram that accompanies this section is problematic.

**SUGGESTED MODIFICATION:** The sample diagram illustrates the 3'-0" side yard setback section of the building terminating below the implied maximum height limit. I suggest the drawing be modified to show both setback options terminating at the same height so as not to imply one setback option can not go to the maximum height limit.

**ITEM #7 §1513.0304 Property Development Regulations**

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>Corniches</u> <sup>2,3</sup>	<u>1 foot</u>	<u>6 inches</u>
<u>Direct Vent Gas</u>	<u>6 inches</u>	<u>6 inches</u>
<u>Eaves</u> <sup>2</sup>	<u>2 feet</u> <sup>4</sup>	<u>6 inches</u>
<u>Entry Roofs</u> <sup>2,5</sup>	<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>

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

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

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

<sup>4</sup> The eave shall not intrude into the 45% angle required in 1513.0304(c)(1)(D).

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

**CONCERNS:** The addition of specific encroachment limitations is a great idea but my concern is with the random numbers or allowances provided for some items.



**SUGGESTED MODIFICATION:** The numbers provided are extremely problematic for many conditions. For example:

- (a.) DIRECT VENT GAS HOODS 6" is allowed but nearly all Direct vent hoods manufactured exceed this dimension. Allowance or specificity should be included to alter the encroachment to match the industry standard for sizing of these hoods or no dimension given or even a maximum dimension. Alternatively, the encroachment could be increased for upper story floors where the direct vent hood would not be a hazard to any walking along a front or side yard. Additionally, the encroachment could be variable to which setback is chosen and the 5' setback option may have a greater allowable encroachment.
- (b.) Light Fixtures – 6" is not adequate for nearly all fixtures made. Suggest expanding the encroachment to at least 9"

**ITEM #8 §1513.0304 Property Development Regulations**

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>Corniches</u> <sup>2,3</sup>	<u>1 foot</u>	<u>6 inches</u>
<u>Direct Vent Gas</u>	<u>6 inches</u>	<u>6 inches</u>
<u>Eaves</u> <sup>4</sup>	<u>2 feet</u> <sup>4</sup>	<u>6 inches</u>
<u>Entry Roofs</u> <sup>2,5</sup>	<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>

1. 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.
2. The area that encroaches may not be used to support decks, exterior balconies, or floors.
3. Cornices shall not exceed 1-foot in height.
4. The eave shall not intrude into the 45% angle required in 1513.0304(c)(1)(D).
5. See Section 1513.0304(d)(2)(A)(ii).

**CONCERNS:** Clarification is need on the application of Section #4 for eaves and SPECIFIC language where it applies. IF it means anywhere where there is a mandated 45degree angle plane, there shall be NO eave, this is a terrible design tool and will lead to severely compromised designs.

**SUGGESTED MODIFICATION:** The application of not allowing eaves on side yards that chose a 3'-0" setback or all front yard setbacks on the Bay or Ocean is not a good design tool. As written, it prohibits any eave in these locations which will encourage poor design and difficult maintenance issues with no roof overhand. Suggest clarifying or removing this section #4 note.

