



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: August 18, 2016 REPORT NO. PC-16-073

HEARING DATE: August 25, 2016

SUBJECT: Mission Boulevard Mixed Use CDP. Process Three Decision

PROJECT NUMBER: [431473](#)

REFERENCE: [Hearing Officer Report HO-16-029](#)

OWNER/APPLICANT: Anderson Family Trust/Scot Frontis

SUMMARY:

Issue: Should the Planning Commission grant or deny an appeal of the Hearing Officer decision to approve a Coastal Development Permit to construct a mixed use residential/commercial development located at 3965-3967 Mission Boulevard within the Mission Beach Community Planning area?

Staff Recommendation: Deny the appeal and uphold the Hearing Officer's decision to Approve Coastal Development Permit No. 1514728.

Community Planning Group Recommendation: On April 19, 2016, the Mission Beach Precise Planning Board voted 9-1-0 to recommend denial of the project (Attachment 7).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 17, 2016 and the opportunity to appeal that determination ended March 31, 2016.

Fiscal Impact Statement: None. All staff costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Housing Impact Statement: The 0.067-acre project site is zoned Mission Beach Planned District – Visitor Commercial- North (MBPD-VC-N). The MBPD-VC-N zone is a visitor/commercial zone allowing mixed commercial/residential uses. The project site is designated for Commercial Recreation (Pacific Beach Drive District) in the Mission Beach Precise Plan and allows for mixed use developments. The project site could accommodate

two dwelling units based on the underlying zone and up to two dwelling units based on the Mission Beach Precise Plan. This project is subject to the requirements of the City's inclusionary Affordable Housing Regulations (Chapter 14, Article 2, Division 13 of the San Diego Municipal Code). The applicant has indicated they will pay the in-lieu fee.

BACKGROUND

This item is an appeal of the Hearing Officer's June 15, 2016 decision to approve a Coastal Development Permit for the construction of two residential dwellings (Units 1 and 2) with retail commercial space in a single building on two lots. The first floor of the structure will include two tandem parking garages and 536 square feet of commercial space. The garages and the commercial space will be accessed from Mission Boulevard. The second floor will contain Unit 1 which includes three bedrooms, two bathrooms, kitchen, living room, and a deck. The third floor will contain Unit 2 which includes three bedrooms, two bathrooms, kitchen, living room, and a deck. As a component of the project, the dwelling units will incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's project energy consumption, in conformance with the criteria of the Affordable/In-fill Housing and Sustainable Buildings Expedite Program.

The property is an interior lot located approximately 400 feet from Mission Bay and 500 feet from the Pacific Ocean. The property is located between the sea and first public roadway paralleling the sea, but is not designated as a physical assessway or view corridor, and does not contain intermittent or partial vistas, viewsheds or scenic overlooks as identified within the adopted Mission Beach Precise Plan and Local Coastal Program.

The project is not requesting nor does it require any deviations or variances from the applicable Mission Beach Planned District MBPD-VC-N zone, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for the this site.

DISCUSSION

On June 15, 2016, The Hearing Officer considered the project. Public testimony was presented in favor and in opposition to the project. Mr. Dennis Lynch, representative with the Mission Beach Precise Planning Board and Ms. Julia DeBeers, representative for the Catamaran Resort Hotel raised concerns of noncompliance to the Mission Beach Planned District Ordinance related to the rear setback. After deliberation public testimony, the Hearing Officer approved the project as presented by staff.

On June 28, 2016, the City received an appeal application submitted by Julia DeBeers and Bill Evans on behalf of the Catamaran Resort Hotel (Attachment 1). The following summarizes the appeal issue and response by staff.

Appeal Issue: The appeal states that the decision to approve a Coastal Development Permit is in conflict with the Mission Beach Planned District Ordinance (MBPDO) section 1513.0307, in that the project does not comply with the minimum interior yard requirements.

Staff Response:

The Mission Beach Planned District Ordinance distinguishes interior side yards from rear yards. Section 1513.0304 (Property Development Regulations Residential Subdistricts, Attachment 6) of the Mission Beach Planned District Ordinance, identify specific requirements for interior yards and separate requirements for rear yards in the Residential Subdistricts. However, the proposed project is in a Commercial Subdistrict, the MBPD-VC-N zone . Because section 1513.0307 (Property Development Regulations – Commercial Subdistricts, Attachment 5), does not specific a rear yard requirement, no minimum rear yard is required. This determination is further supported by the exemptions under Mission Beach Planned District Ordinance section 1513.0307(b)(1)(B)(ii) that refers to Diagram 1513-03C (Attachment 7). The diagram illustrates the intent of the minimum interior yard requirements and shows the minimum interior yards measured from the side property lines and not from the rear. Therefore the Mission Beach Planned District Ordinance section 1513.0307 is silent on rear yard requirements and the proposed development is required to maintain only a front yard setback of 15 feet and two 6-foot interior side yard setbacks.

CONCLUSION:

Staff has determined that the proposed project, a Coastal Development Permit to construct a mixed residential/commercial development, complies with the Mission Beach Planned District Ordinance requirements regulating mixed use developments. Staff has also determined all required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

Respectfully submitted,


Elyse Lowe
Deputy Director
Development Services Department


William Zouner
Development Project Manager
Development Services Department

Attachments:

1. Appeal Application
2. Hearing Officer Report HO-16-029
3. Draft Permit with Conditions
4. Draft Resolution with Findings

5. Mission Beach Planned District Ordinance Section 1513.0307
6. Mission Beach Planned District Ordinance Section 1513.0304
7. Mission Beach Planned District Ordinance Section 1513-03C
8. Mission Beach Precise Planning Board Recommendation
9. Project Plans

 City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 THE CITY OF SAN DIEGO	RECEIVED JUN 28 2016	Development Permit/ Environmental Determination Appeal Application	FORM
			DS-3031 AUGUST 2015

In order to assure your appeal application is successfully accepted and processed, you must read and understand **Information Bulletin 505, "Development Permits/Environmental Determination Appeal Procedure"**.

1. Type of Appeal:

- ☒ Appeal of the Project *to the Planning Commission from Hearing Officer Teasley on 6/15/16*
☐ Appeal of the Environmental Determination

2. Appellant: Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)

Name: Catamaran Resort Hotel (Julia De Beers & Bill Evans on behalf of) E-mail Address: jdebeers@evanshotels.com
Address: 3999 Mission Blvd. City: San Diego State: CA Zip Code: 92109 Telephone: (858) 539-8800

3. Project Name:

Mission Boulevard Mixed Use CDP

4. Project Information

Permit/Environmental Determination & Permit/Document No.: Project Number 431473	Date of Decision/Determination: 06/15/16	City Project Manager: William Zounes
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Decision: (Describe the permit/approval decision)

The Hearing Officer approved a Coastal Development Permit for a mixed use residential/commercial development in Mission Beach Community Planning Area with a five (5) foot side setback and a zero (0) foot rear setback.

5. Grounds for Appeal: (Please check all that apply)

- ☒ Factual Error ☐ New Information
☒ Conflict with other matters ☐ City-wide Significance (Process Four decisions only)
☒ Findings Not Supported

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)


The decision to approve a Coastal Development Permit for project 431473 is in conflict with the Mission Beach Planned District Ordinance, Municipal Code Section 1513.0307 in that project does not comply with the minimum yard / setback requirements. The decision maker approved a rear yard setback of zero (0) feet. To comply with the Municipal Code, the setback should be six (6) feet, but in no event less than the default setback of five (5) feet.

The project is in Mission Beach, in a Visitor Commercial-North zone. The relevant municipal code section governing the project is Municipal Code Section 1513.0307, Mission Beach PDO, Property Development Regulations - Commercial Subdistricts.

Section 1513.0307 (b)(1)(A) sets forth a default rule requiring a "5-foot standard setback" for all "interior yards." The rear of the project abuts the interior property line of the Catamaran Resort Hotel, and is therefore an interior yard. The plain language of the statute requires a minimum 5 foot setback, unless one of the four exceptions apply. The only exception which could apply is subsection (iii), which states that in the VC-N Subdistrict, "development of any lot or combination of lots 45 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater." This project combines lots greater than 45 feet in width. Therefore, a setback of 6 feet is required for the interior yard at the rear of the property.

(continued on additional sheet)

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:  Date: 6/28/16

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

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Upon request, this information is available in alternative formats for persons with disabilities.

(Continued from form DS 3031, Appeal of Project Number 431473)

Staff argues that no rear yard is required because Section 1513.0307 (b)(1)(A) applies to interior *side* yards. Report to Hearing Officer at p. 3. *But the PDO does not use the term side yard and does not limit section 1514.0307 to side yards.* If the PDO section on interior yards was only meant to create a setback applying to side yards, Council would have used the term *side yard* or *interior side yard*. The plain language of the ordinance applies to any interior yard, not just an interior side yard.

Staff argues that no rear yard is required because Section 1513.0307 (b) is silent on “rear” yards. Reading silence in the PDO as setting forth a zero yard requirement is inconsistent with the PDO. When no yard is required, the PDO expressly says that no yard is required. *See, e.g.* Section 1513.0307(b)(2) (no yard for lots abutting Strandway, Bayside Lane, alleys, Ventura Place). If the PDO intended that no rear yard was required for any commercial property in Mission Beach, to be consistent with the rest of the PDO, the PDO would explicitly say that no rear yard is required instead of remaining silent on the issue. Indeed, leaving rear yards out entirely indicates that the PDO default 5 foot setback rule is meant to apply to all interior yards, including rear interior yards.

Staff points to Diagram 1513-03C, a diagram associated illustrating how a multi-height building can be subject to a 3 foot and 5 foot setback in the residential PDO section 1513.0304, as showing that interior yards are not rear yards. Staff draws this conclusion because the diagram does not have arrows marking a setback on the front or rear two sides of the property line. Staff did not consider the context of the diagram; the diagram cannot be read in the vacuum. First, the diagram is intended to illustrate how a dual-setback on a building over 20 feet may be calculated. It is not intended to illustrate the definition of an interior yard. Second, the code section associated with the diagram does require a rear yard, if there is an adjacent interior yard to the rear yard of an adjacent lot. Here, there is an adjacent interior yard to the project. It must also be noted that building in the diagram cited does not have a zero setback – the illustrated building does not go to the marked property line.

The project should have either a 5 foot or 6 foot interior yard. The project abuts the interior yard of the Catamaran’s property, where the Catamaran has its loading dock. The area is a busy commercial area, with active loading and unloading. Approving a project with a zero foot setback in the area raises safety concerns for the Catamaran, and an exception should not be granted.

The decision to approve the permit is in conflict with the Mission Beach Planned District Ordinance, Municipal Code Section 1513.0307 in that project does not comply with the minimum yard / setback requirements. The decision maker was informed that the existing plans complied with the setback requirements and did not require a deviation or variance to the PDO. This is incorrect, as either the default setback of 5 feet or the larger setback of 6 feet applies to the project. The stated findings to approve the matter are not supported by the information provided to the decision maker.



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: May 11, 2016 REPORT NO. HO-16-029

HEARING DATE: May 18, 2016

SUBJECT: MISSION BOULEVARD MIXED USE CDP. Process Three Decision

PROJECT NUMBER: [431473](#)

OWNER/APPLICANT: Anderson Family Trust/Scot Frontis

SUMMARY:

Issue: Should the Hearing Officer approve a Coastal Development Permit to construct a mixed use residential/commercial development located at 3965-3967 Mission Boulevard within the Mission Beach Community Planning area?

Staff Recommendation - APPROVE Coastal Development Permit No. 1514728.

Community Planning Group Recommendation - On April 19, 2016, the Mission Beach Precise Planning Board voted 9-1-0 to recommend denial of the project (See Discussion Section below and Attachment 7).

Environmental Review - The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 17, 2016 and the opportunity to appeal that determination ended March 31, 2016.

BACKGROUND

The project proposes the construction of two 1,829-square-foot, two-story residential units, and the construction of a 536 square-foot commercial space on a vacant lot. The project is located at 3965-3967 Mission Boulevard in the Mission Beach Planned District – Visitor Commercial- North (MBPD-VC-N) zone of the Mission Beach Planned District, within Coastal Height Limit Overlay Zone (appealable to the California Coastal Commission) within the First Public Roadway, the Parking Impact Overlay Zone (Beach Impact Area), the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, and the Mission Beach Precise Plan and Local Coastal Program area within the Mission Beach Community Plan area.

The site is surrounded by a mixture of uses including a restaurant, hotel, and residential developments. The project requires a Process 3 Coastal Development Permit (CDP) for development within the Appealable Area of the Coastal Overlay Zone and is located between the sea and first public roadway paralleling the sea of the Coastal Overlay Zone in accordance with San Diego Municipal Code section 126.0702.

DISCUSSION

The project proposes the construction of two residential dwellings with commercial space in a single building on two lots. The first floor of the structure will include two tandem parking garages and 536 square feet of commercial space. Both garages and the commercial area will be accessed from Mission Boulevard. The second floor will contain Unit 1 which includes three bedrooms, two bathrooms, kitchen, living room, and access to a deck. The third floor, Unit 2, also includes three bedrooms, two bathrooms, kitchen, living room, and access to a deck. As a component of the project, the dwelling units will incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's project energy consumption, in conformance with the criteria of the Affordable/In-fill Housing and Sustainable Buildings Expedite Program.

The property is an interior lot, and is located approximately 400 feet from Mission Bay and 500 feet from the Pacific Ocean. The property is located between the sea and first public roadway paralleling the sea, but is not designated as a physical accessway or view corridor, and does not contain intermittent or partial vistas, viewsheds or scenic overlooks as identified within the adopted Mission Beach Precise Plan and Local Coastal Program. Due to development of the adjacent hotel and other structures, there are no existing views to Mission Bay or the Pacific Ocean through the property.

The project site is designated for Commercial Recreation (Pacific Beach Drive District) in the Mission Beach Precise Plan [Plan]. The Plan allows for mixed use developments including the proposed commercial/residential development. The Plan contains goals and policies for design and development, and are generally codified in the Mission Beach Planned District Ordinance. The project meets the Land Development Code development regulations including but not limited to height, setbacks, parking, landscape and floor area ratio. The proposed development is in conformity with the Mission Beach Precise Plan and Local Coastal Program and complies with the regulations of the Land Development Code.

The project is not requesting nor does it require any deviations or variances from the applicable Mission Beach Planned District MBPD-VC-N zone, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for the this site.

Community Planning Group

On April 19, 2016, the Mission Beach Precise Planning Board voted 9-1-0 to recommend denial of the project (Attachment 7). The Mission Beach Precise Planning Board contends the project does not meet the rear yard setback requirements of the Mission Beach Planned District Ordinance section 1513.0307(b) (1) (B) (iii).

The Mission Beach Planned District Ordinance section 1513.0307(b) (1) (B) (iii) states , *"In the NC-N and VC-N Subdistricts, development of any lot or combination of lots 45 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater."*

Staff's response to the Mission Beach Precise Planning Board's recommendation of denial is that the Mission Beach Planned District Ordinance section applies only to the interior side yards of a lot. Since this setback is calculated based on the width of the lot, which is measured from side property line to side property line in accordance with Section 113.0243(b), staff has determined that this does not apply to the rear. This determination is further supported by the exemptions under Mission Beach Planned District Ordinance section 1513.0307(b)(1)(B)(ii) that refers to Diagram 1513-03C. The diagram illustrates the intent of the interior yard requirements and shows the interior yards measured from the side property lines only.

In addition, the Mission Beach Planned District Ordinance distinguishes interior side yards from rear yards. Several sections of the Mission Beach Planned District Ordinance identify specific requirements for interior side yards and separate requirements for rear yards. For commercial zones, no rear yard requirement is identified, therefore no minimum or maximum rear yard is required.

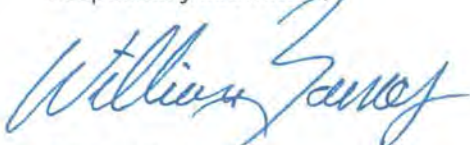
Conclusion

Staff has determined that the project complies with the development regulations of the Mission Beach Planned District and all other applicable sections of the Land Development Code. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements and City Council Policies. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Coastal Development Permit No. 1514728 with modifications or;
2. Deny Coastal Development Permit No. 1514728, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



William Zoures,
Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map

4. Project Data Sheet
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Environmental Exemption
10. Project Plans



Attachment 1 Aerial Photograph of Site

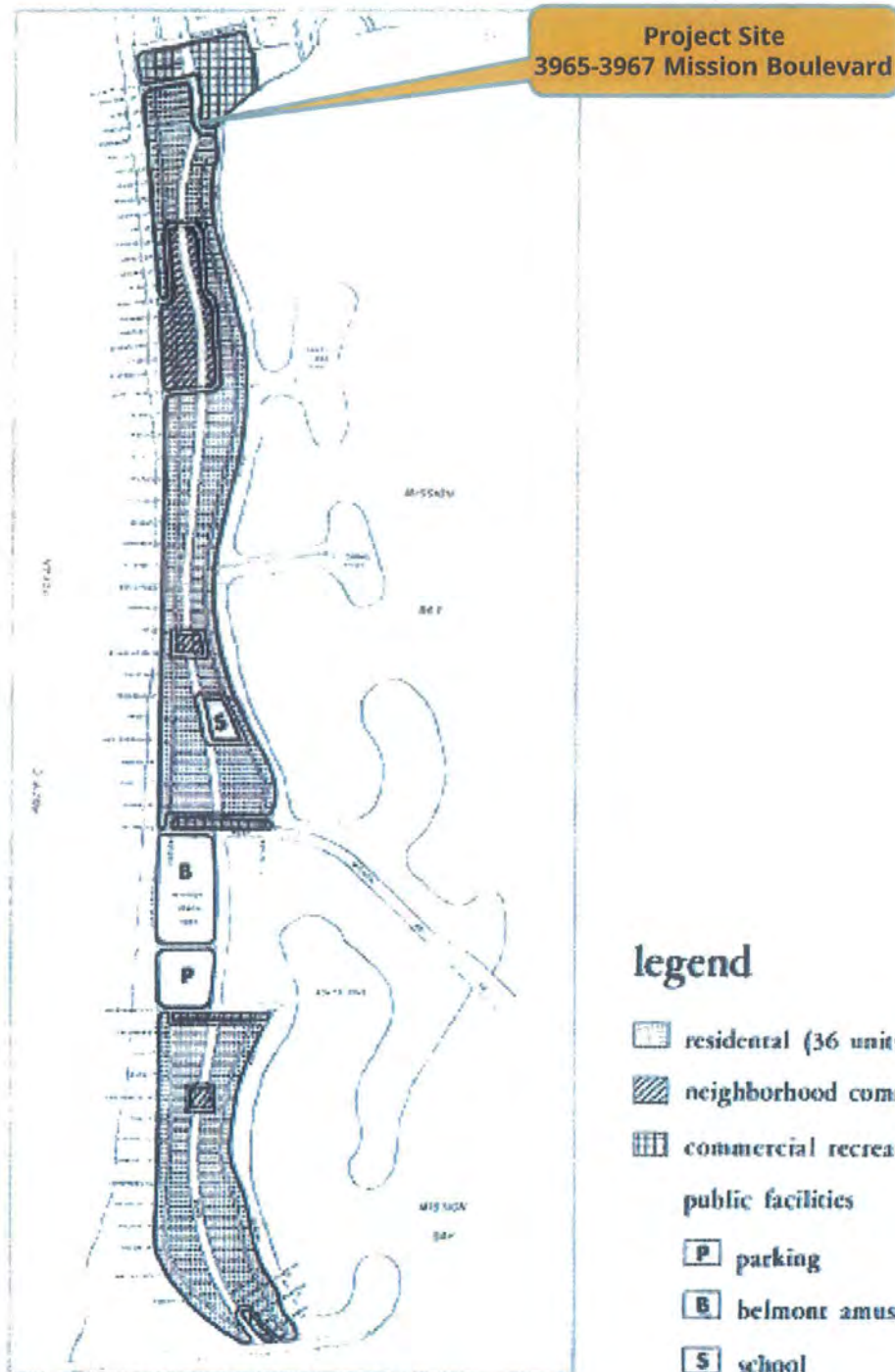


Aerial Photograph (Birds Eye)

