



DATE: January 22, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A VARIANCE (V-1-06) AND REGULAR COASTAL PERMIT (RC-5-05) FOR THE CONSTRUCTION OF A DECK ABOVE A NON-CONFORMING GARAGE ATTACHED TO AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 59 ST MALO BEACH – HARVEY DECK – APPLICANT: D. HARVEY**

RECOMMENDATION

Staff recommends that the Planning Commission approve the Variance (V-1-06) and Regular Coastal Permit (RC-5-05) and adopt Planning Commission Resolution No. 2007-P07 as attached.

PROJECT DESCRIPTION AND BACKGROUND

Background: The St. Malo area was originally laid out by a United States Government Survey approved in 1883. In 1926 The Keiths of Pasadena, California began creating residential lots under a strict set of covenants that are known today as St. Malo. In 1956 the Haskins of Pasadena purchased a lot located at 59 St. Malo and constructed the house that exists there today (the detached laundry room was built at a later date).

The existing 1956 home has an unusual floor plan with the ground floor bedrooms and second floor living quarters (kitchen, dining room, *et al*) accessed via an exterior stair. The home does not have interior access between the two floors. This site has not provided for a second dwelling unit or an accessory dwelling unit; it is a single-family home with a detached laundry room.

Site Review: Because of the juxtaposition of this lot to the pavement (vehicle access easements), three sides of the lot are designated as front yards by Section 330 of the Zoning Ordinance. The fourth side of the lot is an interior side yard. The required yards are, as follows: front yards 20 feet, interior side yards 7.5 feet, rear yards 15 feet.

The garage faces a front yard that joins other lots and easements wherein the adjoining neighbors similarly have their garages and vehicle egress points. The garage's location is non-conforming with today's development standards for front yards within a RS District. It is set back zero-feet from the edge of a 15-foot vehicle access easement that crosses the westerly boundary of the lot.

Proposal: The property owner is requesting to construct a deck above the non-conforming garage and to encroach 20 feet into a required front yard. The deck is proposed to have direct access to the living and dining room. Exterior stairs to the deck are not proposed.

ANALYSIS

KEY PLANNING ISSUE

1. Is the Variance request supported by the following required findings as specified under Section 4105(B) of the Zoning Ordinance?
 - That because of special circumstances or conditions applicable to the development site, including size, shape, topography, location or surroundings strict application of the requirements of the Zoning Ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
 - That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.
 - That granting the application is consistent with the purposes of the Zoning Ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.
2. Is the proposed project consistent with the development standards and land use policies of the Zoning Ordinance and the Local Coastal Program?

DISCUSSION

The lot is uniquely situated within the St. Malo area. Vehicle access throughout the area is allowed by easement alone. This lot is situated on a paved corner and the area where the garage is located functions as a small alley or rear yard even though it is defined as a front yard by the Zoning Ordinance.

If in fact the garage were situated along an alley or a rear yard, then the required structural set backs would be met by the current site design. The RS District regulations for a non-residential structure (like a deck) requires a 10-foot rear yard setback from the property line. Along an alley, this requirement is further reduced to five feet. Finally, there is an exemption for garages to enjoy a zero-foot setback from a property line adjoining an alley. Therefore the project design meets the intent of applicable setback standards.

The Local Coastal Program contains policies that require development to maintain the character of the existing neighborhood. Although the proposed deck will technically encroach into the required front yard, it will not expand upon the existing footprint of the garage. The proposed design of the deck railing is consistent with the quality of design of residences within the St. Malo neighborhood. The homeowner's association has endorsed this application.

The project does not visually impact views of the shoreline or ocean. The proposed alteration will lower the elevation of the structure, because the garage roof will be replaced by a deck. Staff believes that the proposed residence would not significantly alter the appearance of the shoreline and does not represent a major change in height, bulk or seaward encroachment from existing development along the shoreline. As such, the project would not be a visual impact to surrounding neighborhood or restrict public access or public coastal views.

The project does not propose alteration to an existing seawall or riprap. The property is an interior lot and does not directly abut the shoreline.

ENVIRONMENTAL DETERMINATION

The project has been deemed to be exempt from the requirements of environmental review, pursuant to the provisions of the California Environmental Quality Act (CEQA).

SUMMARY

In staff's opinion there are unique physical constraints about the applicant's property precluding an option for design alternatives; that granting the application will not be detrimental to the property, nor will it grant a special privilege. Therefore, staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to approve Variance (V-1-06) and Regular Coastal Permit (RC-5-05) and adopt Planning Commission Resolution 2007-P07 as attached.

PREPARED BY:

SUBMITTED BY:


Juliana von Hacht
Associate Planner


Jerry Hittleman
City Planner

REVIEWED BY: 
Amy Volzke, Principal Planner

JH/JH/fil

Attachment:

1. Planning Commission Resolution No. 2007-P07
2. Site Plan, Elevations
3. Historical Report

1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-P07

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 VARIANCE ON CERTAIN REAL PROPERTY IN THE CITY OF
6 OCEANSIDE

6 APPLICATION NO: V-1-06, RC-5-05
7 APPLICANT: Mr. and Mrs. Dale Harvey
8 LOCATION: 59 St. Malo Beach

8 THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES
9 RESOLVE AS FOLLOWS:

10 WHEREAS, there was filed with this Commission a verified petition on the forms
11 prescribed by the Commission requesting a Variance and Regular Coastal Permit under the
12 provisions of Articles 10 and 41 of the Zoning Ordinance of the City of Oceanside and under
13 Chapter 3 of the Local Coastal Program to permit the following:

14 a deck above an existing, non-conforming garage to encroach 20 feet into the required front
15 yard within the Single-Family Residential District;

16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd
18 day of January, 2007 conduct a duly advertised public hearing as prescribed by law to consider said
19 application.

20 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
21 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section
22 15303(e) because the proposed is an accessory structure;

23 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that
24 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction
25 described in this resolution begins on the effective date of this resolution and any such protest must
26 be in a manner that complies with Section 66020;

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<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	Depends on area (range is \$1,705-\$9,575 per acre)
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.14 per square foot residential

WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable ordinances and resolutions, presume the accuracy of relevant project information provided by the applicant, and are not necessarily the fee amount that will be owing when such fee becomes due and payable;

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

WHEREAS, studies and investigations made by this Commission and on its behalf reveal the following facts:

FINDINGS:

For the Variance:

1. Special circumstances apply to the development site including size, shape, location and surroundings that warrant the granting of the variance for a reduction in the required front yard. The existing, non-conforming garage is adjacent to the western easement and property line. The location, orientation, and proximity of the garage with the new roof deck with egress to the single-family dwelling's second floor living/dining room constitutes a unique situation. Surrounding properties are similarly developed in regards to easements and yard requirements. A strict application of the Zoning Ordinance would deprive this property of the privileges and use enjoyed by others within the St. Malo community.
2. Granting this variance will not make the property or use out-of-character with the surrounding area; as such, the granting of the variance will not be detrimental or injurious to the property or improvements in the vicinity of the site or to the public, health, safety, or welfare.

1 3. Granting of the Variance is consistent with the purpose of the Zoning Ordinance and will
2 not constitute a grant of special privilege inconsistent with limitations on other properties
3 in the vicinity and in the same zoning district.

4 For the Regular Coastal Permit:

- 5 1. The project does not propose alteration to an existing seawall.
- 6 2. The project is compatible with the surrounding area's development pattern and
7 architecture.
- 8 3. The project will not obstruct public access to the shoreline.

9 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
10 approve Variance (V-1-06) and Regular Coastal Permit (RC-5-05) subject to the following
11 conditions:

11 Building:

- 12 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
13 Building Division plan check. (Currently the 2001 California Code of Regulations)
- 14 2. The granting of approval under this action shall in no way relieve the applicant from
15 compliance with all State and Local building codes.
- 16 3. The contractor shall monitor, supervise and control all building construction and supporting
17 activities so as to prevent these activities from causing a public nuisance, including, but not
18 limited to, strict adherence to the following:
 - 19 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
20 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
21 that is not inherently noise-producing. Examples of work not permitted on Saturday
22 are concrete and grout pours, roof nailing and activities of similar noise-producing
23 nature. No work shall be permitted on Sundays and Federal Holidays (New Year's
24 Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day)
25 except as allowed for emergency work under the provisions of the Oceanside City
26 Code Chapter 38 (Noise Ordinance).
 - 27 b) The construction site shall be kept reasonably free of construction debris as
28 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
approved solid waste containers shall be considered compliance with this

1 requirement. Small amounts of construction debris may be stored on-site in a neat,
2 safe manner for short periods of time pending disposal.