<b>ITEM #9 §1513.0304 Property Development Regulations</b>
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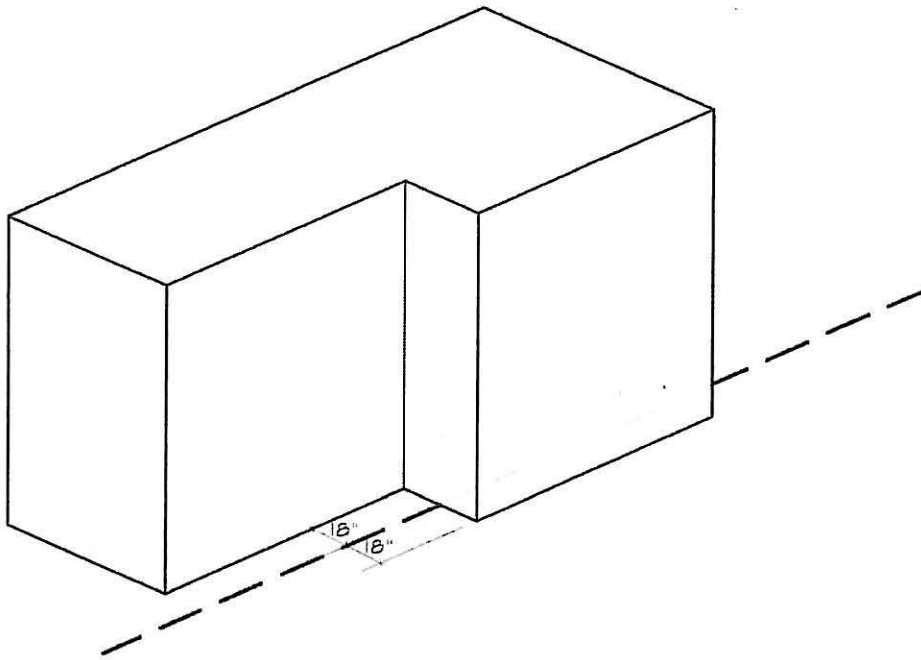
- a. Encroachments into Yards for Courts, Places, and all yards on Ocean Front and Bayside Walks
  - i. The following encroachments are permitted:
    1. An encroachment of up to 18 inches or a vertical offset extending full height that is a minimum of 3 feet in depth and not less than 45 degrees for not less than 50 percent of the building as illustrated in Diagram 1513-03D consistent with the following:
      - a. 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
      - b. 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.

**CONCERNS:** This section must be clarified in much greater detail and has been interpreted countless ways by City Staff over the years.

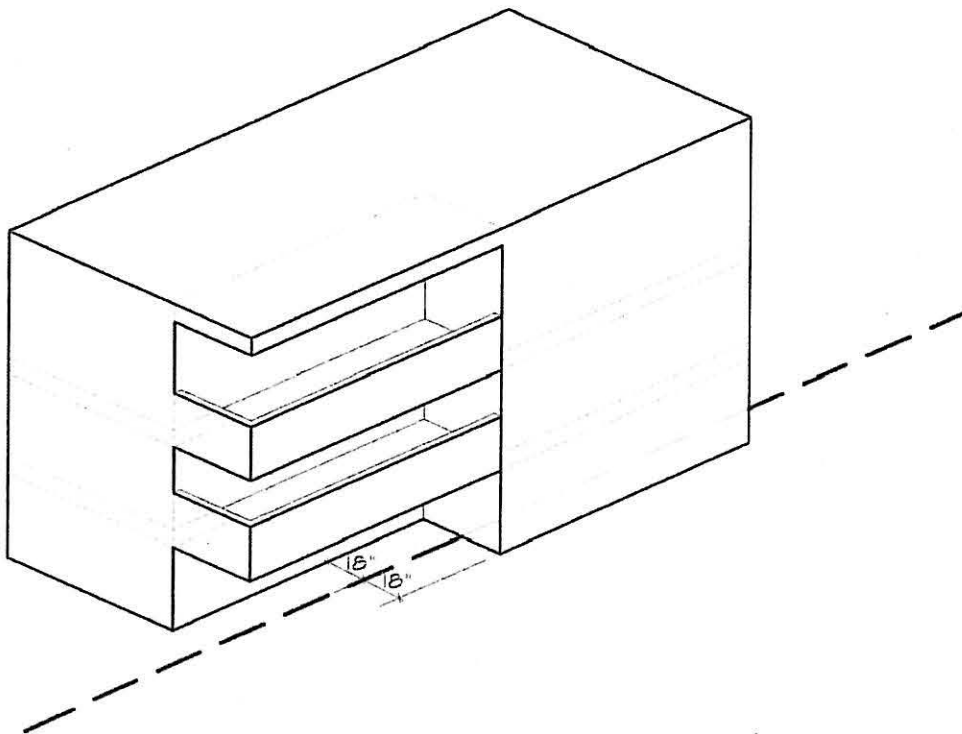
**SUGGESTED MODIFICATION:** The issue that must be clarified is what exactly is allowed within the "inset" setback and what is allowed on the "outset" setback. Over the years, City Staff have allowed the building mass or ENCLOSED envelope ONLY to be required to observe the prescribed inward and outward setback to promote façade articulation and this would allow decks or other significant Architectural features to encroach into the inward setback provided there is no enclosed mass or volume. As an example, see the Diagram 1 below which illustrates the intent of the PDO and Diagram 2 which illustrates the staff interpretation where balconies and roof overhangs are added to the inward setback footprint completely destroying the intent. Clarification must be provided as to what can be placed in the 3' inward offset.