Mission Blvd Mixed Use CDP Project No. 431473
3965-3967 Mission Boulevard



Attachment 2 Mission Beach Land Use plan



legend

- residential (36 units per acre)
- neighborhood commercial
- commercial recreation
- public facilities
- parking
- belmont amusement park
- school

Land Use Plan (Mission Beach)

Mission Blvd Mixed Use CDP Project No. 431473

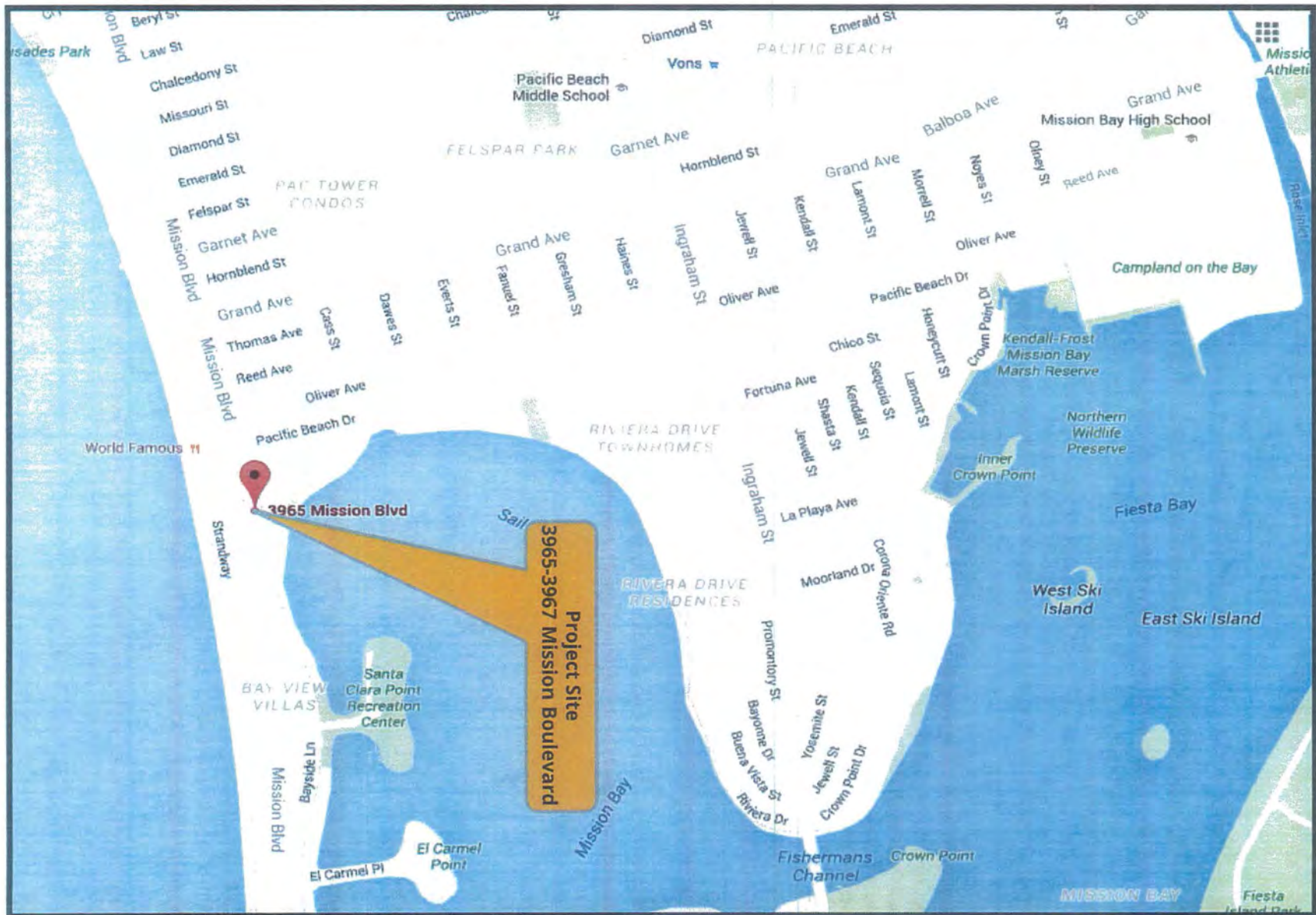
3965-3967 Mission Boulevard



Mission Beach Land Use F

Mission Beach Precise Plan





Project Location Map

Mission Blvd Mixed Use CDP Project No. 431473
3965-3967 Mission Boulevard



Attachment 3
Project Location Map

PROJECT DATA SHEET		
PROJECT NAME:	Mission Blvd Mixed Use CDP	
PROJECT DESCRIPTION:	Coastal Development Permit for the construction of two 1,829-square-foot, two-story residential units, and the construction of a 536 square-foot commercial space on a vacant lot.	
COMMUNITY PLAN AREA:	Mission Beach	
DISCRETIONARY ACTIONS:	Coastal Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial Recreation	
<p align="center"><u>ZONING INFORMATION:</u></p> <p>ZONE: Visitor Commercial- North (MBPD-VC-N) zone</p> <p>HEIGHT LIMIT: 30 feet</p> <p>LOT SIZE: 2,800 square feet</p> <p>FLOOR AREA RATIO: 1.75 maximum.</p> <p>FRONT SETBACK: 7 feet.</p> <p>SIDE SETBACK: 5 feet</p> <p>STREETSIDE SETBACK: 3 feet.</p> <p>REAR SETBACK: 0 feet</p> <p>PARKING: 2 spaces required</p>		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial Recreation; VC-N	Residential dwellings/Hotel
SOUTH:	Residential; RN	Residential Development
EAST:	Commercial Recreation; VC-N	Hotel
WEST:	Residential; RN	Residential Development
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On April 19, 2016, the Mission Beach Precise Planning Board voted 10-0-0 to recommend denial of the project.	

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24005990

COASTAL DEVELOPMENT PERMIT NO. 1514728
MISSION BOULEVARD MIXED USE CDP-PROJECT NO. 431473
HEARING OFFICER

This Coastal Development Permit No. 1514728 is granted by the Hearing Officer of the City of San Diego to ANDERSON FAMILY TRUST, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.07-acre site is located at 3965-3967 Mission Boulevard in the MBPD-VC-N zone of the Mission Beach Planned District within the Mission Beach Community Plan area. The project site is legally described as: Lot W and X on Block 249 Map No. 1809 Mission Beach Altered Map, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a mixed use commercial / residential building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 18, 2016, on file in the Development Services Department.

The project shall include:

- a. The construction of two 1,829 square-foot, residential units with two tandem parking garages and decks;
- b. The construction of a 536 square-foot commercial area;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

- d. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption in accordance with Council Policy 900-14; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by June 2, 2019.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

AFFORDABLE HOUSING REQUIREMENTS:

12. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

ENGINEERING REQUIREMENTS:

13. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

14. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

15. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is consistent with Exhibit 'A', satisfactory to the City Engineer.

16. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standards 12 ft wide concrete driveway, adjacent to the site on Mission Boulevard, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

19. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

20. Prior to issuance of construction permits for buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Mission Beach Planned District Ordinance [LDC 1513.0402] and the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

21. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Final Landscape Inspection.

23. The Owner/Permittee shall install and maintain all landscaping proposed in public view corridors to not obstruct public views of the ocean as specified in Section 132.0403(e) of the Land Development Code [LDC], Coastal Overlay Zone Regulations. Landscaping materials shall not encroach or overhang into the Courts and Places rights-of-way below a height of 8 feet above the finish surface or finish grade, as measured at the trunk [LDC 1513.0402(a)(2)].

PLANNING/DESIGN REQUIREMENTS:

24. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

25. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in accordance with Council Policy 900-14.

TRANSPORTATION REQUIREMENTS:

26. A minimum of four automobile spaces are required by the Land Development Code. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate decision-maker.

27. No professional and business office use may be operated on this site at any time unless it satisfies the minimum parking requirements of 2 spaces per 1,000 square feet.

28. The project shall provide and maintain 10 foot x 10 foot visibility triangle areas along the property line on both sides of the driveway on Mission Boulevard. No obstacles higher than 36 inches shall be located within these areas e.g. landscape, shrubs, walls, columns, signs etc.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

29. All water and sewer facilities to be constructed within the public ROW or other public easement (including water services and sewer laterals) must be designed and constructed in

accordance with criteria established in the most current version of all applicable City of San Diego Water and Sewer Facility Design Guidelines, regulations, standards, and practices pertaining thereto.

30. All proposed private water and/or sewer facilities must be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

31. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain a permit to install above ground private back flow prevention as required to protect all water service lines (domestic, fire, and irrigation) in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPD's are typically located on private property, in-line with the water service, and immediately adjacent to the right-of-way. The Public Utilities Department will not permit BFPDs to be located below grade or within the structure.

32. Before any construction permit can be issued under this development permit, the Owner/Permittee shall provide evidence of a City approved County recorded Encroachment Maintenance and Removal Agreement (EMRA) for any pre-existing or proposed encroachment within any public ROW or public easement contiguous to the property under review.

33. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten (10) feet of any sewer facilities or within five (5) feet of any water facilities.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on May 18, 2016.

Attachment 5
Draft Permit with Conditions

Permit Type/PTS Approval No.: CDP No. 1514728
Date of Approval: May 18, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

William Zounes
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Owner/Permittee

By _____
ANDERSON FAMILY TRUST

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

**HEARING OFFICER
RESOLUTION NO. XXXXXX
COASTAL DEVELOPMENT PERMIT NO. 1514728
MISSION BOULEVARD MIXED USE CDP-PROJECT NO. 431473**

WHEREAS, ANDERSON FAMILY TRUST, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a mixed use commercial / residential building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1514728), on portions of a 0.07-acre site;

WHEREAS, the project site is located at 3965-3967 Mission Boulevard in the Mission Beach Planned District – Visitor Commercial- North (MBPD-VC-N) zone of the Mission Beach Planned District within the Mission Beach Community Plan area;

WHEREAS, the project site is legally described as Lot W and X on Block 249 Map No. 1809 Missin Beach Altered Map, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County;

WHEREAS, on May 18, 2016, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1514728 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) under CEQA Guideline Section 15332 (In-Fill Development Projects) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated May 18, 2016.

FINDINGS:

Coastal Development Permit Findings SDMC section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The proposed development will be contained within the existing disturbed, previously developed and graded site. The project site has no existing or proposed physical coastal access used legally or otherwise by the public identified in the Local Coastal Program. The proposed building would conform to the maximum 30-foot height limit required by the zone. The project site is bounded by a restaurant and multi-family residential developments. The project is completely contained within the private property, and as such, the project would not encroach upon any existing physical access way.

The Mission Beach Precise Plan does not identify a public view corridor along Mission Boulevard adjacent to the project. Therefore, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan and would not obstruct any identified public views. The proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan by not encroaching into any scenic coastal area or public views as identified in the Local Coastal Program.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The project site is located in a built, urban environment, and does not impact any Environmentally Sensitive Lands. The project is not within, or adjacent to, the Multi-Habitat Planning Area (MHPA). As such, the project is conditioned to provide a Water Pollution Control Plan (WPCP) prior to the issuance of a building permit to ensure possible runoff during construction is being collected and not deposited into Mission Bay or the Pacific Ocean. Therefore the proposed coastal development will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The subject project site is designated for Commercial Recreation (Pacific Beach Drive District) in the Mission Beach Precise Plan [Plan]. The plan allows for a mixed use development inclusive of a commercial/residential development in this designation. The project is consistent with the designated use in the plan. The Plan contains goals and policies for design and development. These goals and policies are generally codified in the Mission Beach Planned District Ordinance (MBPDO). Although no specific views are mapped in the precise plan, the plan states that views to, and along the shoreline from public areas shall be protected from blockage by development and or vegetation. Due to development of the adjacent hotel and other structures, there are no existing views to Mission Bay or the Pacific Ocean through the property.

Therefore, the proposed project meets the land use designation of the certified Implementation Program including compliance to the San Diego Municipal Code development regulations to include but not limited to height, setbacks, parking, landscape and floor area ratio. The proposed development is in conformity with the Mission Beach Precise Plan and Local Coastal Program and complies with the regulations of the certified Land Development Code.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The project site is located between the nearest public road and the shoreline of a body of water. The project conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act where the site does not contain a physical public access way and is not within an ocean-front public recreation area. The project does not propose to encroach into any public access way to the ocean and all improvements and additions will be contained on site. The project is a private development on privately owned land. The project would conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act which indicates projects will not impede any water oriented activity, interfere with coastal dependent aquaculture uses, interfere with

coastal access, and not interfere with Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas. Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1514728 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1514728, a copy of which is attached hereto and made a part hereof.

William Zounes
Development Project Manager
Development Services

Adopted on: May 18, 2016

SAP Number: 24005151

Project No. 431473
Mission Boulevard Mixed Use CDP
3965-3967 Mission Boulevard
Architect: Scott Frontis
Owner: Steve Cairncross

“ATTACHMENT”

The Mission Beach Precise Planning Board (“MBPPB”) discussed this project at its April 19, 2016 Meeting. The owner’s architect was present. The MBPPB voted to DENY the project based on the following provisions of our Planned District Ordinance (“PDO”), effective August 9, 2012, and updated 2016.

This project is located on the southeast corner of York Court and Mission Boulevard. It is zoned VC-N. The project plans show no setbacks at the rear eastern property lines, which abut up against the interior yard of the Catamaran Hotel.

PDO §1513.0307(b) (2) (A) clearly states,

“A yard shall not be required for lots abutting Strandway
and Bayside Lane and alleys.”

Accordingly, a yard is required at the rear of this property abutting another lot. (This Plan Reviewer believes a setback would also be required by California and San Diego Fire Codes).

This project is a combination of two (2) standard 25-foot wide lots for a total width of 50 feet. PDO §1513.0307(b) (1) (B) (iii) states,

“In the NC-N and VC-N Subdistricts, development of
any lot or combination of lots 45 feet or greater in
width shall have a minimum interior yard setback of
6 feet or 10 percent of the lot width, whichever is greater.”

The MBPPB’s conclusion is that a 6-foot deep setback is required from the lot line abutting the Catamaran property.

///

Attachment 8 Ownership Disclosure Form



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval requested: ☐ Neighborhood Use Permit ☒ Conditional Use Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Weaver ☐ Land Use Plan Amendment ☐ Other

Project Title

MISSION BLVD MIXED USE

Project No. For City Use Only

Project Address

XXX MISSION BLVD, SAN DIEGO, CA 92109

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of individual (type or print)

ANDERSON FAMILY TRUST

☒ Owner ☐ Tenant/lessee ☐ Redevelopment Agency

Street Address

3963 MISSION BLVD

City/State/Zip

SAN DIEGO, CA, 92109

Phone No.

858 837-2078

Fax No.

Signature

[Signature]

Date

Name of individual (type or print)

☐ Owner ☐ Tenant/lessee ☐ Redevelopment Agency

Street Address

City/State/Zip

Phone No.

Fax No.

Signature

Date

Name of individual (type or print)

ANDERSON FAMILY TRUST

☒ Owner ☐ Tenant/lessee ☐ Redevelopment Agency

Street Address

3963 MISSION BLVD

City/State/Zip

SAN DIEGO, CA, 92109

Phone No.

Fax No.

Signature

[Signature] CO-TRUSTEE

Date

Name of individual (type or print)

☐ Owner ☐ Tenant/lessee ☐ Redevelopment Agency

Street Address

City/State/Zip

Phone No.

Fax No.

Signature

Date

Printed on recycled paper. Visit our web site at www.sandiego.gov/development for more information. Upon request, this information is available in alternative formats for persons with disabilities.

100-114 (5-04)

NOTICE OF EXEMPTION

(Check one or both)

TO: ☒ Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2400

☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Project No.: 431473

Project Title: Mission Boulevard Mixed Use

Project Location-Specific: 3965 – 3967 Mission Boulevard, San Diego, California 92109

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: A COASTAL DEVELOPMENT PERMIT to construct a three-story mixed use building on two existing lots including a 536-square-foot ground floor retail space, and two dwelling units on the second and third floors. The project would also construct two tandem parking garages and storage units. Each unit would be 1,760-square-feet and have a 150-square-foot deck. Various site improvements would also be constructed that include associated hardscape and landscape. The project would conform to the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program by generating 50 percent or more of the projected total energy consumption on site through renewable energy resources (i.e. photovoltaic). The 2,909-square-foot project site is currently used for parking and is located at 3965 - 3967 Mission Boulevard. The project site is designated Commercial Recreation (Pacific Beach Drive District) and within the Mission Beach Planned District-VC-N zone. Additionally, the project site is within the Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, First Public Roadway, Parking Impact Overlay Zone (Beach Impact Area), Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, and Mission Beach Precise Plan and Local Coastal Program Area. (LEGAL DESCRIPTION: Lots W and X on Block 249 according to Map No. 1809 of Mission Beach Altered Map.)

