

**MISSION BEACH PRECISE PLANNING BOARD (“MBPPB”)  
Tuesday, March 21, 2023 @ 6:30 PM  
Belmont Park Community Room, 3146 Mission Boulevard, 2<sup>nd</sup> Floor  
Minutes of Meeting**

**Board Members Present:**

Rebecca Abbott	Michelle Baron	Rob Brown	Gloria Henson
Dennis Lynch	Brian McCarthy	Bob Semenson	Cynthia Stratton
Gernot Trolf	Debbie Watkins	Jenine Whittecar	

**Absent:** Josh Geller

**OPENING FUNCTIONS**

Meeting was called to order by Chair Debbie Watkins at approximately 6:37 PM, and a quorum was confirmed.

Chair announced that the Election for Area Representatives is held concurrent with but separate from the regularly scheduled March meeting. Due to the rain, the Election was moved inside of the Belmont Park Community Room. Chair commented that the Polls open at 6:30 PM and close at 7:30 PM. The MBPPB requires proof of identity of eligible community members to vote in the election. Voting is by secret written ballot. **Eligible community members can vote for ONE CANDIDATE in the area they reside and are not allowed to vote in multiple areas. No Write-in Candidates.**

**Administrative Items**

**Revisions to Agenda**

- Copies of the Agenda for the March 21, 2023 Meeting were distributed and reviewed. Changes to the Agenda were requested by the Chair – *Information Item Re: Belmont Park* pulled from the Agenda; *Move Building Plan Review* after *Administrative Items* and before *Reports from Government Officials* because Bob Semenson, our Project Reviewer for the 829 Verona Court proposed project, needs to leave the meeting early due to unforeseen circumstances. The following motion was duly made:

**MOTION #1 was made by Rob Brown and seconded by Gloria Henson  
TO REVISE the March 2023 Agenda as stated above.**

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

**Motion Passed.** [C. Stratton absent for vote.]

- **Approval of Minutes** for February 21, 2023 Meeting via Zoom Conference  
Copies of the draft February 21<sup>st</sup> Minutes of Meeting via Zoom Conference were distributed and reviewed. There being no corrections, the February 21, 2023 Minutes were **APPROVED by UNANIMOUS CONSENT.**

- **Chair’s Report**

- (1) Chair reminded Board Members to vote in the 2023 Election of Area Representatives if they have not already done so.

- (2) Sad news to report – Peggy Bradshaw, former Chair of the Mission Beach Precise Planning Board and member for many years, passed away on or about Saturday, March 3<sup>rd</sup>. Peggy was instrumental in getting the PDO updated back in 2012, the last time it was updated.

## **BUILDING PLAN REVIEW**

### **Information Item:**

- **Project No. 697489 (829 Verona Court): Coastal Development Permit to remodel an existing 1,387 sq. foot two-story single-family dwelling unit located at 829 Verona Court. Remodel includes the addition of 434 sq. feet on the first and second floors and a new third floor with the single-family dwelling unit totally 1,821 sq. feet. The 0.04-acre site is located in the MBPD-R-N Zone, Coastal (Appealable) Overlay Zone, and First Public Roadway within the Mission Beach Community Plan Area. CD2.**

### **Owners/Presenters: Ann Whitman/John Oleinik (Oleinik Architect)**

John Oleinik introduced himself as the owner and stated both he and his wife, Ann Whitman, are architects. Mr. Oleinik presented the proposed plans for the property. They bought the two-story, two-bedroom property in 2006. The property has a 0' lot line setback on the east side of the home. Mr. Oleinik explained the proposed additions and footprint of the home.

Board Member Bob Semenson reviewed the proposed plans for the MBPPB. Mr. Semenson created and presented a very detailed, redlined copy of Mr. Oleinik's proposed plans, which referenced each specific PDO violation by code number on each part of the proposed remodel plan. Mr. Semenson also shared a drawing of the PDO's required building envelope and how the project fits into the envelope. He color coded the areas in the building envelope where the building violates the envelope. The 1<sup>st</sup> floor and most of the 2<sup>nd</sup> floor are legal non-conforming and are not constrained by the envelope. However, the 3<sup>rd</sup> floor is all new and is constrained by the envelope.