**DIAGRAM 1** (per PDO offset code section)



**DIAGRAM 2** (showing allowed encroachments for non-conditioned space)



**ITEM #10 §1513.0304 Property Development Regulations**

2. Entry roofs may encroach up to 3 feet into the court, place, or walk yard setback consistent with the following (see Diagram 1513-E):
  - a. Only one entry roof per premises is allowed to encroach into the yard.

**CONCERNS:** The limitation of one entry roof per premises is not well thought out for RS zones.

**SUGGESTED MODIFICATION:** The R-S zone in Mission Beach is a typical 30' x 80' lot allowing 2 units. The above new limitation prohibits each unit from doing an entry porch and forcing only one unit to have the element. The provision should be modified to read (section A): *"Only one entry roof per lot in the R-N zone and two entry roofs per lot in the R-S zone shall be permitted"*

**ITEM #11 §1513.0304 Property Development Regulations**

- ii. The following encroachments are not permitted into yards for courts, places, or walks:
  1. Encroachment into the 45 degree setback by any part of the structure (including but not limited to eaves, fireplaces and chimneys, stairs, and railings).

**CONCERNS:** Limitations of encroachments into any vertical 45 degree setback are broad, over-bearing and will not promote good design.

**SUGGESTED MODIFICATION:** The prohibition of any element into the 45 degree setback required along Front Yard Setbacks (essentially in Mission Beach Courts, Places and Walks is code for "Front") such as roofs, chimneys or stairs and railings is overly broad and will limit opportunities for good design.

I strongly suggest that the section be altered to also allow eaves and open deck railings (wrought iron or glass) for these front yard setback conditions. Prohibiting all eaves where they can be seen and used to create quality Architectural design is against the very concept of the PDO.

**ITEM #12 §1513.0304 Property Development Regulations**

b. 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:

2. The dormer shall be setback a minimum of 5 feet from the property line of the distance of the interior yard setback if the setback is greater than 5 feet;
3. A dormer may be located on each side of the roof ridge;
4. There shall be a minimum separation of 2 feet between dormers located on the same side of the roof ridge;
5. 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
6. In the R-S Subdistrict the combined width of all dormers on the same side of the roof ridge shall not exceed 20 feet.

**CONCERNS:** Section A for Chimneys must be clarified.

**SUGGESTED MODIFICATION:** Again, the restriction of “no more than the minimum size required by the CBC” is random and nebulous. A dimension should be applied to this or the prior suggestion of counting the width of the proposed Chimney against the cumulative total dormer width would solve the situation and prohibit possible abuse of the chimney width provision.

**ITEM #13 §1513.0402 Landscaping**

(a) Residential Subdistricts

- (1) One hundred percent of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least ~~50~~ 30 percent and shall be a combination of trees, shrubs and ground cover. The remaining ~~50~~ 70 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.

**CONCERNS:** Clarify or reference City wide code for the allowing of artificial turf to be used to meet these requirements.