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Barbara C. Lawrence
Anderson Family Trust, 3963 Mission Boulevard
San Diego, California 92109
(858) 837-2078

Exempt Status: (CHECK ONE)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- ☒ Categorical Exemption: 15332 (In-Fill Development Projects)

Reasons why project is exempt: The City of San Diego conducted an environmental review, which determined the project would not have the potential for causing a significant effect on the environment in that the project is consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15332 that consists of projects characterized as in-fill development meeting the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning

Revised 010410mjh

designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Lindsey H. Sebastian

Telephone: (619) 236-5993

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA



Sr. Planner

Signature/Title

March 17, 2016

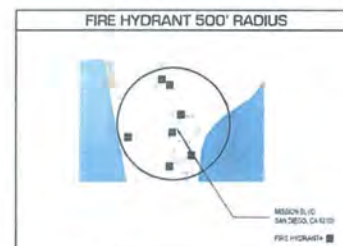
Date

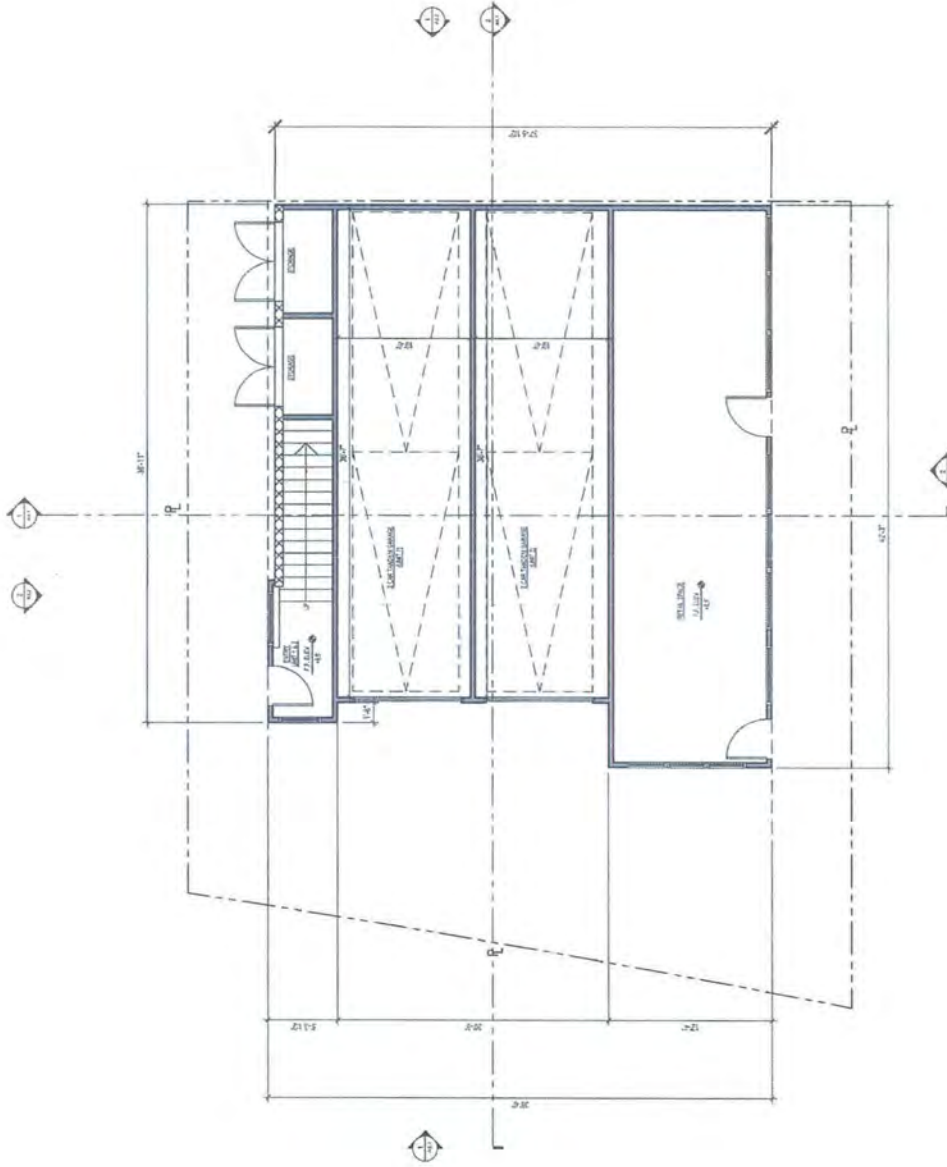
Check One:

(X) Signed By Lead Agency

() Signed by Applicant

Date Received for Filing with County Clerk or OPR:

[illegible]



FIRST LEVEL
1/4" = 1'-0"

PROJECT NAME: MISSION BLVD MIXED USE
PROJECT LOCATION: MISSION BLVD, LOS ANGELES, CA 90005
PROJECT ARCHITECT: FRONTIS STUDIO
PROJECT ENGINEER: [REDACTED]
PROJECT DATE: 10/15/2019
PROJECT SCALE: 1/4" = 1'-0"

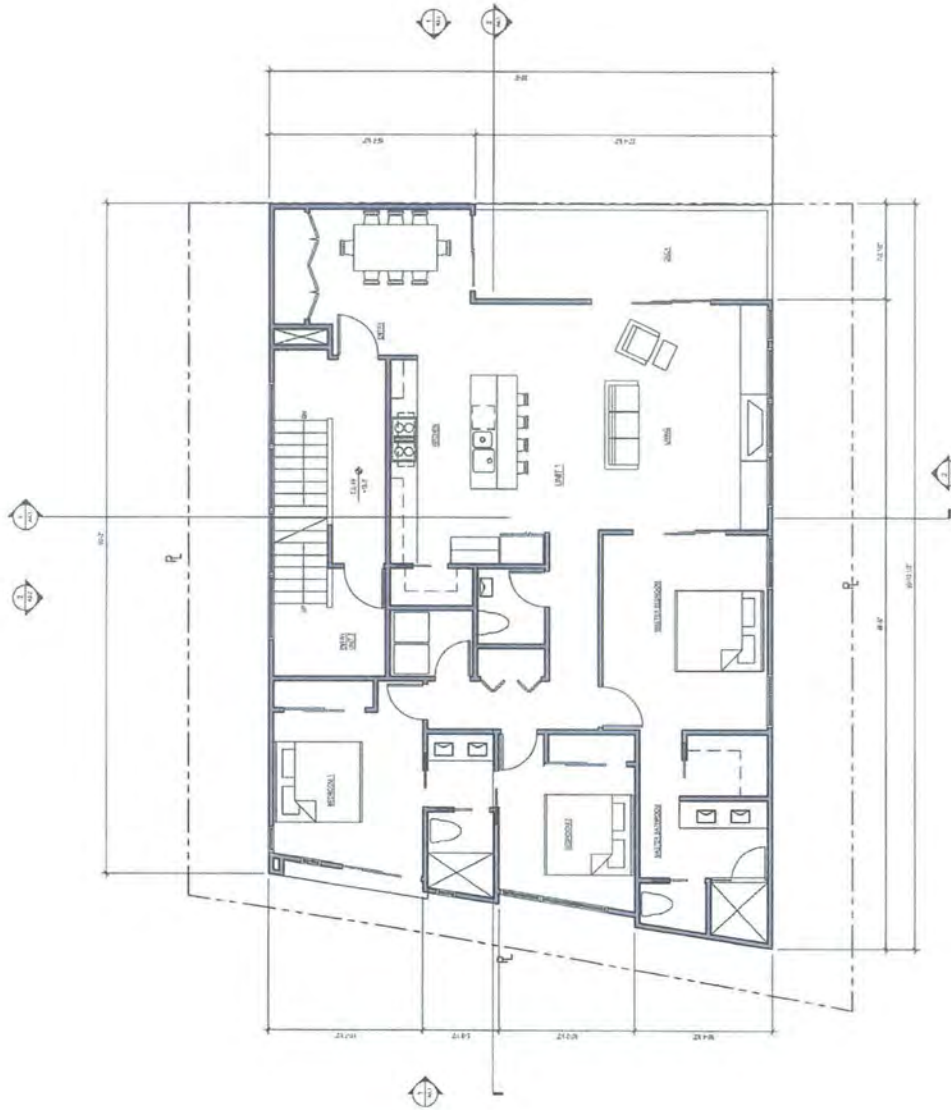
PROJECT NAME: MISSION BLVD MIXED USE
PROJECT LOCATION: MISSION BLVD, LOS ANGELES, CA 90005
PROJECT ARCHITECT: FRONTIS STUDIO
PROJECT ENGINEER: [REDACTED]
PROJECT DATE: 10/15/2019
PROJECT SCALE: 1/4" = 1'-0"

Mission Blvd Mixed Use



FRONTIS
STUDIO

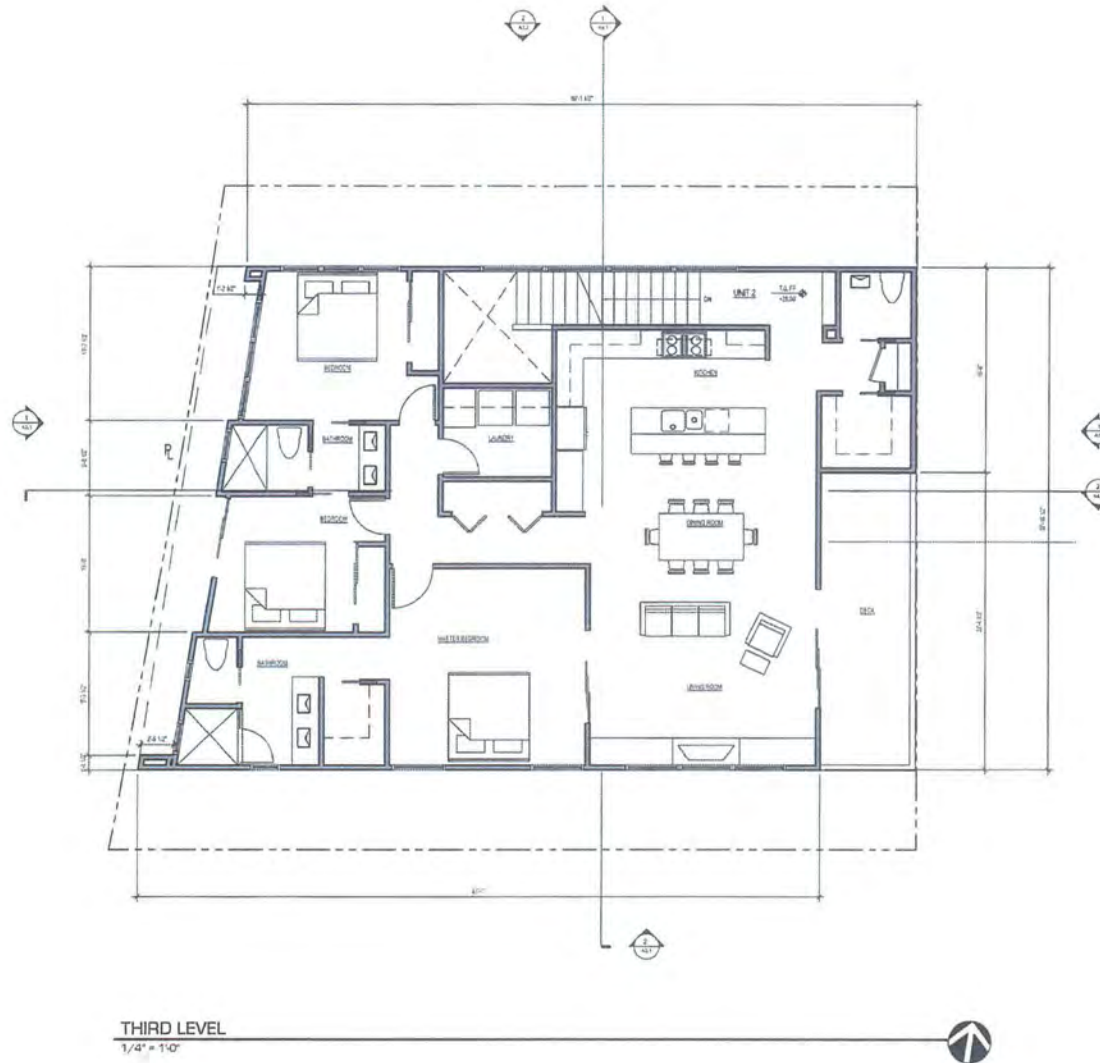
DATE	10/15/2019
BY	[REDACTED]
CHECKED BY	[REDACTED]
SCALE	1/4" = 1'-0"



SECOND LEVEL
1/4" = 1'-0"

SECOND LEVEL
 PROJECT NAME: MISSION BLVD MIXED USE
 PROJECT LOCATION: 1000 MISSION BLVD, SUITE 200, SAN ANTONIO, TX 78205
 PROJECT OWNER: MISSION BLVD MIXED USE LLC
 PROJECT ARCHITECT: FRONTIS STUDIO
 PROJECT ENGINEER: [REDACTED]
 PROJECT DATE: 08/01/2019
 PROJECT STATUS: [REDACTED]

REVISIONS
 REVISION 1: [REDACTED]
 REVISION 2: [REDACTED]
 REVISION 3: [REDACTED]
 REVISION 4: [REDACTED]
 REVISION 5: [REDACTED]



THIRD LEVEL

PREPARED BY:
FRONTIS STUDIO
101 VASQUEZ ST. #2
SAN FRANCISCO, CA 94103
P. 415.337.2075

LEGAL DESCRIPTION:
LOT 14, 15 & 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

PROJECT NAME:
MISSION BLVD MIXED USE

SHEET TITLE:
THIRD LEVEL

REVISION 1:
REVISION 2:

REVISION 3:

REVISION 4:

REVISION 5:

REVISION 6:

REVISION 7:

REVISION 8:

REVISION 9:

REVISION 10:

REVISION 11:

REVISION 12:

REVISION 13:

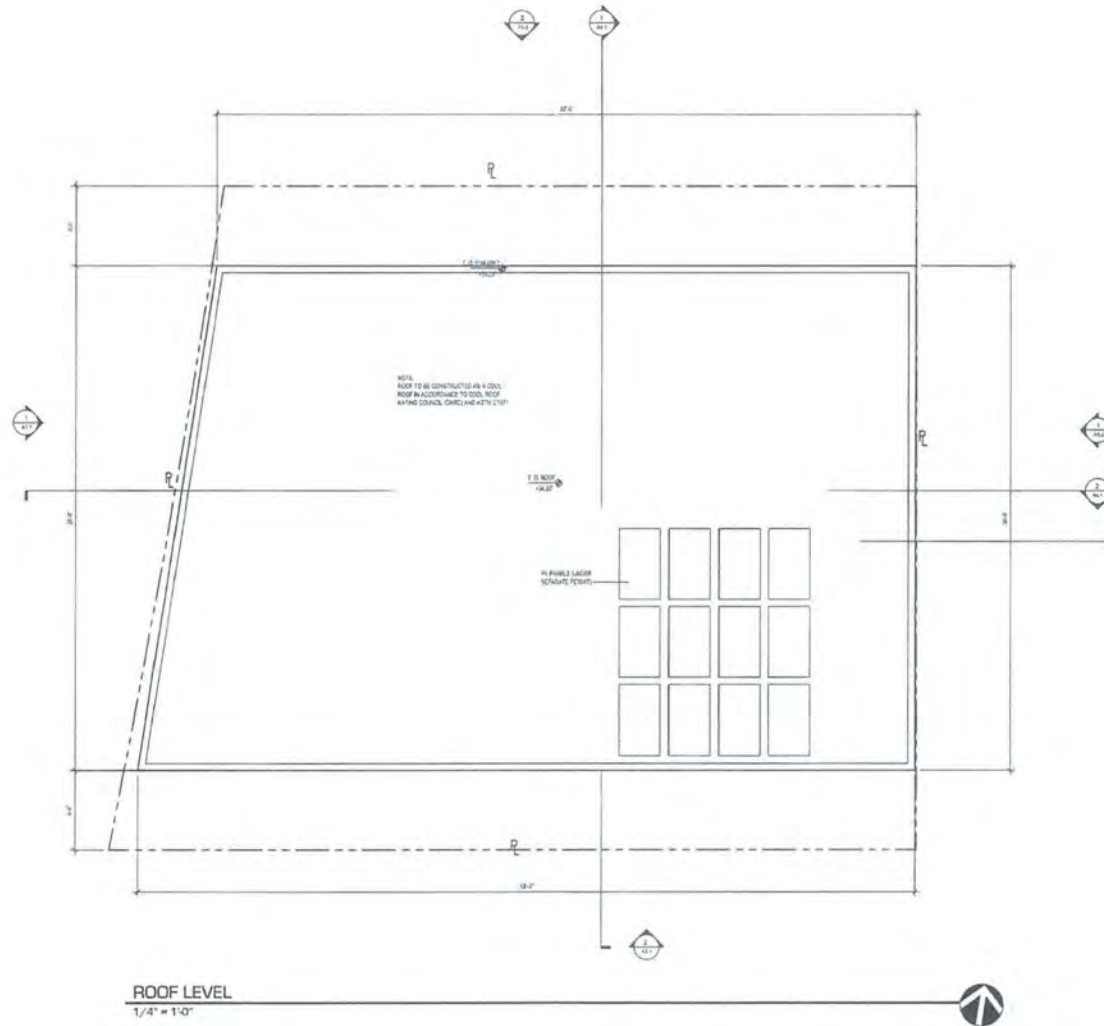
Attachment 12.3
Heaing Officer Report HO-16-029
Page 26 of 31

FRONTIS STUDIO
101 VASQUEZ ST. #2
SAN FRANCISCO, CA 94103
P. 415.337.2075



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ROOF LEVEL

PREPARED BY:
FRONTIS STUDIO
601 WILSON ST. #2
SAN JOSE, CA 95128
P. 415.437.0778

LEGAL DESCRIPTION:
LOT 10, 10.00 AC. BLK 100, MAP 100
MISSION BEACH, ALBERTA, CANADA

PROJECT NAME:
MISSION BEACH MIXED USE

SHEET TITLE:
REVISION 1:

SHEET COUNT:
REVISION 2:

DATE:
REVISION 3:

Attachment 2.4
Hearing Officer Report HO-16-029
Page 27 of 31

FRONTIS STUDIO
1000 University Ave., Suite 200
San Jose, CA 95128
Tel: 415.437.0778

