

**Mission Beach Precise Planning Board**  
**Tuesday, September 15, 2015 @ 7 PM**  
**Belmont Park Coaster Terrace – Community Room**

**Minutes of Meeting**

**Board Members Present:**

Peggy Bradshaw	Bob Craig	Carole Havlat	Dennis Lynch
Brian McCarthy	Mike Meyer	John Ready	Mary Saska
Will Schussel	Gernot Trolf	Debbie Watkins	Jenine Whittecar

**Absent:** Tim Cruickshank

**OPENING FUNCTIONS**

Meeting was called to order by Chair Debbie Watkins at 7:15 PM.

- **Approval of Minutes** for July, 2015  
Copies of the draft July 21, 2015 Minutes of Meeting were distributed and reviewed. Chair Watkins pointed out a typographical numbering error at page 2 next to the last paragraph should be – “(5) community access to the facility.

**Motion 1 was made by Peggy Bradshaw and seconded by Gernot TO APPROVE the July 21, 2015 Minutes with corrections as discussed above.**

**VOTE                      For: 9                      Against: 0                      Abstain: 1**

**Motion passes. [Abstain: J. Ready]**

**ADMINISTRATIVE ITEMS**

- **Revisions to Agenda**  
Copies of the September 15, 2015 Agenda were distributed and reviewed. There were no additions or subtractions.
- **Chair’s Report**  
Chair Debbie Watkins gave the following update:
  1. The Board filed its ***Letter of Response to the Draft Master Environment Impact Report*** regarding the Mission Beach Elementary school development projects on August 10, 2015. The City’s response to all letters submitted will be included in its final draft when the project goes before the first decision making body, in this case, the Planning Commission. The comments will be attached to the Agenda for the Planning Commission Hearing.
  2. Pursuant to motion approved at our July 21, 2015 meeting, a letter of support on behalf of the Board was sent to the Coastal Commission regarding the proposed conceptual plans to preserve the Plunge pool and reconstruct the building that houses it.
  3. Short Term Vacation Rentals Proposed Ordinance – This issue will be discussed at the Community Planning Committee Chairs meeting on Tuesday, September 22<sup>nd</sup> at 7 PM in Kearny Mesa. The proposed draft Ordinance will be presented by District 2 for recommendations and suggestions and the public is welcome to make public comments.

4. On September 9<sup>th</sup>, the Mission Beach Town Council General Membership passed (26-2) a Resolution reiterating an earlier Resolution regarding the Mission Beach Elementary School development and added its support to the MBPPB in its defense and efforts to force compliance with the Mission Beach Planned District Ordinance (PDO) as follows:

“The Mission Beach Town Council reiterates the resolution passed at its May 13, 2015 General Meeting, to wit: The Mission Beach Town Council strongly urges the City of San Diego to require the developers at the Mission Beach School development site, located at 825 Santa Barbara Place, to preserve the landmark Ficus tree at the site and create a true community park as required for a 2.23 acre parcel, incorporating the tree. Further, we strongly oppose the substitution of the required park with a “green” strip along Mission Boulevard. We remind the City that the initial requirement was that developing the entire former school property site, consisting of three distinct parcels, would mandate a .35 acre population-based park for the Mission Beach community.

The Mission Beach Town Council further supports the Mission Beach Precise Planning Board in its defense of the Mission Beach Planned District Ordinance (PDO) and in its efforts to force compliance with said PDO. “

5. New Board Vacancy – Area 2 Representative Bob Ondeck missed three (3) consecutive Board meetings in FY 2015 in violation of the MBPPB’s Bylaws. Therefore, his seat is vacant. Nominations of eligible candidates from Area 2, which runs between the north side of Capistrano Place and the south side of W. Mission Bay Drive and Ventura Place, will take place at the February 2016 Board meeting. The Election of Board Members is held at the March 2016 Board Meeting. If anyone is interested, please contact Chair Watkins.

- **Secretary’s Report**

None.

**PUBLIC COMMENT (limited to 3 minutes per speaker)**

Patricia Karnes commented that she sent a letter to Mayor Faulconer and District 2 Councilmember Zapf complaining about bumpy and disintegrating asphalt along Bayside Lane to Nantasket Court and asked that the road be returned to its original cement condition after new developments and other pipe and underground projects take place.

Sara Mattinson commented that she met with the Mayor’s Office regarding the possibility of code enforcement issuing a citation for trash cans that are not removed from the public way within 24-hours after trash pick-up to help with the ongoing fly problem.

**REPORTS FROM GOVERNMENT OFFICIALS**

- **Bruce Williams, Community Representative for Councilmember Lori Zapf, San Diego City Council District 2**

Bruce Williams distributed a *District 2 Update* September 2015 newsletter. He reported undergrounding in South Mission Beach has been delayed to January 2016. Mr. Williams commented that multi-family dwelling are not included in the proposed Short Term Vacation Rental Ordinance and that Ryan Purdy is the consultant working on this with Councilmember Zapf.