**SUGGESTED MODIFICATION:** Due to tiny size of yards in Mission Beach which in the R-N zone are literally 25' by 10' (250 square feet) the application of 30% landscaping in the front yard means only 75 square feet has to be landscaped. At that size, many if not all Owners would not like to provide real turf for these spaces due to the difficulty in maintaining it, transient nature of Mission Beach itself and difficulty in growing real grass in this environment. I suggest there be specificity to allow "either real grass or artificial turf" to meet these footage requirements.

**ITEM #14 §1513.0403 Parking**

(a) Residential Subdistricts

- (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.~~

**CONCERNS:** The application of a City wide provision to Mission Beach for tandem length and size will be problematic for the unique lot size. Clarification is needed for the length, required width and provisions of gating one space of a tandem length.

**SUGGESTED MODIFICATION:** Clarification is needed on the width of a required tandem space? (is it still 8' or does the additional width of the LDC come into play for fences or adjacent building walls apply??)

Clarification is needed on whether the LDC provision to provide gating for at least one space applies. For many years, this requirement has surfaced and is loosely enforced on a staff by staff basis. Clarity should be provided.

Clarification is needed on the depth specified as to whether it includes the required turning radius or not specified elsewhere in the Mission Beach PDO or is the 36' length taken from the edge of alley as it states. ALSO, this section weaves with item #15 in that a 36' tandem (citywide requirement) will not fit if the turning radius requirements are enforced.

**ITEM #15 §1513.0403 Parking**

- (1) ~~Fifty percent of the individual (non tandem) parking spaces shall have a minimum 8' width and a 20' length. The other 50 percent shall not be less than a minimum 7.5' width and a 15' depth.~~ Parking space dimensions shall comply with the requirements in Table 142-05J of Chapter 14, Article 2, Division 5.

**CONCERNS:** Revising Mission Beach parking to City wide standards fails to acknowledge the unique lot size and shapes that dominate Mission Beach.

**SUGGESTED MODIFICATION:** This section should be removed and the existing language should be allowed to remain. The application of these City wide standards will render lots potentially un-buildable. The width required plus the increasing of width and length for obstructions has no place on lots that are as small as 25' by 50' and will create situations where parking can simply not be provided to achieve the allowed density. As it is currently written with one space smaller than City wide and one space larger than city wide, it works very well for the small, triangular and odd shaped parcels that occur through out Mission Beach. In the worst case scenario, the currently approved small space in Mission Beach will go from a 7.5 feet by 15' size to a 9.5' by 19' standard application. This amounts to nearly a 65% increase in the stall size and this simply will not work on these type lots and render a defacto downzone to these lots. Additionally, in the practical side, side by side tandem spaces are virtually the only way to provide parking on the R-S lots of 30' width. Most if not all designs now use the 5' setback options due to Fire Code regulations and that leaves a 20' width to the buildable footprint. Per that footprint twin tandems do NOT even fit on the lot. (9'-6" twice for each tandem plus 3 wall widths is greater than the footprint!!!!!!)

Table 142-05J  
Minimum Off-Street Parking Space Dimensions

Type of Space	Required Single Space Dimensions	Required Tandem Space Dimensions
Parking space unobstructed: Retail sales uses and eating and drinking establishments  All other uses	8'-3" wide x 18' long  8' wide x 18' long	All uses 8' wide x 36' long
Parking space abuts a wall, column, or other immovable obstacle	One side abutting obstacle: 9' wide x 18' long  Two sides abutting obstacle: 9½' wide x 18' long	One side abutting obstacle: 9' wide x 36' long  Two sides abutting obstacle: 9½' wide x 36' long
Garage door behind space	Add 1 foot to the required parking space length	Add 1 foot to the required parking space length
Garage door between front and rear space	N/A	Add 5 feet to the required parking space length
Parking Space parallel to aisle (interior space)	8' wide x 21' long	N/A