3 **Planning:**

- 4 4. This Variance (V-1-06) and Regular Coastal Permit (RC-5-05) shall expire on January 22,
5 2008, unless implemented by the provisions of the Zoning Ordinance.
- 6 5. This Variance approves the construction of a deck above an existing, non-conforming
7 garage; a new garage roof; and the alteration of the existing structure for egress between the
8 second-floor living/dining room and the deck. The deck area shall not exceed the
9 dimensions of the garage which is 20 feet – 2 inches wide by 20 feet – 4 inches deep.
- 10 6. Any side yard gate constructed at this site shall be 50 percent open.
- 11 7. Approval of this project does not include an accessory dwelling unit or a second dwelling
12 unit.
- 13 8. All mechanical rooftop and ground equipment shall be screened from public view as
14 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
15 mechanical equipment, screen and vents shall be painted with non-reflective paint to match
16 the roof. This information shall be shown on the building plans.
- 17 9. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
18 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
19 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
20 annul an approval of the City, concerning Variance (V-1-06, RC-5-05). The City will
21 promptly notify the applicant of any such claim, action or proceeding against the City and
22 will cooperate fully in the defense. If the City fails to promptly notify the applicant of
23 any such claim action or proceeding or fails to cooperate fully in the defense, the
24 applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the
25 City.
- 26 10. A covenant or other recordable document approved by the City Attorney shall be prepared
27 by the owner and recorded prior to the approval of the building permit. The covenant shall
28 provide that the property is subject to this resolution, and shall generally list the conditions
of approval.

- 1 11. Prior to the issuance of a building permit, the applicant and landowner, shall execute and
2 record a covenant, in a form and content acceptable to the City Attorney, which shall
3 provide: (a) that the applicant understands that the site may be subject to extraordinary
4 hazard from waves during storms and from erosion, and the applicants assume the liability
5 from those hazards; (b) that the applicant unconditionally waives any claim of liability on
6 the part of the City and agrees to indemnify and hold harmless the City and its advisors
7 relative to the City's approval of the project for any damage due to natural hazards.
- 8 12. Prior to the transfer of ownership and/or operation of the site, the owner shall provide a
9 written copy of the applications, staff report and resolutions for the project to the new owner
10 and or operator. This notification's provision shall run with the life of the project and shall
11 be recorded as a covenant on the property.
- 12 13. Failure to meet any conditions of approval for this development shall constitute a violation
13 of the Variance and Regular Coastal Permit.
- 14 14. Unless expressly waived, all current zoning standards and City ordinances and policies in
15 effect at the time building permits are issued are required to be met by this project. The
16 approval of this project constitutes the applicant's agreement with all statements in the
17 Description and Justification, and other materials and information submitted with this
18 application, unless specifically waived by an adopted condition of approval.

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1 15. The plans shall be substantially the same as those approved by the Planning Commission.
2 These shall be shown on the plans submitted to the Building and Planning Divisions.

3 PASSED AND ADOPTED Resolution No. 2007-P07 on January 22, 2007 by the
4 following vote, to wit:

- 5 AYES:
- 6 NAYS:
- 7 ABSENT:
- 8 ABSTAIN:

9 _____
10 Dennis Martinek, Chairman
11 Oceanside Planning Commission

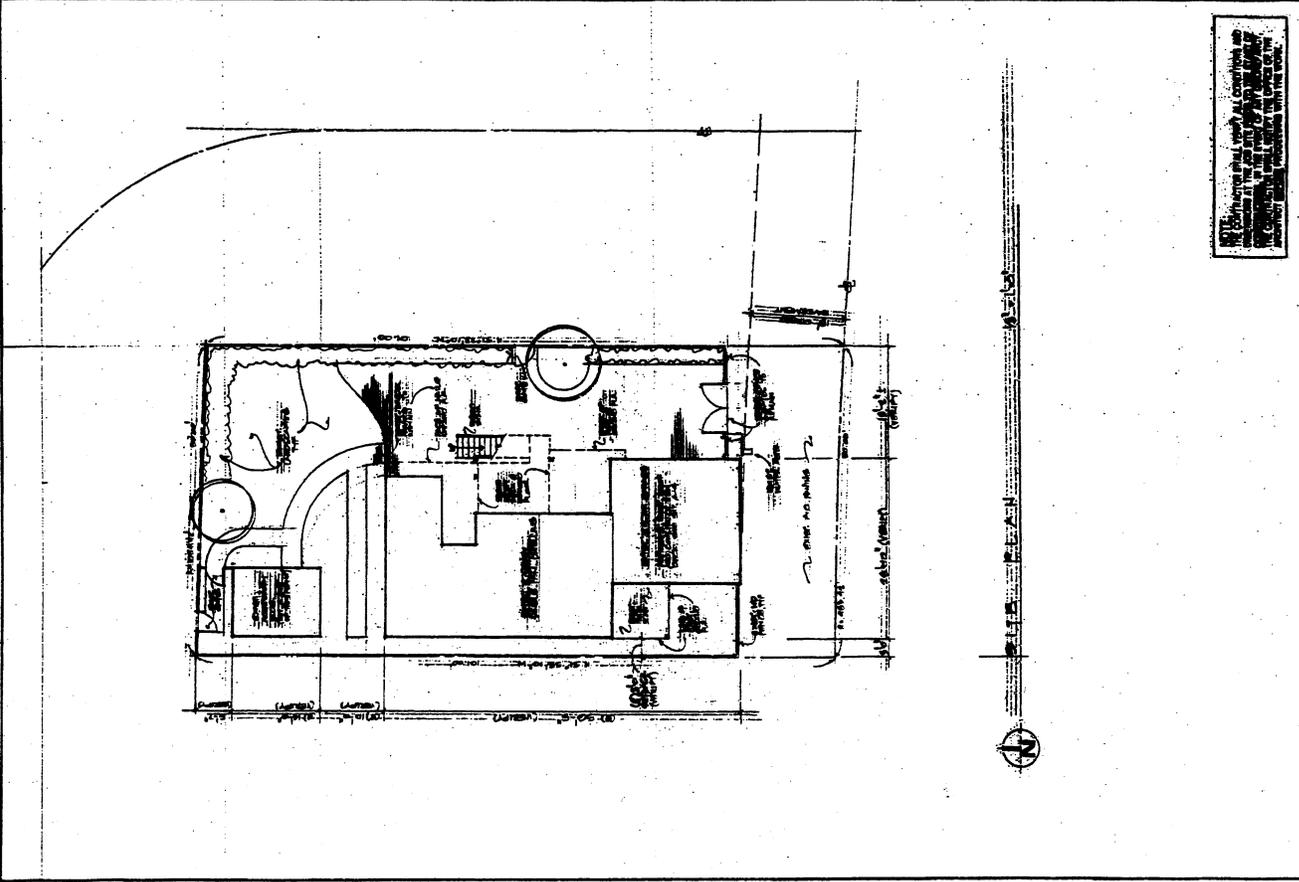
12 ATTEST:
13 _____
14 Jerry Hittleman, Secretary

15 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
16 this is a true and correct copy of Resolution No. 2007-P07.

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18 Dated: January 22, 2007

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THE HARVEY RESIDENCE
 59 ST. MALO BEACH
 OCEANSIDE, CALIFORNIA



RECEIVED
 JUL 18 2005
 Planning Department

GENERAL NOTES:

1. All work shall conform to the applicable codes and regulations.
2. The contractor shall be responsible for obtaining all necessary permits.
3. The contractor shall be responsible for coordinating with all other trades.
4. The contractor shall be responsible for providing all materials and labor.
5. The contractor shall be responsible for maintaining the site during construction.
6. The contractor shall be responsible for protecting existing structures and utilities.
7. The contractor shall be responsible for providing all safety equipment.
8. The contractor shall be responsible for providing all necessary site access.
9. The contractor shall be responsible for providing all necessary site security.
10. The contractor shall be responsible for providing all necessary site cleanup.

SITE STATISTICS

Item	Quantity	Unit
Excavation	150	sq. ft.
Foundation	100	sq. ft.
Footing	200	sq. ft.
Formwork	1000	sq. ft.
Reinforcement	100	sq. ft.
Concrete	100	cu. yd.
Brickwork	100	sq. ft.
Masonry	100	sq. ft.
Roofing	100	sq. ft.
Painting	100	sq. ft.
Plumbing	100	sq. ft.
Electrical	100	sq. ft.
Mechanical	100	sq. ft.
Interior Finishes	100	sq. ft.
Exterior Finishes	100	sq. ft.
Site Work	100	sq. ft.
Other	100	sq. ft.

SHEET INDEX

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CONSULTANT LIST

CONSULTANT: [Name]
 ADDRESS: [Address]
 PHONE: [Phone]
 FAX: [Fax]

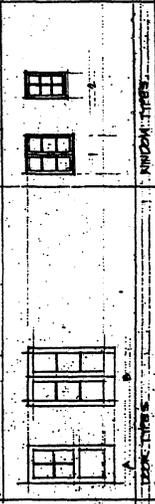
VICINITY MAP

DOOR SCHEDULE

NO.	SYMBOL	TYPE	FINISH	REMARKS
1	1	6'0" x 8'0" SWING	WOOD	ENTRY
2	2	6'0" x 8'0" SWING	WOOD	OFFICE
3	3	6'0" x 8'0" SWING	WOOD	OFFICE
4	4	6'0" x 8'0" SWING	WOOD	OFFICE
5	5	6'0" x 8'0" SWING	WOOD	OFFICE
6	6	6'0" x 8'0" SWING	WOOD	OFFICE
7	7	6'0" x 8'0" SWING	WOOD	OFFICE
8	8	6'0" x 8'0" SWING	WOOD	OFFICE
9	9	6'0" x 8'0" SWING	WOOD	OFFICE
10	10	6'0" x 8'0" SWING	WOOD	OFFICE
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19	19	6'0" x 8'0" SWING	WOOD	OFFICE
20	20	6'0" x 8'0" SWING	WOOD	OFFICE