In summary,

- The plans show several portions of the 2<sup>nd</sup> and 3<sup>rd</sup> floor that do not conform to the PDO's required setbacks for new construction.
- The current structure sits on the edge of the walkway and does not have any setback on the East side of the home.
- The South side is build right to the property line, with only the neighbor's setback between the two buildings on the South side.
- PDO Section 1513.0304 – Property Development Regulations – Residential Subdistricts (1) Bayside Walk. In the RN-Subdistrict, building abutting Bayside Walk shall observe an additional setback beginning at 15 feet above existing grade or proposed grade, whichever is lower at the standard setback and sloping back at a 45 degree angle.
- Bayside Walk setback requirements. 829 Verona Court building is abutting Bayside Walk. Setback must be 5' with the 45 degree angle starting 15' above the 5' setback line. Most of the 3<sup>rd</sup> floor violates the 45 degree setback. Any new construction must observe a 45 degree

angle. The first two floors are existing and non-conforming. That can remain. But any new addition being built must observe the setback.

- The allowed 18” offset allowed for the Bayside Walk setback must conform to the 45 degree setback. The project does not conform at the 3<sup>rd</sup> floor.
- Dormers. The PDO allows dormers but the definition for dormers requires them to be set into a roof. Having an “eyebrow” at the bottom of the wall does not qualify as a roof.

Mr. Oleinik believes that a setback is not required on the East Bayside Walk. He stated the City agreed with him that the building does not abut Bayside Walk so he does not have to follow PDO setback requirements for this project.

Board Members and the public in attendance were given an opportunity to ask questions/comments.

- Mike Meyer pointed out the single story 8-foot roof height on the existing single story garage at the South side of the lot abutting the neighbors at the end of the alley can remain, but any structure built above the existing garage must observe the side yard setback. He explained that the garage is located in the rear yard. PDO Section 1513.0304(c)(3) shall apply: Minimum rear yard – (a) no rear yard is required except where the rear yard abuts an interior or rear yard on an adjacent lot. This section basically requires a 3-foot separation from the adjacent property with a 45 degree angle after 20 feet, or, go straight up if 5 feet from adjacent property.

- Board Member Dennis Lynch pointed out the original purpose of the setback in the PDO is to protect the beaches from being shaded by tall buildings and to prevent a “Waikiki-type” elimination of sun reaching the sand after midday. It is very important for the new multi-story construction to incorporate the required 45 degree angle setback to protect the 40+ feet of sand between the structure and the newly constructed walkway by allowing sunlight to reach the beach in front of the home. [See: Mission Beach Precise Plan pages 21-23: Sun, light, air. This is because the sun is in the South part of the sky and the afternoon shadows are undesirable on the Bayside beaches. Taller buildings must be set further back.]

- Board Member Rob Brown stated that the Bayside Walk setback favored the homeowner, and thus, the project appeared to him to comply as presented.

Mr. Oleinik insisted on his opinion that his plans meet the PDO regulations and felt they could only “agree to disagree.” Mr. Oleinik was advised by the Chair that Mr. Semenson will contact the Project Manager to find out the reasoning behind Mr. Oleinik’s and the City’s belief that the setback requirements do not apply to this project. The project will be scheduled as an ACTION ITEM at the MBPPB’s May 18<sup>th</sup> meeting.

## **REPORTS FROM GOVERNMENT OFFICIALS**

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

Seamus Kennedy was present and gave the following report:

- Street lights in Mission Beach on Ocean Front Walk and Bayside Walk have not been repaired nor the bulbs replaced as requested for the past 18 months.

- Vehicle habitation infractions have been ordered to be enforced starting April 1<sup>st</sup>. This is dependent on the Rose Creek homeless location.
- Budget for seawall repair will require Park & Rec to include it in their budget. Park & Rec did not list the seawall in their initial environmental approval document. Funds will need to come from the City and be matched by State funding. Seawall repairs have been discussed to extend further North into Pacific Beach.