**ITEM #16 §1513.0403 Parking**

(b) 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.~~



**CONCERNS:** Clarify how this section co-exists with the revised parking size.

**SUGGESTED MODIFICATION:** If the reduction of width of the turning radius is applied to the new parking size specified in the proposed updates, it will act as a de-facto rear yard setback as most lots, especially in the smaller Residential North district, will simply NOT have the lot width to place the two required spaces inside a garage. This is counterproductive and encourages the automobile to be placed in side yard setbacks and it is important to note that the required 21' minimum turning radius is not met on all unnamed alleys (typically 16' in width) or on Bayside Lane (typically 16' to 18' in width) and only Standway (alley) comes close to meeting this requirement as it varies in width from 30' to 21'. Further, in R-N, just to meet the turning radius on the available footprint, you would literally need to widen the new CITYWIDE 9'-6" parking space to around 11'-0" in width just to have the requirements of this section met. NOTE: reverting back to the existing parking sizes in the PDO resolves this conflict. Should staff not agree and continue to push for Citywide stall sizes, this section needs to be completely rethought as the conflict between the two sections is not resolvable.

**ITEM #17 - 1513.0304 (c) (B) OCEANFRONT WALK SETBACK**

(B) R-N Sub-district Oceanfront Walk – 7 feet for the first story and for additional stories above the first story; 3 feet for 50% of the lot fronting on the walk and 5 feet for the remaining 50%. Use of these varying setbacks shall fulfill requirements for vertical offset.

**CONCERNS:** This section is incredibly poorly written and open to a multitude of interpretations and applications and this has occurred even between City Staff and State Coastal Commission staff.

**SUGGESTED MODIFICATION:** This section should be re-written and I would even suggest a quick wireframe diagram to illustrate the intent clearly.

**ITEM #18 - 1513.0304 (e) BUILDING WIDTH (page 20)**

(e) Building Width

Buildings facing a Court, Place, Bayside or Oceanfront 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 1513.0304(d)(2)(A)(i) may be used to satisfy this requirement

**CONCERNS:** This section needs clarification as to its applicability. It is clear where it is REQUIRED to be used but for decades, City and Coastal staff have allowed projects to use it whose façade does not meet the minimum width to trigger the mandatory application. This section does assist in good design practices and the voluntary application would be beneficial to good design for smaller buildings as well but it must be clarified once and for all as to where it can and can not be used.

**SUGGESTED MODIFICATION:** This section have a section stating where it is allowed to be used or if it is only allowed on structures whose façade meets the minimum thresholds.

**Mission Beach PDO  
Response to Recommendations  
Planning Commission - June 17, 2010**

ITEM NO.	SECTION NO.	Page in PC RPT Attachment 2	RESPONSE
1	1514.0304(d)(4)(C)	20	<b>Modified.</b> Expanded to allow roof decks, but does not apply to “any structure”.
2	1513.0105	4	<b>Done.</b> Added standard wall depth of 6” allowance in calculating gross floor area.
3	1513.0105	5	<ul style="list-style-type: none"> <li>• <b>Done.</b> Added new definition of “Standard Setback” and inserted “standard setback” throughout PDO where measurement is to be taken from that standard setback.</li> </ul>
	1513.0304(c)(1)(B)	11	<ul style="list-style-type: none"> <li>• <b>Done.</b> Revised to clarify that the 3-foot and 5-foot setbacks for the second and third story are each taken from the 7-foot standard setback.</li> </ul>
4	1513.0304(c)(2)(C)(ii)	13	<b>No Change.</b> The point of the regulation is to open up the courts and places to the sky and light from all directions, not only to allow direct sunshine. Historically, courts and places were developed with single story structures that provided more open air and light. New structures are maximizing the allowable height without the requirement to step back to open the courts and places to the sky.
5	1513.0304(c)(3) Table 1513-03B	17	<b>Modified.</b> Encroachments are specific exceptions to the established allowable building envelope. The draft MBDPO provides exceptions to the building envelope that are not allowed in the current MBPDO. A dual encroachment has been provided for Direct Vent Gas in Table 1513-03B.
6	Diagram 1513-03C	16	<b>Done.</b> The graphic is changed to show both portions of the structure achieving a maximum height of 30 feet.
7 & 8	Table 1513-03B	17	<ul style="list-style-type: none"> <li>• <b>Done.</b> Direct vent gas has been increased to 1-foot where there is a 5-foot setback. The 6 inch measurement remains the same at a 3-foot setback in order to maintain a 2 ½ foot clearance.</li> <li>• <b>Done.</b> The encroachment for a light fixture has been increased to 9 inches</li> <li>• <b>No Change.</b> The encroachments have not been increased for upper floors.</li> <li>• <b>No Change.</b> The eave is not permitted into encroach into the 45 degree angle. This does not preclude an eave; it requires the structure to be designed within the allowable building envelope.</li> </ul>
9	1513.0304(d)(2)(A)(i)	17	<b>Done.</b> Modified language to clarify that only those encroachments in Table 1513-03B are permitted in the offset and the inset.



