

**MISSION BEACH PRECISE PLANNING BOARD (“MBPPB”)  
Tuesday, November 15, 2022 @ 6:30 PM  
Meeting via Zoom (Video) Conference  
Minutes of Meeting**

**Board Members Present:**

Rebecca Abbott	Michelle Baron	Rob Brown	Josh Geller
Gloria Henson	Brian McCarthy	Cindi Stratton	Gernot Trolf
Debbie Watkins			

**Absent:** Dennis Lynch; Bob Semenson; Jenine Whittecar

**OPENING FUNCTIONS**

Meeting was called to order by Chair Debbie Watkins at approximately 6:34 PM, and a quorum was confirmed.

**Administrative Items**

**Revisions to Agenda**

Copies of the Agenda for the November 15, 2022 Meeting via Zoom Conference were distributed and reviewed. No changes or additions.

- **Approval of Minutes** for October 2022 Meeting via Zoom Conference  
Copies of the draft October 18, 2022 Minutes of Meeting via Zoom Conference were distributed and reviewed. There being no corrections, the October 18, 2022 Minutes were **APPROVED by UNANIMOUS CONSENT.**

- **Chair’s Report**

(1) Chair reported that since the Governor has not lifted his emergency order regarding COVID measures and with related cases still in the picture, the plan is to conduct the Board’s January 17, 2023 Meeting via Zoom. Chair asked if there were any objections from Board Members. There being NO objections, the January 17, 2023 meeting will be conducted via Zoom Conference.

**REPORTS FROM GOVERNMENT OFFICIALS**

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

Seamus Kennedy confirmed the City Council approved the sidewalk vendor ordinance and wording for push carts on November 14, 2022; second reading should be in December, and 30 days later it will become law. Enforcement would start immediately. He reported City workers have almost completed work on replacing lights out on the Boardwalk in Mission Beach. SDG&E is responsible for lights on Bayside Lane and Strandway alleys.

The Board and public were given an opportunity to comment and ask questions. Mike Meyer stated he heard a rumor that Pacific Beach homes had been added to the Mission Beach residential totals that are being used to determine the Tier 4 30% allowed for vacation rentals in Mission Beach. Seamus stated he heard that and it was being looked into but he did not know if anything had been changed.

- **Cole Reed, 38<sup>th</sup> Senate District Representative, Office of Senate President pro Tempore Toni G. Atkins**

Cole Reed reported that nine (9) of State Senator Atkin’s bills became law on September 30, 2022. Senate Bill 1183 was for a partnership for libraries to partner with a Dolly Parton charity to provide books to young kids for free. Cole can be reached at [Cole.Reed@sen.ca.gov](mailto:Cole.Reed@sen.ca.gov)

## **BUILDING PLAN REVIEWS**

### **Action Item:**

- **Second Review at Applicant’s Request: 3757 Mission Boulevard; PRJ-1059496; (Process 3) Coastal Development Permit for the demolition or removal of 50 percent or more of the exterior walls of the existing structure (810 Queenstown Court) to allow expansion of adjacent retail space. Work to include the addition of 1,219 square feet to existing 1,710 square-foot retail building for total of 2,929 square feet. The property is located at 3757 Mission Boulevard. The 0.09-acre site is in the MBPD-NC-N and Coastal Overlay (Appealable) Zone and Coastal Height Limitation and Parking Impact (Coastal) Zones within the Mission Beach Community Plan area and Council District 2.**

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

Property Owner was present.

**Background:** At the October 18, 2022 MBPPB Meeting via Zoom, the Applicant presented no renderings of the back of the building along Queenstown Court where the commercial building will extend its footprint into the residential area as a two-story cement building with a windowless façade and flat roof. The Queenstown Court property was a single-story beach cottage with a sloped roof that was torn down except the front door entrance wall set along a 0’ front-yard setback. This is the area where the Applicant is requesting consideration of a NDP to be able to keep the previously conforming structure’s 0’ front-yard setback along the southwest side along Queenstown Court. Mr. Linn informed the group that the City initially gave him a permit for a remodel but later came back and required a Coastal Development Permit (Process 3) for the demolition of 50% or more of the exterior walls of the existing structure along Queenstown Court, which would require that any new structure would have to meet the current regulations and setbacks of the PDO. Later, the Applicant asked the City to consider a Neighborhood Development Permit (“NDP”) (Process 2) so the previously conforming 0’ front-yard setback can be kept for the new building construction on Queenstown Court.

At the October 18<sup>th</sup> Meeting, the Applicant’s digital plans were difficult to decipher the heights of the new flat roof along this southwest corner and at the second floor. The Applicant’s answers were even more confusing. This is why the MBPPB asked for a rendering of the proposed new structure along Queenstown Court.

Chair pointed out that the Board's responsibility is to enforce the Mission Beach PDO regulations so developers and the community can rely on it now and into the future. By subverting the legal requirements of the PDO and Coastal Development Permit process for a NDP that violates required setbacks sets a precedent for others to do the same, which the PDO was established to prevent. Chair expressed hope that the Architect will be amenable to making changes to this project that meet the PDO requirements for the benefit of the community. Robin Madaffer (attorney for the owner) and the owner asked to continue the Board's review of this project to the November 15, 2022 meeting so they can answer some of the questions raised at this meeting. [SEE: MBPPB's October 18, 2022 Minutes of Meeting via Zoom.]