Board Members and the public in attendance were given the opportunity to ask questions/comment.

- Gloria Henson informed Seamus that the signage replacement on Ocean Front Walk was completed. Seamus stated that he had followed up on it and the signs were replaced.
- Rob Brown stated that the seawall and the street patching in Mission Beach is badly needed after the last storm.
- Gernot Trolf reiterated his continuing problem with very loud cars and motorcycles on Mission Boulevard. Seamus suggested that Gernot create a daily time log of loud cars and motorcycles so the police can try to monitor busy day/night time patterns.
- Mike Meyer informed Seamus that the latest storm series pushed the sand to within 1” of the top of the seawall and Beach staff needs to move the sand away from the wall.
- Larry Webb said he met with Park & Rec to discuss the overdue need to have the sand redistributed and leveled on the beach. Park & Rec declined; it is not in the budget and they will consider it in the next budget. Larry was told that Park & Rec needs staff – they are shorthanded. Every City department is having trouble keeping staff.
- Rebecca Abbott stated that the last water shutoff was done with no notice to the public and the street blockage was not noticed in advance. Seamus advised to contact him directly. Vic Salazar is the responsible person at the City but Seamus wants to know when an avoidable problem keeps happening.
- Casey Fields asked Seamus about enforcement on Santa Clara for the market that was set up there.

**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.  
**None.**

**Other Comments:** Larry Webb commented that street vendors filed complaints with the Mayor and City Attorney that their First Amendment Rights are being violated because they sell personal art or religious/political articles. Park & Rec has backed away from enforcement.

Larry advised that prior to May 1<sup>st</sup> the MBTC will complete their list of questions to be given to the City related to STRO enforcement. Gloria Henson asked if the MBPPB could contribute to that list and Larry explained that the list was only related to enforcement questions not attempts to reduce the STR numbers. He stated he would share the list with the MBPPB via the Chair.

## **BOARD COMMUNICATIONS**

### **Information Item:**

- **Liaison Update (Airport Noise Advisory Committee “ANAC”)**

ANAC Representative Gloria Henson advised that ANAC did not meet in March and she provided the February meeting information during the February 21<sup>st</sup> MBPPB Meeting via Zoom.

- **Results of March 2023 Election for Area Representatives and Chair’s Certification**

Michelle Baron, the MBPPB’s Election Secretary, handled the Election and voting of community members for the 2023 Election of Area Representatives. Mike Meyer assisted with verifying the ballots cast. Michelle Baron noted there were 36 ballots cast; one (1) ballot was determined to be invalid and was not included in the final count. The following results were reported by Michelle Baron and confirmed by Mike Meyer:

**ELECTION RESULTS**

Area	Candidate	Votes	Term
*1	Bob Semenson	3	3-yr term ending 2026
*2	Cynthia Stratton	3	3-yr term ending 2026
*3	Jenine Whittecar	4	3-yr term ending 2026
*4	Gloria Henson	13	3-yr term ending 2026
*4	Casey Fields	12	Lost Election
		35	

\*Areas listed below:

- Area 1 - between San Diego Place & South side of Capistrano Place
- Area 2 - between the North side of Capistrano Place and the South side of West Mission Bay Drive and Ventura Place)
- Area 3 - between the North side of West Mission Bay Drive and Ventura Place and South side of El Carmel Place)
- Area 4 - between North side of El Carmel Place & South side of San Jose Place)

Chair Watkins **CERTIFIED** the results of the March 21, 2023 Election of Area Representatives.

There being no further business, the next MBPPB meeting takes place on Tuesday, April 18, 2023 at 6:30 PM in the Belmont Park Community Room.

**ADJOURNMENT**

**Motion #2 was made by Rob Brown and seconded by Gernot Trolf  
TO ADJOURN the meeting at approximately 7:55 PM.**

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

**Motion Passed.** [B. Semenson and C. Stratton absent for vote]

Prepared by Debbie Watkins, Secretary