ITEM NO.	SECTION NO.	Page in PC RPT Attachment 2	RESPONSE
10	1513.0304(d)(2)(A)(ii)	18	<b>Done.</b> Within the R-N Subdistrict only one entry roof is allowed. Within the R-S Subdistrict two entry roofs are allowed provided each one serves a separate unit.
11	1513.0304(d)(2)(B)(i)	18	<b>No Change.</b> Encroachments are specific exceptions to the established allowable building envelope. The draft MBDPO provides exceptions to the building envelope that are not allowed in the current MBPDO.
12	1513.0304(d)(4)(A)	20	<b>Done.</b> The maximum size of a chimney that may encroach into the 45 degree angle is 24" x 24".
13	1513.0402(a)	30	<b>No Change.</b> Turf is not required by the landscape regulations, There are concerns associated with allowing artificial turf to be used as a replacement for living plant material. The issue should be addressed as a citywide issue and not community by community. Drought tolerant gardens can be provided that would use no more water than, and potentially less water than, is necessary for maintaining and using artificial turf.
14	1513.0403(b)(4)	32	<b>Modified.</b> Provided additional clarification that tandem parking is not required to be enclosed. The length remains at 36', the size of spaces is 8 x18 unless adjacent to an immovable object whereby the width is expanded to 8 feet 6 inches (tandem). Non tandem spaces are 50% 8 feet x 17 feet and 50% 8 feet x 19 feet with the additional 6" required adjacent to immovable objects.
15	1513.0403(b)(5)	33	<b>Done.</b> Removed reference to incorporate citywide parking. Removed the proposed language that allowed the tandem space to be measured 36 feet inward from property line. The existing turning radius language continues to apply.
16	1513.0403(a)(2)	30	<b>Modified.</b> The reference to the parking requirements of the Land Development Code has been removed. Any additional parking spaces required by an enlargement would be as required by the MBPDO which maintains a new standard size (see item 14).
17	1513.0304(c)(1)(B)	11	<b>Done.</b> Revised to clarify that the 3-foot and 5-foot setbacks for the second and third story are each taken from the 7-foot standard setback. (This item was also included Item No. 3)
18	1513.0304(e)	20	<b>Done.</b> The language was revised to clarify that the vertical offsets may be used when the building widths are less than those that trigger the requirement.

## MBPDO Language for Each Item

Highlighted text reflects changes made to the draft previously distributed to the Planning Commission. The changes generally reflective the recommendations of the Planning Commission however, clarifications made by the Mission Beach Precise Planning Board Subcommittee are also highlighted.

### ITEM 1

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#### §1514.0304(d)(4)(C) - Modified

- (4) Encroachments into the required 45 degree angled setbacks of the interior yard. The following features may encroach into the 45 degree angled setback required for interior yards:
- (A) Chimneys measuring no more than 2 feet by 2 feet, and roof vents;
  - (B) Dormers shall be permitted to encroach into the 45 degree angled setback consistent with the following:
    - (i) The dormer shall be setback a minimum of 5 feet from the property line or the distance of the interior yard setback if the setback is greater than 5 feet;
    - (ii) 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.
  - (C) Roof decks shall be permitted to encroach into the 45 degree angled setback consistent with the setback, locational, and dimensional requirements for dormers in Section 1513.0304(d)(4)(B).