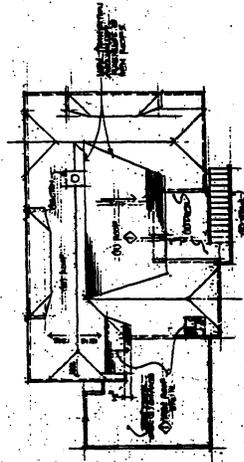
WINDOW SCHEDULE

NO.	SYMBOL	TYPE	FINISH	REMARKS
1	1	6'0" x 8'0" SWING	WOOD	ENTRY
2	2	6'0" x 8'0" SWING	WOOD	OFFICE
3	3	6'0" x 8'0" SWING	WOOD	OFFICE
4	4	6'0" x 8'0" SWING	WOOD	OFFICE
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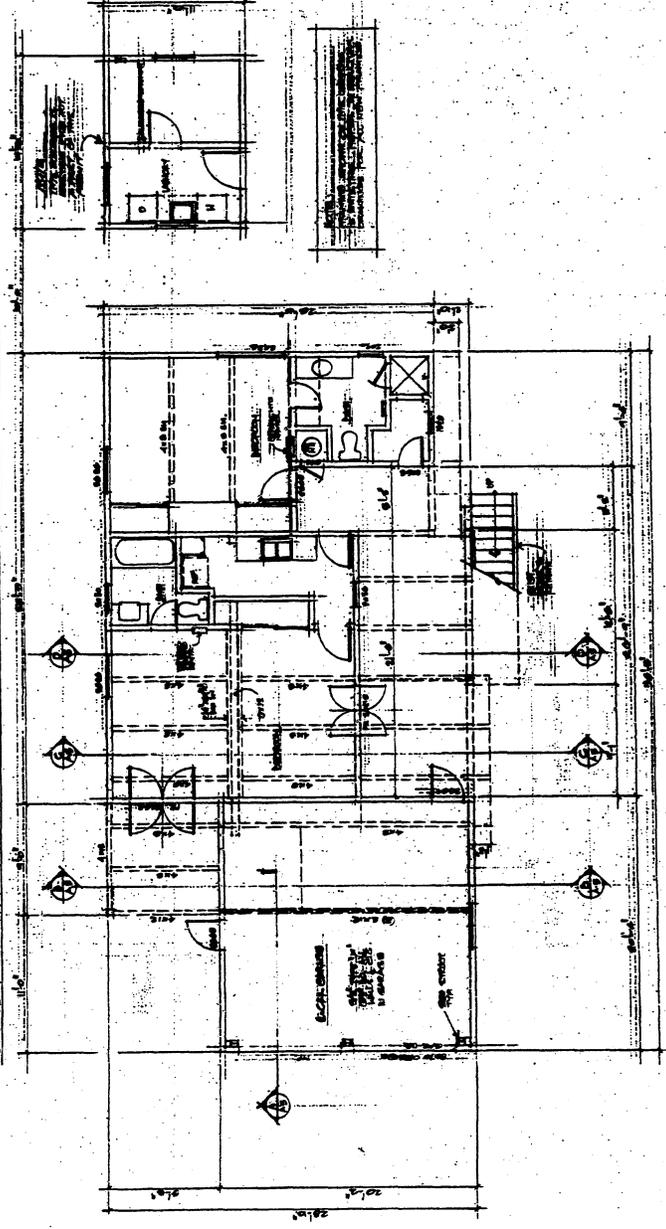
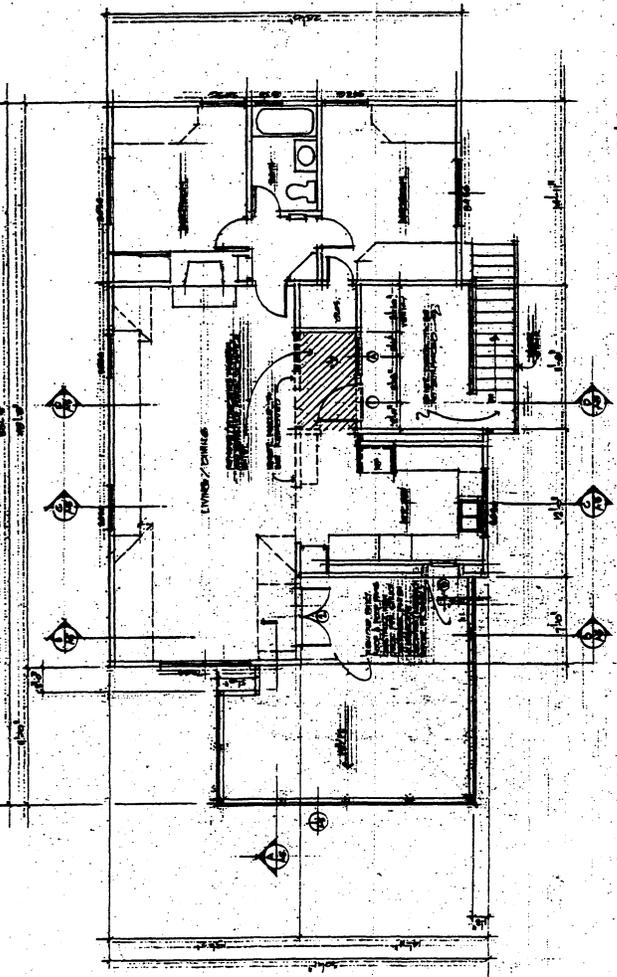


NOTES

1. ALL FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL RESIDENTIAL CODE BOOK.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL MECHANICAL AND PLUMBING CODE BOOK.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL ELECTRICAL CODE BOOK.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL FIRE AND SAFETY CODE BOOK.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL ENERGY EFFICIENCY CODE BOOK.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL SMOKE AND ALARM CODE BOOK.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL ACCESSIBILITY AND MOBILITY ACT.
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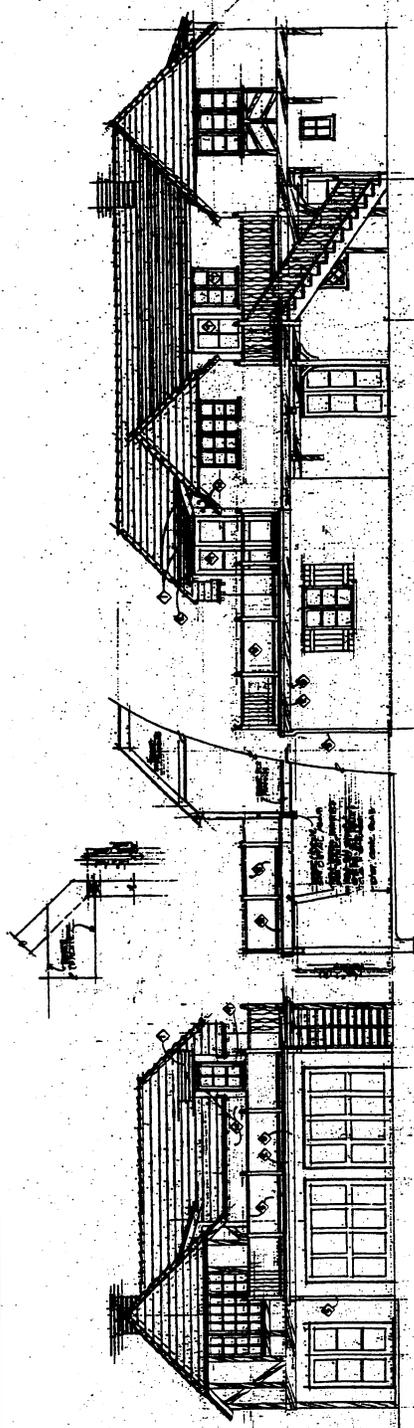
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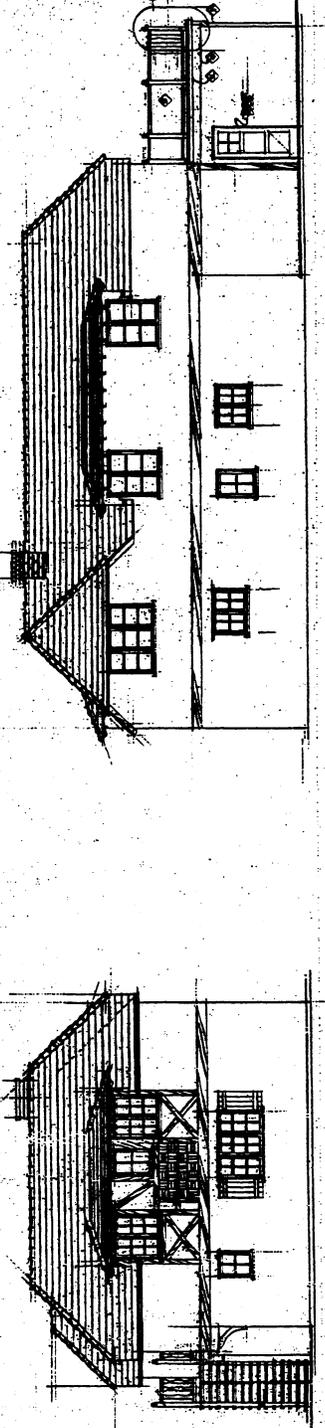
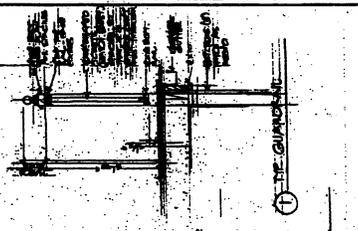
FIRST FLOOR PLAN