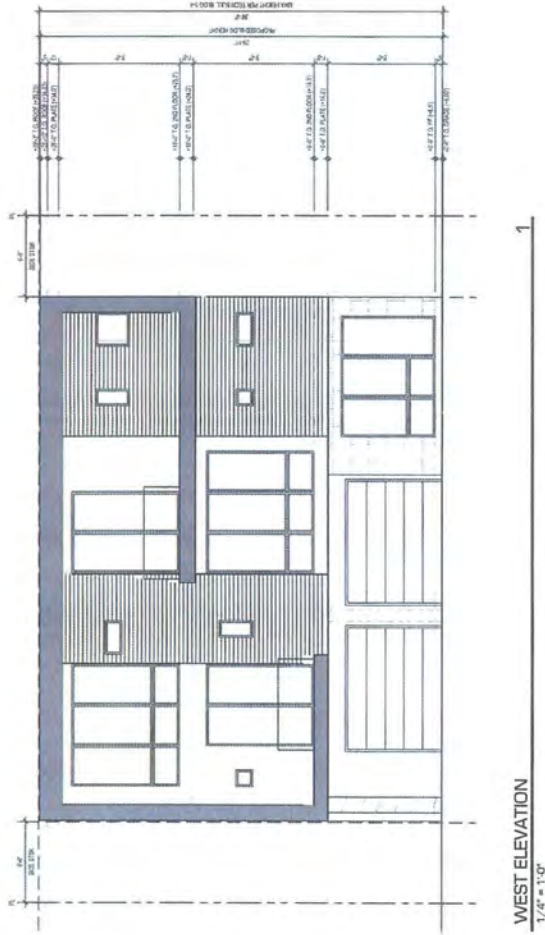


Mission Blvd Mixed Use

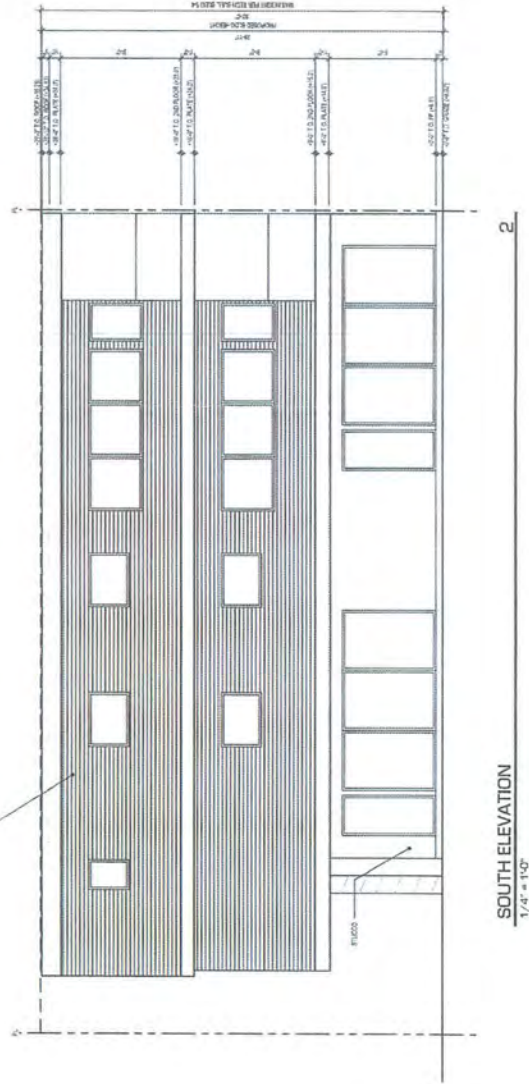
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Scale: 1/4" = 1'-0"

Sheet: 100



WEST ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"

ELEVATIONS

PREPARED BY:
FRONTIER FINANCIAL
800 WASHINGTON ST., 43
SAN DIEGO, CA 92101
P. 619.597.2078

LEGAL DESCRIPTION:
LOT 21 AND A CONVEYANCE

LEGAL DESCRIPTION:
LOT 17 AND 18 ON BLOCK 244 MAP 140
SECTION 36 T42N R12E S11E

www.bjppractice.com

PROJECT NAME: WILSON B. V. MATHUR	SUBMITTAL: 08-27-08
REVISION 1: 2 JULY 2009	

SPEC. NAME
 LOT / EIGHT - COUNT/PLATING
 S-AFT COUNT:

4 of 13
PTS: 8

Page

9

Mission Blvd Mixed Use

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Order	10-11-0
Order	10-11-0

Year	Value
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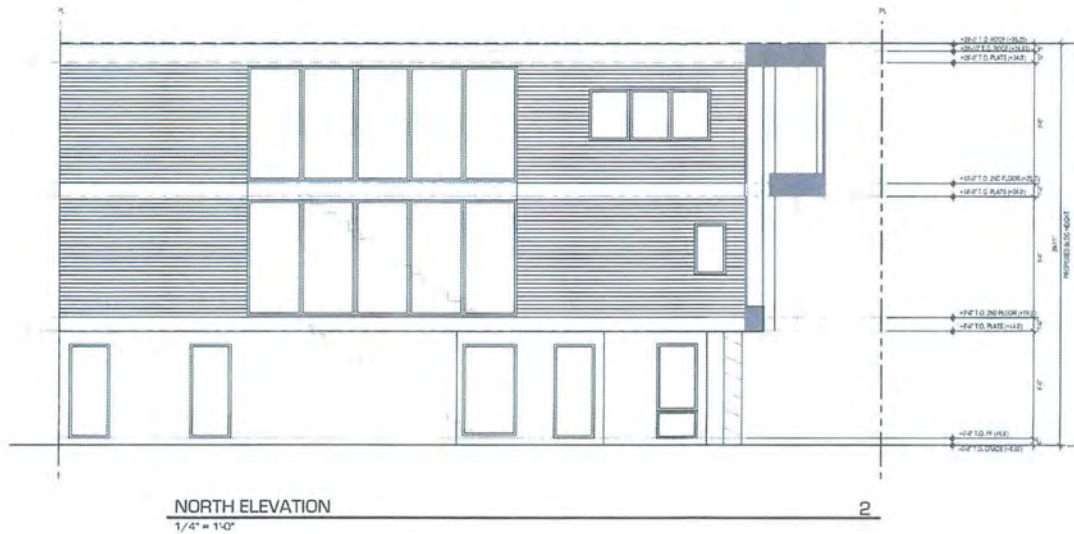
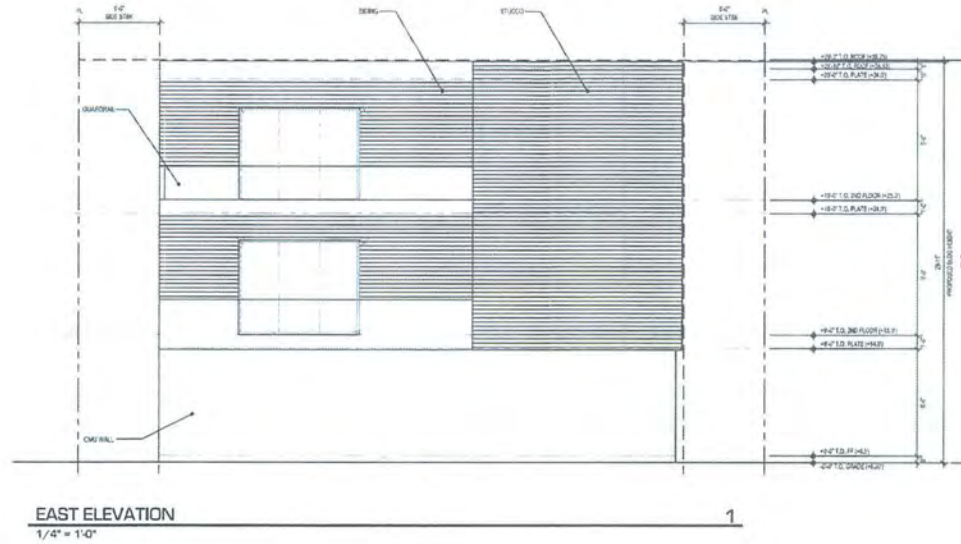
Source: E. J. Farnham

Sheet

Appendix A3.1

-029
of 31

3



Mission Blvd Mixed Use

ELEVATIONS

PREPARED BY:
FRONTIS STUDIO
222 WILSON ST. #2
SAN DIEGO, CA 92101
P: 619.277.2777

LEGAL DESCRIPTION:
LOT 17 AND 18 ON BLOCK 344 MAP 188
MISSION BEACH ALTERED MAP

PROJECT NAME:
MISSION BLVD MIXED USE

SHEET TITLE:
EAST ELEVATION

SHEET COUNT:
1 OF 2

DATE:
10/1/2017

DESIGNER:
FRONTIS STUDIO

REVISION 1:
10/1/2017

REVISION 2:
10/1/2017

REVISION 3:
10/1/2017

REVISION 4:
10/1/2017

REVISION 5:
10/1/2017

REVISION 6:
10/1/2017

REVISION 7:
10/1/2017

REVISION 8:
10/1/2017

REVISION 9:
10/1/2017

REVISION 10:
10/1/2017



Attachment 24.1

DATE					
TIME					
NAME					
ADDRESS					
TELEPHONE					
CITY					
STATE					
COUNTRY					
POSTAL CODE					
STREET					
APARTMENT					
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Mission Blvd Mixed Use

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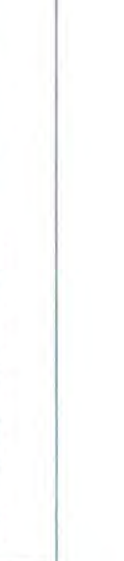
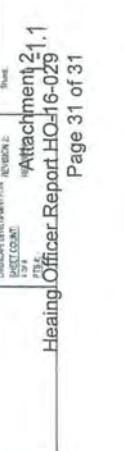
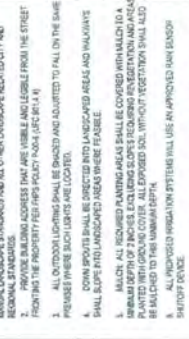
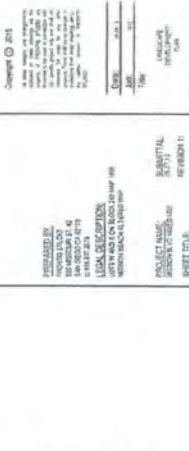
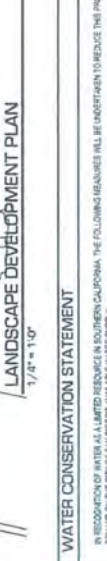
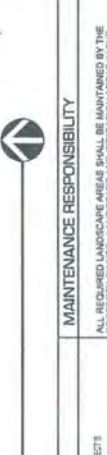
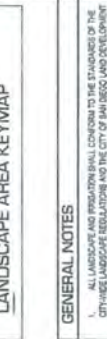
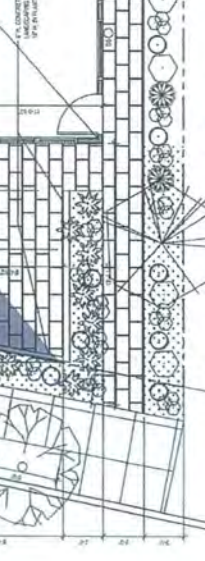
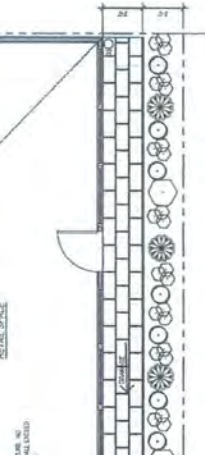
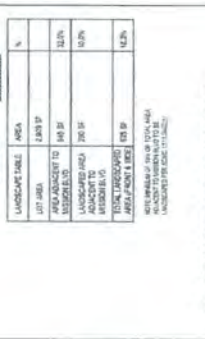
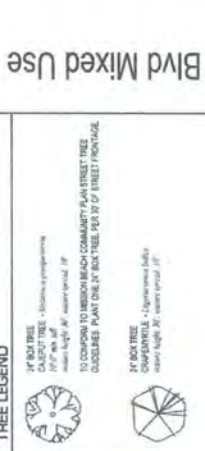
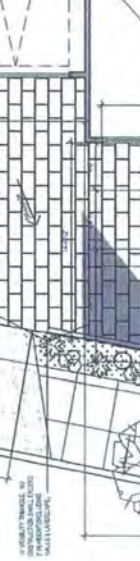
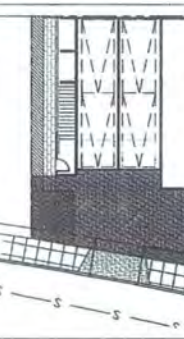
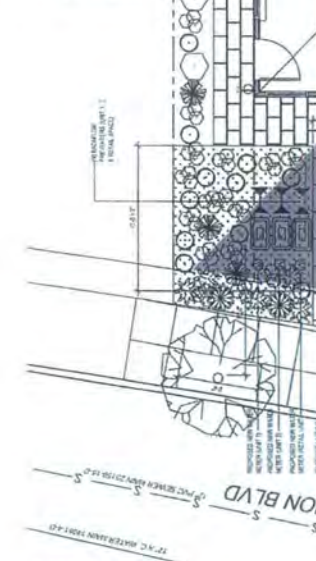
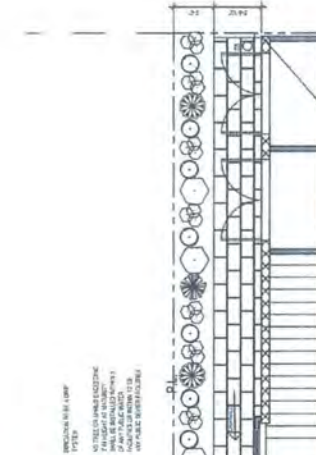
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07/05/15

Date	07/05/15
Addr	NYC
Title	

ISSUING ACTIONS

Sheet



RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24005990

COASTAL DEVELOPMENT PERMIT NO. 1514728
MISSION BOULEVARD MIXED USE CDP-PROJECT NO. 431473
PLANNING COMMISSION

This Coastal Development Permit No. 1514728 is granted by the Planning Commission of the City of San Diego to ANDERSON FAMILY TRUST, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.07-acre site is located at 3965-3967 Mission Boulevard in the MBPD-VC-N zone of the Mission Beach Planned District within the Mission Beach Community Plan area. The project site is legally described as: Lot W and X on Block 249 Map No. 1809 Mission Beach Altered Map, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a mixed use commercial / residential building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 25, 2016, on file in the Development Services Department.

The project shall include:

- a. The construction of two 1,829 square-foot, residential units with two tandem parking garages and decks;
- b. The construction of a 536 square-foot commercial area;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

- d. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption in accordance with Council Policy 900-14; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by September 9, 2019.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

AFFORDABLE HOUSING REQUIREMENTS:

12. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

ENGINEERING REQUIREMENTS:

13. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

14. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

15. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is consistent with Exhibit 'A', satisfactory to the City Engineer.

16. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standards 12 ft wide concrete driveway, adjacent to the site on Mission Boulevard, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

19. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

20. Prior to issuance of construction permits for buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Mission Beach Planned District Ordinance [LDC 1513.0402] and the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

21. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Final Landscape Inspection.

23. The Owner/Permittee shall install and maintain all landscaping proposed in public view corridors to not obstruct public views of the ocean as specified in Section 132.0403(e) of the Land Development Code [LDC], Coastal Overlay Zone Regulations. Landscaping materials shall not encroach or overhang into the Courts and Places rights-of-way below a height of 8 feet above the finish surface or finish grade, as measured at the trunk [LDC 1513.0402(a)(2)].

PLANNING/DESIGN REQUIREMENTS:

24. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

25. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in accordance with Council Policy 900-14.

TRANSPORTATION REQUIREMENTS:

26. A minimum of four automobile spaces are required by the Land Development Code. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate decision-maker.

27. No professional and business office use may be operated on this site at any time unless it satisfies the minimum parking requirements of 2 spaces per 1,000 square feet.

28. The project shall provide and maintain 10 foot x 10 foot visibility triangle areas along the property line on both sides of the driveway on Mission Boulevard. No obstacles higher than 36 inches shall be located within these areas e.g. landscape, shrubs, walls, columns, signs etc.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

29. All water and sewer facilities to be constructed within the public ROW or other public easement (including water services and sewer laterals) must be designed and constructed in

accordance with criteria established in the most current version of all applicable City of San Diego Water and Sewer Facility Design Guidelines, regulations, standards, and practices pertaining thereto.

30. All proposed private water and/or sewer facilities must be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

31. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain a permit to install above ground private back flow prevention as required to protect all water service lines (domestic, fire, and irrigation) in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPD's are typically located on private property, in-line with the water service, and immediately adjacent to the right-of-way. The Public Utilities Department will not permit BFPDs to be located below grade or within the structure.

32. Before any construction permit can be issued under this development permit, the Owner/Permittee shall provide evidence of a City approved County recorded Encroachment Maintenance and Removal Agreement (EMRA) for any pre-existing or proposed encroachment within any public ROW or public easement contiguous to the property under review.

33. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten (10) feet of any sewer facilities or within five (5) feet of any water facilities.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on August 25, 2016.

Permit Type/PTS Approval No.: CDP No. 1514728
Date of Approval: August 25, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

William Zounes
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Owner/Permittee

By _____
ANDERSON FAMILY TRUST

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

**PLANNING COMMISSION
RESOLUTION NO. XXXXXX
COASTAL DEVELOPMENT PERMIT NO. 1514728
MISSION BOULEVARD MIXED USE CDP-PROJECT NO. 431473**

WHEREAS, ANDERSON FAMILY TRUST, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a mixed use commercial / residential building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1514728), on portions of a 0.07-acre site;

WHEREAS, the project site is located at 3965-3967 Mission Boulevard in the Mission Beach Planned District – Visitor Commercial- North (MBPD-VC-N) zone of the Mission Beach Planned District within the Mission Beach Community Plan area;

WHEREAS, the project site is legally described as Lot W and X on Block 249 Map No. 1809 Mission Beach Altered Map, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County;

WHEREAS, on June 15, 2016, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1514728 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on June 28, 2016, Julia De Beers and Bill Evans on behalf of Catamaran Resort Hotel filed an appeal of the Hearing Officer's decision;

WHEREAS, on August 25, 2016, the Planning Commission of the City of San Diego considered the appeal of Coastal Development Permit No. 1514728 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) under CEQA Guideline Section 15332 (In-Fill Development Projects) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated August 25, 2016.

FINDINGS:

Coastal Development Permit Findings SDMC section 126.0708

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The proposed development will be contained within the existing disturbed, previously developed and graded site. The project site has no existing or proposed physical coastal access used legally or otherwise by the public identified in the Local Coastal Program. The proposed building would conform to the maximum 30-foot height limit required by the zone. The project site is bounded by a restaurant and multi-family residential developments. The project is completely contained within the private property, and as such, the project would not encroach upon any existing physical access way.

The Mission Beach Precise Plan does not identify a public view corridor along Mission Boulevard adjacent to the project. Therefore, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan and would not obstruct any identified public views. The proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan by not encroaching into any scenic coastal area or public views as identified in the Local Coastal Program.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The project site is located in a built, urban environment, and does not impact any Environmentally Sensitive Lands. The project is not within, or adjacent to, the Multi-Habitat Planning Area (MHPA). As such, the project is conditioned to provide a Water Pollution Control Plan (WPCP) prior to the issuance of a building permit to ensure possible runoff during construction is being collected and not deposited into Mission Bay or the Pacific Ocean. Therefore the proposed coastal development will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The subject project site is designated for Commercial Recreation (Pacific Beach Drive District) in the Mission Beach Precise Plan [Plan]. The plan allows for a mixed use development inclusive of a commercial/residential development in this designation. The project is consistent with the designated use in the plan. The Plan contains goals and policies for design and development. These goals and policies are generally codified in the Mission Beach Planned District Ordinance (MBPDO). Although no specific views are mapped in the precise plan, the plan states that views to, and along the shoreline from public areas shall be protected from blockage by development and or vegetation. Due to development of the adjacent hotel and other structures, there are no existing views to Mission Bay or the Pacific Ocean through the property.

