

**MISSION BEACH PRECISE PLANNING BOARD (“MBPPB”)  
Tuesday, July 18, 2023 @ 6:30 PM  
Belmont Park Community Room, 3146 Mission Boulevard, 2<sup>nd</sup> Floor  
Minutes of Meeting**

**Board Members Present:**

Rebecca Abbott	Michelle Baron	Rob Brown	Josh Geller
Gloria Henson	Dennis Lynch	Bob Semenson	Cynthia Stratton
Gernot Trolf	Debbie Watkins		

**Absent:** Jenine Whittecar

**OPENING FUNCTIONS**

Meeting was called to order by Chair Debbie Watkins at approximately 6:42 PM, and a quorum was confirmed.

**Administrative Items**

Revisions to Agenda

- Copies of the Agenda for the July 18, 2023 Meeting were distributed and reviewed. No changes to the Agenda.
  
- **Approval of Minutes** for June, 2023 Meeting  
Copies of the draft June 20, 2023 Minutes of Meeting were distributed and reviewed. There being no corrections, the June 20, 2023 Minutes were **APPROVED BY UNANIMOUS CONSENT**.
  
- **Chair’s Report**
  - (1) Planning Group orientation was held on June 12<sup>th</sup> via Zoom – If any Board Members did not have an opportunity to attend the Planning Group Orientation on June 12<sup>th</sup> via Zoom meeting, an online version is now available. Chair will email the link.
  
  - (2) Board Member Attendance Report – April 2023 started the fiscal year for attendance recordkeeping. Chair gave a report listing those MBPPB Members who missed meeting(s) to date.

**REPORTS FROM GOVERNMENT OFFICIALS –**

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

Seamus Kennedy was present and reported that major repairs to the seawall have started and funding for reconstruction is available. Smaller green trash cans will be delivered to Mission Beach property owners starting September 26, 2023.

## **BUILDING PLAN REVIEW**

### **Action Item:**

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

Property Owners were present (Ann Whitman and John Oleinik).

Mr. Oleinik presented slightly modified proposed plans that he presented as an Information Item at the MBPPB's March 21, 2023 meeting. Board Member Gloria Henson asked whether any changes were made that were identified at the March 21, 2023 meeting. Mr. Oleinik commented that the City and Coastal Commission told him his plans were per code and acceptable. Ann Whitman provided a two page document titled "Responses to Issues Summarized March 21, 2023 Meeting Minutes." Apparently, the only change that was made is that dormers were removed to accommodate the PDO definition.

Board Member Bob Semenson provided a detailed response with diagrams explaining every non-conforming component of the proposed plans along with the PDO Code Sections. The diagrams identified the acceptable building envelope and non-conforming new construction viewed from each side of the building.

Bob pointed out the plans had two areas on the proposed new third floor construction that still did not conform to the Mission Beach PDO. A portion of the proposed third floor (west side interior yard and south rear yard) is over existing first and second floor setbacks of 3' or less, requiring the application of San Diego Municipal Code ("SDMC") §1513.0304(c)(3)(B)(i) of the Mission Beach Planned District Ordinance ("MBPDO"). Diagram 1513-03C depicted in the MBPDO requires all floors be setback 5' to use the 5' setback for the proposed development. He pointed out that existing setbacks cannot be ignored in application of the MBPDO any more than existing floor area can be ignored for application of the MBPDO Floor Area Ratio ("FAR").

Bob pointed out that the City's Cycle Issue regarding "Building Envelope 45-Degree" with §1513.0304(c)(B)(i) was not checked off by the City's planner until the last cycle dated June 30, 2023. This Issue states clearly that "The 45 degree shall be added to the 3' interior/rear setback once the structure reaches 20' within any portion new development as shown in (c)(3)(B)(i). Please apply these 45 degrees to all elevations and sections where new development is proposed when using the combination of 3' as shown on Sheet 2." No reason was given by the City's planner even after we requested an explanation for this check off. The current proposed plans do not show this section being met. The third floor as designed violates §1513.0304(c)(B)(i) of the PDO and increases the degree of non-conformity.