### ITEM 2

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#### §1513.0105 - Done

**Gross Floor Area** – The total horizontal area, expressed in square feet, of all the floors of a building included within the surrounding walls. For calculating gross floor area an exterior wall thickness of 6 inches shall be used. Gross floor area shall include:

### ITEM 3

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#### §1513.0105 - Done

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

#### §1513.0304(c)(1)(B) - Done

- (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-foot standard setback.

(B) R-N Subdistrict, Ocean Front Walk - 7 feet for the first story and for additional stories above the first story; 3 feet for 50 percent of the lot fronting on the walk and 5 feet for the remaining 50 percent.

(i) First story - 7-foot standard setback

(ii) Second and third story – a maximum of 50 percent of each story shall observe a minimum 3-foot setback from the standard setback with the remaining portion of each story observing a minimum 5-foot setback from the standard setback.

(iii) Use of these varying setbacks shall fulfill requirements for vertical offset.

### ITEM 4

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#### §1513.0304(c)(2)(C)(ii) – No Change

(ii) Buildings on the north side of a Court or Place shall observe an additional setback beginning 25 feet above existing grade or proposed grade, whichever is lower, at the standard 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).

### ITEM 5

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#### §1513.0304(c)(3) – Modified

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



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

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

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

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

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

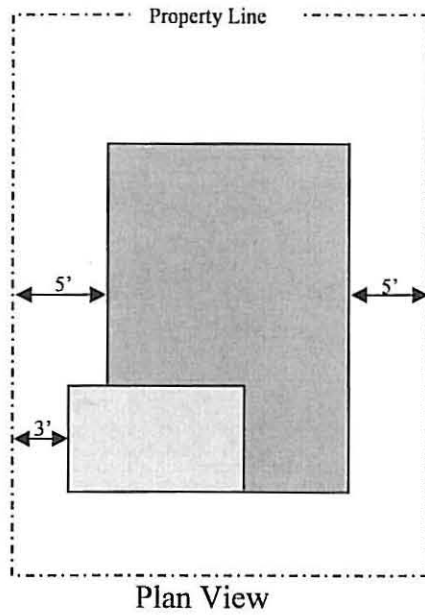
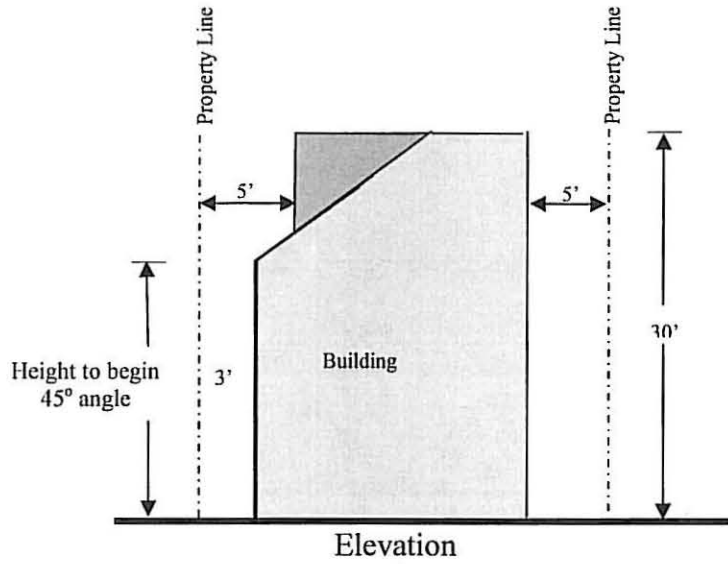
<sup>4</sup> The eave shall not intrude into any required 45 degree angle for a court, place, walk or interior yard.