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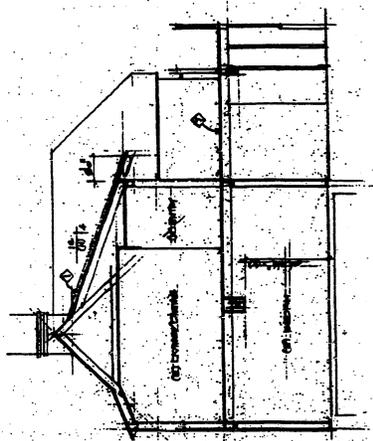
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE ORDINANCES.
2. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE BUILDING DEPARTMENT.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. ALL FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.
9. ALL UTILITIES SHALL BE PROTECTED AND NOT DAMAGED.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.
11. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS AND DRAWINGS.
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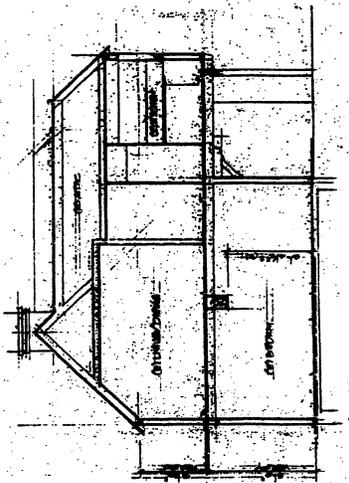
WEST ELEVATION EAST ELEVATION



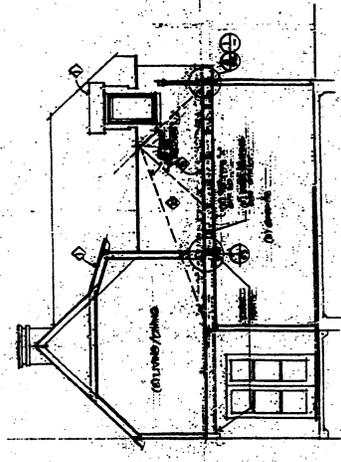
WEST ELEVATION EAST ELEVATION



SECTION

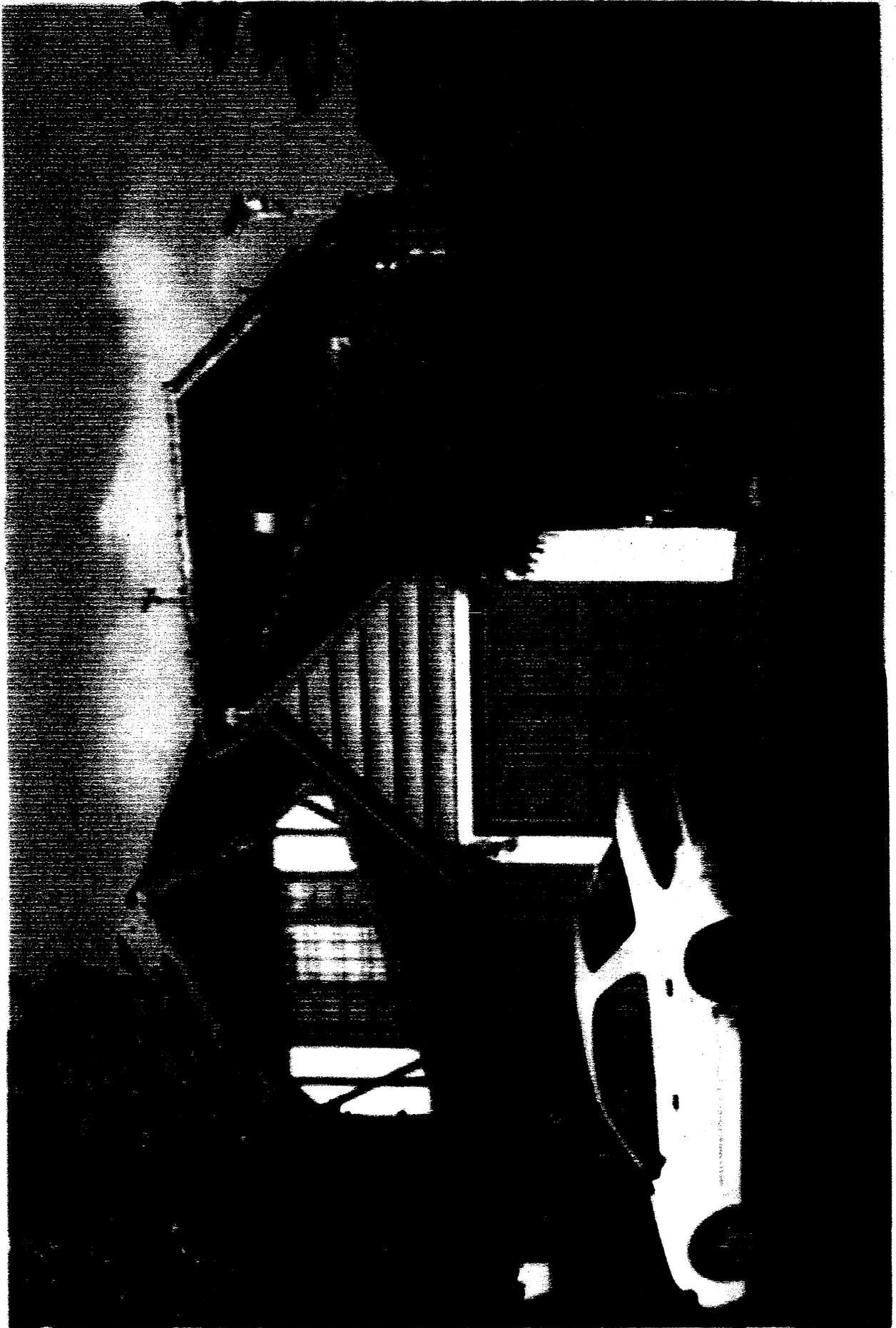


SECTION



SECTION

NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE ORDINANCES.
 2. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
 3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE BUILDING DEPARTMENT.