Applicant John Oleinik objected and stated that by applying the PDO, the proposed plans would impact the neighbors' air and sunlight by pushing the new third story construction to the north side. He felt that was not good for the community if he had to conform to the PDO regulations in that instance.

Bob Semenson pointed out that the MBPDO applies to all construction including additions (§1513.0201). Pursuant to §151.0103(a) (1) of the SDMC Chapter 15 *Planned Districts*, Article 1, Division 1 *General Provisions for Planned Districts*, no exceptions to a planned district ordinance are allowed. §151.0103 of Chapter 15 *Planned Districts* directs that in the event of any conflicts, the planned district ordinance governs. In this case, the MBPDO governs. §1513.0103 of the MBPDO clarifies this even further: "Where there is a conflict between the Land Development Code and the Mission Beach Planned District Ordinance, the Planned District Ordinance applies." The MBPDO implements the goals of the Mission Beach Precise Plan dealing with bulk, light and air through setbacks, height and FAR regulations. The existing structure sets the parameters (setbacks, height and FAR) for applying the MBPDO regulations to determine conformity of existing and proposed new development.

After further discussion, the following motion was duly made:

**Motion #1 was made by Bob Semenson and seconded by Dennis Lynch  
TO DENY the proposed development plans for 829 Verona Court for non-  
conforming to the Mission Beach PDO as discussed above.**

**VOTE: For: 6 Against: 2 Abstain: 1**

**Motion Passed.**

**NON-AGENDA PUBLIC COMMENT** – One minute per speaker for issues NOT on the Agenda within the purview of the MBPPB. Comments are subject to time and technological constraints. – None.

## **BOARD COMMUNICATIONS**

### **Possible Action Item:**

- **Community Planning Group Reform: Recognition of Community Planning Group Application – Discuss City's requirement for personal and confidential information regarding income and age of Board Members on Application. Form ad-hoc subcommittee to put together required documents for Application process.**

[See: City's website at <https://www.sandiego.gov/planning/community-plans/cpg/recognition-operations> for discussion.]

Board members reviewed the links to the current City Council Policy for recognition of community planning groups along with the guidelines for CPG Ethical Standards required for CPG recognition. Chair and Board members discussed concerns related to providing personal information to the City such as age, income and nationality that could become available to the public via public record requests. As volunteers helping our community most everyone objected to providing such information.

Forming an ad-hoc subcommittee was discussed to prepare the required documents for CPG recognition. It was agreed to wait to form the ad-hoc subcommittee until more information is provided by the City.

There was a discussion about having an attorney draft a letter challenging the legality and constitutionality of providing private information on an application for the City's use. Board member Cindi Stratton is an attorney and agreed to draft a letter with the help of Chair Watkins.

After further discussion, the following motion was duly made:

**Motion #2 was made by Rob Brown and seconded by Gernot Trolf  
TO DRAFT a letter to the City challenging the legality and constitutionality  
of asking for age, nationality, and income on the CPG application.**

**VOTE: For: 9 Against: 0 Abstain: 0  
Motion Passed.**

**Information Item:**

- **Liaison Update (Airport Noise Advisory Committee "ANAC")**

Board Member and ANAC Representative Gloria Henson reported that the last ANAC meeting was held on May 17<sup>th</sup>. A report was given at the June MBPPB Meeting. The next ANAC meeting will take place in September. No new data available.

There being no further business, the next MBPPB meeting takes place on Tuesday, September 19, 2023 at 6:30 PM in the Belmont Park Community Room. The Board is dark in August.

**ADJOURNMENT**

**Motion #3 was made and seconded by TO ADJOURN the meeting.**

**VOTE: For: 9 Against: 0 Abstain: 0  
Motion Passed.**

Recording Secretary: Gloria Henson  
Prepared by Debbie Watkins, Secretary