Therefore, the proposed project meets the land use designation of the certified Implementation Program including compliance to the San Diego Municipal Code development regulations to include but not limited to height, setbacks, parking, landscape and floor area ratio. The proposed development is in conformity with the Mission Beach Precise Plan and Local Coastal Program and complies with the regulations of the certified Land Development Code.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the

Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The project site is located between the nearest public road and the shoreline of a body of water. The project conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act where the site does not contain a physical public access way and is not within an ocean-front public recreation area. The project does not propose to encroach into any public access way to the ocean and all improvements and additions will be contained on site. The project is a private development on privately owned land. The project would conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act which indicates projects will not impede an any water oriented activity, interfere with coastal dependent aquaculture uses, interfere with coastal access, and not interfere with Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas. Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 1514728 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1514728, a copy of which is attached hereto and made a part hereof.

William Zounes
Development Project Manager
Development Services

Adopted on: August 25, 2016

SAP Number: 24005151

(b) Accessory Uses

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses, including the following:

- (1) Private garages, parking areas and storage areas except access shall not be off Mission Boulevard.
- (2) Recreational facilities intended only for the use of residents residing on the premises.
- (3) On-premises signs as permitted by Section 1513.0404(b) Sign Regulations - Commercial Subdistricts – On Premise Signs.

("Permitted Uses – Commercial Subdistricts" added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

(Amended 10-18-2010 by O-19999 N.S.; effective 8-9-2012.)

§1513.0307 Property Development Regulations – Commercial Subdistricts

(a) Minimum Lot Standards

The minimum lot standards as shown in Table 1513-03C apply, except any lot as defined in Land Development Code Section 113.0103 that meets the criteria for a legal lot in accordance with 113.0237 and which does not comply in all respects with the minimum lot dimensions specified in Table 1513-03C may be used in accordance with the regulations of the applicable zone.

**Table 1513-03C
Minimum Lot Standards**

Standard	NC-N, VC-N	NC-S, VC-S
Area	1,250 Square Feet	2,400 Square Feet
Street Frontage	25 Feet	30 Feet
Width	25 Feet	30 Feet
Depth	50 Feet	80 Feet

(b) Yards

(1) Minimum Interior Yards

(A) 5-foot standard setback.

(B) Exceptions:

- (i) A 3-foot setback may apply to a structure that is 20 feet or less above existing or proposed grade, whichever is lower, provided that any portion of the structure's facade that exceeds 20 feet in height above existing grade or proposed grade, whichever is lower, shall observe an additional setback for the remainder of the structure height by sloping away from the vertical plane of the facade at an angle not to exceed 45 degrees.
- (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 1513.0307(b)(1)(A) and 1513.0307(b)(1)(B)(i), as shown in Diagram 1513-03C.
- (iii) In the NC-N and VC-N Subdistricts, development of any lot or combination of lots 45 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.
- (iv) In the NC-S and VC-S Subdistricts, development of any lot or combination of lots 55 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

(2) Minimum Yards on Streets and Alleys

- (A) A yard shall not be required for lots abutting Strandway and Bayside Lane and alleys.
- (B) A yard shall not be required for lots abutting Ventura Place and West Mission Bay Drive.
- (C) A yard shall not be required on Mission Boulevard except as set forth in Section 1513.0402(b)

- (3) Minimum Yards on Bayside and Ocean Front Walks in NC-N, NC-S, VC-N and VC-S Subdistricts shall be as follows:
- (A) NC-N and VC-N Subdistricts, Bayside Walk-5-foot standard setback.
 - (B) NC-N and VC-N Subdistricts Ocean Front:
 - (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.
 - (C) NC-S and VC-S Subdistricts, Bayside and Ocean Front Walks – 10-foot standard setback.
 - (D) Exceptions:
 - (i) Bayside Walk. In the NC-S and VC-S Subdistricts, buildings abutting Bayside Walk shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. In the NC-N and VC-N Subdistricts, buildings 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. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.
 - (ii) Ocean Front Walk. In the NC-S and VC-S Subdistricts, buildings abutting Ocean Front Walk shall observe an additional setback beginning at 25 feet above existing grade or proposed grade, whichever is lower at the standard setback and 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.

- (4) Minimum Yards on Courts and Places in VC-N, VC-S, NC-N and NC-S. The minimum yard requirement shall be those set forth in Section 1513.0304(c)(2). The R-N Subdistrict requirements shall apply to the VC-N and NC-N and the R-S Subdistrict requirements shall apply to the VC-S and NC-S.
- (c) Encroachments
- (1) Encroachments into Interior Yards. Allowable encroachments into the interior yard are listed in Table 1513-03D.

Table 1513-03D
Allowable Encroachments

Feature	Interior Yard
Direct Vent Gas	6 inches in 3-foot setback 1 foot in 5-foot setback
Eaves	6 inches
Lighting Fixtures	9 inches
Rain Gutters	6 inches
Vents	6 inches

- (2) Encroachments into the required 45 degree angled setbacks of the interior yard. The following features may encroach into the 45 degree angles 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) Dormers may be located on each side of the roof ridge; and
 - (iii) There shall be a minimum separation of 2 feet between dormers located on the same side of the roof ridge.
 - (C) In the NC-N and VC-N Subdistricts the combined total width of the dormers on the same side of the roof ridge shall not exceed 10 feet.
 - (D) In the NC-S and VC-S Subdistricts the combined width of all dormers on the same side of the roof ridge shall not exceed 20 feet.
- (d) Floor Area Ratio
 - (1) For lots developed exclusively for residential use in any Commercial Subdistrict, the floor area ratio provisions of Section 1513.0304(g) shall apply.
 - (2) For lots exclusively developed with nonresidential development the following floor area ratios are applicable:
 - (A) The basic floor area ratio shall be 1.25.
 - (B) The basic floor area ratio may be increased to 1.75 if one off-street parking space is provided for every 800 square feet of gross floor area.
 - (3) For lots with mixed development with the first (or ground) story reserved for nonresidential activities (excluding parking and residential storage) and with the upper stories being designed for residential occupancy, the following floor area ratios are applicable:
 - (A) The basic floor area ratio shall be 1.25.
 - (B) The basic floor area ratio may be increased to 1.75 if 2.0 off-street parking spaces are provided for each dwelling unit.
 - (4) For NC-N and NC-S Subdistricts, no individual building or structure shall exceed the total amount of gross floor area of 8,750 square feet.
- (e) Height. The maximum height of a building or structure shall be 30 feet. If the 30-foot height limitation of Ordinance No. 10960 is removed from Mission Beach, the building height limit shall be 35 feet.

§1513.0304 Property Development Regulations – Residential Subdistricts

(a) Density Regulations

One dwelling unit shall be allowed, including lodging and boarding units, per 1,200 square feet of lot area; except as follows:

- (1) A single R-S lot of 2,000 to 2,400 square feet shall be entitled to a maximum of 2 dwelling units;
- (2) Two contiguous R-S lots developed concurrently with common wall construction shall be entitled to a maximum of 4 dwelling units; and
- (3) Fractions of a dwelling unit shall not be rounded up when determining the total units permitted on a lot or lots.

(b) Minimum Lot Standards

The minimum lot standards as shown in Table 1513-03A apply except that any lot as defined in Land Development Code Section 113.0103 that meets the criteria for being a legal lot under Section 113.0237 and which does not comply in all respects with the minimum lot dimensions specified in Table 1513-03A, may be used in accordance with the regulations of the applicable zone.

**Table 1513-03A
Minimum Lot Standards**

Standard	R-N	R-S
Area	1,250 Square Feet	2,400 Square Feet
Street Frontage	25 Feet	30 Feet
Width	25 Feet	30 Feet
Depth	50 Feet	80 Feet

(c) Yards

- (1) Minimum Yards for Bayside and Ocean Front Walks

The minimum yards for Bayside and Ocean Front Walks shall be as follows:

Ch.	Art.	Div.	
15	13	3	3

- (A) R-N Subdistrict, Bayside Walk – 5 foot standard setback.
- (B) R-N Subdistrict, Ocean Front Walk.
 - (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 setback requirements of Section 1513.0304(c)(1)(B) shall fulfill requirements for vertical offset.
- (C) R-S Subdistrict, Bayside and Ocean Front Walks – 10-foot standard setback.
- (D) Exceptions
 - (i) Bayside Walk. In the R-S Subdistrict, buildings abutting Bayside Walk shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. In the R-N Subdistrict, buildings 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. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.
 - (ii) Ocean Front Walk. In the R-S Subdistrict, buildings abutting Ocean Front Walk 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. In the R-N Subdistrict, buildings abutting Ocean Front Walk shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and 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.

(2) Minimum Yards for Courts and Places

(A) R-N Subdistrict - 10 foot standard setback

(B) R-S Subdistrict - 15 foot standard setback

(C) Exceptions:

(i) Buildings on the south side of a Court or Place shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle on the north facing facade. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction as shown in Diagram 1513-03A.

(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 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, as shown in Diagram 1513-03B.

Diagram 1513-03A
Elevation on South Side of Court or Place
45° Angle on North Facing Facade

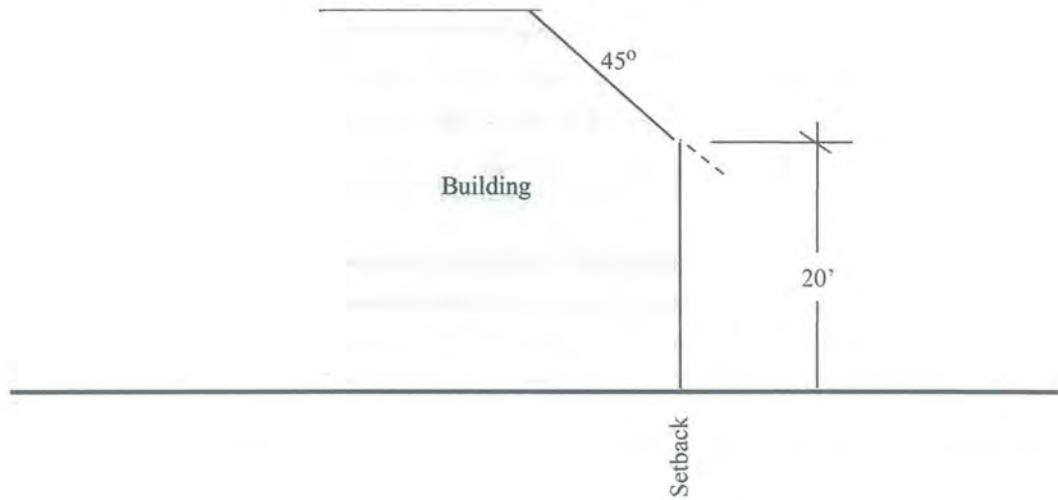
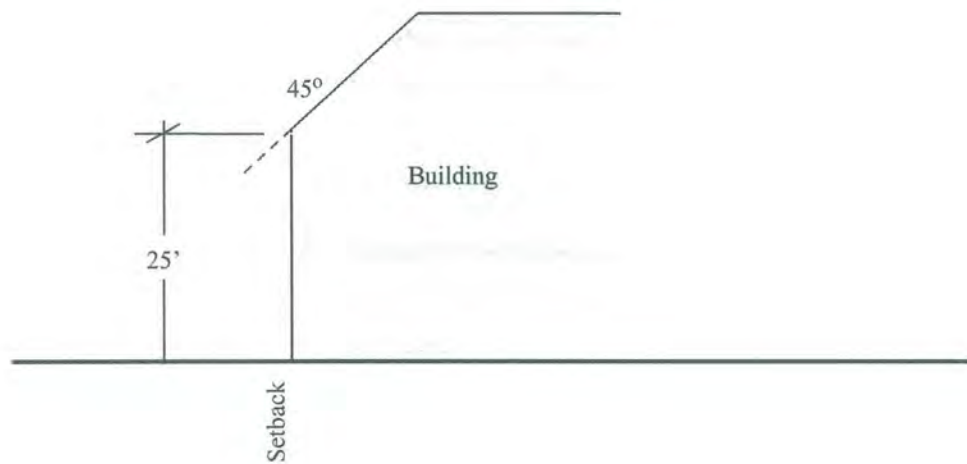


Diagram 1513-03B
Elevation on North Side of Court or Place
45° Angle on South Facing Facade



(3) Minimum Interior Yards

(A) Five foot standard setback.

(B) Exceptions:

- (i) A three-foot setback may be applied to a structure that is 20 feet or less above existing or proposed grade, whichever is lower, provided that any portion of the structure's facade that exceeds 20 feet in height above existing grade or proposed grade, whichever is lower, shall observe an additional setback for the remainder of the structure height by sloping away from the vertical plane of the facade at an angle not to exceed 45 degrees.
- (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.
- (iii) In the R-N Subdistrict development of any lot or combination of lots 45 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.
- (iv) In the R-S Subdistrict development of any lot or combination of lots 55 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

(4) Minimum Yards on Streets and Alleys.

Yards abutting Strandway and Bayside Lane and alleys shall not be required.

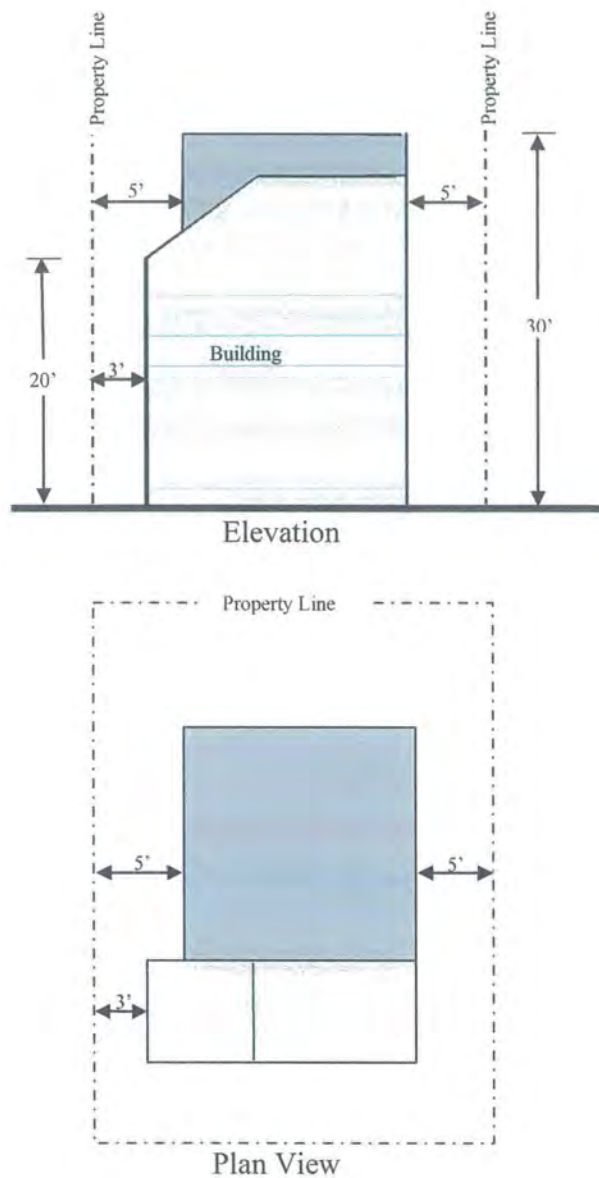
(5) Mission Boulevard Yards

Buildings abutting Mission Boulevard shall observe a minimum standard setback of 3 feet or 10 percent of the lot's shortest property line intersecting Mission Boulevard, whichever is the greater. The maximum yard required need not exceed a 7-foot standard setback.

(6) Minimum Rear Yards.

No rear yard is required except where the rear yard abuts an interior or rear yard of an adjacent lot; then, the regulations in Section 1513.0304(c)(3) shall apply.

Diagram 1513-03C
Interior Yards and Building Height



(d) Encroachments

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

Table 1513-03B
Allowable Encroachments¹

Feature	Courts, Places, and Walks	Interior and Street Side Yard
Casings for Doors & Windows	6 inches	6 inches
Cornices ^{2, 3}	1 foot	6 inches
Direct Vent Gas	1 foot	6 inches in 3- foot setback 1 foot in 5-foot setback
Eaves ²	2 feet ⁴	6 inches
Lighting Fixtures	9 inches	9 inches
Rain Gutters	6 inches	6 inches
Vents	6 inches	6 inches

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.

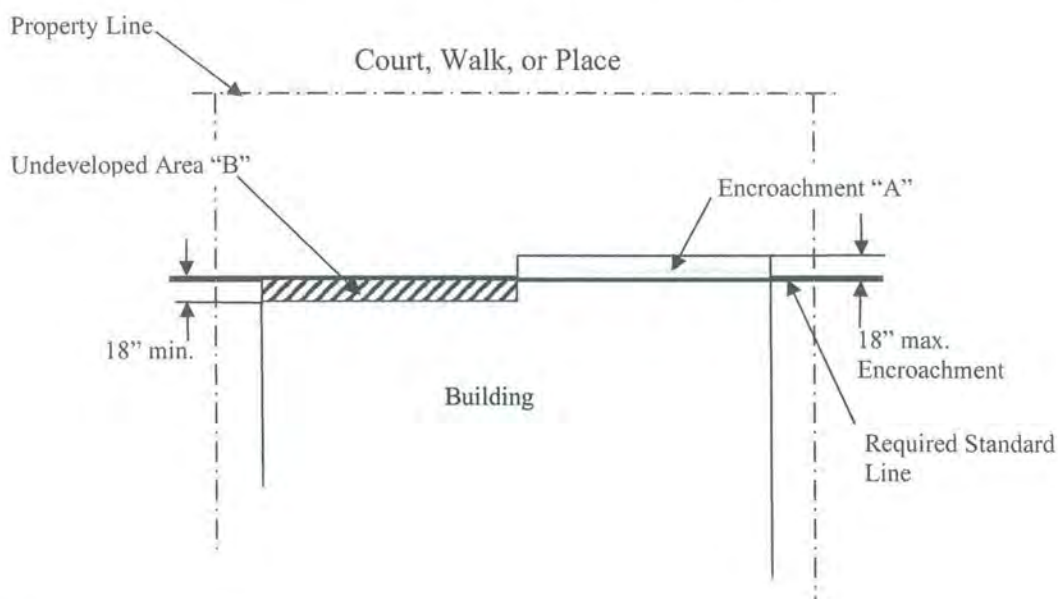
² The area that encroaches may not be used to support decks, exterior balconies, or floors.

³ Cornices shall not exceed 1-foot in height.

⁴ The eave shall not intrude into any required 45 degree angle for a Court, Place, Walk or interior yard.

- (2) Encroachments into yards for Courts, Places, and all yards on Ocean Front and Bayside Walks
- (A) The following encroachments, in addition to those identified in Table 1513-03B, are permitted in yards for Courts, Places, and Walks:
- (i) An encroachment of up to 18 inches for a vertical offset extending full height of the building that is a maximum of 3 feet in depth and not less than 45 degrees for at least 50 percent of the building as illustrated in Diagram 1513-03D provided that the width of the encroaching offset is not more than one-half of the total building width, and an insert area equal to the width of the encroaching offset at a minimum depth of 18 inches is undeveloped behind the required setback line parallel to the Court, Place, or Walk.
 - (ii) Only those encroachments identified in Table 1513-03B are allowed in the offset and inset areas.