10/11/70

APR 03 2006

RECEIVED





APR 2 1968

PHOTOGRAPHY



RECEIVED

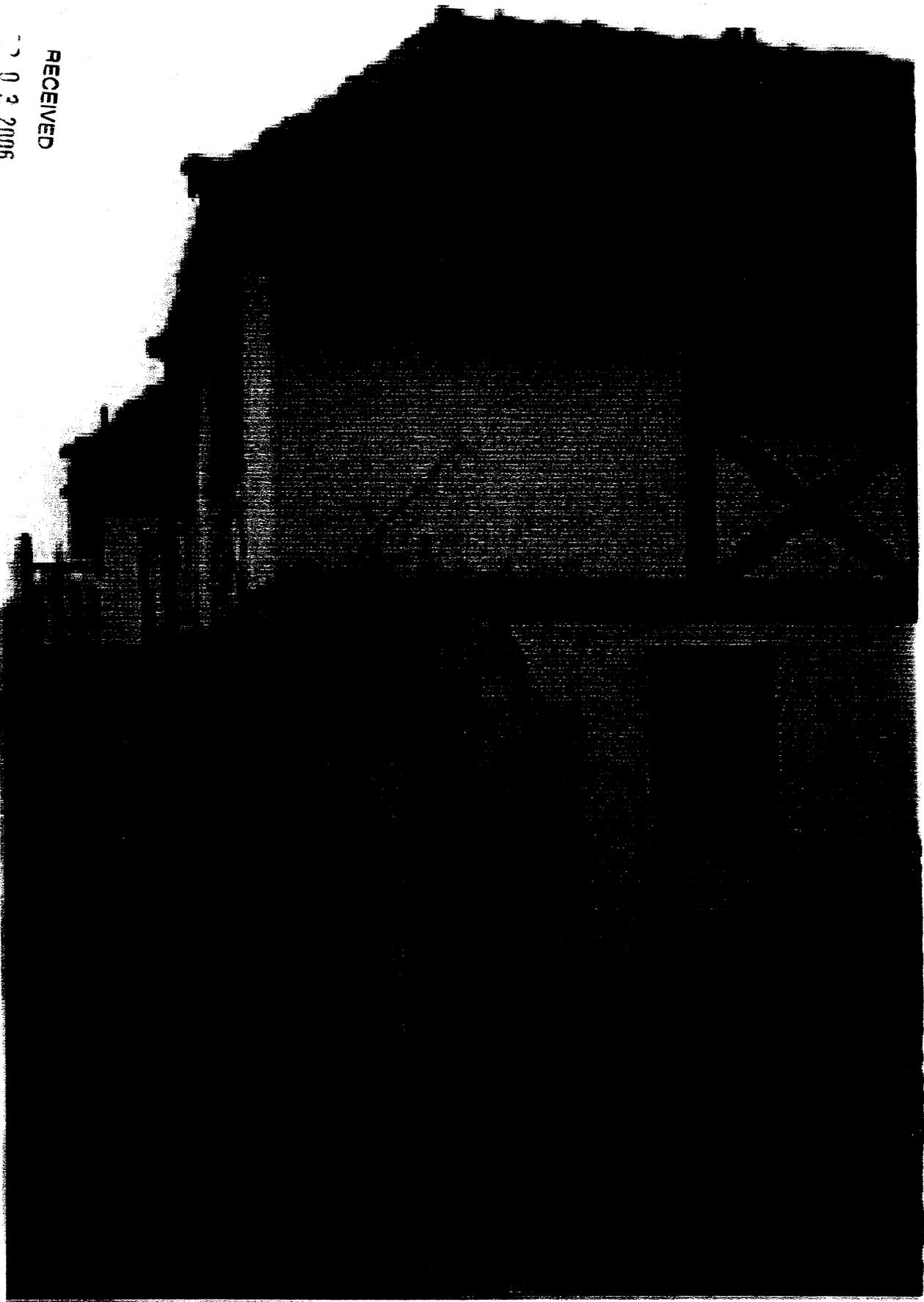
APR 03 2006

Planning Department

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03 2006

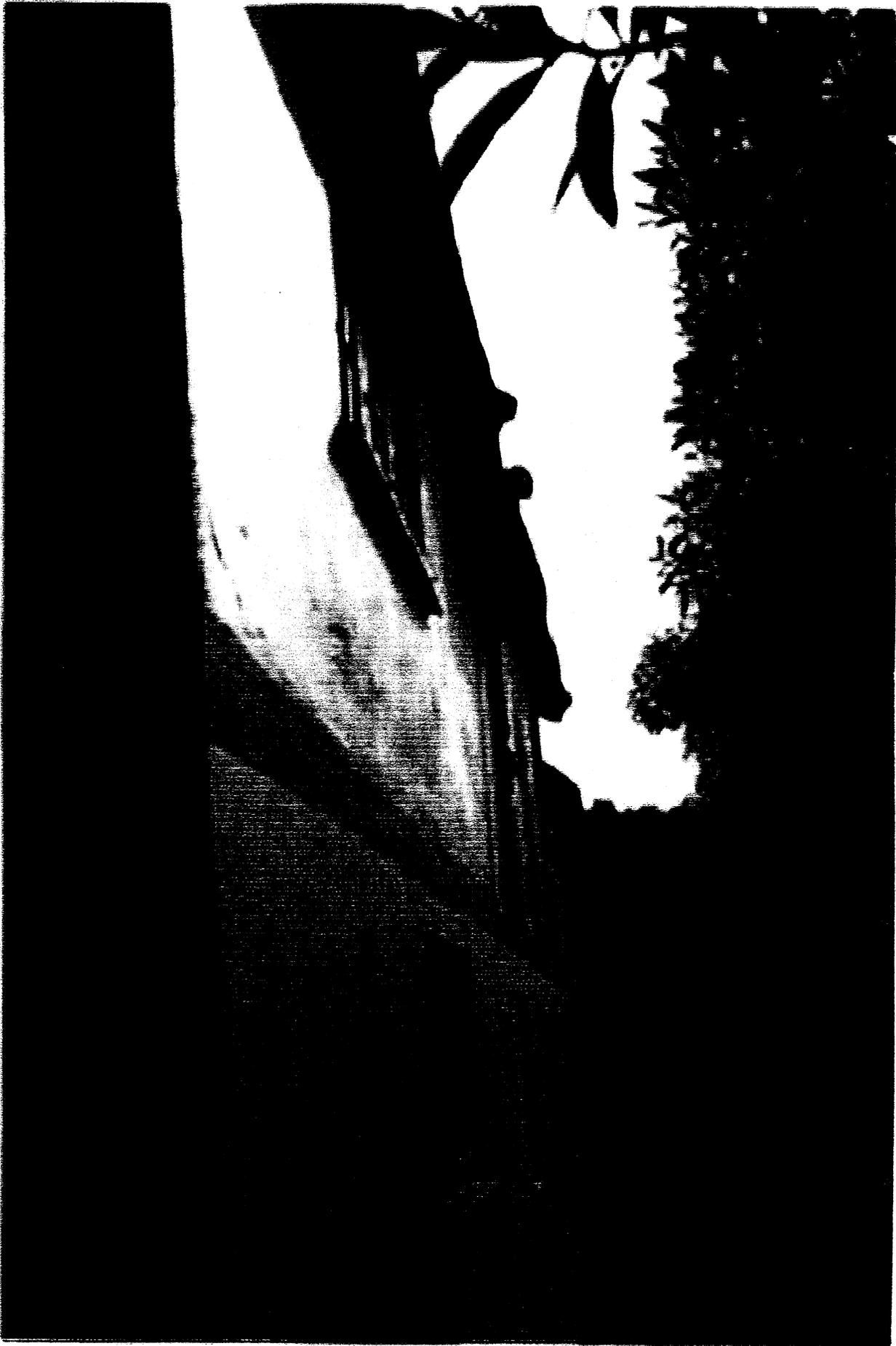
Training Department



RECEIVED

APR 03 2005

Division Department



RECEIVED

APR 03 2006

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code

Other Listings
Review Code

Reviewer

Date

Page 1 of 4

*Resource Name or # - 59 St. Malo Beach

P1. Other Identifier: Lot 3, Section 1

*P2. Location: Not for Publication Unrestricted

*a. County: San Diego

and (132b and 132c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Oceanside

Date: 1975 T 12S R 5W, 1/4 of 1/4 of Sec ; M.D. B.M. SB

c. Address: 59 St. Malo Beach

City: Oceanside, CA

Zip: 92054

d. UTM: Zone: 10, mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:

APN# 155-102-28

*133a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The resource consists of a two-story single family residence which includes a two-car garage. A small laundry building is also located on the site. The buildings are situated along the north side of an irregularly shaped rectangular lot. Both buildings are designed in cottage style with French Norman details including steep pitched hip roofs covered with cedar shakes, stucco walls and exposed half timber framing. Other details include decorative brick panels, tile edging on the roof and exposed rafter tails. The windows in the house, which appear to be original, are mostly casement windows as well as several diamond pane windows which are typical of the Norman style. Exterior stairs going to the second story, feature carved wooden railings.

The house was built with the second floor as the main floor, probably to take advantage of the ocean view. Thus, the living room, kitchen and two bedrooms are on the second floor. The first floor consists of two more bedrooms and a small room which was probably used as a wet bar or potting shed for the original owner.

*P3b. Resource Attributes: (List attributes and codes) HP2 Residence

*P4. Resources Present: Building Structure Object Site District Element of District Other (isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)



P5b. Description of Photo: (View, date, accession #) 8/13/06
northeastern facades

*P6. Date Constructed/Age and Sources: Historic
 Prehistoric Both
1956 per County Assessor

*P7. Owner and Address:
Dale & Stephanie Harvey
1485 Lomita Drive
Pasadena, CA 91106

*P8. Recorded by: (Name, affiliation, and address)
Mary Taschner
128 S. Pacific St.
Oceanside, CA 92054

*P9. Date Recorded: 9/15/06

*P10. Survey Type: (Describe)

Intensive

*P11. Report Citation: (Cite survey report and other sources, or enter "none.")
none

*Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (List):

DPR 523A (1/95)

*Required information

*Recorded by: Mary Taschner

*Date: 9/15/06

Continuation

Update

Type in here!

The interiors throughout the house retain much of their period charm with beamed cedar ceilings, brick fireplace, original tiles in kitchen and baths, and quirky angled ceilings. The exterior of the house is surrounded by a thick hedge with two large brick patios for outdoor living.

The area which is now St. Malo was laid out originally by a United States Government Survey approved in 1883. The subject lot was part of a large tract of land owned by Frank and Edith Peckham, who lived in Glendale, California. According to United States Census reports, Frank Peckham was the president of the Pacific Company, a business which purchased undeveloped land for later resale. The Peckham's owned approximately 26 acres in the St. Malo area, as well as other lots in Carlsbad.

In 1926, Kendall Keith and his wife, Louise, residents of Pasadena, were searching for beach property to build a house for themselves. They also had the idea that they could build an exclusive retreat for other Los Angeles area residents who were looking for relief from the summer heat in the days before air conditioning. The community needed to be in a secluded area where they could avoid congestion and it must also be an easy drive for residents of the Los Angeles area. The unincorporated area next to Oceanside's south side offered the perfect solution. Consequently, the Keith's began the area which is now St. Malo. They started with only a few lots, which they purchased from the Peckham's. Later the compound grew to its present size of about 70 homes.

All of the lots in the St. Malo compound were sold with a strict set of Covenants, Conditions and Restrictions. Among other restrictions, residents were prohibited from keeping any farm animals, having outside lavatories, living in their garages or using the premises for any business purposes whatsoever. In addition, no construction of any kind could be built until an Architectural Committee had approved the construction in writing.

The subject lot, number 59, remained under Peckham ownership until 1929 when it was deeded to Union Trust Company of San Diego for ten dollars. Union Trust Company retained title of the undeveloped land for twenty seven years. At that time, in 1956, the land was sold to Sam and Mary Haskins of Pasadena for ten dollars. The Haskins' built the house which exists today and later added a laundry building. Samuel Moody Haskins Jr. was a bond salesman and his wife, Mary Stimson Haskins was a teacher. By the time the Haskins' built the house in St. Malo, they were retired and lived in the house as their primary residence for many years. After they sold the house, they moved to Carmel, where Sam died in 1994 and Mary died in 1999.