## OTHER

### Information Item:

- **Belmont Park Update:** Dan Hayden, Director of Engineering-Pacific Enterprises, Inc.

Dan Hayden thanked the Board for its letter of support to the California Coastal Commission. He reported the process continues and the next meeting with the Coastal Commission is on October 7, 2015.

## BUILDING PLAN REVIEW

### ACTION ITEM

- **Mission Beach Residences – (Former Mission Beach Elementary School Property) Project No. 366139:** The project site is located at 818 Santa Barbara Place in the Mission Beach Planned District R-S Zone, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the Parking Impact Overlay Zone (Coastal and Beach Impact Areas), the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Mission Beach Precise Plan and Local Coastal Program Area (Community Plan), and Council District 2. The project as currently proposed requires the processing of a (Process 5) Community Plan Amendment (CPA), a (Process 4) Vesting Tentative Map (VTM) to create 51 residential condominiums and a (Process 3) Coastal Development Permit (CDP) for development within the Appealable Area of the Coastal Overlay Zone; (Process 4) Site Development Permit (SDP) for deviations to the zoning regulations for a sustainable building project, and (Process 5) vacation of two (2) 8-foot wide sewer easements within the subdivision boundary. Demolish existing school building(s) and construct 51 multi-family condominiums in 18 buildings, develop a neighborhood pocket park, and vacate (two) 2 sewer easements located on a 1.88-acre site. The project will utilize renewable technology and shall obtain a LEED Silver Certification (or equivalent), in conformance with the criteria Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

**Present:** Developers/Applicant Tim McGowan and Jeff Johnson; Jim Kerins, VP Kerins Color Design, Inc. ; Marty Ohmstede, RCE, Project Engineer, Leppert Engineering; John Leppert, RCE, President, Leppert Engineering; Chris Barlow, AIA, Project Director, Robert Hidey Architects

**Also Present:** Jeff Peterson, Development Project Manager, City of San Diego, Development Services Department

Chair Watkins pointed out that with regards to the proposed Community Plan Amendment, she learned last minute that the City's Senior Planner Lesley Henegar who prepared the proposed Amendment was taken off the project and would not be attending the Board meeting to discuss the proposed amendment. Chair Watkins pointed out the Board has concerns about the proposed Community Plan Amendment and will need to work with the person assigned to replace Lesley in this regard.

Jim Kerins discussed the color scheme for the development project and showed a video rendition of the potential project housing designs.

Architect Chris Barlow gave a Powerpoint presentation of the building plans, which included a total of 17 buildings, 51 residential units, one (1) single-family unit; two (2) duplexes; 10 triplexes and four (4) quadplexes, with two (2) parking spaces (tandem) per unit. He pointed out there will be two (2) private driveways (alleys) and a private pedestrian walkway. Units range from 1,200 sq. ft to 1,500 sq. ft., three floors tall with 2 – 3 bedrooms.

Plan Reviewers Dennis Lynch and Mike Meyer pointed out inconsistencies in the development plans with the Mission Beach Planned District Ordinance (PDO) and Mission Beach Precise Plan (Precise Plan). Board Members were given the opportunity to ask questions and express concerns.

Community members were given an opportunity to ask questions and express concerns.

After a lengthy discussion, the following motion was duly made:

**Motion 2 was made by Dennis Lynch and seconded by Will Schussel TO DENY the Site Development Permit, Building Plans, Deviations and Park at 818 Santa Barbara Place known as “Mission Beach Residences” for the following reasons:**

**I. Findings for the Site Development Permit Pursuant to SDMC §126.0504(a)(1) to (3) cannot be approved:** (a) (1) “The proposed *development* will not adversely affect the applicable *land use plan*;” (a) (2) “The proposed *development* will not be detrimental to the public health, safety and welfare;” (a) (3) “The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.”

Not one of these three findings can be made for this site development permit as is being submitted. This proposed development will adversely affect our land use plan, will be detrimental to the public health safety and welfare of the community and does not comply with our PDO, which is part of the Land Development Code.

**II. Findings for allowing Deviations pursuant to SDMC §126.0504(m) cannot be met:**  
***SDMC §126.0504(m) (2) states:*** “The development will not be inconsistent with the purpose of the underlying zone.”  
***SDMC §126.0504(m) (3) states:*** “Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.”

Our community/PDO has never allowed deviations or bonuses pursuant to the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. This project violates our underlying zone – MBPD-R-S (30 feet by 80 feet standard lot size). Our PDO has established the regulations for the “best” desirable projects for our community with regard to its historic standard lot sizes and special needs of its high-density residences. This project is less desirable. This development with its reconfigured oversized lots, with larger dwelling units than allowed (square feet, bulk, scale) violates our PDO regulations.

**III. Our PDO does not allow Planned Developments pursuant to SDMC §§126.0601 – 0606:** The findings required to be made pursuant to a Planned Development Permit in SDMC §126.0604(a) are virtually identical to the findings required for a Site Development Permit SDMC §126.0504(a). This attempt to use the Site Development Permit regulations to gain an approval for an “unallowable” Planned Development violates our PDO.

## Motion 2 Cont'd

### Proposed "Park" at Mission Beach Residences Parcel location DENIED for the following reasons:

- 1) Community support – Petition for Park and Save Ficus Tree at former kindergarten/auditorium/cafeteria parcel (825 Santa Barbara Place);
- 2) Mission Beach Town Council General Membership Resolutions
- 3) School used all 3 parcels since 1952 for the kindergarten, auditorium, cafeteria on south parcel (825 Santa Barbara Place);
- 4) Deed transfers from school for all three (3) parcels to Applicant; subsequent transfer of the south parcel (825 Santa Barbara Place) containing six (6) standard size lots to a related entity by Applicant has no affect;
- 5) Applicant indicated at Planning Commission Initiation Hearing on 12/12/13 that a .35-acre park would be provided;
- 6) All of the land deeded by the school is zoned MBPD-R-S. Applicant claims Santa Barbara South parcels are zoned differently – They are not;
- 7) County Tax Assessor records show land use "PUBLIC BLDG: FIREHSE, SCH, LIB"  
Master Property Ledger Sheet shows on 10/02/50, 825 Santa Barbara south six (6) Lots were combined with Santa Barbara North lots under "San Diego Unified School District" ownership (before construction on 825 Santa Barbara Place in 1952);
- 8) Applicant is trying to gain advantage from City's graphic department mistake that included an erroneous map excluding the south school portion (825 Santa Barbara Place) when putting together the 1974 Mission Beach Precise Plan Booklet. This error in no way negates the southern parcel (6 lots) being designated as school use. The southern parcel was acquired by the San Diego School System in 1947. In 1952, a permit was issued to expand the school's kindergarten, auditorium, cafeteria, and faculty offices. The use was established over 20 years before the City of San Diego created the Mission Beach Precise Plan (1974). The map illustration error in the Precise Plan in no way overrides the prior use over 20 years or the subsequent 40 years of school use up to the date it was purchased by the Applicant;
- 9) Landscape buffer being offered as a population-based park is in a toxic location along Mission Boulevard, has an alley and sidewalk cutting through it, does not have amenities normally associated with a park, and is not .35 acres based on SANDAG population-based park requirements by the City.

### Other Considerations Used to Deny Project Plans:

Encroachments: Section 1513.0304 (d) (1) of our PDO sets forth allowable encroachments into interior and street side yards. This development has several units that have unallowable six (6) foot fencing and gates encroaching into the interior required setbacks.

Site Elevations Exceed Allowable: Mission Beach uses the lower of existing or proposed grade for determining the 30-foot building height limit. Per Sheet A3 of Version 10 of this project's plans at the east side of the Mission Boulevard sidewalk, existing site elevations are 5.34 feet at Kennebeck Court and 5.5 feet at Santa Barbara Place. The elevation being used for the proposed buildings at these locations are 5.65 feet and 6.3 feet, respectively. The City needs to be sure this

## Motion 2 Cont'd

development is not built higher at all locations than the surrounding community's structures.

**Private Alleys and Courts are not allowed:** This proposed development creates two (2) private driveways and a private walkway for Jersey Court that are being used to increase the size of the lots to build larger structures than allowed in our PDO. Any easement for public access over this private property is deficient and is always subject to legal challenge at any time. Denial of continued public access to Mission Bay will always be at risk. The alleys and walkways of Mission Beach are a public asset.

**VOTE**                      **For: 8**                      **Against: 0**                      **Abstain: 2**  
Motion passes. [Absent for Vote: C. Havlat] [Abstain: B. Craig; J. Ready]

**IMPORTANT NOTE:** With regard to the three (3) remaining **Action Items** to be considered for this project i.e., **Vacation of Sewer Easement, Vesting Tentative Map, and proposed Community Plan Amendment**, no discussion took place or action taken because the time was getting late and the meeting was adjourned at the request of Jeff Peterson, Development Project Manager, City of San Diego, Development Services Department, with the three (3) remaining Action Items trailed to the Board's October 20, 2015 meeting.

## Board Communications

None

There being no further business, Chair Debbie Watkins noted Agenda Items need to be submitted to the Chair **10 days PRIOR** to the scheduled Board meeting. She noted the **next meeting will be held on Tuesday, October 20, 2015, at 7 PM in the Belmont Park Community Room.**

## ADJOURNMENT

Motion 3 was made and seconded TO ADJOURN the meeting at 9:45 PM.

**VOTE**                      **For: 8**                      **Against: 0**                      **Abstain: 0**  
Motion passes. [Absent for Vote: C. Havlat]

Submitted by: Debbie Watkins, Secretary