

Mission Beach Precise Planning Board
Tuesday, June 17, 2014 @ 6 p.m.
Santa Clara Recreation Center
Minutes of Meeting

Board Members Present:

Bob Craig	Carole Havlat	Dennis Lynch	Mike Meyer
Robert Ondeck	Mary Saska	Gernot Trolf	Debbie Watkins
Jenine Whittecar			

Absent: Peggy Bradshaw; Tim Cruickshank; John Ready

OPENING FUNCTIONS

Meeting was called to order by Chair Debbie Watkins at 6:03 p.m. Chair Watkins informed the group that there is a very busy Agenda and a limited amount of time so she will be limiting the time for comments.

- **Approval of Minutes** for May, 2014
Copies of the draft May 20, 2014 Minutes of Meeting were distributed and reviewed. There were no changes. The Minutes were approved by unanimous consent as written.

ADMINISTRATIVE ITEMS

- **Revisions to Agenda**
Copies of the June 17, 2014 Agenda were distributed and reviewed. The following motion was duly made adding the following Action Item to the June 17, 2014 Agenda by unanimous vote:

Motion 1 was made by Carole Havlat and seconded by Bob Craig to ADD as an ACTION ITEM discussion of the Accessory Use Permit for additional amenities at Belmont Park pursuant to a “courtesy NORA notice” dated June 13, 2014, and authorization to sent letter to the Real Assets Department within the 10-day appeal period.

VOTE For: 7 Against: 0 Abstain: 0

Motion passes. [Absent for vote: Bob Ondeck]

- **Chair’s Report**
Chair Watkins reminded the Board Members that the Development Services Department will be conducting an in-depth training session on “What to Know When Reviewing Projects/Public Projects” on Monday, June 30 from 6-8 p.m.
- **Secretary’s Report**
None

PUBLIC COMMENT (limited to 3 minutes per speaker)

- Mike Meyer commented that starting August 1, the City of San Diego will begin enforcing a ban on recreational vehicles, boats, and other oversized vehicles parking on city streets from 2 a.m. to 6 a.m. without a permit.

- John Vallas, Owner of Swell Café, commented that a second summer trash pick-up has been arranged to help quell the infestation of flies for a small fee that includes cleaning and sanitizing trash cans. Interested property owners and residents can sign up on his website: beautifulmb.com to participate and help make a positive impact on the community.

REPORTS FROM GOVERNMENT OFFICIALS

- **Chet Barfield, Community Representative for Councilmember Ed Harris, San Diego City Council District 2**

Chet Barfield apprised the group that Lorie Zapf won the June 3rd Primary Election for Council District 2, and as a result, Councilmember Harris's term will end in five months. Mr. Harris is not taking on long-term projects but will handle individual needs in the community. Mr. Barfield gave an update on marijuana dispensaries and code enforcement, the new RV and boat parking ordinance, and homeless outreach in the beach communities.

OTHER

Information Items:

City of San Diego - Mission Beach Seawall Repair Update: Jamal Batta, Drainage & Floodplain Management

Mr. Batta apprised the group that the seawall design is finished for Phase 1 from Ventura Place to San Fernando Place. He pointed out funding is done, and the City is waiting on comments from the California Coastal Commission. Construction should start in about five months from north to south. The concrete wall will be done in chunks, not continuous. Mr. Batta directed people to contact him if they had any further questions.

- **Belmont Park Update** – Dan Hayden, Director of Engineering at Pacifica Enterprises

Dan Hayden gave an update on the status of the structural rehabilitation of the Plunge building. He noted the gym will be closed for rehab from July to the first half of 2015.

Chair Watkins asked about the status of the installation of AT&T cell antennas at the Plunge Building. Mr. Hayden commented the work is stalled at this time because of roof repairs to the building but AT&T hopes to place temporary antennas somewhere on the building. Carole Havlat asked about charging to park in the East parking lot. Mr. Hayden commented that the project was an experiment that brought little interest.

BUILDING PLAN REVIEWS

Action Item:

- **753 Island Court – Project No. 356024: Process 3 Coastal Development Permit to demolish the existing residences and construct a two-unit, 2,606 sq. ft. residential building on a 2,400 sq. ft. lot. – Second Review**

Property Owner Dennis Turbes was present.

Architect Efrain Sanchez of ICD Design and Alex Zamudio, President/CEO of Z Construction & Development, Inc. represented the property owner.