CONTINUATION SHEET

*Recorded by: Mary Taschner

*Date: 9/15/06

Continuation

Update

Type in here!

The Haskins' sold the house to Robert and Louisa Miller in 1981. The Millers retained their primary residence at 686 La Loma Road in Pasadena and used the St. Malo house as a second home. Robert Patchen Miller was the Chairman of the Board of a mining and manufacturing company. He died in 2003. After his death, Louisa Miller sold the house in 2004 to Dale and Stephanie Harvey.

St. Malo homes traditionally do not change owners very often. The property at 59 St. Malo Beach is no exception. The current owners, Dale and Stephanie Harvey are only the third owners of the house.

BUILDING, STRUCTURE, AND OBJECT RECORD

Page of 4

*NRHP Status Code

*Resource Name or # (Assigned by recorder) 59 St. Malo Beach

B1. Historic Name: none

B2. Common Name: none

B3. Original Use: Single family residence

B4. Present Use: Single family residence

*B5. Architectural Style: French country or Norman

*1916. Construction History: (Construction date, alterations, and date of alterations)

Construction date 1956, Laundry building 1963

*137. Moved? No Yes Unknown Date:

Original Location:

*138. Related Features: none

139a. Architect: Unknown

b. Builder: Unknown

*1310. Significance: Theme: Residential architecture

Area: Oceanside, CA

Period of Significance: 1956-present

Property Type: Residential

Applicable Criteria: n/a

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The resource is located in the St. Malo compound which began development in the 1920's after Kendall Keith began the formation of the exclusive beach community. The area was originally owned by land speculators, because of its close proximity to the Pacific Ocean and the lagoon. The neighborhood is a private enclave, not accessible by the general public. All of the buildings are single family homes built in the French country or Norman style, which was designated by Kendall Keith for the St. Malo compound. The subject resource is typical of the area in style and shape. The house was not designed by a master architect with a national reputation. It was not constructed of rare or unique materials. The building is not directly associated with any known historic events. Persons of historic standing are not directly associated with it. The building is unlikely to offer any information which would be of local, state or national importance. This study has effectively exhausted all research potential which may have existed for this building. The building is not eligible for nomination to national, California or local historic registers.

1311. Additional Resource Attributes: (List attributes and codes) HP2 residence

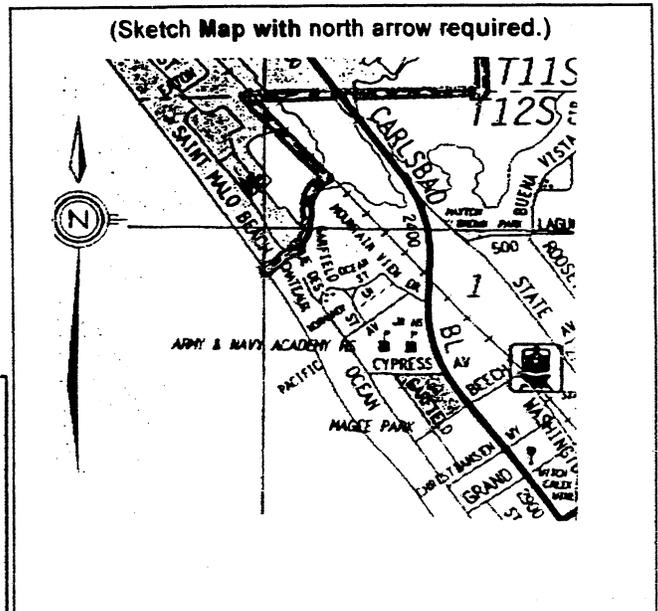
*1312. References: County Assessor's records; US Census records 1910-1930; Social Security Death Index; Foley, Mary M., The American House, 1980, Harper & Row, New York; Duthie, Gloria Berry, Southwest Blue Book, issued annually, Pasadena; Interview Nancy Boyer 9/12/06
B13. Remarks:

*1314. Evaluator: Mary Taschner

Mary Taschner

*Date of Evaluation: 9/15/06

(this space reserved for official comments.)



CLASS & SHAPE	CONSTRUCTION				EXTERIOR		ROOF		LIGHTING		AIR CONDITION			ROOMS & FINISH DETAIL							
	Light	Sub-Standard	Standard	Above-Standard	Stucco on	Siding	Flat	Gable	Wiring	K.T.	B.X.	Wiring	Forced	Clean'g	Rooms	Floors	Floor Finish	Trim	Interior	Finish	
Single	X														All						Ceilings
Double		X																			
Duplex			X																		
Apartment				X																	
Flat-Court																					
Metal																					

CONSTRUCTION RECORD				NORMAL % GOOD				RATING (E, G, A, F, P)				BATH DETAIL											
Permit No.	Amount	Date	Year	Age	Remain'g Life	Table	%	Arch. Attr.	Func. Plan	Con-Form	Storage Space	Work-Cupb'd	Work-Closet	Work-Ship	Fi. No.	Floors	Walls	Wc. La. Tub	Type	Grade	St. O.T. (G.D.)	Fin.	
10726	11,000	1926	1926	2	58	R-60	98	A	A	A	A	A	A	A	2								
1254	4,500	1956	1965	9	51	R-60	76	A	A	A	A	A	A	A	2								
1833	3,000	4,568	1968	13	47	R-60	92	A	A	A	A	A	A	A									
			1972	16	43	R-60	88	C	C	C	C	C	C	C									

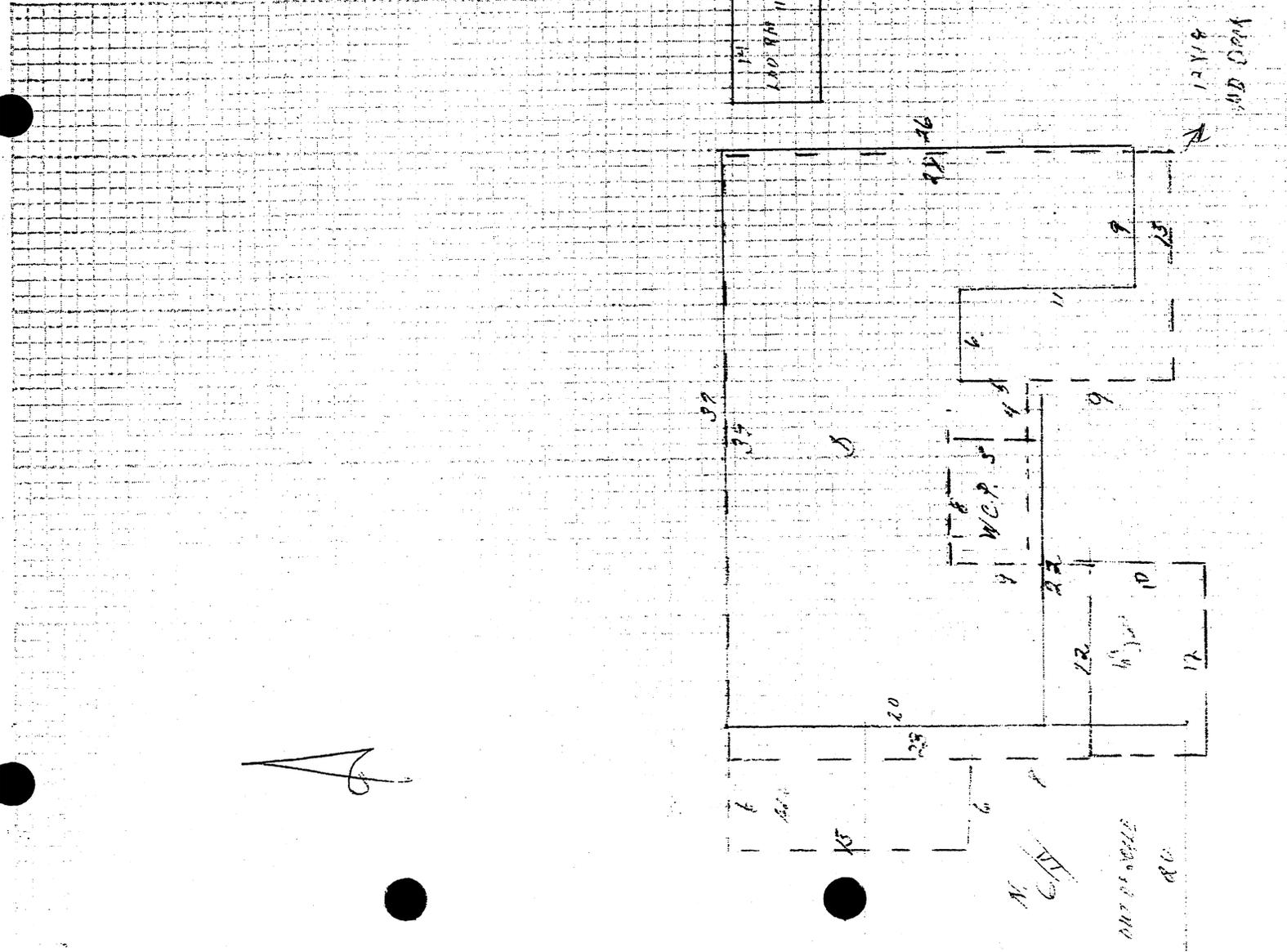
COMPUTATION				TOTAL		TOTAL	
Appraiser & Date	Unit Cost	Area	Cost	Unit Cost	Cost	Unit Cost	Cost
W. Hunt 3-19-65	8.50	714	6,494	7.80	5,959	940	7,182
	10.90	40	436	10.80	4,320	1,250	13,775
	2.00	40	80	2.80	112	280	310
	2.00	400	800	5.50	2,200	610	610
	2.00	400	800	1.20	480	80	80
	2.00	400	800	3.20	1,280	4.60	1,656
	2.00	120	240	4.00	480	4.00	400
	3.80	154	585	1,200	1,440	11.00	13,200
	1.20	216	259	585	585	259	259
TOTAL			19,321		19,712	2,411	26,901
NORMAL % GOOD			98		92	88	88
R.C.L.N.D.			18,935		18,637	2,282	23,673

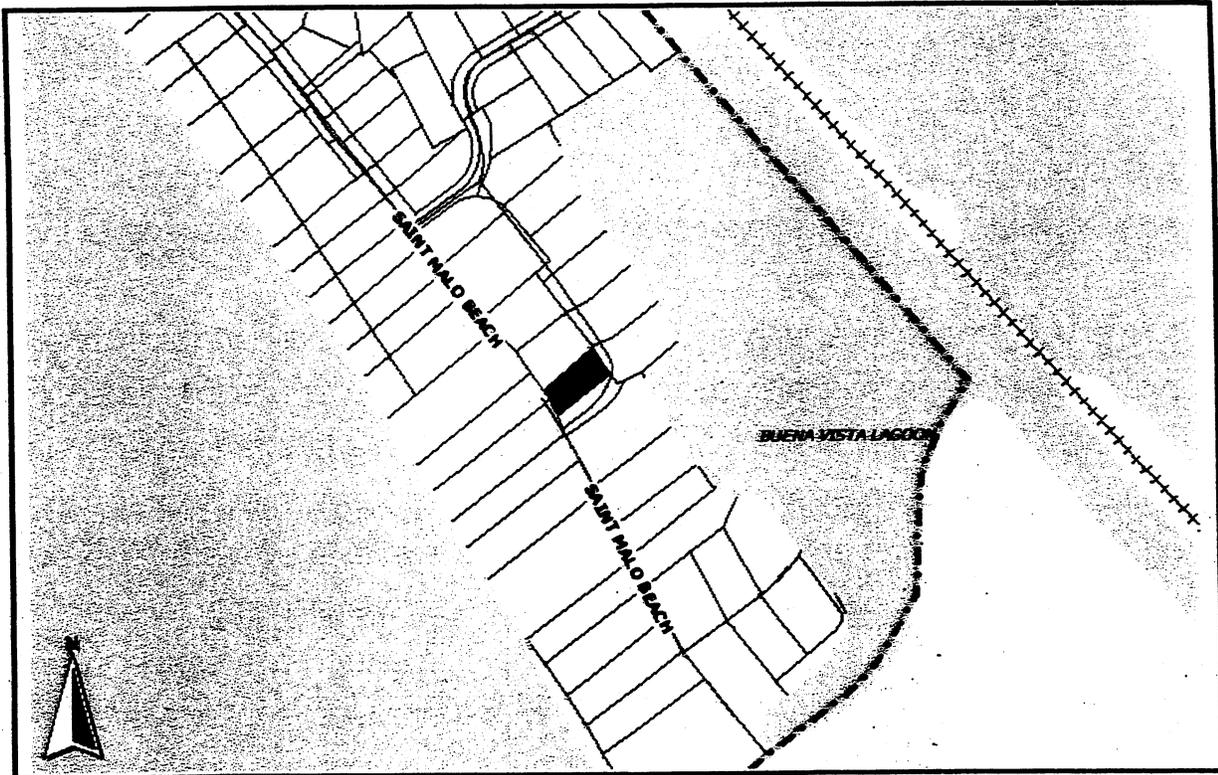
Structure	Found	Cons.	Ext.	Roof	Floor	Int.	Size, etc.
G	ENC	FA	SPAC	W. S.	CONC	W. S.	500

COMPUTATIONS

Δ 107.5x
 $9x11 = 99$
 $22x5 = 110$
 $27x5 = 135$
 768
 $Per 136$
 2164
 135
 95
 108
 108
 546
 90
 974
 165
 32
 1087
 910
 12
 1.43
 7.80
 10.52
 10.82

Remarks: Δ 107.5x 110.5x 110.5x 110.5x 110.5x 110.5x
 PERMITS FACTORS. EXCESSIVE PERMISSIBILITY BY VIBRATION OF
 INTERIOR WALLS 9x9x8
 NO entry. Laundry Room factor include
 PIRE. W.H. 3-19-65
 2nd fl. - used for 2 cars. parking
 1st fl. also factor on 1st fl. 5.5 Area 1070 Area
 10.5x 110.5





File Number: V-1-06, RC-5-05

Applicant: Mr. & Mrs. Dale Harvey

Description:

VARIANCE (V-1-06) and REGULAR COASTAL PERMIT (RC-5-05) for the construction of a deck above a non-conforming garage attached to an existing single family residence located at 59 St. Malo Beach. The project site is zoned RS (Residential Single-Family) and is situated within the South Oceanside Neighborhood and Coastal zone. **HARVEY DECK**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Department
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520

Date: January 10, 2007

Public Hearing Coastal Permit
Identification No. RC-5-05

**NOTICE OF PUBLIC HEARING
COASTAL DEVELOPMENT PERMIT**

This is a notice to you as an interested party that the City of Oceanside Planning Commission will hold a public hearing on the Coastal Permit application of Mr. & Mrs. Dale Harvey. This application was received on July 18, 2005. The application is described as follows:

For the construction of a deck above a non-conforming garage attached to an existing single-family residence located at 59 St. Malo Beach.

The project site is zoned RS (Residential Single-Family) and is situated within the South Oceanside Neighborhood and the Coastal zone.

Said hearing will be held on January 22, 2007, at 7:00 p.m. in the Council Chamber of City Hall, 300 North Coast Hwy., Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at (760) 435-3520 after January 18, 2007, to be informed of the place on the agenda and the approximate time of hearing.

If you have any questions or comments regarding this matter, or want to be notified of the decision, contact the City of Oceanside, Planning Division at (760) 435-3520. Written comments may be submitted prior to the hearing and will be made part of the public record and provided to the Planning Commission.

If you disagree with the decision of the Planning Commission concerning this project's conformance to the Local Coastal Plan, you may appeal the decision to the City Council. The appeal, accompanied by the appropriate fee must be filed in the City Clerk's Office, 300 North Coast Hwy., Oceanside, no later than 5:00 p.m. on February 1, 2007 (10 days from the adoption of the Planning Commission Resolution).

The project is "appealable" to the California Coastal Commission under Section 30603(a) of the California Public Resources Code. An aggrieved person may appeal the decision to the Coastal Commission within ten (10) working days following the Commission receipt of the Notice of Final Action on this project. The Notice of Final Action is mailed after the City's last action, such as Planning Commission resolution, Community Development Commission resolution (for projects in the Redevelopment Area), or City Council resolution (for projects involving a zone change or which resulted in a local appeal). Please contact the Planning Division at (760) 435-3520 for this information.

Appeals must be in writing. The Coastal Commission, San Diego District Office is at 7575 Metropolitan Drive, Suite 103, San Diego, California 92108-4402. The phone number is (619) 767-2370.

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information				ACCEPTED	BY
				7/18/05	SN.
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT		2. STATUS		GPA	
MR. & MRS. DALE HARVEY		OWNER		MASTER/SP. PLAN	
3. ADDRESS		4. PHONE/FAX		ZONE CH.	
c/o APPLICANT'S REP.				TENT. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)				PAR. MAP	
JOCK M. SEWALL				DEV. PL.	
6. ADDRESS		7. PHONE/FAX		C.U.P.	
213 W. CANON PERDIDO ST. SANTA BARBARA, CA 93101		805/905-2060 FAX 905-2001		VARIANCE V-1-06	
PART II - PROPERTY DESCRIPTION				COASTAL RC-S-05	
8. LOCATION				9. SIZE	
59 ST. MALO BEACH, OCEANSIDE				5,050 SQ. FT.	
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
	RS	RESIDENTIAL	155-102-28		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
CONSTRUCTION OF NEW DECK OVER EXISTING GARAGE, NEW ENTRY AT SECOND FLOOR, NEW FRENCH DOORS FROM EXIST. LR. TO NEW DECK, INTERIOR IMPROVEMENTS, MODIFY EXIST. ROOF. REV-4/3/06					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
N/A	NO CHANGE	NO CHANGE	1		
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
2450 SQ. FT.	2	33%	40%		
PART IV - ATTACHMENTS					
ALL APPLICATIONS			DEV. PLANS, C.U.P.s & TENT. MAPS		
<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS			
<input checked="" type="checkbox"/> 26. 300-FT. RADIUS MAP	<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST	<input type="checkbox"/> 31. CONSTRUCTION SCHEDULE			
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/> 29. PLOT PLANS	<input checked="" type="checkbox"/> 32. OTHER			
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).		
33. APPLICANT OR REPRESENTATIVE (Print):		34. DATE			
JOCK M. SEWALL		6/23/05			
Sign:		37. OWNER (Print)		38. DATE	
		DALE HARVEY		7/6/05	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			Sign:		
35. APPLICANT (Print):		36. DATE		39. OWNER (Print):	
RECEIVED				Stephanie Harvey	
Sign:		40. DATE		7/6/05	
				Stephanie O'Hara	



ITEM #1 Final description and justification. See Item #⁴ below.

ITEM #2 H.O.A. approval. Please see attached H.O.A. approval. If you wish to contact the H.O.A., please contact: Mr. John Tenaglia
Office: 714-564-7108
Cell: 949-394-4200

ITEM #3 Additional mailing labels and 300 foot radius map.
The above items should already be in the city's possession.

ITEM #4 Redefine description, request and justification.

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OCT 23 2006

Planning Department

Description

The scope of the project is to remove an existing roof and replace with a new deck over an existing garage which encroaches into the front yard setback.

Request

The request is for a variance reducing the front yard setback and see change from garage roof to roof deck.

Justification

A combination of special circumstances apply to the development site including size, shape, topography, location and surroundings that warrant the granting of the variance for a front yard setback reduction. The existing garage (which is attached to an existing two story dwelling) sits on the south property line abutting the existing street. The existing garage encroachment was approved and permitted by the City of Oceanside.

The location, orientation and proximity of the existing garage with new roof deck attached to the existing single family residence to the property line constitutes a unique situation. Surrounding properties have similar setback situation. A strict application of the zoning ordinance would deprive such property of privileges and use enjoyed by other property in the vicinity and under identical zone classification. This strict application would deprive the property owner of the use of the property situated within the already permitted garage.

Granting the variance would not make the property or use out of character with property improvements in the vicinity, but shall bring architectural aesthetics to the property. As such, granting the variance will not be detrimental or injurious

to the property or improvements in the vicinity of the development site or to the public health, safety or general welfare.

Granting the variance is consistent with the purpose of the zoning ordinance and shall not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone. The existing garage with new deck does achieve design compatibility with the surrounding neighborhood.

ITEM #5 Kitchen and stair access.

Per the construction permit record (see attached), and confirmed by the historic report, the property was permitted in 1956 with only one kitchen on the second floor. Again as confirmed by the historic report, the space on the first floor was and is currently used as a store room and wet bar.

The property was originally permitted with living spaces on the second floor (along with two bedrooms) and bedrooms on the first floor (see room and finish details on residential building record attached). Since there is no mention of the location of the stair access and no subsequent permits did not include new or relocated stairs, assumptions must be that the current exterior stairs are the original permitted stairs. This condition is typical of other permitted cottages within St. Malo. The stair and kitchen issues should not be a part of the requested variance.

ITEM #6 Photos. The city has the photos in the file.

ITEM #7 Historical review. (See attached report).
The property has no historical significance as identified in the report.

ITEM #8 Owner's address:

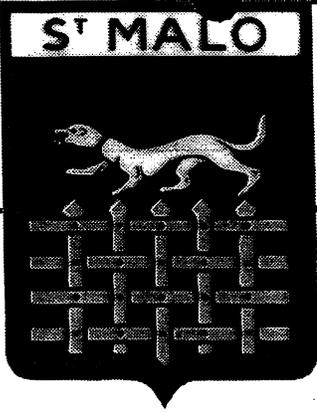
Mr. and Mrs. Dale and Stephanie Harvey
1485 Lomita Drive
Pasadena, CA 91106

Home Phone #: 626-229-7515
Office Phone #: 213-486-9675

RECEIVED
OCT 23 2006
Planning Department

ITEM #9 Fire prevention and engineering staff.

Until a request from the above is presented, a response cannot be forthcoming. However, per the letter from Cliff Abella dated 8/11/04, the Engineering Department has found the application complete and has no comment (see attached). Also, per the Oceanside Fire Department memo dated 8/3/05 (see attached), fire has no requirements.



SAINT MALO ASSOCIATION, INC.
2965 ROOSEVELT STREET • CARLSBAD, CALIFORNIA 92008
(760) 729-2343

October 12, 2006

Mr. John S. Beery, Architect
5751 Palmer Way, Suite G-3
Carlsbad, CA 92010

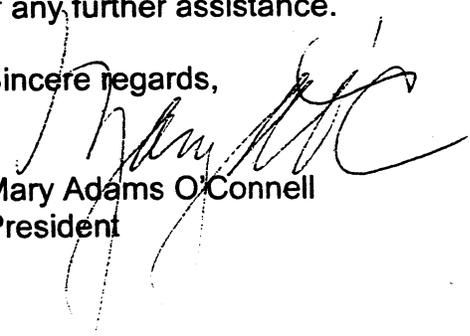
Re: St. Malo Association Architectural Committee acceptance of
Submitted Plans for construction at #59 St. Malo Beach, Oceanside

Dear Mr. Beery:

The Architectural Committee of the St. Malo Association met on Thursday, October 5, 2006. We are in receipt of the current plans, drawn up by J.M. Sewall and Associates for the construction of a new deck over the Harvey's existing garage at #59 St. Malo Beach, Oceanside. In addition we are in receipt of a letter from you, their current architect, stating that no changes have been made to the plans you sent us since Nancy Tenaglia wrote her approval of the plans in December 2005. She inadvertently and mistakenly dated her approval letter 2001.

I am pleased to confirm her letter of approval of the plans as no changes have been made since that time. Please call me at my office (213) 489-2400 if you have any further questions or if I can be of any further assistance.

Sincere regards,


Mary Adams O'Connell
President

Cc: Mr. and Mrs. J. Dale Harvey

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OCT 23 2006

Planning Department

RECEIVED
JUL 18 2005
Planning Department

ALTA Residential Owner's Policy (6-1-87)

Order No. 04-1953618
Policy No. 27-35-87/180291

EXHIBIT "ONE"

Parcel 1:

That portion of Lot 3 of Section 1; Township 12 South, Range 5 West, San Bernardino Meridian, in the City of Oceanside, County of San Diego, State of California, according to United States Government Survey approved June 22, 1883, described as follows:

Beginning at the intersection of center line of Pacific Street as said street is shown on Map No. 909 of Ocean Front Addition, filed in the Office of the County Recorder with North line of said Lot 3, thence South $41^{\circ}16'$ East along Southeasterly prolongation of said center line of Pacific Street, 176.35 feet; thence South $48^{\circ}44'$ West, 109.02 feet to the beginning of a tangent curve to left having a radius of 64.90 feet; thence Southerly along arc of said curve, 100 feet; thence tangent to said curve, South $39^{\circ}33'$ East, 658.14 feet to the beginning of a tangent curve to right having a radius of 954.92 feet; thence Southeasterly along arc of said curve through a central angle of $7^{\circ}06'10''$, a distance of 118.38 feet to the most Southerly corner of the land described under Parcel No. 1 in Deed to Jeannette S. Joy, recorded June 9, 1936, in Book 519, Page 259 of Official Records, said corner being the True Point of Beginning; thence continuing Southeasterly along arc of said last mentioned curve, 50 feet; thence North $51^{\circ}33'10''$ East, 101 feet, more or less, to intersection with a curve concave to Southwest having a radius of 1054.92 feet and concentric with last above described curve; thence Northwesterly along arc of said 1054.92 foot radius curve to intersection with a line bearing North $51^{\circ}33'10''$ East from True Point of Beginning, being also the most Easterly corner of said Joy land; thence South $51^{\circ}33'10''$ West, 101 feet, more or less, to the True Point of Beginning.

Parcel 2:

The right to use that certain easement granted by Union Trust Company of San Diego to Kenyon A. Keith, et ux, by Deed dated April 3, 1929 and recorded in Book 1618, Page 72 of Deeds, for road purposes.

Parcel 3:

The right to use that certain easement granted by Union Trust Company of San Diego to Kenyon A. Keith, et ux, by Deed dated September 18, 1929 and recorded in Book 1696, Page 102 of Deeds, for road purposes.

Assessor's Parcel No: 155-102-28

TITLE MUST
KAREN BRUNN
195-361-0102
- ERD ESTABAN -
(800)372-5800



CITY OF OCEANSIDE
COMMUNITY DEVELOPMENT DEPARTMENT / PLANNING DIVISION

NOTICE OF EXEMPTION

TO: RECORDER/COUNTY CLERK
COUNTY OF SAN DIEGO
P.O. BOX 1750
SAN DIEGO, CA 92112-4147

PROJECT TITLE AND FILE NUMBER:
V-1-06, RC-5-05 HARVEY DECK

PROJECT LOCATION - SPECIFIC:
59 St Malo
APN 155-102-28

PROJECT LOCATION - GENERAL:
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:
A Variance to allow a deck above an existing, nonconforming garage and encroach on a required front yard.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:

Dale Harvey

213 W Canon Perdido St

Santa Barbara, CA 93101

(805) 965-2060

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)
(Public Resources Code Section 21000 et. al.):

NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)

STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION(S) 15303

REASONS WHY PROJECT IS EXEMPT:

The project involves an addition to an existing single family home.

Contact Person: Juliana von Hacht, Associate Planner


SIGNATURE
For: Jerry Hittleman, City Planner

January 11, 2007
DATE