Diagram 1513-03D
18 Inch Offset for a Court, Walk, or Place



- (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, chimneys, stairs, or railings).
 - (ii) Any structure that exceeds 3 feet in height above existing grade or proposed grade, whichever is lower, (including fences; solid, glass, planter, or retaining walls; stairs; rails; bay or garden windows; and fireplaces, grills, or barbeques that are constructed in place) except that encroachments consistent with Section 1513.0304(d)(2)(A) are permitted.
- (3) Encroachments into interior yards and yards abutting Mission Boulevard
- (A) Only those encroachments listed in Table 1513-03B are allowed in the interior yard.
 - (B) No encroachment may be closer than 2 feet, 6 inches from the property line.
- (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) Dormers 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 dormers 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, location, and dimension requirements for dormers in Section 1513.0304(d)(4)(B).
- (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 facade is provided. The vertical offset shall be a minimum of 3 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 building widths less than 25 feet in the R-N Subdistrict and less than 30 feet in the R-S Subdistrict.
- (f) Maximum Lot Coverage.

The maximum lot coverage shall be 65 percent.
- (g) Floor Area Ratio.
 - (1) The basic maximum floor area ratio shall be 1.1.
 - (2) Portions of the building or structure used exclusively for required off-street parking shall not be included as part of the building area for the purposes of determining floor area ratio. This exemption is restricted to a maximum 200 square feet per required off-street parking space.
 - (3) Regardless of lot size, individual buildings, including common wall construction, shall not exceed 5,280 square feet in total gross floor area. However, those areas excluded by Section 1513.0304(g)(2) from the calculations of floor area ratio shall not be considered as part of the 5,280 square feet.

- (h) Height. The maximum height of a building or structure shall be 30 feet. If the 30-foot height limitation of Ordinance No. 10960 N.S. is removed from Mission Beach, the building height limit shall be 35 feet.

("Property Development Regulations – Residential Subdistricts" added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

(Amended 10-18-2010 by O-19999 N.S.; effective 8-9-2012.)

(Amended 6-26-2012 by O-20175 N.S.; effective 8-9-2012.)

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§1513.0305 Commercial Subdistricts — Definition and Intent

The Neighborhood Commercial Subdistricts are designated NC-N or NC-S and the Visitor Commercial Subdistricts are designated VC-N and VC-S. The purpose of the Neighborhood Commercial is to provide adequate commercial services for the residents while the Visitor Commercial accommodates tourists, visitors and vacationers.

It is the intent of these regulations to provide development possibilities that will accommodate both commercial and mixed uses as well as compliment existing development and the surrounding residential areas.

("Commercial Subdistricts — Definition and Intent" added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0306 Permitted Uses – Commercial Subdistricts

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

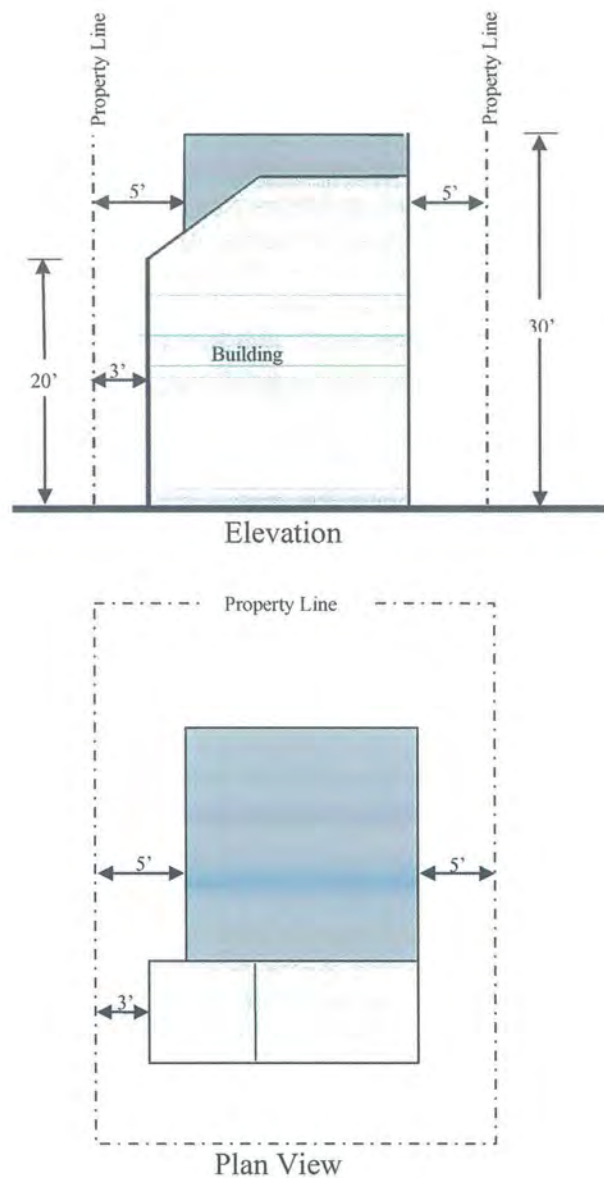
- (a) Primary Uses

Mission Beach Planned District Ordinance Section 1513-03C

(6) Minimum Rear Yards.

No rear yard is required except where the rear yard abuts an interior or rear yard of an adjacent lot; then, the regulations in Section 1513.0304(c)(3) shall apply.

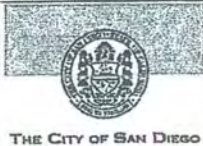
Diagram 1513-03C
Interior Yards and Building Height





Community Planning Committee Distribution Form Part 1

(01-12)



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

Project Name: Mission Blvd Mixed Use CDP		Project Number: 431473	Distribution Date: 02/23/16
Project Scope/Location: MISSION BEACH - (Process 3) **SUSTAINABLE EXPEDITE** Coastal Development Permit to construct a mixed use commercial / residential building with two dwelling units on a vacant lot totaling 4,758 square feet. The 0.067-acre site is located within the Coastal Overlay zone (Appealable) at 3965-3967 Mission Blvd. in the MBPD-VC-N zone of the Mission Beach Planned District within the Mission Beach Community Plan area and Council District 2.			
Applicant Name:		Applicant Phone Number:	
Project Manager: Will Zounes	Phone Number: (619) 687-5942	Fax Number: (619) 446-5245	E-mail Address: WZounes@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Deny	Members Yes 9	Members No 1	Members Abstain 0
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		<input type="checkbox"/> Continued	
CONDITIONS:			
NAME: DENNIS LYNCH		TITLE: PLAN REVIEWER	
SIGNATURE: <i>Dennis Lynch</i>		DATE: APRIL 23, 2016	
Attach Additional Pages If Necessary.		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			

Project No. 431473
Mission Boulevard Mixed Use CDP
3965-3967 Mission Boulevard
Architect: Scott Frontis
Owner: Steve Cairncross

“ATTACHMENT”

The Mission Beach Precise Planning Board (“MBPPB”) discussed this project at its April 19, 2016 Meeting. The owner’s architect was present. The MBPPB voted to DENY the project based on the following provisions of our Planned District Ordinance (“PDO”), effective August 9, 2012, and updated 2016.

This project is located on the southeast corner of York Court and Mission Boulevard. It is zoned VC-N. The project plans show no setbacks at the rear eastern property lines, which abut up against the interior yard of the Catamaran Hotel.

PDO §1513.0307(b) (2) (A) clearly states,

“A yard shall not be required for lots abutting Strandway
and Bayside Lane and alleys.”

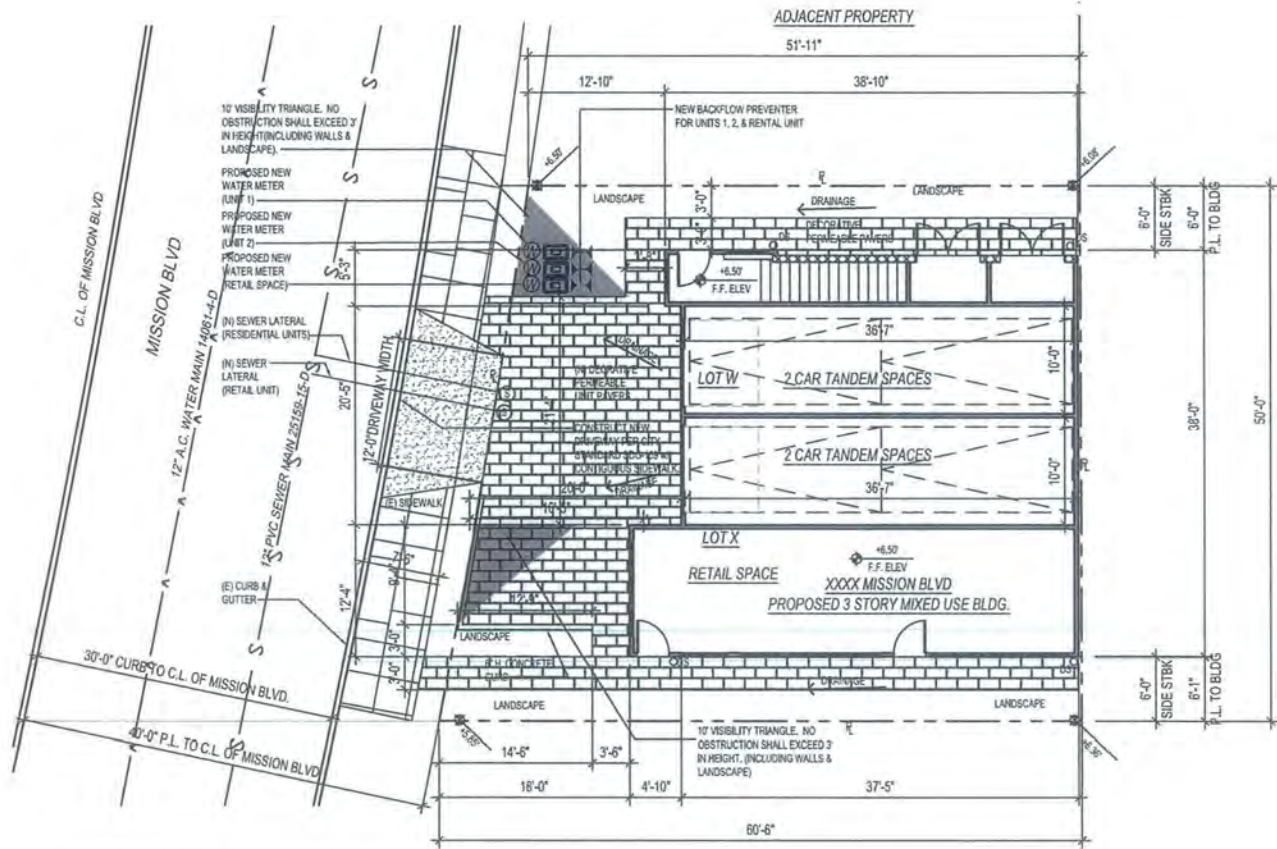
Accordingly, a yard is required at the rear of this property abutting another lot. (This Plan Reviewer believes a setback would also be required by California and San Diego Fire Codes).

This project is a combination of two (2) standard 25-foot wide lots for a total width of 50 feet. PDO §1513.0307(b) (1) (B) (iii) states,

“In the NC-N and VC-N Subdistricts, development of
any lot or combination of lots 45 feet or greater in
width shall have a minimum interior yard setback of
6 feet or 10 percent of the lot width, whichever is greater.”

The MBPPB’s conclusion is that a 6-foot deep setback is required from the lot line abutting the Catamaran property.

///



GRADING TABLE		
XXXX MISSION BLVD.	CUT	FILL
	27 CU. YARDS	27 CU. YARDS
	1'-6" MAX.	1'-6" MAX.

PROPOSED SITE PLAN

1/8" = 1'-0"

NOTE:
PUBLIC WATER OR SEWER EASEMENTS
WILL PROVIDED FOR ALL EXISTING AND
PROPOSED PUBLIC WATER AND
WASTEWATER FACILITIES LOCATED ON
THE PROPERTY ASSOCIATED WITH THIS
DEVELOPMENT.

NOTE:
NO PROPOSED WORK IN THE RIGHT OF
WAY.

BASIS OF ELEVATIONS
CITY OF SAN DIEGO VERTICAL CONTROL
BENCHMARK
MONUMENT DESCRIPTION: BRASS DISC
LOCATION: EASTERLY 4' OFFSET LINE,
MISSION BLVD @ WHITING COURT
DATUM: NGVD 29
ELEVATION: 4.77 FEET

NOTE:
PRIOR TO ISSUANCE OF ANY
CONSTRUCTION PERMIT, THE OWNER/
PERMITTEE SHALL ENTER INTO A
MAINTENANCE AGREEMENT FOR THE
ONGOING PERMANENT BMP
MAINTENANCE, SATISFACTORY TO THE
CITY ENGINEER.

NOTE:
PRIOR TO ISSUANCE OF ANY
CONSTRUCTION PERMIT, THE OWNER/
PERMITTEE SHALL SUBMIT A WATER
POLLUTION CONTROL PLAN (WPOP). THE
WPOP SHALL BE PREPARED IN
ACCORDANCE WITH THE GUIDELINES IN
APPENDIX E OF THE CITY'S STORM
WATER STANDARDS.

FIRE HYDRANT 500' RADIUS



MISSION BLVD
SAN DIEGO, CA 92109
FIRE HYDRANT=

GENERAL NOTES

1. NEAREST EXISTING BUS STOP TO PROJECT SITE IS LOCATED AT MISSION BLVD AND WHIDEMERE CT.
2. PROVIDE BUILDING ADDRESS THAT IS VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY PER FHPS POLICY P-004 (JFC 901.4.4)
3. ALL OUTDOOR LIGHTING SHALL BE SHARED AND ADJUSTED TO FALL ON THE SAME PREMISES WHERE SUCH LIGHTS ARE LOCATED.
4. DOWN SPOUTS SHALL BE DIRECTED INTO LANDSCAPED AREAS AND WALKWAYS SHALL SLOPE INTO LANDSCAPED AREAS WHERE FEASIBLE.
5. GRADING (EXISTING & PROPOSED) AS SHOWN PER SHEET A1.1:
1'-4" CUT, CUT: 1'-4" FT. MAX. FILL PER RESIDENCE
1'-4" FT. MAX. CUT: 1'-4" FT. MAX. FILL PER RESIDENCE
6. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS, THE APPLICANT SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH THE CITY OF SAN DIEGO MUNICIPAL CODE.
7. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS, THE APPLICANT SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPOP). THE PLAN SHALL BE IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX E OF THE CITY'S STORM WATER STANDARDS.
8. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE, SATISFACTORY TO THE CITY OF ENCINITAS ENGINEER.

SCOPE OF WORK

REQUEST COASTAL DEVELOPMENT PERMIT FOR CONSTRUCTION OF MIXED USE BUILDING, WITH 536 SQ. FT. GROUND FLOOR RETAIL SPACE AND 2 RESIDENTIAL UNITS ON LEVELS TWO AND THREE WITH (2) TANDEM PARKING GARAGES AND STORAGE. UNIT 1 TO BE 1,760 SQ. FT. WITH 150 SQ. FT. DECK AND UNIT 2 TO BE 1,760 SQ. FT. WITH 150 SQ. FT. DECK.

PROJECT TO INTEGRATE PHOTOVOLTAIC PANELS CONSISTENT WITH COUNCIL POLICY 900-14. OTHER GREEN BUILDING TECHNIQUES INCLUDE THE PLANTING OF NATIVE DROUGHT TOLERANT LANDSCAPING, EFFICIENT IRRIGATION TECHNOLOGY, PERMEABLE PAVERS TO AVOID EXCESSIVE WATER RUNOFF, NO VOC MATERIALS SHALL BE SPECIFIED, AND COOL ROOF. OPTIMAL NATURAL VENTILATION SHALL BE USED.

VICINITY MAP



MISSION BLVD
SAN DIEGO, CA 92109

ADDITIONAL INFORMATION

- CHECK EACH APPLICABLE OVERLAY ZONE
- ☐ AIRPORT APPROACH
 - ☐ AIRPORT ENVIRONS
 - ☒ COASTAL DEVELOPMENT PERMIT
 - ☐ COASTAL HEIGHT LIMIT
 - ☐ SENSITIVE COASTAL
 - ☐ MOBILE HOME PARK
 - ☒ PARKING IMPACT
 - ☐ RESIDENTIAL TANDEM PARKING
 - ☐ TRANSIT AREA
 - ☐ URBAN VILLAGE
 - ☐ MISSION TRAILS DESIGN DISTRICT
 - ☐ CLAREMONT MESA HEIGHT LIMIT
 - ☒ COMMUNITY PLAN IMPLEMENTATION
 - ☐ GEOLOGICAL HAZARD- CATEGORY 52

SHEET INDEX

SHEET#	SHEET TITLE
A1.1	TITLE SHEET / SITE PLAN
C1	TOPOGRAPHICAL SURVEY
A2.1	FIRST LEVEL
A2.2	SECOND LEVEL
A2.3	THIRD LEVEL
A2.4	ROOF LEVEL
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A4.1	SECTIONS
L1.1	LANDSCAPE PLAN

PROJECT TEAM

OWNER:
MISSION BLVD
SAN DIEGO, CA 92109
P/E:

ARCHITECT:
FRONTIS STUDIO
830 MISSOURI STREET, #2
SAN DIEGO CA 92109
CONTACT: SCOT FRONTIS
PH: 618.837.2078
EMAIL: scot@scotfrontis.com

TITLE SHEET/SITE PLAN

PREPARED BY:
FRONTIS STUDIO
830 MISSOURI ST. #2
SAN DIEGO CA 92109
P: 618.837.2078

LEGAL DESCRIPTION:
LOTS W AND X ON BLOCK 249 MAP 1809
MISSION BEACH ALTERED MAP

PROJECT NAME:
MISSION BLVD MIXED USE

SHEET TITLE:
TITLE SHEET + SITE PLAN

SHEET COUNT:
1 OF 9

PTS #:

SUBMITTAL:
05.27.15

REVISION 1:

REVISION 2:

REVISION 3:

PROJECT DATA

PROJECT INFORMATION:

PROJECT ADDRESS: XXXX MISSION BLVD
SAN DIEGO, CA 92109
423-313-08-00 + 423-313-49-00

APN:

LEGAL DESCRIPTION: LOTS W AND X ON BLOCK 249 ACCORDING TO MAP 1809 OF MISSION BEACH
ALTERED MAP
VACANT LAND

EXISTING USE:

BUILDING CODE: CALIFORNIA BUILDING CODE (CBC) 2013

OCCUPANCY TYPE: R-3
M

CONSTRUCTION TYPE: TYPE VB
NUMBER OF STORIES: 3 STORIES PROPOSED
BUILDING HEIGHT: 29'-11"

ZONING INFORMATION:

ZONE: MHPD-V-C-N
NUMBER OF DWELLINGS: 2
MAXIMUM ALLOWABLE HEIGHT: 30'-0"

SETBACKS:

INT. YARD: 6'-0"
REAR: 0'-0"

ACTUAL BLDG HEIGHT: 29'-11"
LOT AREA: 2,800 SF

MAX. ALLOWABLE FAR: 1.75
MAX. ALLOWABLE AREA: (1.75 X 2800 SF) = 4,900 SF
PROPOSED AREA: 4,221 SF
PROPOSED FAR: 1.51

ACTUAL GFA:

FIRST LEVEL AREA:
RETAIL SPACE: 536 SF
UNIT I GARAGE: 366 SF
UNIT II GARAGE: 366 SF
STAIR: 105 SF
STORAGE UNIT I & II: 60 SF

SECOND FLOOR AREA:
UNIT 1: 1,539 SF
STAIRS: 201 SF
UNIT 1 DECK: 150 SF

THIRD FLOOR AREA:
UNIT 2 DECK: 150 SF

TOTAL AREA PROPOSED: 4,221 SF
TOTAL GARAGE AREA (UNIT I & II): 732 SF
TOTAL DECK AREA: 300 SF
PARKING: 4 ENCLOSED SPACES PROVIDED

SITE PLAN LEGEND

- AREA OF PLANNED BLDG
- ASPHALTIC CONCRETE DRIVEWAY
- PERMEABLE PAVERS
- SITE DRAINAGE PATTERN
- EXISTING & PROPOSED CONTOURS
- ODS: DOWNSPOUT LOCATION- TO BE DISCHARGED INTO LANDSCAPED PLANTERS

CONSTRUCTION BMP'S

STORM WATER QUALITY NOTES CONSTRUCTION BMP'S

- This project shall comply with all requirements of the state permit: California Regional Water Quality Control Board, San Diego Region, order NO. 2001-01-10005 NO. CAS010075 (<http://www.water.ca.gov/wqcs/stormwater/stormwater.html>)
- Notes 1-6 below represent key minimum requirements for construction BMP's.
1. Sufficient BMP's must be installed to prevent silt, mud or other construction debris from being tracked into the adjacent street(s) or storm water conveyance systems due to construction vehicles or any other construction activity. The contractor shall be responsible for cleaning any such debris that may be in the street at the end of each work day or after a storm event that causes a breach in the installed construction BMP's.
 2. All stock piles of uncompact soil and/or building materials that are intended to be left unprotected for a period greater than seven calendar days are to be provided with erosion and sediment controls. Such soil must be protected each day when the probability of rain is 40% or greater.
 3. A concrete washout shall be provided on all projects which propose the construction of any concrete improvements that are to be poured in place on the site.
 4. All erosion/sediment control devices shall be maintained to working order at all times.
 5. All slopes that are created or disturbed by construction activity must be protected against erosion and sediment transport at all times.
 6. The storage of all construction materials and equipment must be protected against any potential release of pollutants into the environment.