At the November 15, 2022 Meeting via Zoom, a PowerPoint presentation was given by Robin Madaffer and Randy Ibrahim (Owner). Mr. Ibrahim gave an introduction explaining his long time involvement with the Mission Beach community via Hub Liquor and his support from many residents and visitors. Ms. Madaffer walked the group through a PowerPoint showing the improved visual renderings of the Hub Liquor storefront along Mission Boulevard and interior with open deli bar added as well as the two-story cement building with a windowless façade and flat roof along Queenstown Court. In the rendering of the two-story windowless building façade along Queenstown Court, they offered to paint a mural on the stucco wall to address enhancing the negative appearance along Queenstown Court.

Ms. Madaffer noted that prior City permitting of the project was based on one building adding minor improvements. Then, City Staff changed their permit approval for a remodel based on a single structure when it determined there were two structures. When the one building was determined to be two different structures by City Staff, (i.e., Hub Liquor and the old single-story house on Queenstown Court), the Applicant asked the City to consider a Neighborhood Development Permit to be able to maintain the non-conforming Zero front-yard setback they contended was needed to give space to do a deli.

MBPPB member Gloria Henson asked about the photo on the South side of Queenstown Court not looking like the photos the MBPPB had showing the window and door of the now demolished 810 Queenstown Court single-story residence. Mr. Linn, the Architect for the project, explained the structure had been stuccoed over and the current 2x4 wood pieces had the stucco removed. Ms. Henson noted that the picture did not look like the "intact" structural walls required for a NDP or like the photo taken just before the wall was torn down. Ms. Henson asked if the connection between the two buildings had been permitted. Ms. Madaffer answered yes; however, Chair Watkins stated she had received an email from City Staff explaining the connection was not permitted and that was the reason the City now considered the project as two structures.

Mike Meyer asked how the two structures would be connected if no new structure was allowed in the zero (0) front-yard setback area. Architect Linn explained there would be two (2) different roof levels and connection would be behind a 10-foot setback.

Ms. Madaffer argued that one vote was needed on the permit process and the project was not appealable to the Coastal Commission. Chair pointed out two votes were needed regarding this project: The NDP (Process 2) and the CDP (Process 3). Chair pointed out this project is appealable to the Coastal Commission because the project is in the coastal overlay zone.

After further discussion, the following motions were duly made:

**MOTION #1 was made by Cindi Stratton and seconded by Gloria Henson TO TAKE NO ACTION on the NDP application for PRJ-1059496 as this Board has not been presented with enough data to properly evaluate the NDP in regards to the previously “conforming” construction that is being retained, expanded and enhanced. Given that the NDP is based on prior construction that does not observe the PDO’s required front-yard setback, the Board cannot make the findings to allow an expansion and enhancement of a significantly non-conforming structure. And, to avoid setting a precedent to allow this type of retention, expansion and enhancement of non-conforming setbacks, this Board takes no action on this NDP application.**

**VOTE: For: 6 Against: 0 Abstain: 2  
Motion Passed.**

**MOTION #2 was made by Gloria Henson and seconded by Cindi Stratton TO DENY the CDP because the project has failed to meet the setback requirements. Demolition of over 50% of existing walls requires new construction built back to the PDO regulations as a new structure with no non-conforming encroachments.**

**VOTE: For: 7 Against: 0 Abstain: 1  
Motion Passed.**

**NON-AGENDA PUBLIC COMMENT** – One minute per speaker for issues NOT on the Agenda within the purview of the MBPPB. Comments are subject to time and technological constraints.

- Gary Wonacott requested the MBPPB write a letter to the City’s vacation rental staff regarding the misrepresentation of the total number of homes in the Mission Beach community being used to determine how many Tier 4 licenses should be issued. He commented the number of housing units used is based on the 2010 census and the current ordinance states that the latest demographic data will be used to quantify the number of housing units in Mission Beach. As such, the number of housing units should be based on the 2020 census, which shows a substantial decrease in the number of housing units.

Mr. Wonacot commented that apparently, the City is sending bills to those who submitted applications for STR licenses who did not pay their TOT. One individual received a bill for \$20K and was told he would not be eligible for a license until the bill is paid.

#### **BOARD COMMUNICATIONS**

- **Liaison Update (Airport Noise Advisory Committee “ANAC”)** – ANAC Representative Gloria Henson introduced the new website created to keep the community informed by providing this easy-to-use inquiry website. Part of this website enables the public to apply for a portable noise monitor to be installed on their roof for 10 days to determine what their airport noise levels are at their home. She asked the Chair to send the website link to Board Members and public in attendance.

Before closing the meeting, Board Member Rebecca Abbott asked whether the Board would consider Gary Wonacott's request to write a letter requesting the City's vacation rental staff to use current census data in determining the number of STR units in Mission Beach. Chair Watkins advised Ms. Abbott to work with Mr. Wonacott to draft a letter for the Board to consider at its January 17, 2023 Meeting via Zoom.

There being no further business, the next MBPPB meeting takes place on Tuesday, January 17, 2023 via Zoom conference at 6:30 PM. The Board is dark in December.

**ADJOURNMENT**

**Motion #2 was made by Rob Brown and seconded by Gernot Trolf  
TO ADJOURN the meeting at 8:08 PM.**

**VOTE: For: 8 Against: 0 Abstain: 0**

**Motion Passed.**

Prepared by Debbie Watkins, Secretary