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

**ITEM 6**

**Diagram 1513-03C - Done**

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



**ITEMS 7 & 8**

**Table 1513-03B – Done and No Change**  
**See Table in Item 5**

## ITEM 9

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### §1513.0304(d)(2)(A)(i) - Done

(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 maximum 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 provided that:

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

## ITEM 10

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### §1513. 0304(d)(2)(A)(ii) - Done

(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



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

## ITEM 11

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### §1513.0304(d)(2)(B)(1) – No Change

- (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 in height above existing grade or proposed grade, whichever is lower, (including fences; solid, glass, planter, and retaining walls; stairs; rails; bay or garden windows; and fireplaces, grills, and barbeques that are constructed in place) except that encroachments consistent with Section 1513.0304(d)(2)(A) are permitted.

## ITEM 12

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### §1513.0304(d)(4)(A) – Done

- (4) Encroachments into the required 45 degree angled setbacks of the interior yard. The following features may encroach into the 45 degree angled setback required for interior yards:
- (A) Chimneys measuring no more than 2 feet by 2 feet, and roof vents;

## ITEM 13

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### §1513.0402(a) – No Change

- (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 5030 percent and shall be any combination of trees, shrubs and ground cover (the use of trees to meet this requirement shall be optional). The remaining 5070 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.

§1513.0403(a) – Modified and Done

§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 number of additional off-street parking spaces required are only those required by the enlargement consistent with Section 1513.0403. The number of spaces required by this paragraph need not exceed the total number of parking spaces required for the total enlarged development.
- (b) Residential Subdistricts
  - (1) Every premises used for one or more of those uses permitted in Section 1513.0303 (Permitted Uses) shall be provided with a minimum of permanently maintained off-street parking spaces located on the premises as follows:
    - (A) Two spaces per dwelling unit; except for the following:
      - (i) ~~In~~ 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~~ 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 provided herein.
    - (A) Development between February 27, 1964 and February 1, 1979.



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

- (i) 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 Standards 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 27, 1964, parking shall be permitted within yards abutting courts, places, or Mission Boulevard and are not required to provide additional landscaping or the fencing separation, provided that said property is in compliance with permits or regulations in effect at the time the property was developed.;

- (i) sSaid 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 is permitted. The space required is 8 feet by 35 feet and accommodates 2 cars, one behind the other. The tandem space shall be marked as reserved, consistent with the following:-
- (A) The space required is 8 feet by 36 feet and accommodates 2 cars, one behind the other. Except that the width of parking spaces that abut a wall, column, or other immovable obstacle shall be 8 feet and 6 inches.
  - (B) Both of the tandem spaces shall be assigned to the same unit.
  - (C) Tandem spaces are not required to be enclosed.
  - (D) Unenclosed tandem parking spaces may only encroach into an interior yard to achieve the required 36-foot depth.
- (5) Fifty percent of the individual (non-tandem) parking spaces shall have a minimum 8-foot width and 19-foot depth. The other 50 percent shall not be less than a minimum 7.58-foot width and 17.5-foot depth. Except that the width of parking spaces that abut a wall, column, or other immovable obstacle shall be 8 feet and 6 inches.
- (6) All parking areas adjacent to Courts, Places, Walks or Mission Boulevard shall be screened by a solid fence 5.3 feet in height.
- (7) Driveways and parking are not allowed within required yards for courts, places, or walks unless exempted in accordance with Section 1513.0403(b)(3).
- (8) Curb cuts are not allowed on Mission Boulevard unless the premises has less than 10 feet of vehicular access from an alley.

## ITEM 17

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### §1513.0304(c)(1)(B) - Done

See text for §1513.0304(c)(1)(B) in Item 3

## ITEM 18

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### §1513.0304(e) – Done

#### (e) Building Width

- (1) Buildings facing a Court, Place, Bayside or Ocean Front Walk shall not be wider than 25 feet in the R-N Subdistrict or 30 feet in the R-S Subdistrict, unless a vertical offset in the front 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 1513.0304(d)(2)(A)(i) may be used to satisfy this requirement (see diagram 1513-03D).

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