Mission Blvd Mixed Use

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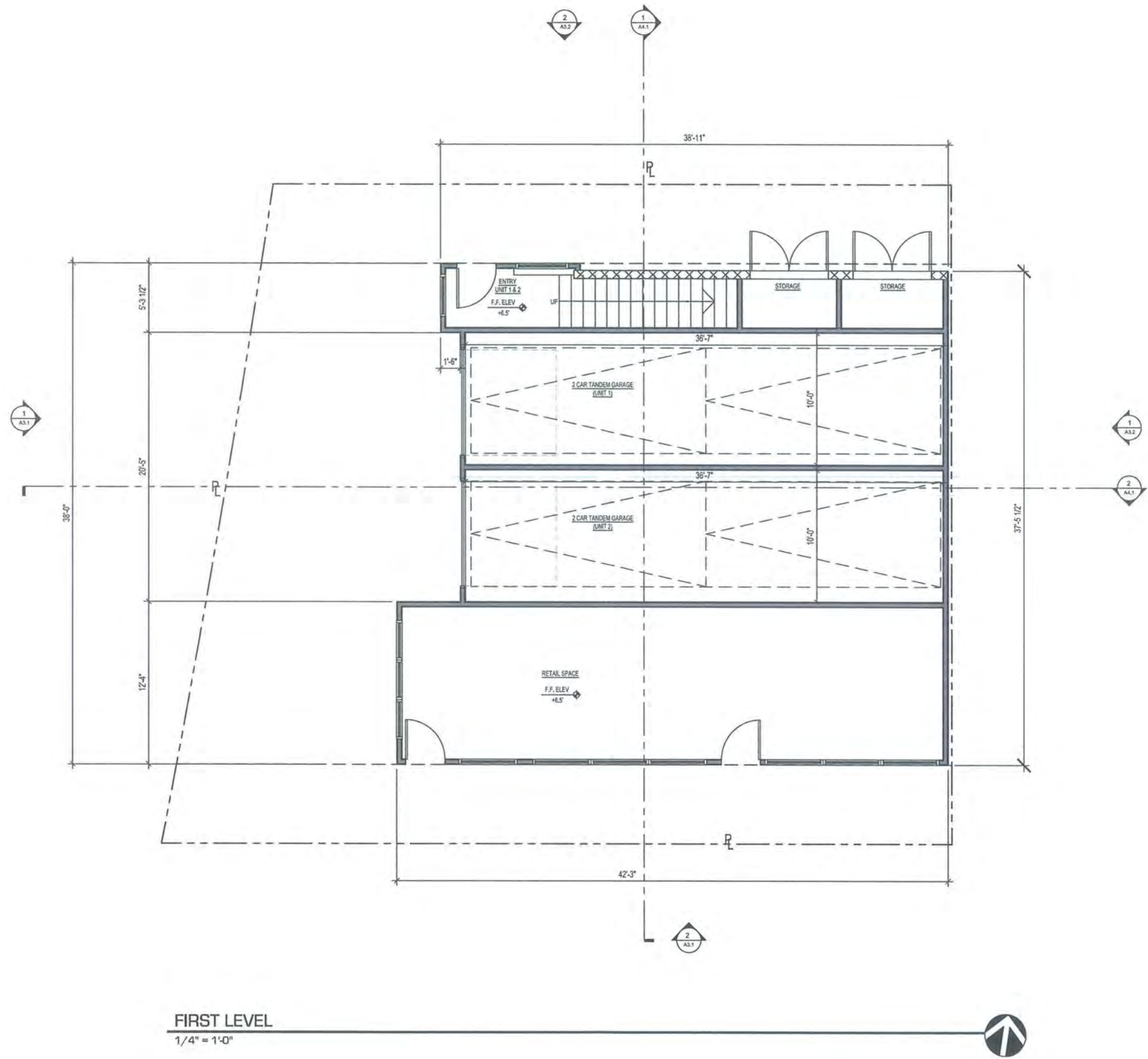
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Date: 05.24.15
Job: 15-12
Title:

TITLE SHEET + SITE PLAN

Sheet:

A1.1



FIRST LEVEL
1/4" = 1'-0"

PREPARED BY:
FRONTIS STUDIO
830 MISSOURI ST., #2
SAN DIEGO CA 92109
p: 858.837.2078

LEGAL DESCRIPTION:
LOTS W AND X ON BLOCK 249 MAP 1809
MISSION BEACH ALTERED MAP

PROJECT NAME:
MISSION BLVD MIXED USE
SHEET TITLE:
FIRST LEVEL PLAN
SHEET COUNT:

PTS #:

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REVISION 3:

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Date: 05.24.15
Job: 1512
Title: FIRST LEVEL

Sheet:

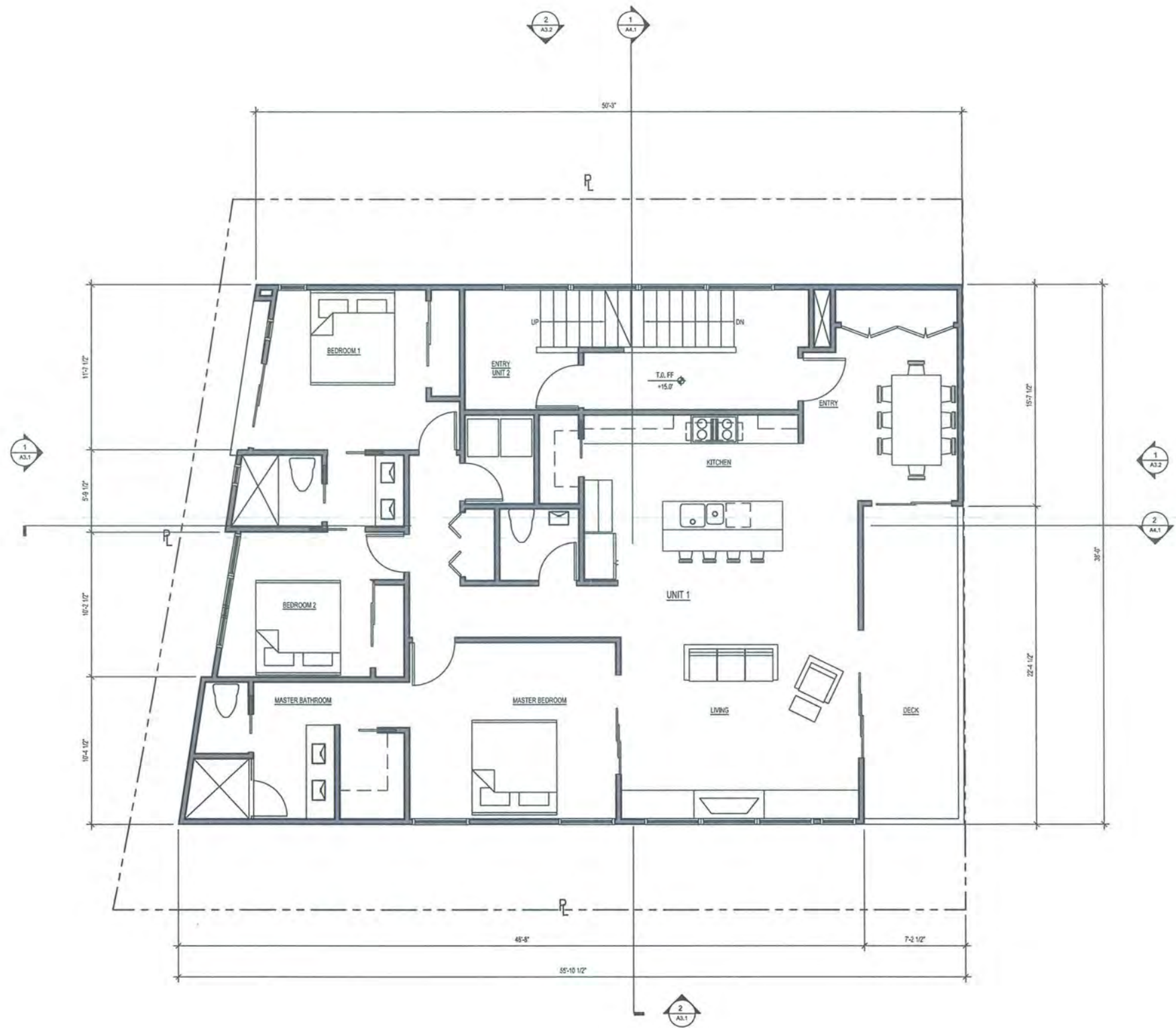
A2.1

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STUDIO

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San Diego, CA 92109
Phone: 858.837.2078
Email: info@frontisstudio.com



SECOND LEVEL
1/4" = 1'-0"

SECOND LEVEL

PREPARED BY:
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830 MISSOURI ST. #2
SAN DIEGO CA 92109
p: 658.837.2078

LEGAL DESCRIPTION:
LOTS W AND X ON BLOCK 249 MAP 1809
MISSION BEACH ALTERED MAP

PROJECT NAME:
MISSION BLVD MIXED USE

SHEET TITLE:

SHEET COUNT:

PTS #:

SUBMITTAL:
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Job: 1512

Title:

SECOND LEVEL

Sheet:

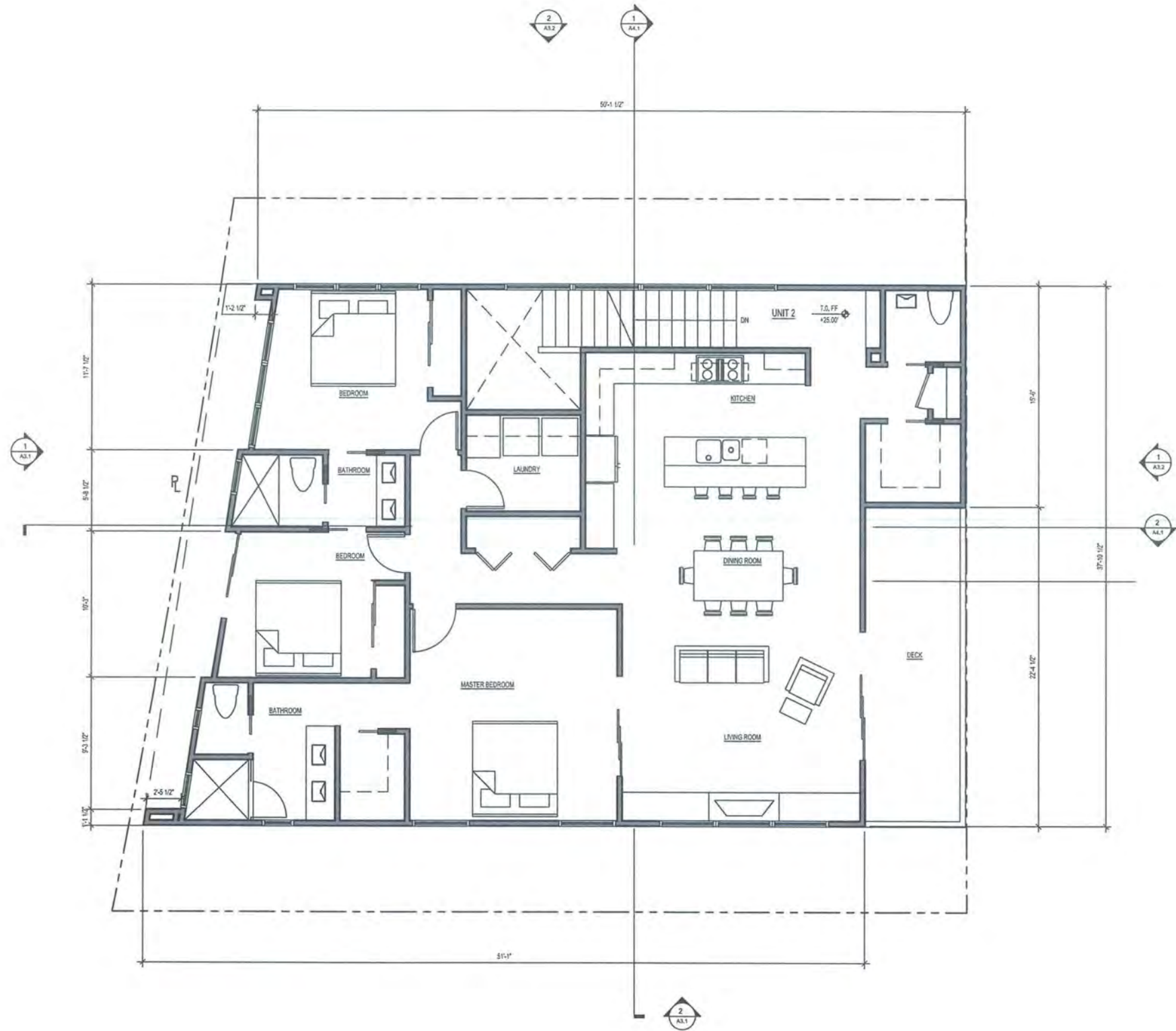
A2.2

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F: 658.837.2079
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THIRD LEVEL
1/4" = 1'-0"

THIRD LEVEL

PREPARED BY:
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830 MISSOURI ST., #2
SAN DIEGO CA 92109
P: 619.837.2078

LEGAL DESCRIPTION:
LOTS W AND X ON BLOCK 249 MAP 1809
MISSION BEACH ALTERED MAP

PROJECT NAME:
MISSION BLVD MIXED USE

SHEET TITLE:

SHEET COUNT:

PTS #:

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Job: 1512

Title:

THIRD LEVEL

Sheet:

A2.3

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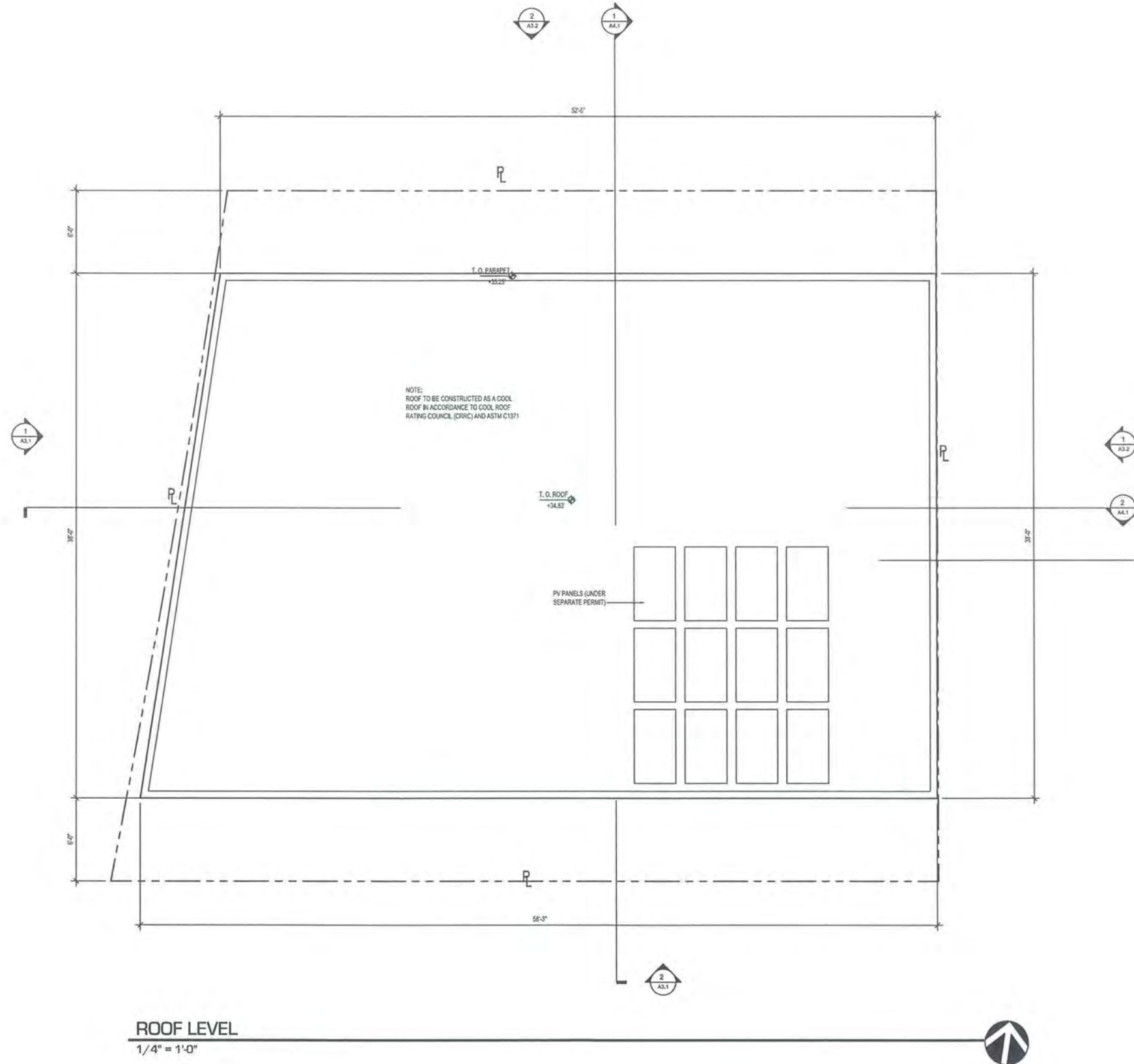
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Dale:	06.24.15
Job:	1512
Title:	