Chair Watkins pointed out the Board reviewed the proposed building plans at its May 20, 2014 meeting and voted 10-0-0 to deny the plans; however, the Applicant requested to resubmit the plans for a second review so corrections could be made for consideration at this meeting.

Architect Efrain Sanchez of ICD Design and Alex Zamudio, President/CEO of Z Construction & Development, Inc., presented the revised building plans.

Plan Reviewer Mike Meyer reviewed the revised plans for the Board. He pointed out the following problems still remain with the plans in violation of the PDO:

- All structures may not exceed the 45-degree angle in the front yard. No 45-degree angle shown at 20' front yard – violation railing, etc. ;
- Dormers may not exceed 10 feet – this includes eaves. No encroachments are allowed. The PDO was updated effective August 9, 2012 changing the requirement from 8 foot dormers to 10 foot dormers;
- Trees in front yard are required to be 4-5 feet from building.

After further discussion, a motion was made to deny the project as follows:

Motion 2 was made by Mike Meyer and seconded by Dennis Lynch to DENY the revised Project plans and Coastal Development Permit at 753 Island Court as presented for the above-mentioned reasons.

VOTE: For: 5 Against: 2 Abstain: 1

[Against: Bob Craig, Gernot Trolf. Abstain: Jenine Whittecar]

Action Item:

- **Santa Barbara Residences (formerly, Mission Beach Elementary School Auditorium, Cafeteria and Kindergarten lot) – Project No. 361595: Sustainable Expedite Program (Process 4) Vesting Tentative Map and Coastal Development Permit to demolish an existing building and construct 12 multi-family condominiums in three, 4-plex buildings for a total of 15,840 sq ft**

Present: Chris McKellar, Jeff Johnson, and Tim McGowan of McKellar McGowan LLC

Chair Watkins apprised the Board they will be voting on two matters – (1) Whether to approve the Coastal Development Permit plans to demolish an existing building and construct 12 multi-family condominiums in three, 4-plex buildings; and (2) Whether to approve the Vesting Tentative Map.

Jeff Johnson handed out a letter dated May 21, 2014 from Atlas Environmental Services, Inc. regarding their analysis of the Ficus tree located on said property for later discussion. Chair Watkins reminded the group that the 4-plex buildings for review are being located in the area where the community and the Board have been asking for a population-based community park based on the density of the overall project at the former Mission Beach Elementary School site.

Architect Chris Barlow of Robert Hidey Architects presented the preliminary building plans. He distributed a hand-out consisting of a conceptual 3D rendering view at Santa Barbara Place looking south, a site plan of the three quad-plexes, and an architectural imagery of the proposed residences. He pointed out the coastal look of the three 4-plexes with wood resistant to fires. Mr. Barlow commented all setbacks meet the Mission Beach Planned District Ordinance (PDO).

Plan Reviewer Dennis Lynch reviewed the preliminary building plans for the Board and pointed out areas of concern needing further clarification and areas of concern in violation of our PDO.

Plan Reviewer Lynch noted a problem with the grade in that buildings are over 30 feet. He clarified that pursuant to the PDO, grade is “existing grade or proposed grade, whichever is lower.” He pointed out grade here has been elevated 6 feet. Architect Barlow stated they relied on a technical bulletin used by Development Services regarding building height measurement. Chair Watkins pointed out that where there is a conflict between the Land Development Code and the PDO, the PDO applies (Ch.15 Art.13 Div.1 page 2). She also commented that definitions in Land Development Code Section 113.0103 shall apply unless they conflict with the definitions set forth in the PDO, in which case the definitions in the PDO shall apply (Ch.15 Art.13 Div.1 page 3).

With regard to trash enclosures, Plan Reviewer Lynch pointed out the City’s Assessment Letter states, “Remove the trash areas and any structure greater than 3 feet from the required side yards.” He noted that pursuant to the latest plan drawings, the trash areas have not been removed.

Plan Reviewer Lynch asked the purpose of the flower bed planters in the side yards, and pointed out no man-made structure more than 3 feet is permitted. Architect Barlow commented the purpose of the planters is to treat storm water runoff.

Mr. Lynch pointed out the 6-foot fencing and gates along the front of the buildings that cross the required interior yards and attach to the adjoining buildings need to be removed. He noted one of the basic tenets of the PDO is to allow for unimpeded air flow between dwellings.

With regard to the interior yard setback, Mr. Lynch pointed out that pursuant to the PDO at Section 1513.0304(c)(3)(B)(iv), an interior yard setback must be the greater of the 6 feet or 10 percent of the lot width. This measurement has always been measured by a lot’s frontage. He calculated that per Plan Sheet 13, this would be 72.14 feet resulting in a required interior yard setback of 7.2 feet.

With regard to parking along Santa Barbara Place, Mr. Lynch pointed out that Mission Beach allows parking along the south side of the Places on the Bay side. A recognized problem exists with ingress and egress both from the residences and the vehicles parked parallel to the property. He noted the City recognizes this problem where multiple lots along the south side of a Place are constructed at the same time and has requested a walkway buffer, not a full sidewalk but about 24 to 30 inches, be created to remedy this problem. Mr. Lynch gave a good example of this at the 800 block of San Gabriel Place in Mission Beach.

Plan Reviewer Lynch called attention to the balcony roof extension that encroaches into the required front yard setback on Building 1, which must be removed. He noted that pursuant to the PDO, front yard eaves apply to roofs at the top of buildings not for tops of porches and lower points that encroach into the view corridor.

With regard to Building 3, Mr. Lynch noted that roof eaves encroach into the interior yard more than the allowable 6 inches and must be reduced.

Mr. Lynch pointed out that trees in the front yards must be placed at a distance of 4 to 5 feet from the buildings pursuant to the PDO.

He pointed out that the triple-quad-plex development proposed for this site is inconsistent with the “character” of the community, and pointed out this was a concern of the City in its first assessment letter at page 21, citing a section of the Mission Beach Precise Plan, which states “Lot consolidations should be limited at some point if the existing character of the community is to be

preserved.” He pointed out Mission Beach has few lot consolidations, and this project puts three lot consolidations together with four units in each. In addition, he expressed concern that the overwhelming bulk of this quad-plex design is made worse by the fact that every building is connected to each other with a 6-foot fence, which is not allowed per our PDO. He noted other alternatives to this type of development that better reflect the fabric of the community should be considered.

Jeff Johnson commented he brought their arborist to the meeting to address any questions regarding the Ficus tree or the letter from Atlas Environmental Services, Inc. Chair Watkins pointed out that based on a quick review of the letter, it appears the opinions of the developer’s arborist and the representatives from the City who looked at the tree are in conflict. She pointed out City representatives suggested the Ficus tree would make a viable signature tree for a population-based park at this location. Based on these conflicting opinions, Chair Watkins informed the group that any discussion or decision regarding the viability of the Ficus tree is a topic left for the City to decide. She reminded the group that property owners and residents of the community have obtained over 500 signatures on a Petition instructing the City to save the Ficus tree and put a population-based park at this location based on the overall density of the entire former Elementary School site.

The public in attendance were given an opportunity to comment. One person commented he liked the 4-plex project. Another person commented he spearheaded the Petition drive to save the Ficus tree and create a community park at this location, which he believes would enhance the overall living experience for potential owners and residents, and was concerned that environmental and traffic studies are not required based on the addition of 3 four-plexes consisting of 12 units with three bedroom each.

After further discussion, the following motion was duly made:

Motion 3 was made by Dennis Lynch and seconded by Mike Meyer to DENY the Project plans (Santa Barbara Residences) and Coastal Development Permit to demolish an existing building and construct 12 multi-family condominiums in three, 4-plex buildings at 825 Santa Barbara Place based on the following PDO violations discussed in detail above: (1) Grade - Buildings are over 30 feet; (2) Remove the trash areas and any structure greater than 3 feet from the required side yards; (3) No man-made structure more than 3 feet is permitted in side yards; (4) 6-foot fencing and gates along front of buildings that cross the required interior yards and attach to adjoining building need to be removed; (5) an interior yard setback must be the greater of the 6 feet or 10 percent of the lot width; (6) walkway buffer needed along south side of Santa Barbara Place to remedy ingress and egress problems where vehicles park parallel to property; (7) balcony roof extension encroaching into required front yard setback on Building 1 must be removed; (8) Building 3 - roof eaves encroach into the interior yard more than allowable 6 inches and must be removed; (9) trees in front yard must be placed at a distance of 4 to 5 feet from the building; and (10) the three, 4-plex development is inconsistent with the character of the community in that lot consolidations should be limited at some point if the existing character of the community is to be preserved pursuant to the Mission Beach Precise Plan.

VOTE For: 7 Against: 0 Abstain: 1

Motion passes. [Abstain: Bob Craig]

The Board next considered whether to approve the Vesting Tentative Map for this proposed project. Chair Watkins asked whether the three, 4-plex buildings will be condominiums with a separate HOA, and whether a traffic study will be completed for this project because of the added density brought about by 12 3-bedroom condominiums. Jeff Johnson answered that a separate HOA will be set up, and no traffic study is required by the City for this project. Chair Watkins reminded Mr. Johnson that the Board would like to review the draft CC&R's of the HOA.

Plan Reviewer Dennis Lynch pointed out vesting should not be allowed until final building plans are issued. He noted that by the strongest matter of right, this parcel is part of the entire Mission Beach Elementary School site, and vesting should take place for the entire property acquired at one time, not incrementally as is trying to be done here.

After further discussion, the following motion was duly made:

Motion 4 was made by Dennis Lynch and seconded by Mike Meyer to DENY the Vesting Tentative Map because vesting should not be allowed until final building plans are issued for the entire property acquired at one time, not incrementally.

VOTE For: 7 Against: 1 Abstain: 0

Motion passes. [Against: Bob Craig]

ADDED AGENDA ITEM:

Action Item:

- **Belmont Park - Discussion of the Accessory Use Permit for additional amenities at Belmont Park pursuant to a "courtesy NORA notice" dated June 13, 2014, and authorization to sent letter to the Real Assets Department within the 10-day appeal period**

Dan Hayden, Director of Engineering at Pacifica Enterprises, was present to discuss this matter and represented Belmont Park's current leaseholder.

Chair Watkins informed the Board that according to the "courtesy" NORA notice dated June 13, 2014, the Accessory Use Permit ("AUP"), which is part of the Fifth Operating Memorandum to Percentage Lease ("Memorandum") dated June 26, 2000 and executed by the previous leaseholder, will be granted to the current leaseholder to operate certain amenities at the Belmont Park location. These amenities include: Beach Concession; Charter/Shuttle Bus Area; and Valet/Passenger Drop-Off Zone in the north parking lot of the Belmont Park leasehold. Carole Havlat, a Board member and business owner in the area, pointed out that notice was not given to the merchants and residents in close proximity to the use area to give public comment.

Chair Watkins pointed out the Memorandum clarifies that these amenities are to be granted on a "trial basis." She noted that apparently, the last time an AUP was granted for the beach concession amenity was before 2008, and was not issued again. In addition, since 2000, the valet element of the AUP was never utilized in the north parking lot. A restaurant and outside eating area now take the space intended for the valet zone. Also, the Charter/Shuttle Bus Area has not been utilized either.

Dan Hayden informed the Board that the current leaseholder is only interested in utilizing the beach concession portion of the AUP at this time. Board members expressed concern that merchants in close proximity to the beach concession area that offer similar amenities to the public will be impacted economically, and were not given sufficient notice to give public comment regarding the possibility of beach concessions in their area. Also, the Board expressed concern

that there may be food safety and health issues regarding the food service from a temporary beach kiosk.

Chair Watkins noted that any questions about this determination should be directed to the City's Development Project Manager by June 27, 2014. After further discussion, the following motion was duly made:

Motion 5 was made by Mary Saska and seconded by Carole Havlat to AUTHORIZE the Chair to send a letter to the City Development Project Manager, Vladimir Balotsky, regarding the NORA Notice dated June 13, 2014 and Accessory Use Permit under Internal Order or WBS No. 21000022, to express the Board's concern that merchants in close proximity to the beach concession area offering similar amenities to the public will be impacted economically, and were not given sufficient notice to give public comment regarding the possibility of beach concessions in their area; and, to express concern that there may be food safety and health issues regarding the food service from a temporary beach kiosk.

VOTE For: 8 Against: 0 Abstain: 0

Motion passes.

Chair Watkins noted Agenda Items need to be submitted to the Chair 10 days PRIOR to the scheduled Board Meeting. She pointed out the next Board Meeting will be held on **July 15, 2014 at 6:00 p.m. at the Santa Clara Recreation Center.**

ADJOURNMENT

Motion 6 was made and seconded to ADJOURN the meeting at 7:45 p.m.

VOTE For: 8 Against: 0 Abstain: 0

Motion passes.

Submitted by: Debbie Watkins, Secretary