ROOF LEVEL

Sheet:

A2.4



ROOF LEVEL

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SAN DIEGO CA 92109
p: 858.837.2078

LEGAL DESCRIPTION:
LOTS W AND X ON BLOCK 249 MAP 1809
MISSION BEACH ALTERED MAP

PROJECT NAME:
MISSION BLVD MIXED USE

SHEET TITLE:

SHEET COUNT:

PTS #: _____

SUBMITTAL:
05.27.15

REVISION 1:

REVISION 2:

REVISION 3:

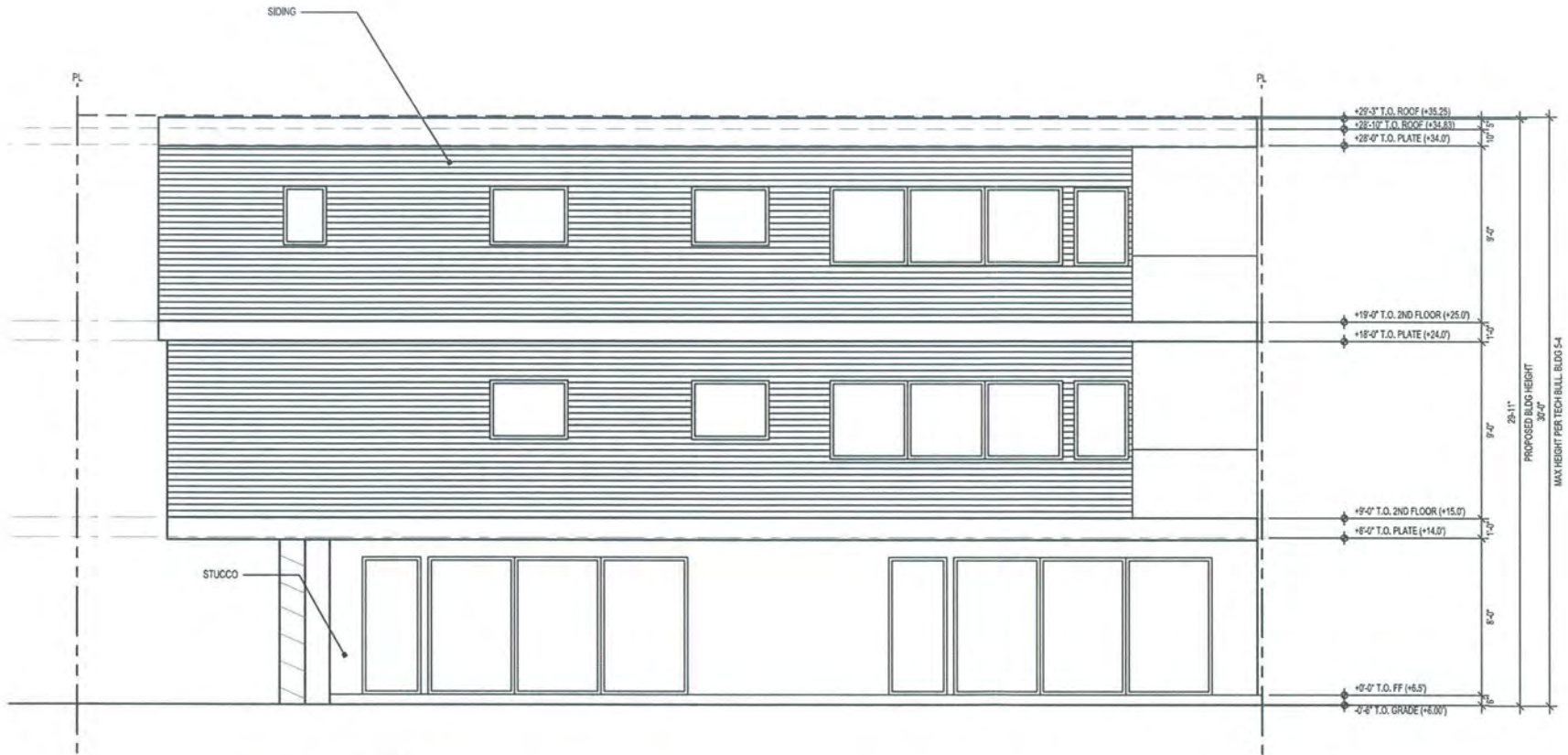
REVISION 3:



WEST ELEVATION

1/4" = 1'-0"

1



SOUTH ELEVATION

1/4" = 1'-0"

2

REVISIONS

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Date: 05.24.15
Job: 1512
Title:

ELEVATIONS

PREPARED BY:
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SAN DIEGO, CA 92109
P: 619.537.2078

LEGAL DESCRIPTION:
LOTS W AND X ON BLOCK 249 MAP 1809
MISSION BEACH ALTERED MAP

PROJECT NAME:
MISSION BLVD MIXED USE

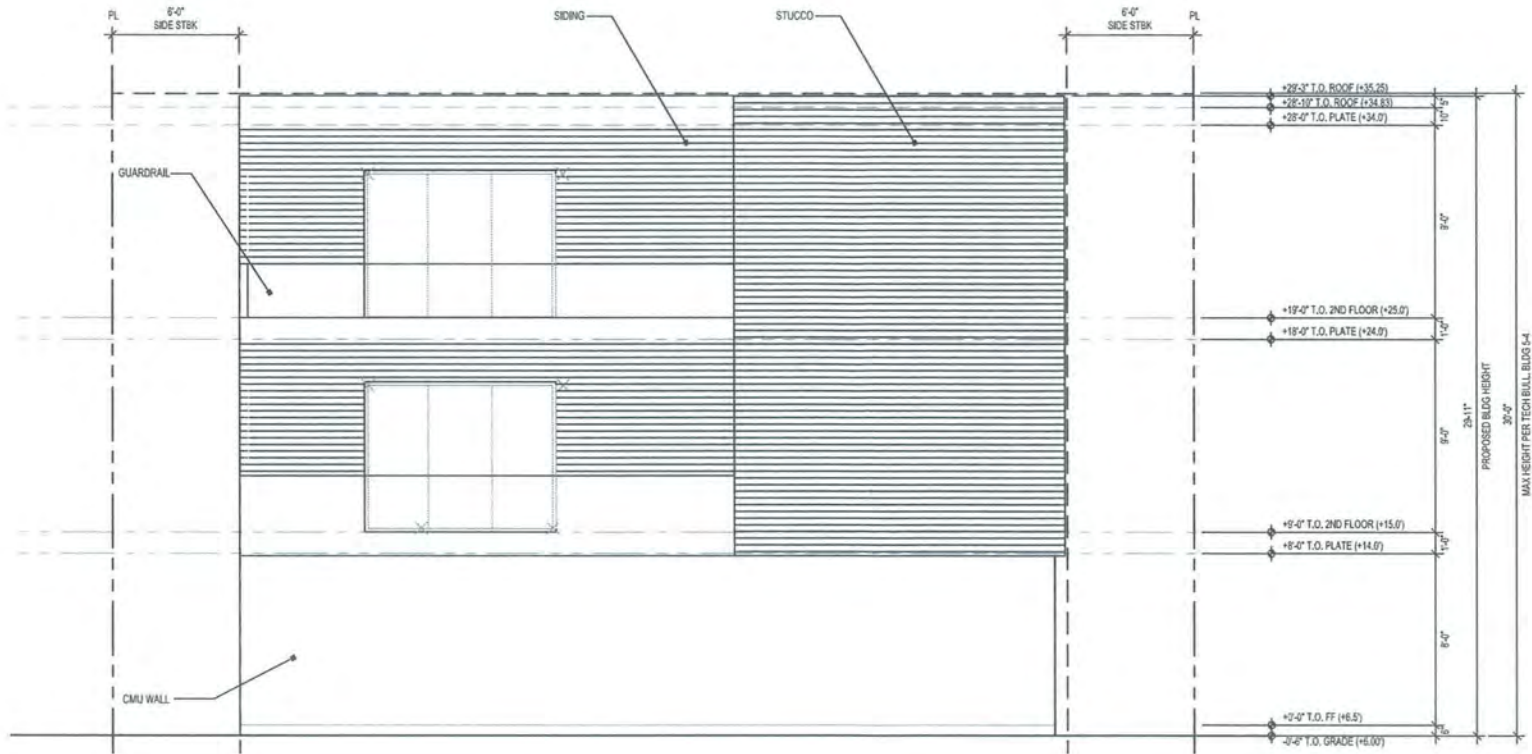
SHEET TITLE:
LOT 2 EAST + SOUTH ELEVATIONS
SHEET COUNT:
8 OF 13
PTS #:

SUBMITTAL:
05.27.15
REVISION 1:
REVISION 2:
REVISION 3:

EAST +
SOUTH ELEVATIONS

Sheet:

A3.1



EAST ELEVATION

1/4" = 1'-0"

1



NORTH ELEVATION

1/4" = 1'-0"

2

REVISIONS

FRONTIS
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ELEVATIONS

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FRONTIS STUDIO
830 MISSOURI ST., #2
SAN DIEGO, CA 92108
P: 619.637.2078

LEGAL DESCRIPTION:
LOTS W AND X ON BLOCK 249 MAP 1609
MISSION BEACH ALTERED MAP

PROJECT NAME:
MISSION BLVD MIXED USE
SHEET TITLE:
EAST + NORTH ELEVATIONS
SHEET COUNT:

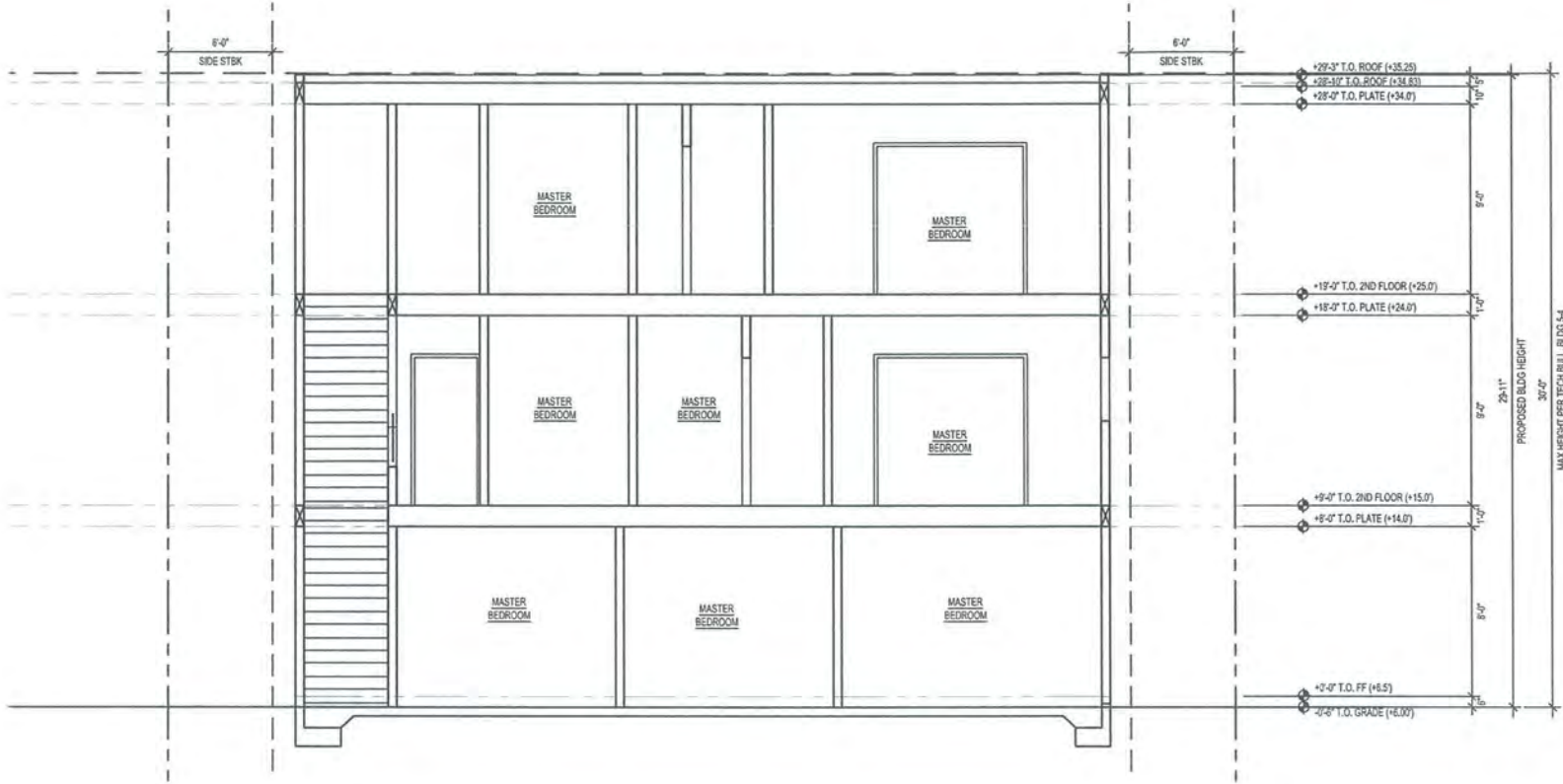
SUBMITTAL:
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REVISION 1:
REVISION 2:
REVISION 3:

PTS #:

Date: 05.24.15
Job: 1512
Title:

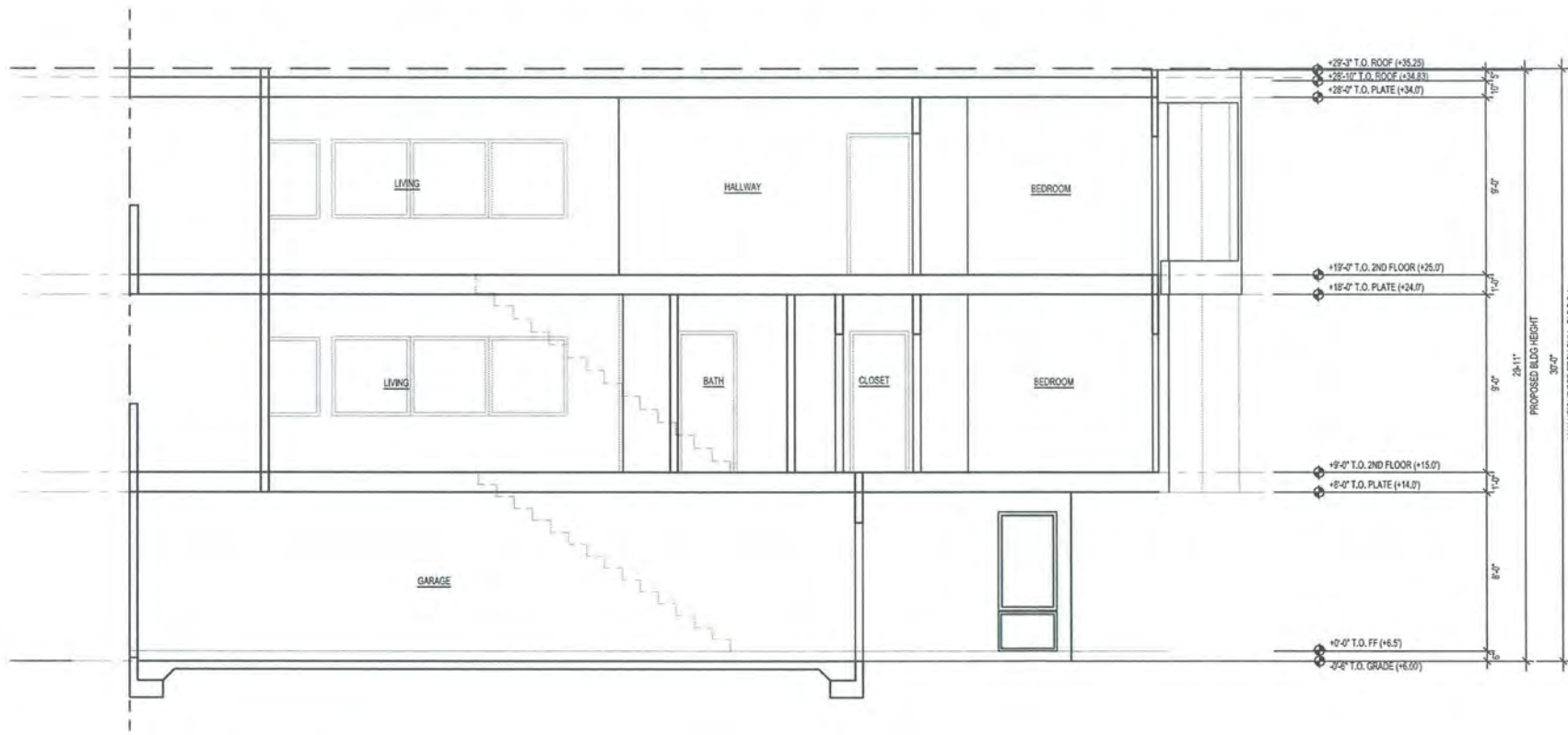
ELEVATIONS
Sheet:

A3.2



NORTH TO SOUTH SECTION
1/4" = 1'-0"

1



EAST TO WEST SECTION
1/4" = 1'-0"

2

REVISIONS	DATE
1	

FRONTIS
STUDIO

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PH: 619.637.2070
Email: info@frontisstudio.com



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Date: 05.24.15
Job: 1512
Title:

BUILDING SECTIONS

Sheet:

A4.1

SECTIONS

PREPARED BY:
FRONTIS STUDIO
830 MISSOURI ST., #2
SAN DIEGO, CA 92109
P: 619.637.2070

LEGAL DESCRIPTION:
LOTS W AND X ON BLOCK 245 MAP 1809
MISSION BEACH ALTERED MAP

PROJECT NAME:
MISSION BLVD MIXED USE

SHEET TITLE:
LOT 2 BUILDING SECTIONS
SHEET COUNT:

PTS #:

SUBMITTAL:
05.27.15

REVISION 1:

REVISION 2:

REVISION 3:

