

AGENDA NO. 4

PLANNING COMMISSION



STAFF REPORT

DATE: July 27, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A TIME EXTENSION FOR REGULAR COASTAL PERMIT (RC-13-01) FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE LOCATED AT 74 SAINT MALO BEACH, WITHIN THE APPEAL JURISDICTION OF THE LOCAL COASTAL PROGRAM. THE PROJECT SITE IS ZONED RS (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND IS SITUATED WITHIN THE SOUTH OCEANSIDE NEIGHBORHOOD AND THE COASTAL ZONE – JONES RESIDENCE TIME EXTENSION – APPLICANT: THOMAS JONES**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a Class 3 categorical exemption for new construction or conversion of small structures pursuant to Article 19, Section 15303(a) of the California Environmental Quality Act.
2. Adopt Planning Commission Resolution No. 2009-P36 approving a time extension for Regular Coastal Permit (RC-13-01) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On June 11, 2007 the Planning Commission adopted Resolution No. 2007-P30 approving Regular Coastal Permit RC-13-01 by a 6-to-0 vote.

Site Review: The project site is an undeveloped 0.18-acre lot that abuts the Buena Vista Lagoon on its eastern boundary. The applicant has agreed to comply with the adopted Buena Vista Lagoon Flood Protection Site Plan and the construction of a berm adjacent to the lagoon.

The lot shape is unusual in that portions of the westerly area of the lot is bisected by a vehicle access easement. Staff has made a determination that the average block face on this street is equal to the structural projections in the front yard of the adjoining lots. By condition, the proposed residence shall not project any further westward than the average block face.

Surrounding land uses include single-family detached residential development characterized by a French-Provincial architectural style (white colored stucco exterior with dark brown trim; steep roof pitch; et cetera).

The zoning designation for the site is Single-Family Residential District (RS) and the General Plan Land Use category is Single-Family Detached Residential (SFD-R). The Local Coastal Program (LCP) zoning designation for this site is Single-Family Residential (R-1) and the LCP Land Use category is Low Density Residential.

Project Description: The project application is comprised of a time extension for a regular coastal permit.

Time Extension for Regular Coastal Permit RC-13-01 represents a request for the following: a three-year time extension of a coastal permit allowing the construction of a 4,551-square foot single-family detached residence within the appeal jurisdiction of the Local Coastal Program.

The project is subject to the following Ordinances and City policies:

1. General Plan Land Use Element
2. Zoning Ordinance
3. Local Coastal program
4. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan

The General Plan Land Use Map designation on the subject property is Single-Family Detached Residential (SFD-R). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element I. Community Enhancement

Goal: The consistent, significant, long term preservation and improvement of the environment, values, aesthetics, character and image of Oceanside as a safe, attractive, desirable and well-balanced community.

Objective 1.22 Landscaping: The enhancement of community and neighborhood identity through landscaping requirements that frame and soften the built environment consistent with water and energy conservation.

Policies:

- A. Existing mature trees shall be retained wherever possible.
- B. Mature trees removed for development shall be mitigated by replacement with an appropriate type, size, and number of trees.
- C. Drought-tolerant materials, including native California plant species, shall be encouraged as a landscape type.
- F. A buffer of landscaping shall be required between the built environment and lands left in a natural or open state. The landscape buffer shall be of sufficient size and shall use plant materials that will retard the spread of wild fire.

An existing tree inventory will be prepared and the property owner will mitigate for the loss of any on-site mature trees. The proposal includes planting native California plant species reputed to be drought-tolerant. Plant varieties include the following: *Ceanothus*, *Muhlenbergia*, and *Galvezia*. A 15-foot native plant buffer is required on the lagoon side of the property. The landscaping within the rear yard meets this requirement and provides a buffer between the built environment and the open, natural state of the Buena Vista Lagoon.

B. Land Use Plan Section III. Natural Resource Management

Goal: Continual evaluation of the state of the environment and formulation of a program of planned management, wise utilization and preservation of natural resources to ensure the health, safety, and welfare of present and future generations.

Objective 3.13 Erosion and siltation controls: To preserve the Buena Vista Lagoon's critical habitats by a comprehensive program of erosion and siltation control.

Policy:

- A. The City shall continue to participate in the Buena Vista Lagoon Joint Power Committee and to implement the recommendations made by the Committee.

A geotechnical review of the proposal has determined that the project does adequately meet the requirements of the City of Oceanside with the understanding that field installation and implementation of all field mitigation methods will be observed, documented, and reported by the geotechnical consultant of record (Solid Rock Engineering Inc) and that all recommendations shall meet the minimum criteria of the City of Oceanside Engineers Design and Processing Manual.

The *Storm water management plan* does adequately meet the stormwater requirements of the City of Oceanside. Potential hazards of erosion and sedimentation have been avoided through incorporating Best Management Practices and designing suitable site drainage systems. The amount of impervious surfaces has been reduced during the project review process and as proposed, it is designed to support the natural drainage system at the site.

2. Zoning Compliance

This project is located in the Single-Family Residential District (RS) and complies with the requirements of that zone. The development standards are those of the Local Coastal Program, which are derived from the 1986 Zoning Ordinance. Table 1 summarizes proposed and applicable development standards for the project site:

Table 1: Local Coastal Program development standards

	LCP REQUIRED	PROPOSED
PARKING SPACES	one 2-car garage	one 2-car garage
FRONT YARD	20	average block face
INTERIOR YARD	5 feet	5 feet
REAR YARD	15 feet	15 feet
MAXIMUM HEIGHT	27 feet	26.28 feet
HEIGHT EXCEPTION	10 additional feet	4 additional feet for turrets and weather vanes
LOT COVERAGE	40%	39%

The architectural plans include many French Provincial features identified with the Saint Malo area; for example, the proposal includes steeply pitched, cross gabled roofs with cedar wood shingles. The stucco facade is enhanced by decorative half-timbering and second-story, gabled windows. Architectural details include decorative brickwork on the chimney and within landscaped front and side yards. The two turrets are finished anodized copper.

The architectural treatments and materials continue the existing theme of the Saint Malo area and conform with the visual image of the surrounding neighborhood. The proposed home harmonizes with adjacent urban developments and compliments the existing pattern of development in the area.

The home will consist of one two-car garage and two residential floors. The ground floor plan includes a maid's room, two bathrooms, a guest bedroom, laundry, kitchen, family room, dining room, entry and living room. A ground spa is proposed in the back yard and situated at least five feet from the property lines. The second floor plan includes a game room, four bathrooms, and five bedrooms.

3. Local Coastal Program compliance

The proposed project is within the appeal jurisdiction of the Local Coastal Program and complies with the requirement of this designation.

A. Local Coastal Program Land Use Plan II Recreational and visitor serving facilities.

The Coastal Act requires adequate distribution of public facilities such as parking areas, provision of lower cost visitor facilities, protection of ocean-front areas for Coastal recreation, granting of priority to commercial recreation uses, reservation of upland areas to support coastal recreation, and distribution of visitor facilities throughout the Coastal zone.

Objective: The City shall provide and maintain a wide range of public recreation areas, beach support facilities, and visitor-serving facilities, commensurate with need.

Parking Policy 17. The City shall require that all new residential development provides adequate on-site parking. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced. Curb cuts for new development shall be held to a minimum to preserve existing on-street parking.

The proposal meets the LCP off-street parking requirement for a two-car garage and the project is situated within the gated Saint Malo Beach area. The demand for beach parking is limited.

B. Local Coastal Program Land Use Plan VI Visual resources and special communities.

The Coastal Act requires that the visual qualities of the Coastal Zone shall be protected and that new development be sited and designed to be visually compatible with the character of surrounding areas.

Objectives:

- The City shall protect, enhance, and maximize public enjoyment of Coastal Zone scenic resources.

- The City shall, through its land use and public works decisions, seek to protect, enhance, and restore visual quality of urban environment.

Policies:

13. New development shall utilize optimum landscaping to achieve the following effects: (e) In areas where significant natural vegetation exists, replant, as appropriate, developed areas with native drought-tolerant species.
14. In areas where significant "theme" architecture has been established, the City shall encourage continuation of this theme. Such theme areas include: a. St. Malo (and vicinity) - French Provincial style.

The project is required to maintain a native plant buffer as part of the required rear yard (15-foot set back). The applicant proposes to plant native vegetation adjacent to the house and the lagoon.

The home's design is consistent with the surrounding architectural style and the proposal complies with local development criteria. The proposal is also consistent with the surrounding residential land uses. Table 2 describes the surrounding land uses and identifies that the proposed residential land use is compatible with the surrounding area.

Table 2: Land use compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LCP ZONING	LAND USE
74 St Malo Beach	SFD-R	RS	R-1	single-family
North of project	SFD-R	RS	R-1	single-family
South of project	SFD-R	RS	R-1	single-family
West of project	SFD-R	RS	R-1	single-family
East of project	OS	OS	O	Buena Vista Lagoon

C. Local Coastal Program Land Use Plan V Environmentally sensitive habitat areas.

Objectives:

- The City shall work with other local, State, and federal agencies, including the recently formed Tri-Cities Buena Vista Lagoon Joint Powers Committee, to protect the sensitive biological habitats and water quality of Buena Vista Lagoon.
- The City shall provide adequate flood protection to existing development in the vicinity of Loma Alta Creek in a manner that preserves the remaining resources of the creek.

Policies:

1. The City shall prohibit any diking or dredging of Buena Vista Lagoon and its surrounding wetlands, except for habitat restoration measures which have been specifically approved by the State Department of Fish and Game.
2. Prior to approving any developments on dry lands adjacent to Buena Vista Lagoon, the City shall consult the State Department of Fish and Game to ensure that adequate measures are provided to protect and enhance the lagoon's sensitive resources. Such measures shall include, where appropriate: (a) Provision of adequate buffers between development and the lagoon. (b) Erection of barriers - such as fences - to prohibit access to sensitive portions of the lagoon. (c) Incorporation of native riparian plant species into project design to enhance habitat value. (d) Construction of informational signs/kiosks educating the public on the value of the lagoon, and listing regulations for public use. (e) Habitat restoration measures (such as removal of built up sediment) providing that such measures are approved by the State Department of Fish and Game.
3. The City shall require all developments that drain into the lagoon to include measures to prevent erosion, sedimentation, and other water quality impacts, such as: (a) During construction, retaining all run-off on-site in percolation settling ponds and staking down bales of straw in the drainage ways to filter remaining sediments. (b) Prohibiting grading or clearing from November through March. Any soils left exposed during this period should be re-seeded or temporarily stabilized using plastic or other material as needed. (c) Minimizing the alteration of land forms. (d) Maximizing penetrable surfaces for percolation, and providing permanent sediment settling basins, grease traps, and/or energy dissipaters.

The site plan notes the construction of a berm adjacent to the lagoon. The applicant agrees to comply with the adopted Saint Malo Beach Association Buena Vista Lagoon Flood Protection Site Plan, dated March 23, 2001, and agrees to conditions requiring the property owners to construct a berm at the site.

The project is specifically conditioned and designed to satisfy the LCP Land Use Environmentally Sensitive Habitat Area policies. The site includes adequate buffers between the proposed residence and the lagoon. The conditions of approval require the implementation of Best Management Practices. Grading and clearing of the site is prohibited between the months of November and March. The site design proposes minimal changes to the existing land form and the required rear yard consists of landscaped areas that maximizes the penetrable surfaces adjacent to the lagoon. The project adequately meets the stormwater requirements of the City of Oceanside.

4. California Environmental Quality Act compliance

Article 19 of the California Environmental Quality Act identifies Categorical Exemptions, including Class 3 exemptions. This proposal is subject to the Categorical Exemptions identified in Section 15303(a) because it is new construction of a single-family residence in a residential zone.

DISCUSSION

Issue: Three-year time extension for a Regular Coastal Permit.

Recommendation: The proposed project was approved in June of 2007. The project remains unchanged and meets the requirements of the the Local Coastal Plan. Since the project's approval, the applicant has applied for building permits, grading permits, and final landscape plans. Staff recommends approval of the the requested time extension.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class 3, New construction or conversion of small structures, Section 15303(a) of the California Environmental Quality Act.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times on Friday, July 17, 2009 and notices were sent to property owners of record within a 300-foot radius and occupants within 100-foot radius of the subject property, individuals and or organizations requesting notification, the applicant, and other interested parties. As of July 7, 2009, no communication supporting or opposing the request had been received.

SUMMARY

The proposed Time Extension for Regular Coastal Permit (RC-13-01) is consistent with the requirements of the Zoning Ordinance, the land use policies of the General Plan, and the policies of the Local Coastal Program. There have been no changes to the project's overall design or the location of the proposed single-family home. The project meets all applicable RS District development standards. The project's architecture is compatible with the surrounding Saint Malo homes and the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the time extension based on the findings and subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

- Move to confirm issuance of a Class 3 categorical exemption for new construction or conversion of small structures pursuant to Article 19, Section 15303(a) of the California Environmental Quality Act and approve the Time Extension for Regular Coastal Permit RC-13-01 by adopting Planning Commission Resolution No. 2009-P36.

PREPARED BY:

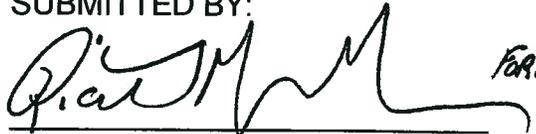

Juliana von Hacht
Associate Planner

REVIEWED BY:


Richard Greenbauer, Senior Planner

JH/JH/fil

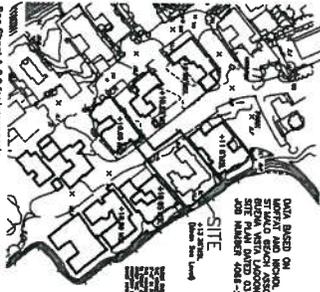
SUBMITTED BY:

 FOR:
Jerry Hittleman
City Planner

Attachments:

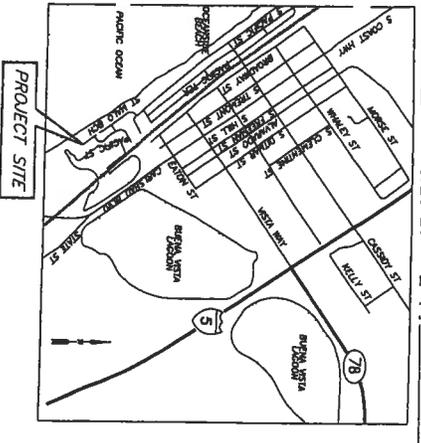
1. Site Map
2. Planning Commission Resolution No. 2009-P36
3. Planning Commission Resolution No. 2007-P30

- SITE INFORMATION**
- A ZONING RS(SINGLE FAMILY RESIDENTIAL)
 - B PROPOSED FRONT YARD SETBACK 4 FEET FROM ROAD EASEMENT
 - C PROPOSED SIDE YARD SETBACK 7 FEET 10% OF LOT(70'X10=7')
 - D PROPOSED REAR YARD SETBACK 15 FEET
 - E PROPOSED HEIGHT LIMIT 27 FEET FROM NATURAL GRADE (COASTAL ZONE)
 - F PROPOSED LOT COVERAGE MAX 40% SEE SUMMARY
 - G PROPOSED LANDSCAPING 22% COVERAGE
 - H PROPOSED HARDSCAPE 40% COVERAGE
 - I PROPOSED PARKING SPACES 2 SPACES IN GARAGE
 - J APN 155-102-37



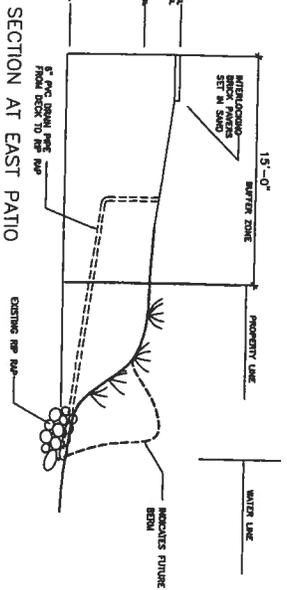
Setback and MSL Information

Scale 1"=100'-0"



Vicinity Map

4



SECTION AT EAST PATIO

Section Thru East Patio

Scale 1/4"=1'-0"

CLIENT'S FLOOR PRODUCTION ABOVE

RESORT LAMPS

TOTAL ALLOWED = 108 SQ. MDC

TOTAL COVERAGE

1) 12'-0" DIAMETER TOWERS = 128 SQ. FT.

2) 11'-0" DIAMETER TOWERS = 128 SQ. FT.

3) 10'-0" DIAMETER TOWERS = 128 SQ. FT.

TOTAL PROPOSED = 384 SQ. FT.

SITE NOTES

1. THE STONE FINISH TO BE USED FOR THE INTERIOR WALLS AND CEILING SHALL BE MATCHED TO THE EXISTING FINISH.

2. THE STONE FINISH TO BE USED FOR THE EXTERIOR WALLS SHALL BE MATCHED TO THE EXISTING FINISH.

3. THE STONE FINISH TO BE USED FOR THE INTERIOR WALLS SHALL BE MATCHED TO THE EXISTING FINISH.

SQUARE FOOTAGE SUMMARY

TOTAL SITE = 8,912 SQ. FT.

TOTAL RESIDENCE = 2,239 SQ. FT.

TOTAL GARAGE = 1,448 SQ. FT.

TOTAL COVERAGE = 3,687 SQ. FT.

TOTAL PROPOSED = 3,687 SQ. FT.

SQUARE FOOTAGE SUMMARY

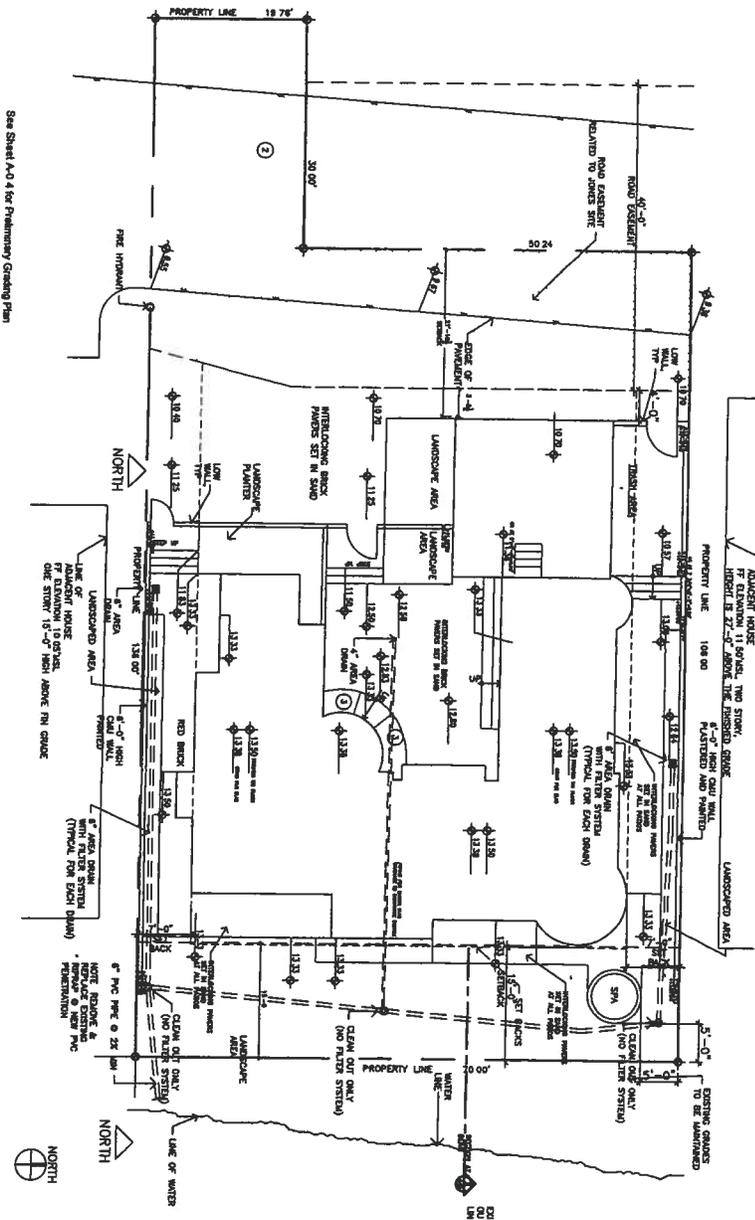
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TOTAL COVERAGE = 3,687 SQ. FT.

TOTAL PROPOSED = 3,687 SQ. FT.



See Sheet A-4 for Preliminary Grading Plan

Proposed Site Plan

Scale 1/8"=1'-0"

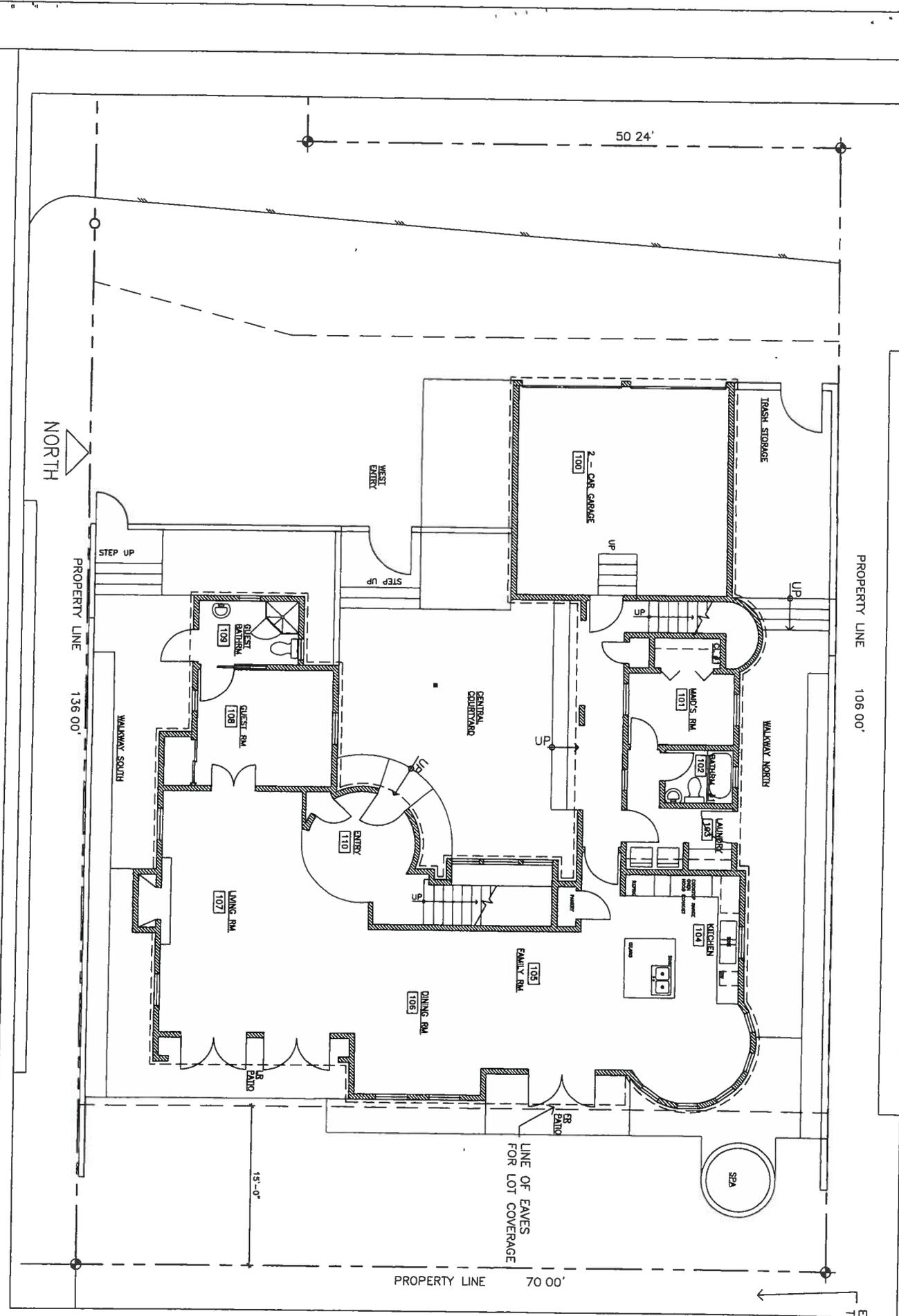
McLaur,
Architect
975 East Ave
Pasadena, Ca
626-356-6639
mclaur@mcclaur.com

Jones
Resident

Lot 74 St. Malibu
Oceanside, Ca

Sheet List
Site Plan
Scale
Setback

A



Proposed Floor Plan

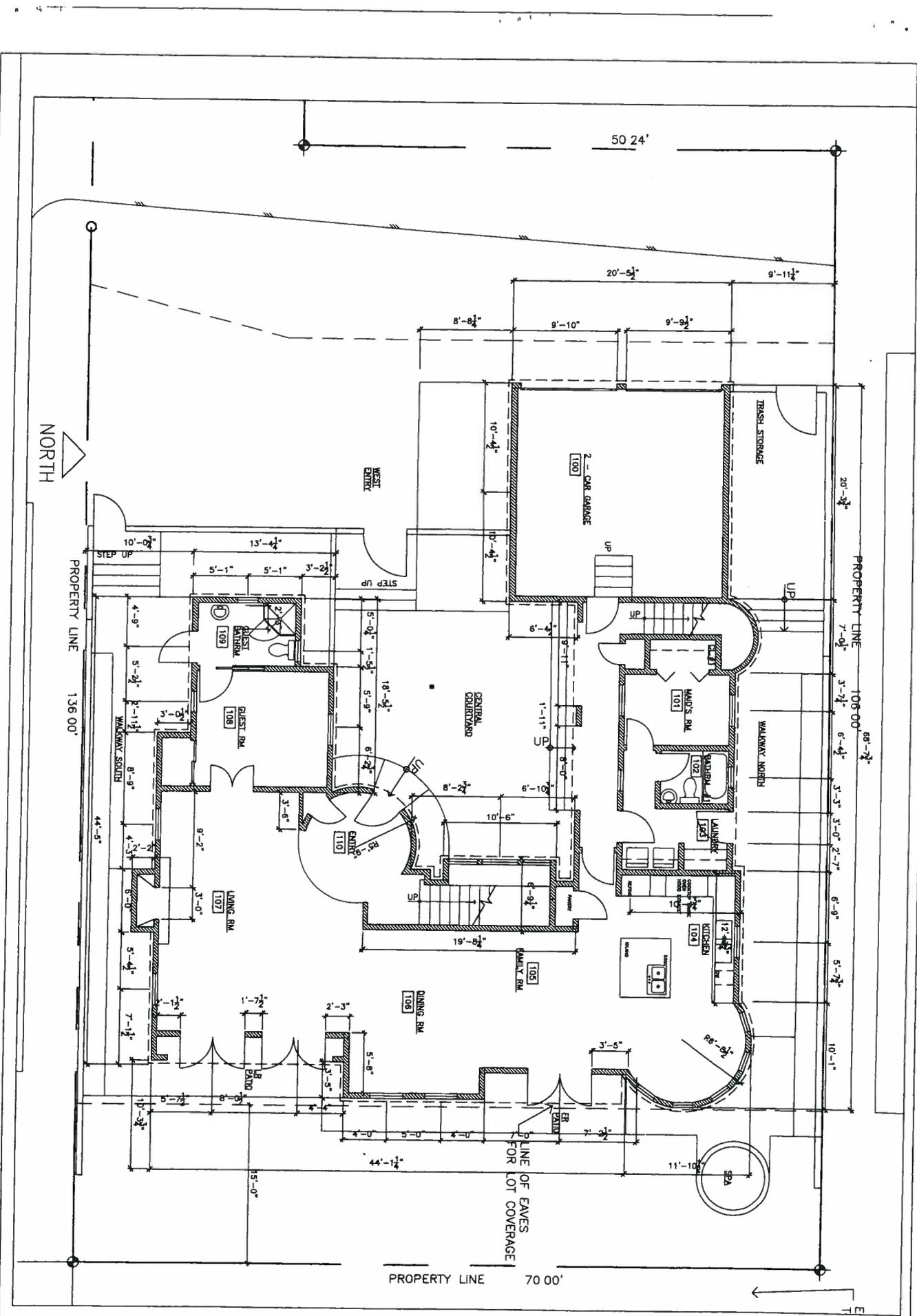
scale: 1/8"=1'-0"

sheet title
Ground Floor
architect

Lot 74 SI Hill
Oceanside, CA

Jones
Resider

McLau
Architect
874 East C St
P.O. Box 400
Oceanside, CA
92054
tel: (619) 435-1100



Proposed Floor Plan

Scale 1/8"=1'-0" 1

sheet title
 Ground Floor Plan
 with Dimensions
 architect

Lot 74 St. Mark
 Coahuila, CA

Jones
 Residen

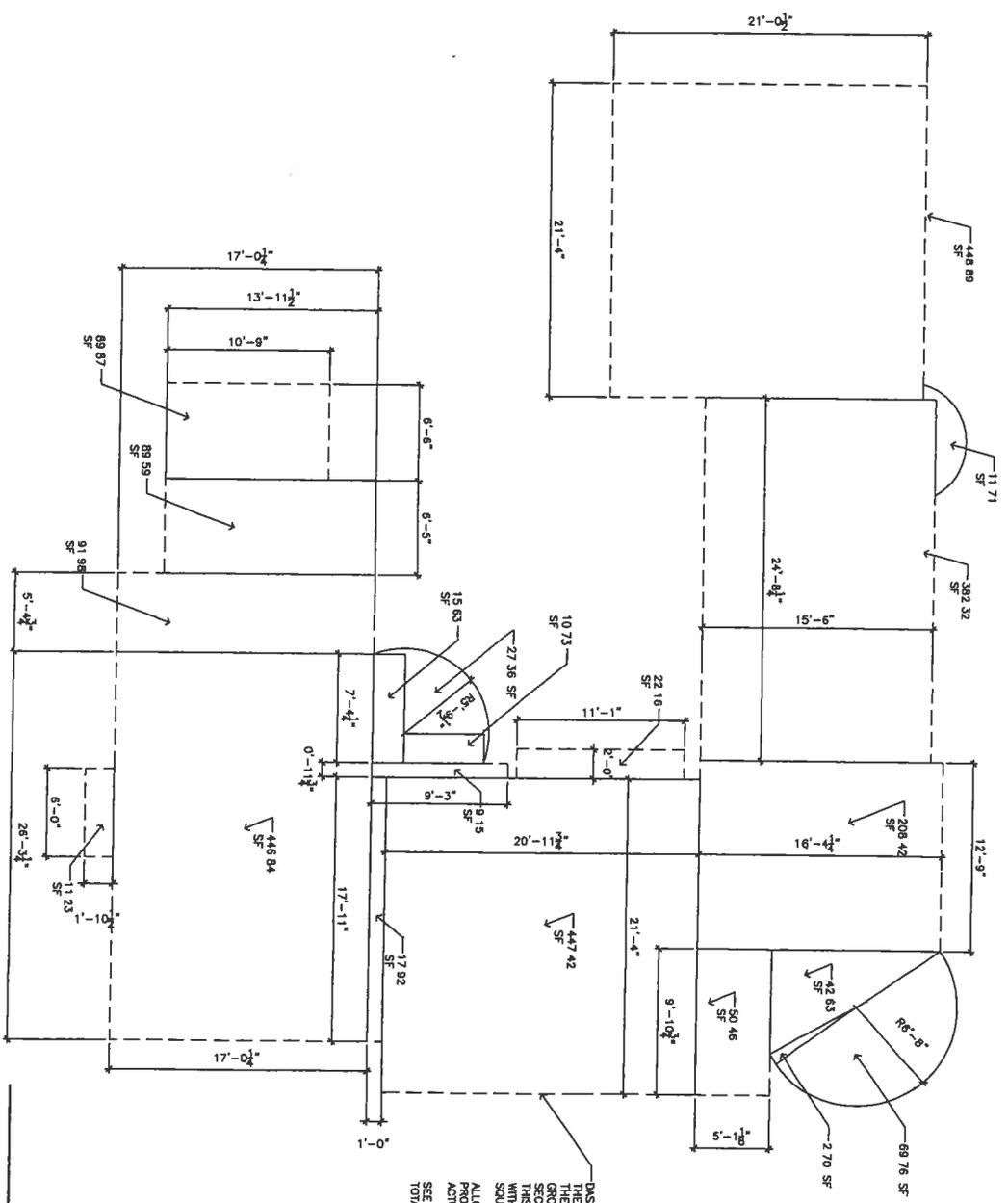
McLauj
 Archite

973 East Green
 Pasadena, CA
 626-356-4833
 email: mcl@

McLau,
Archite
979 East Grid
Pasadena, Ca
626-556-6639
email mclau@

Jones
Residen
Lot 74 St. Mark
Oceanside, Ca

sheet list
Eave Calcule
scale
architect



DASHED LINE INDICATES THE OVERALL LINE FOR THE EAVES ABOVE THE GROUND FLOOR AND THIS DASHED IS SHOWN WITH DIMENSIONS AND/OR SQUARE FOOTAGE
 ALLOWABLE SF = 2,477 SF
 PROVIDED SF = 2,777 SF
 ACTUAL NUMBER IS 2,478.77 SF
 SEE SITE PLAN FOR TOTAL CALCULATIONS

Calculation of Eaves for 1st and 2nd Floors

scale 1/8"=1'-0" 1

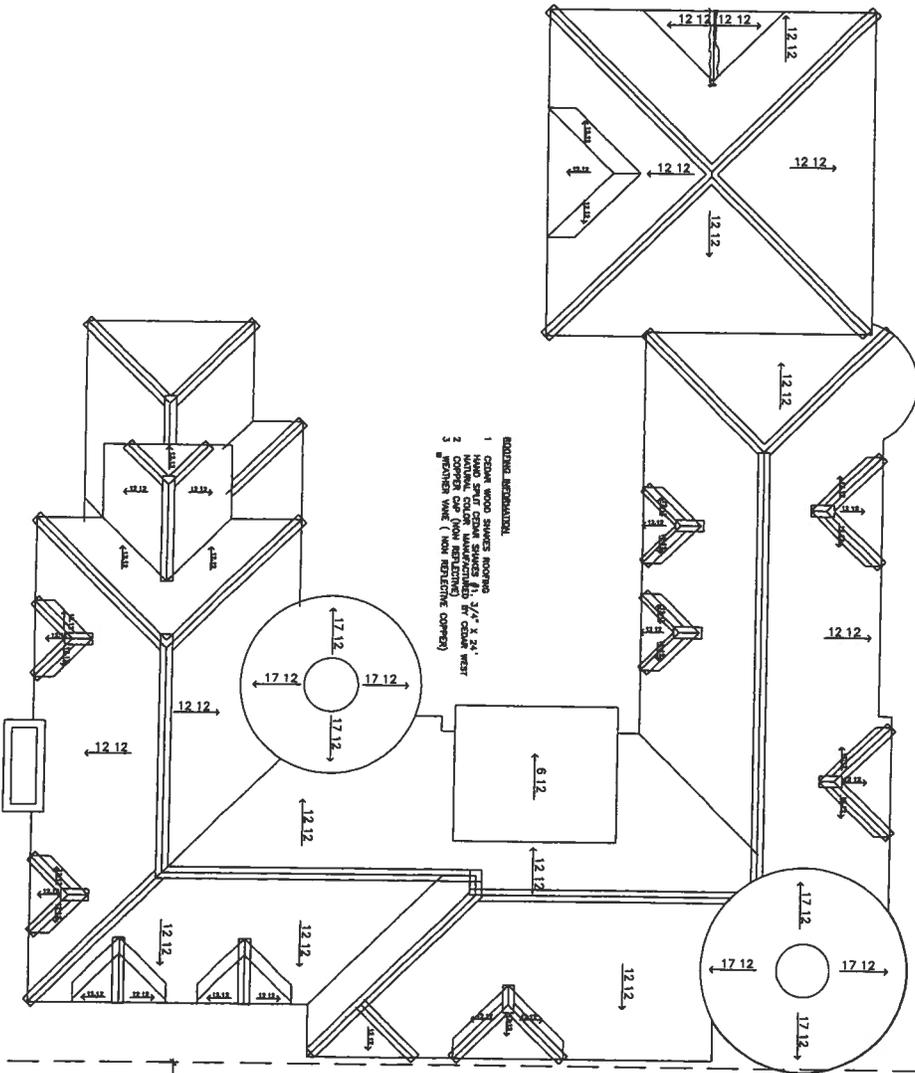


PROPERTY LINE 136 00'

50 24'

PROPERTY LINE 106 00'

- ROOFING INFORMATION:
1. CEDAR WOOD SHAKES ROOFING 3/4" x 2 1/4"
 2. METAL CLUMP MANUFACTURED BY CLUMP WEST
 3. METAL CLUMP (FOR RESTRICTIVE COMPAN)



PROPERTY LINE 70 00'

15'-0"

Proposed Roof Plan

Scale 1/4"=1'-0"

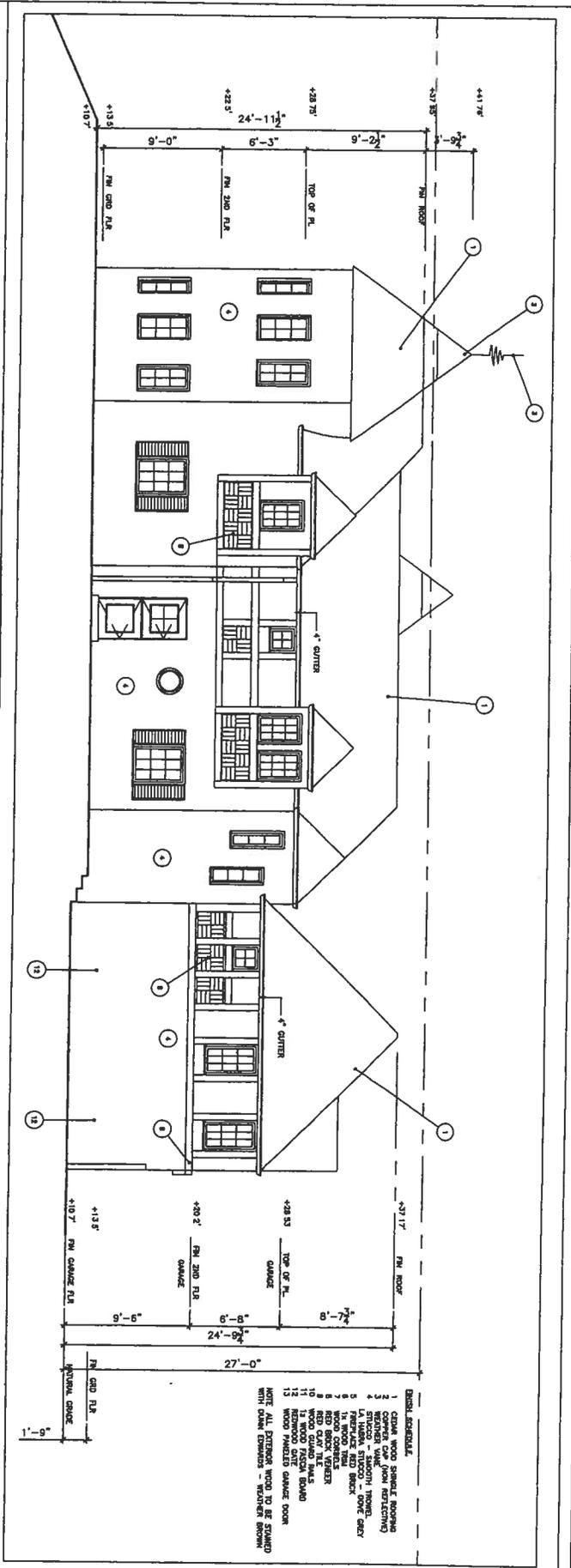
1

McLain
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Pasadena, Cal
626-554-8833
email: mcl@e

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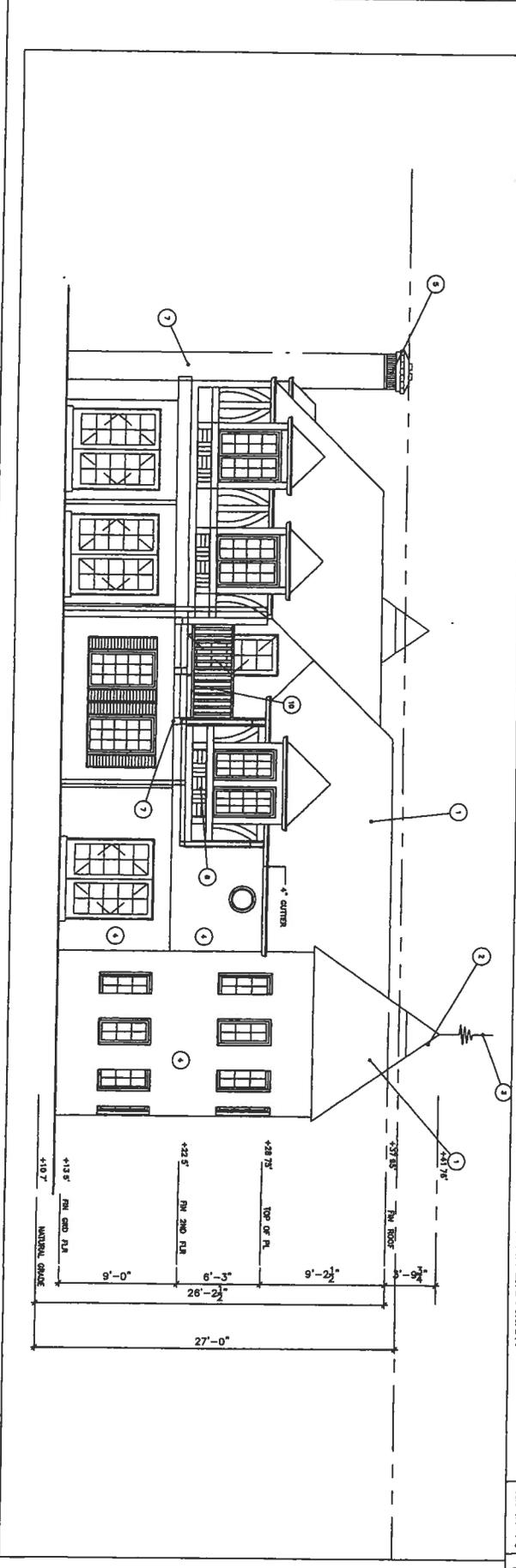
Lot 74 S. Aliso
Oceanside, Cal

Sheet Size
Roof Plan
Scale
architect



North Elevation

scale 1/4"=1'-0"



East Elevation

scale 1/4"=1'-0"

McLary
Archite

975 East 5th
Pasadena, CA
626-558-8832
email: info@mc

Jones
Residen

1474 St. Marks
Oceanside, CA

sheet title
Elevations
North and East

scale

architect

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PLANNING COMMISSION
RESOLUTION NO. 2009-P36

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF OCEANSIDE, CALIFORNIA APPROVING A TIME
EXTENSION FOR A REGULAR COASTAL PERMIT ON
CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: RC-13-01
APPLICANT: Thomas Jones
LOCATION: 74 Saint Malo Beach

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Time Extension of a Regular Coastal Permit under the provisions of Articles 10 of the Zoning Ordinance of the City of Oceanside to permit the following:

a time extension for the construction of a single-family detached home located in the Coastal Zone;

on certain real property described in the project description.

WHEREAS, the Planning Commission, approved Regular Coastal Permit RC-13-01 on June 11, 2007 by adopting Planning Commission Resolution No. 2007- P30;

WHEREAS, the Planning Commission, after giving the required notice, did on the 27th day of July, 2009 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt per Article 19 Section 15303(a) from environmental review;

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and city ordinance;

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the project is subject to certain fees, dedications, reservations and other exactions as provided below:

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit.
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre).
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential.
8			
9	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential.
10			
11	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 09-OR 0093-1	Fee based on water meter size. Residential is typically \$4,597 per unit.
12			
13			
14	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 09-OR 0092-1	Based on capacity or water meter size. Residential is typically \$6,313 per unit.
15			
16	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.
17			
18			

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

23 WHEREAS, unless otherwise provided by this resolution, all impact fees shall be
24 calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside
25 City Code and the City expressly reserves the right to amend the fees and fee calculations
26 consistent with applicable law;

27 WHEREAS, the City expressly reserves the right to establish, modify or adjust any fee,
28 dedication, reservation or other exaction to the extent permitted and as authorized by law;

29 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that
the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction

1 described in this resolution begins on the effective date of this resolution and any such protest must
2 be in a manner that complies with Section 66020;

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

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

7 FINDINGS:

8 For the Time Extension of a Regular Coastal Permit:

- 9 1. During the past two years, the applicant has applied for building permits, grading
10 permits, and final landscape plans. The overall site design and proposed improvements
11 have not changed. A three-year time extension would provide additional time for the
12 applicant to complete construction of the single-family home.
- 13 2. The proposed project is consistent with the policies of the Local Coastal Program and its
14 effective zoning code. Specifically, the project is compatible with the physical scale,
15 height, and form of the neighboring and similarly situated projects. The proposal meets
16 on-site parking requirements for single-family homes within the LCP R-1 zoning
17 designation. The project does not exceed the height limitations set forth by the zoning
18 ordinance.
- 19 3. The project complies with the Local Coastal Program Land Use Policies for visual
20 resources and special communities. The proposal complies with local stormwater
21 requirements and native plant buffer requirements. The architectural style, development
22 standards, and land use is compatible with the surrounding Saint Malo Beach area.
- 23 4. The project complies with the Local Coastal Program Land Use Policies for
24 environmentally sensitive habitat areas. The proposal includes the construction of a 15-
25 foot native plant buffer within the required rear yard; will implement best management
26 practices during construction and will satisfy stormwater management requirements,
27 including those related to pervious surfaces. The applicant agrees to comply with the
28 Buena Vista Lagoon Flood Protection Site Plan and construct a berm at the site.
29

1 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
2 approve a Time Extension for Regular Coastal Permit (RC-13-01) subject to the following
3 conditions:

- 4 1. Entitlements and conditions of approval for the original Regular Coastal Permit RC-13-
5 01, as identified in Planning Commission Resolution No. 2007-P30, shall remain in
6 effect.
- 7 2. The Regular Coastal Permit RC-13-01 shall expire June 11, 2012, unless implemented as
8 required by the Zoning Ordinance.
- 9 3. That all of the conditions of Planning Commission Resolution No. 2007-P30 adopted on
10 June 11, 2007 continue to apply, except that Condition No. 43 which is amended to
11 change the expiration date to June 11, 2012.

12 PASSED AND ADOPTED Resolution No. 2009-P36 on July 27, 2009 by the following
13 vote, to wit:

14 AYES:
15 NAYS:
16 ABSENT:
17 ABSTAIN:

18 _____
19 Claudia Troisi, Chairperson
20 Oceanside Planning Commission

21 ATTEST:
22 _____
23 Jerry Hittleman, Secretary

24 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
25 this is a true and correct copy of Resolution No. 2009-P36. Dated: July 27, 2009.

26 Dated: June 18, 2009

27 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may
28 be required as stated herein:

29 Signature on file _____ Dated: 18-June-2009

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PLANNING COMMISSION
RESOLUTION NO. 2007-P30

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF OCEANSIDE, CALIFORNIA APPROVING A
REGULAR COASTAL PERMIT ON CERTAIN REAL
PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: RC-13-01
APPLICANT: Thomas Jones
LOCATION: 74 Saint Malo Beach

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Regular Coastal Permit under the provisions of Articles 10 of the Zoning Ordinance of the City of Oceanside to permit the following:

construction of a single-family detached home;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 11th day of June, 2007 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt per Article 19 from environmental review;

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and city ordinance;

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the project is subject to certain fees, dedications, reservations and other exactions as provided below:

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1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential
8			
9	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential
10			
11	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
12			
13	Thoroughfare Fee	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
14			
15			
16	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$3,746 per unit
17			
18			
19			
20	Wastewater System Buy-in Fees	Oceanside City Code §29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$4,587 per unit
21			
22			
23	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,154 per unit
24			
25	Inclusionary housing in lieu fees – Residential only	Chapter 14-C of the City Code	\$1,000 per development project + \$100 per unit plus \$10,275 per unit
26			
27			
28	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.14 per square foot
29			

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

5 WHEREAS, unless otherwise provided by this resolution, all impact fees shall be
6 calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside
7 City Code and the City expressly reserves the right to amend the fees and fee calculations
8 consistent with applicable law;

9 WHEREAS, the City expressly reserves the right to establish, modify or adjust any fee,
10 dedication, reservation or other exaction to the extent permitted and as authorized by law;

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

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

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

19 FINDINGS:

20 For the Regular Coastal Permit:

- 21 1. The proposed project is consistent with the policies of the Local Coastal Program and its
22 effective zoning code. Specifically, the project is compatible with the physical scale,
23 height, and form of the neighboring and similarly situated projects. The proposal meets
24 on-site parking requirements for single-family homes within the LCP R-1 zoning
25 designation. The project does not exceed the height limitations set forth by the zoning
26 ordinance.
- 27 2. The project complies with the Local Coastal Program Land Use Policies for visual
28 resources and special communities. The proposal complies with local stormwater
29 requirements and native plant buffer requirements. The architectural style, development
standards, and land use is compatible with the surrounding Saint Malo Beach area.

1 3. The project complies with the Local Coastal Program Land Use Policies for
2 environmentally sensitive habitat areas. The proposal includes the construction of a 15-
3 foot native plant buffer within the required rear yard; will implement best management
4 practices during construction and will satisfy stormwater management requirements,
5 including those related to pervious surfaces. The applicant agrees to comply with the
6 Buena Vista Lagoon Flood Protection Site Plan and construct a berm at the site.

7 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
8 approve Regular Coastal Permit (RC-13-01) subject to the following conditions:

9 **Building:**

- 10 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
11 Building Division plan check.
- 12 2. The granting of approval under this action shall in no way relieve the applicant, project
13 from compliance with all State and local building codes.
- 14 3. All electrical, communication, CATV, etc. service lines within the exterior lines of the
15 property shall be underground (City Code Sec. 6.30). Existing overhead electrical lines
16 may indicate an SDG&E Easement. If private lines, they will probably require
17 relocation to provide required clearances (per NEC) from the structure.
- 18 4. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
19 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
20 other such lights may be utilized and shall be shown on building and electrical plans.
- 21 5. The developer shall monitor, supervise and control all building construction and
22 supporting activities so as to prevent these activities from causing a public nuisance,
23 including, but not limited to, strict adherence to the following:
- 24 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
25 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
26 work that is not inherently noise-producing. Examples of work not permitted on
27 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
28 producing nature. No work shall be permitted on Sundays and Federal Holidays
29 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,

1 Christmas Day) except as allowed for emergency work under the provisions of
2 the Oceanside City Code Chapter 38 (Noise Ordinance).

- 3 b) The construction site shall be kept reasonably free of construction debris as
4 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
5 approved solid waste containers shall be considered compliance with this
6 requirement. Small amounts of construction debris may be stored on-site in a
7 neat, safe manner for short periods of time pending disposal.

8 **Engineering Landscape:**

9 6. Landscape plans, meeting the criteria of the City's Landscape Guidelines or City
10 Engineer criteria and Water Conservation Ordinance No. 91-15, including the
11 maintenance of such landscaping, shall be approved by the City Engineer prior to the
12 issuance of building permits. Landscaping shall not be installed until bonds have been
13 posted, fees paid, and plans signed for final approval. The following special landscaping
14 requirements shall be met:

- 15 a) To mitigate the loss of landmark and, or mature existing trees on-site the
16 determination of replacement shall be based on tree number, type, and caliper
17 (caliper measured 2 feet from the base of the tree at existing grade). The total
18 number of tree caliper lost shall be equal to the total number of caliper replaced.
19 Replacement trees shall be a minimum of 15-gallon container stock. A field
20 survey shall be performed under the supervision of the City Landscaping Section
21 to evaluate the existing tree population and the replacement requirements. The
22 existing trees to remain or proposed for removal shall be identified on the
23 Preliminary Grading Plan, Precise Grading Plan and Landscape Plan. The
24 existing tree type, location, and caliper shall be shown on the above plans.
25 Replacement trees shall be identified and shown on the Landscape Plan and shall
26 be subject to review and approval by the City Engineer.
- 27 b) Trees shall be spot located by a Landscape Architect at a preconstruction meeting
28 and shall meet the current City of Oceanside requirements
- 29 c) The existing native buffer zone shall be protected in place and supplemented to
the satisfaction of the City Engineer.

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- d) Irrigation for the right-of-way and on-site landscape improvements shall be provided to meet the current City of Oceanside requirements.
- e) All utility locations shall be verified by the Landscape Architect and tree placement determined at the preconstruction meeting.
- f) Pursuant to the Local Coastal Program guidelines, any fencing in the side yard setback areas shall permit public views and have at least 75 percent of its surface open to light.
- g) Street trees (minimum 15-gallon) shall be planted at a minimum of one tree per lot. Approved root barriers shall be incorporated.
- h) To the satisfaction of the City Engineer, Crimson Lake Bougainvillea, the official City Flower, shall be used on this site. (San Diego Red Bougainvillea is an acceptable alternate.)
- i) Front yard landscaping with a complete irrigation system, in compliance with Water Conservation Ordinance No. 91-15, shall be required.

7. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions by all acceptable means including but not limited to citations and, or actual work with costs charged to or recorded against the owner. This condition shall be recorded with the covenant required by this resolution.

8. All landscaping, fences, walls, etc. on the site, and in any adjoining private parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, driveways and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate

1 enforcement actions by all acceptable means including but not limited to citations and/or
2 actual work with costs charged to or recorded against the owner. This condition shall be
3 recorded with the covenant required by this resolution.

- 4 9. Prior to the issuance of building permits, compliance with the applicable provisions of
5 the City's anti-graffiti (Ordinance No. 93-19, Section 20.25 of the City Code) shall be
6 reviewed and approved by the Community Development Department, Planning Division.
7 These requirements, including the obligation to remove or cover with matching paint all
8 graffiti within 24 hours, shall be noted on the Landscape Plan and shall be recorded in
9 the form of a covenant affecting the subject property.

10 **Engineering:**

- 11 10. The project is prohibited from grading or clearing between the months of November and
12 March. Any soils left exposed during this period shall be re-seeded or temporarily
13 stabilized using plastic or other material as needed.
- 14 11. Design and construction of all improvements shall be in accordance with standard plans,
15 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 16 12. Prior to issuance of a building permit a phasing plan for the construction of public and
17 private improvements including landscaping, shall be approved by the City Engineer.
- 18 13. The approval of the project shall not mean that closure, vacation, or abandonment of any
19 public street, right-of-way, easement, or facility is granted or guaranteed to the
20 developer. The developer is responsible for applying for all closures, vacations, and
21 abandonments as necessary. The application(s) shall be reviewed and approved or
22 rejected by the City of Oceanside under separate process(es) per codes, ordinances, and
23 policies in effect at the time of the application.
- 24 14. Where proposed off-site improvements, including but not limited to slopes, public utility
25 facilities, and drainage facilities, are to be constructed, the applicant shall, at his own
26 expense, obtain all necessary easements or other interests in real property and shall
27 dedicate the same to the City of Oceanside as required. The applicant shall provide
28 documentary proof satisfactory to the City of Oceanside that such easements or other
29 interest in real property have been obtained prior to issuance of any grading, building or
improvement permit for the development. Additionally, the City of Oceanside, may at

1 its sole discretion, require that the applicant obtain at his sole expense a title policy
2 insuring the necessary title for the easement or other interest in real property to have
3 vested with the City of Oceanside or the applicant, as applicable.

4 15. Prior to the issuance of a grading permit, the developer shall notify and host a
5 neighborhood meeting with all of the area residents located within 300 feet of the project
6 site, and residents of property along any residential streets to be used as a "haul route", to
7 inform them of the grading and construction schedule, haul routes, and to answer
8 questions.

9 16. The developer shall monitor, supervise and control all construction and construction-
10 supportive activities, so as to prevent these activities from causing a public nuisance,
11 including but not limited to, insuring strict adherence to the following:

12 a) Dirt, debris and other construction material shall not be deposited on any public
13 street or within the City's stormwater conveyance system.

14 b) All grading and related site preparation and construction activities shall be
15 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
16 engineering related construction activities shall be conducted on Saturdays,
17 Sundays or legal holidays unless written permission is granted by the City
18 Engineer with specific limitations to the working hours and types of permitted
19 operations. All on-site construction staging areas shall be as far as possible from
20 any existing residential development. Because construction noise may still be
21 intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance
22 also prohibits "any disturbing excessive, or offensive noise which causes
23 discomfort or annoyance to reasonable persons of normal sensitivity."

24 c) The construction site shall accommodate the parking of all motor vehicles used
25 by persons working at or providing deliveries to the site.

26 d) A haul route shall be obtained at least 7 days prior the start of hauling operations
27 and must be approved by the City Engineer. Hauling operations shall be 8:00
28 a.m. to 3:30 p.m. unless approved otherwise.

29 17. Approval of this development project is conditioned upon payment of all applicable
impact fees and connection fees in the manner provided in chapter 32B of the Oceanside

1 City Code. All drainage fees, traffic signal fees and contributions, highway-thoroughfare
2 fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be
3 paid prior to recordation of the map or the issuance of any building permits, in
4 accordance with City Ordinances and policies. The developer shall also be required to
5 join into, contribute, or participate in any improvement, lighting, or other special district
6 affecting or affected by this project. Approval of the project shall constitute the
7 developer's approval of such payments, and his agreement to pay for any other similar
8 assessments or charges in effect when any increment is submitted for final map or
9 building permit approval, and to join, contribute, and/or participate in such districts.

10 18. Sight distance requirements at the project driveway shall conform to the corner sight
11 distance criteria as provided by the California Department of Transportation Highway
12 Design Manual.

13 19. The street serving the development shall remain private and shall be maintained by an
14 association. The pavement sections, traffic indices, alignments, and all geometrics shall
15 meet public street standards.

16 20. The developer shall comply with all the provisions of the City's cable television
17 ordinances including those relating to notification as required by the City Engineer.

18 21. Grading and drainage facilities shall be designed and installed to adequately
19 accommodate the local stormwater runoff and shall be in accordance with the City's
20 Engineers Manual and as directed by the City Engineer.

21 22. The applicant shall obtain any necessary permits and clearances from all public agencies
22 having jurisdiction over the project due to its type, size, or location, including but not
23 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game,
24 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
25 (including NPDES), San Diego County Health Department, prior to the issuance of
grading permits.

26 23. Prior to any grading of any part of the tract or project, a comprehensive soils and
27 geologic investigation shall be conducted of the soils, slopes, and formations in the
28 project. All necessary measures shall be taken and implemented to assure slope stability,
29 erosion control, and soil integrity. No grading shall occur until a detailed grading plan,

1 to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is
2 approved by the City Engineer.

3 24. This project shall provide year-round erosion control including measures for the site
4 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
5 control plan, designed for all proposed stages of construction, shall be reviewed, secured
6 by the applicant with cash securities and approved by the City Engineer.

7 25. A precise grading and private improvement plan shall be prepared, reviewed, secured
8 and approved prior to the issuance of any building permits. The plan shall reflect all
9 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, striping, footprints
10 of all structures, walls, drainage devices and utility services.

11 26. Landscaping plans must conform to intersection sight distance requirements. Landscape
12 and irrigation plans shall be approved by the City Engineer prior to the issuance of
13 occupancy permits, and a pre-construction meeting held, prior to the start of any
14 improvements.

15 27. The drainage design of the project is conceptual only. The final design shall be based
16 upon a hydrologic/hydraulic study to be approved by the City Engineer during final
17 engineering. All drainage picked up in an underground system shall remain underground
18 until it is discharged into an approved channel, or as otherwise approved by the City
19 Engineer. All public storm drains shall be shown on City standard plan and profile
20 sheets. All storm drain easements shall be dedicated where required. The applicant
21 shall be responsible for obtaining any off-site easements for storm drainage facilities.

22 28. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
23 disposed of in accordance with all state and federal requirements, prior to stormwater
24 discharge either off-site or into the City drainage system.

25 29. The development shall comply with all applicable regulations established by the United
26 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
27 Discharge Elimination System (NPDES) permit requirements for urban runoff and
28 stormwater discharge and any regulations adopted by the City pursuant to the NPDES
29 regulations or requirements. Further, the applicant may be required to file a Notice of
Intent with the State Water Resources Control Board to obtain coverage under the

1 NPDES. General Permit for Storm Water Discharges Associated with Construction
2 Activity and may be required to implement a Storm Water Pollution Prevention Plan
3 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
4 both construction and post construction pollution prevention and pollution control
5 measures and identify funding mechanisms for post construction control measures. The
6 developer shall comply with all the provisions of the Clean Water Program during and
7 after all phases of the development process, including but not limited to: mass grading,
8 rough grading, construction of street and landscaping improvements, and construction of
9 dwelling units. The applicant shall design the Project's storm drains and other drainage
10 facilities to include Best Management Practices to minimize non-point source pollution,
11 satisfactory to the City Engineer.

12 30. Upon acceptance of any fee waiver or reduction by the developer, the entire project will
13 be subject to prevailing wage requirements as specified by Labor Code section
14 1720(b)(4). The developer shall agree to execute a form acknowledging the prevailing
15 wage requirements prior to the granting of any fee reductions or waivers.

16 31. The developer shall prepare and submit an Operations & Maintenance (O&M) Plan to
17 the City Engineer with the first submittal of engineering plans. The O&M Plan shall be
18 prepared by the applicant's Civil Engineer. It shall be directly based on the project's
19 Storm Water Mitigation Plan (SWMP) previously approved by the project's approving
20 authority (Planning Commission/City Council). At a minimum the O&M Plan shall
21 include the designated responsible parties to manage the stormwater BMP(s),
22 employee's training program and duties, operating schedule, maintenance frequency,
23 routine service schedule, specific maintenance activities, copies of resource agency
24 permits, cost estimate for implementation of the O&M Plan and any other necessary
25 elements.

26 32. The developer shall enter into a City-Standard Storm water Facilities Maintenance
27 Agreement with the City obliging the project proponent to maintain, repair and replace
28 the Storm Water Best Management Practices (BMPs) identified in the project's approved
29 Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity.
The Agreement shall be approved by the City Attorney prior to issuance of any precise

1 grading permit and shall be recorded at the County Recorder's Office prior to issuance of
2 any building permit. Security in the form of cash (or certificate of deposit payable to the
3 City) or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance
4 of a precise grading permit. The amount of the security shall be equal to 10 years of
5 maintenance costs, as identified by the O&M Plan. The applicant's Civil Engineer shall
6 prepare the O&M cost estimate.

7 33. At a minimum, maintenance agreements shall require the staff training, inspection and
8 maintenance of all BMPs on an annual basis. The project proponent shall complete and
9 maintain O&M forms to document all maintenance activities. Parties responsible for the
10 O&M plan shall retain records at the subject property for at least 5 years. These
11 documents shall be made available to the City for inspection upon request at any time.

12 34. The Agreement shall include a copy of executed on-site and off-site access easements
13 necessary for the operation and maintenance of BMPs that shall be binding on the land
14 throughout the life of the project to the benefit of the party responsible for the O&M of
15 BMPs, until such time that the stormwater BMP requiring access is replaced, satisfactory
16 to the City Engineer. The agreement shall also include a copy of the O&M Plan
17 approved by the City Engineer.

18 35. The BMPs described in the project's approved Storm Water Mitigation Plan (SWMP)
19 shall not be altered in any way, shape or form without formal approval by either an
20 Administrative Substantial Conformance issued by the Community Development
21 Department/Planning Division or the project's final approving authority (Planning
22 Commission/City Council) at a public hearing. The determination of whatever action is
23 required for changes to a project's approved SWMP shall be made by the Planning
24 Division.

25 36. Prior to issuance of a grading permit the developer shall provide evidence to the City of
26 Oceanside that a Conditional Letter of Map Revision (CLOMR) has been applied for
27 from Federal Emergency Management Agency (FEMA) shall submit an as-built grading
28 plan to FEMA in order to process and receive a Letter of Map Revision (LOMR). Prior
29 to release of the grading bonds Developer shall provide evidence of having received a
Letter of Map Revision (LOMR) from FEMA.

1 **Fire Prevention:**

- 2 37. Smoke detectors are required and detector locations must be indicated on the plans.
- 3 38. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
4 the site plan.
- 5 39. In accordance with the California Fire Code Sec. 901.4.4, approved address for
6 commercial, industrial, and residential occupancies shall be placed on the structure in
7 such a position as to be plainly visible and legible from the street or roadway fronting the
8 property. Numbers shall be contrasting with their background.
- 9 40. Single-family dwellings require 4-inch address numbers.
- 10 41. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
11 approval prior to the issuance of building permits.
- 12 42. Buildings shall meet Oceanside Fire Department's current codes at the time of building
13 permit application.

14 **Planning:**

- 15 43. This Regular Coastal Permit (RC-31-01) shall expire on June 11, 2009, unless
16 implemented or the Planning Commission grants a time extension.
- 17 44. 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
19 or proceeding against the City, its agents, officers, or employees to attack, set aside, void
20 or annul an approval of the City, concerning Regular Coastal Permit (RC-13-01). The
21 City will promptly notify the applicant of any such claim, action or proceeding against
22 the City and will cooperate fully in the defense. If the City fails to promptly notify the
23 applicant of any such claim action or proceeding or fails to cooperate fully in the
24 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
25 harmless the City.
- 26 45. A covenant or other recordable document approved by the City Attorney shall be
27 prepared by the applicant and recorded prior to the issuance of building permits. The
28 covenant shall provide that the property is subject to this resolution, and shall generally
29 list the conditions of approval.

1 46. Prior to 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:

4 a) That the applicant understands that the site may be subject to extraordinary
5 hazard from waves during storms and from erosion, and the applicants assumes
6 the liability from those hazards.

7 b) That the applicant unconditionally waives any claim of liability on the part of the
8 City and agrees defend and indemnify and hold harmless the City and its advisors
9 relative to the City's approval of the project for any damage due to natural
10 hazards.

11 47. Prior to the transfer of ownership and or operation of the site the owner shall provide a
12 written copy of the applications, staff report and resolutions for the project to the new
13 owner and or operator. This notification's provision shall run with the life of the project
14 and shall be recorded as a covenant on the property.

15 48. Failure to meet any conditions of approval for this project shall constitute a violation of
16 the Regular Coastal Permit.

17 49. Unless expressly waived, all current zoning standards and City ordinances and policies
18 in effect at the time building permits are issued are required to be met by this project.
19 The approval of this project constitutes the applicant's agreement with all statements in
20 the Description and Justification and other materials and information submitted with this
21 application, unless specifically waived by an adopted condition of approval.

22 50. This Regular Coastal Permit approves only the construction of a single-family home and
23 landscaping on the lot, as shown on the plans presented to Planning Commission. No
24 deviation from the approved plans, exhibits, and project specific conditions shall occur
25 without Community Development Department, Planning Division approval. Substantial
26 deviations shall require a revision to the Regular Coastal Permit or a new Coastal
27 Permit. Any change in the exterior cladding or proposed exterior design shall require a
28 revision to the approved Regular Coastal Permit or a new Coastal Permit.
29

1 51. Side and rear elevations and window treatments shall be trimmed to match the front
2 elevations. A set of building plans shall be reviewed and approved by the Community
3 Development Department, Planning Division prior to the issuance of building permits.

4 52. Elevations, siding materials, colors, roofing materials and floor plans shall be
5 substantially the same as those approved by the Planning Commission. These shall be
6 shown on plans submitted to the Building Division for building permits.

7 53. The project is not approved to have an accessory dwelling unit or a second dwelling unit.

8 54. All mechanical rooftop and ground equipment shall be screened from public view as
9 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
10 mechanical equipment, screen and vents shall be painted with non-reflective paint to
11 match the roof. All roof top surfaces shall have a non-reflective surface and mechanical
12 appurtenances shall be painted to match the roof color. This information shall be shown
13 on the building plans.

14 55. Any metallic material (i.e. copper) shall be treated at the time that it is installed, or
15 earlier, so that its surface does not reflect light. Non-metallic roofing material is
16 preferred and non-reflective roofing material is required. The copper roofing shall be
17 treated to have a non-reflective surface (patina) at the time it is installed.

18 56. The maximum height of the weather vane is 34 feet above the existing grade. The
19 weather vane shall have a non-metallic and non-reflective surface at the time that it is
20 installed.

21 57. The average block face is equal to the structural projections in the front yard of the
22 adjoining lots. The residence proposed for 74 St. Malo will not project any further
23 westward than the existing structures on parcels 155-102-35-00, 155-102-37-00, 155-
24 102-38-00, 155-102-39-00, 155-102-13-00, and 155-102-43-00. A survey, prepared by a
25 State of California Registered Surveyor, of the lots referenced herein will be prepared to
26 demonstrate compliance with this requirement. The survey shall be shown on the site
27 plans and grading plans.

28 58. Fence height limitations and opacity requirements are subject to Section 1050(U) of the
29 Zoning Ordinance and required front yards, which includes the 20 feet from the edge of
the vehicle easement.

- 1 59. All rear wood fences facing the lagoon will be stained or otherwise finished with a
2 waterproof material.
- 3 60. A minimum of 50-percent of a required yard adjoining a street shall be planting areas
4 and landscaped.
- 5 61. Compliance with Oceanside Zoning Ordinance 1050(T) shall be required. Fifty-percent
6 of the required interior side yard shall be landscaped.
- 7 62. The project shall dispose of or recycle solid waste in a manner provided in City
8 Ordinance 13.3.
- 9 63. The developer's construction of all fencing and walls associated with the project shall be
10 in conformance with the approved Regular Coastal Permit. Any substantial change in
11 any aspect of fencing or wall design from the approved Regular Coastal Permit shall
12 require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.
- 13 64. If any aspect of the project fencing and walls is not covered by an approved Regular
14 Coastal Permit, the construction of fencing and walls shall conform to the development
15 standards of the City Zoning Ordinance. In no case, shall the construction of fences and
16 walls (including combinations thereof) exceed the limitations of the zoning code, unless
17 expressly granted by a Variance or other development approval.
- 18 65. In the event any subsurface archaeological resources are encountered during grading or
19 construction activities, such activities in the locality of the find shall be halted
20 immediately. An archaeologist, certified by the Society of Professional Archaeologists
21 (SOPA), shall be brought in to determine the significance of the archaeological resources
22 and implement appropriate mitigations prior to recommending earthwork.
- 23 66. A pre-excavation agreement shall be executed between the applicant and the San Luis
24 Rey Band of Mission Indians, specifying the disposition of human remains, grave goods,
25 or other culturally sensitive material encountered during grading, trenching or other
26 ground disturbance in conjunction with implementation of the proposed project.
- 27 67. An archaeologist and a Native American monitor shall be on-site during grading and
28 trenching within the project area. The archaeologist and the Native American monitor
29 may determine, in coordination with City staff, that the full-time presence of a monitor is
not required, that checking the grading at regular intervals is sufficient.

- 1 68. The monitors shall have the power to temporarily halt or redirect grading if sensitive
2 cultural material is found.
- 3 69. An archaeologist and a Native American monitor shall be present for a pre-grade
4 meeting to discuss the monitoring program with the grading contractor, City staff and the
5 developer.
- 6 70. If archaeological materials are encountered, their importance must be evaluated to assess
7 the significance of impacts. If significant cultural resources are encountered, mitigation
8 would be accomplished through documentation and excavation of features, cataloging
9 and analysis of cultural material collected, and preparation of a report detailing the
10 methods and results of the monitoring/data recovery program.
- 11 71. Any cultural material recovered shall be cared for in and superintended by an appropriate
12 facility, except as stipulated differently in the pre-excavation agreement.
- 13 72. Prior to the issuance of grading permits, the applicant shall establish a program with a
14 qualified paleontologist to monitor grading activities. The applicant shall provide the
15 Planning Division with a copy of the paleontological resource-monitoring program.
- 16 73. To protect water quality in the area the following mitigation measures shall be
17 implemented:
 - 18 a) Material and waste Best Management Practices (BMPs) during site grading and
19 construction shall be strictly enforced.
 - 20 b) A water quality management plan shall be prepared that addresses potential water
21 pollutant issues for the proposed project site and related areas. The report shall
22 be prepared and approved prior to the issuance of grading permits.
 - 23 c) Permanent structural Best Management Practices (BMPs), such as infiltration
24 trenches, fossil filters, and/or oil water separators shall be installed and
25 maintained at all storm drain inlets on the site.
 - 26 d) Non-structural post-construction Best Management Practices (BMPs), such as a
27 public education program (providing signage at all drainage inlets prohibiting
28 dumping of any kind).
 - 29

1 74. Prior to the issuance of building permits, a landscaping plan shall be approved the City
2 Engineer indicating native plants adjacent to the waterway that are compatible with the
3 habitat in the creek.

4 75. A letter of clearance from the affected school district in which the property is located
5 shall be provided as required by City policy at the time building permits are issued.

6 **Water Utilities:**

7 76. All public water and, or sewer facilities not located within the public right-of-way shall
8 be provided with easements sized according to the Water, Sewer, and Reclaimed Water
9 Design and Construction Manual. Easements shall be constructed for all weather access.

10 77. No trees, structures or building overhang shall be located within any water or wastewater
11 utility easement.

12 78. The property owner will maintain private water and wastewater utilities located on
13 private property.

14 79. Water services and sewer laterals constructed in existing right-of-way locations are to be
15 constructed by approved and licensed contractors at developer's expense.

16 80. The developer will be responsible for developing all water and sewer utilities necessary
17 to develop the property. Any relocation of water and, or sewer utilities is the
18 responsibility of the developer and shall be done by an approved licensed contractor at
19 the developer's expense.

20 81. All lots with a finish pad elevation located below the elevation of the next upstream
21 manhole cover of the public sewer shall be protected from backflow of sewage by
22 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
23 Code (UPC).

24 82. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are
25 to be paid to the City and collected by the Water Utilities Department at the time of
26 Building Permit issuance.

27 83. All Water and Wastewater construction shall conform to the most recent edition of the
28 Water, Sewer, and Reclaimed Water Design and Construction Manual.

29 84. The property owner per City of Oceanside Ordinance #83-44 shall maintain Sewer
laterals.

1 85. All new development of single-family residential units shall include hot water pipe
2 insulation and installation of a hot water recirculation device or design to provide hot
3 water to the tap within 15 seconds in accordance with City of Oceanside Ordinance No.
4 02-OR126-1.

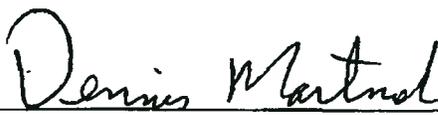
5 PASSED AND ADOPTED Resolution No. 2007-P30 on June 11, 2007 by the
6 following vote, to wit:

7 AYES: Martinek, Parker, Neal, Troisi, Balma and Bertheaud

8 NAYS: None

9 ABSENT: Horton

10 ABSTAIN: None

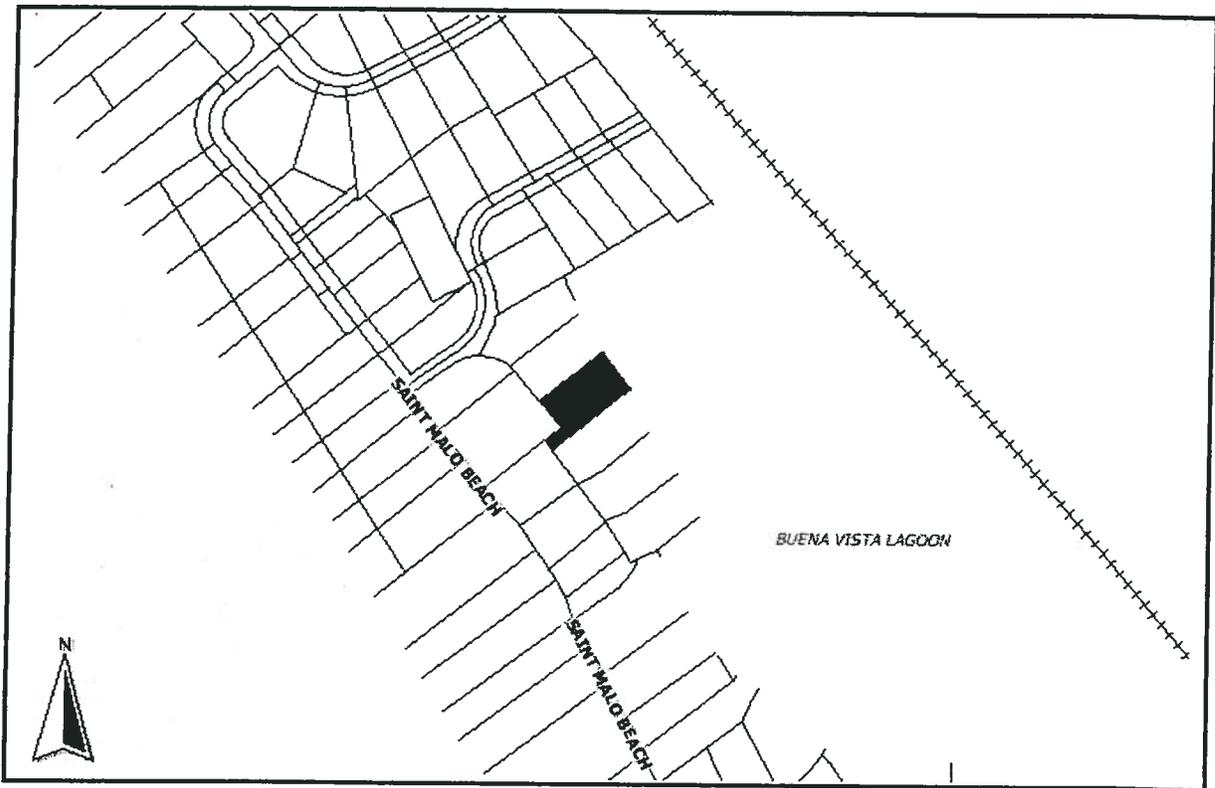
11 
12 _____
13 Dennis Martinek, Chairman
14 Oceanside Planning Commission

15 ATTEST

16 
17 _____
18 Jerry Hittleman, Secretary

19 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
20 this is a true and correct copy of Resolution No. 2007-P30.

21 Dated: June 11, 2007
22
23
24
25
26
27
28
29



File Number: RC-13-01 TIME EXTENSION

Applicant: Thomas Jones

Description:

Consideration of a TIME EXTENSION for REGULAR COASTAL PERMIT (RC-13-01) and the construction of a single-family residence located at 74 Saint Malo Beach, within the appeal jurisdiction of the Local Coastal Program. The project site is zoned RS (Single-Family Residential District) and is situated within the South Oceanside Neighborhood – **JONES RESIDENCE TIME EXTENSION**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

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

Date: July 8, 2009

Public Hearing Coastal Permit
Identification No. RC-13-01TE

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 Thomas Jones. This application was received on April 16, 2009. The application is described as follows:

For the construction of a single-family residence located at 74 Saint Malo Beach.

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

Said hearing will be held on July 27, 2009, 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 July 22, 2009, 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 Project Planner (Juliana von Hacht) at (760) 435-3521 / jvonhact@ci.oceanside.ca.us. 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 August 6, 2009 (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 Department 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.

JONES RESIDENCE TIME EXT



Application for Public Hearing

Community Development Department / Planning Division
 (760) 435-3520
 Oceanside Civic Center 300 North Coast Highway
 Oceanside, California 92054-2885

Received
 APR 16 2009
 Planning Division

STAFF USE ONLY

ACCEPTED	BY
4/16/09	SN

Please Print or Type All Information

HEARING	
GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	
C.U.P.	
VARIANCE	
COASTAL	RC-13-017E09
O.H.P.A.C.	

PART I - APPLICANT INFORMATION

1. APPLICANT SHERWOOD 1994 LIMITED LIABILITY CO. LOUISE A. JONES, MGR	2. STATUS
3. ADDRESS 13200 PARAMOUNT BLVD SANTA MONICA, CA 90280	4. PHONE/FAX/E-mail 562-602-0973
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) RICHARD MCLAUGHLIN	
6. ADDRESS 572 E. GREEN STREET # 305 PASADENA, CA 91101	7. PHONE/FAX/E-mail 626.356.9638

PART II - PROPERTY DESCRIPTION

8. LOCATION 74 ST. WALDO BEACH OCEANSIDE, CA	9. SIZE
10. GENERAL PLAN SFD-R	11. ZONING RS
12. LAND USE SINGLE FAMILY	13. ASSESSOR'S PARCEL NUMBER 155-102-37

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION
 TWO STORY SINGLE FAMILY RESIDENCE WITH ATTACHED 2 CAR GARAGE

15. PROPOSED GENERAL PLAN SFD-R	16. PROPOSED ZONING RS	17. PROPOSED LAND USE SINGLE FAMILY	18. NO. UNITS 1	19. DENSITY
20. BUILDING SIZE 4,551 SF	21. PARKING SPACES 2	22. % LANDSCAPE 22%	23. % LOT COVERAGE or FAR 39-40% COVERAGE	

PART IV - ATTACHMENTS

<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 26. TITLE REPORT
<input checked="" type="checkbox"/> 27. NOTIFICATION MAP & LABELS	<input checked="" type="checkbox"/> 28. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/> 29. PLOT PLANS
<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/> 31. CERTIFICATION OF POSTING	<input checked="" type="checkbox"/> 32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): RICHARD MCLAUGHLIN	34. DATE 04.07.09	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).
Sign:		

35. OWNER (Print) LOUISE A JONES	36. DATE 4-7-09
Sign:	

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

JULIANA

McLaughlin Associates Architects

Richard McLaughlin Architect

572 East Green Street Suite 305
Pasadena, California 91101-2090
O and F: 626.356.9638
rmcl@earthlink.net

Received
APR 16 2009
Planning Division

Reference: RC-13-01
Single Family Residence
74 St. Malo Beach
Oceanside, CA

Dated: 04.07.09

We are requesting a Time Extension for this project. It is the same project that was previously approved on June 7, 2007 by Planning Commission Resolution P-30. The project is currently in Plan Check (08-933) with the City of Oceanside. Pending the current economy, the owners are planning on building this project once the Building Permit is issued.

Dated: 05.14.05

Part IV – Attachments

24. Description and Justification: The project is the construction of a single-family house in an existing neighborhood know as St. Malo Beach. The existing lot is undeveloped and vacant. This development will increase the tax base for the City of Oceanside.

The proposed residential project is two-story house that will be occupied by the owners of the property- Mr. and Mrs. Thomas F. Jones and their family. It is sited to capture the views to the Lagoon and is compatible with the French Normandy design style that is dominant in this guarded gate community.

The project complies with the spirit of the Zoning Codes for the City of Oceanside as illustrated in the attached drawings that are on file with the City of Oceanside. The property is an irregular piece of property that has a Road Easement running through the entire St. Malo Beach development. This Road Easement and the site setbacks have requirements as detailed in the Zoning Code. The code required 20'-0" setback from the Road Easement would significantly reduce the developable area for this project and would not allow the same property rights as adjacent property owners who have similar Road Easements and are closer to the road easement than the proposed project. The proposed setback is 4'-0" from the Road Easement. The Site Plan and documentation clearly shows that it would be very difficult to apply the Block Face Average to this group of houses on this street.

McLaughlin Associates Architects

Reference: RC-13-01
Jones Residence

The proposed elevation of the new residence concrete slab pad is designed for +13.38'MSL and this is just slightly higher than the City of Oceanside determination of +13.3'MSL minimum pad elevation. The current elevation of the existing lot is +10.6'MSL.

The proposal agrees to comply with the adopted Buena Vista Lagoon Flood Protection Site Plan and agrees to comply with the conditions requiring the property owners to construct a berm at the site. The Site Plan was developed by Moffat and Nichol Engineers, and is titled St. Malo Beach Association Buena Vista Lagoon Flood Protection Site Plan, job number 4066-02, and dated 03.23.01.

A handwritten signature in black ink, appearing to read 'R. McLaughlin', followed by a horizontal line extending to the right.

Richard H. McLaughlin Architect

LEGAL DESCRIPTION

Real property in the City of Oceanside, County of San Diego, State of California, described as follows:

PARCEL 1:

THAT PORTION OF LOT 3 IN SECTION 1, TOWNSHIP 12 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, SECTION 1; THENCE ALONG THE EAST LINE OF SAID LOT 3 NORTH 0° 04' 30" WEST 417.05 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY; THENCE ALONG SAID LINE NORTH 41° 16' WEST 899.53 FEET; THENCE SOUTH 58° 34' 39" WEST 207.03 FEET TO THE NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF THE LAND DESCRIBED IN DEED TO NORMAN L. MC LEOD, JR. AND WIFE RECORDED APRIL 15, 1957, AS DOCUMENT NO. 55406, IN BOOK 6536, PAGE 543 OF OFFICIAL RECORDS; THENCE ALONG SAID PROLONGATION AND SAID NORTHEASTERLY LINE SOUTH 31° 25' 21" EAST 132.50 FEET TO THE MOST EASTERLY CORNER OF SAID LAND; THENCE SOUTH 58° 34' 39" WEST 49.34 FEET; THENCE SOUTH 39° 33' EAST, 129.97 FEET; THENCE SOUTH 50° 27' WEST 5 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 39° 33' EAST, 70.00 FEET; THENCE SOUTH 50° 27' WEST, 136.00 FEET TO A POINT IN THE BOUNDARY LINE OF THE LAND DESCRIBED IN DEED TO NANCY KEITH TENAGLIA, RECORDED JULY 18, 1960 UNDER DOCUMENT NO. 144767 OF OFFICIAL RECORDS; THENCE ALONG THE BOUNDARY LINE OF SAID LAND NORTH 39° 33' WEST 19.76 FEET; THENCE NORTH 50° 27' EAST 30 FEET; THENCE NORTH 39° 33' WEST, 50.24 FEET TO A LINE WHICH BEARS SOUTH 50° 27' WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 50° 27' EAST 106 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO, OVER, UNDER, ALONG AND ACROSS THAT PORTION OF LOT 3 IN SECTION 1, TOWNSHIP 12 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, SECTION 1; THENCE ALONG THE EAST LINE OF SAID LOT 3, NORTH 0° 04' 30" WEST 417.05 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY; THENCE ALONG SAID LINE NORTH 41° 16' WEST, 899.53 FEET; THENCE SOUTH 58° 34' 39" WEST, 207.03 FEET TO THE NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF THE LAND DESCRIBED IN DEED TO NORMAN L. MC LEOD, JR. AND WIFE, RECORDED APRIL 15, 1957, AS DOCUMENT NO. 55406, IN BOOK 6536, PAGE 543 OF OFFICIAL RECORDS; THENCE ALONG SAID PROLONGATION AND SAID NORTHEASTERLY LINE SOUTH 31° 25' 21" EAST, 132.50 FEET TO THE MOST EASTERLY CORNER OF SAID LAND; THENCE SOUTH 58° 34' 39" WEST, 120.31 FEET TO THE TRUE POINT OF BEGINNING, BEING A POINT IN THE BOUNDARY LINE OF THE LAND DESCRIBED IN DEED TO NANCY KEITH TENAGLIA, RECORDED JUNE 18, 1960 UNDER DOCUMENT NO. 144767 OF OFFICIAL RECORDS; THENCE ALONG THE BOUNDARY LINE OF SAID LAND AS FOLLOWS:

NORTHERLY ALONG THE ARC OF A 100 FOOT RADIUS CURVE, CONCAVE WESTERLY 64.34 FEET; THENCE LEAVING SAID CURVE SOUTH 58° 34' 39" WEST - RECORD SOUTH 69° 42' WEST - 26.35 FEET MORE OR LESS TO THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED IN DEED TO HELEN D. FORVE, RECORDED SEPTEMBER 19, 1936 AS DOCUMENT NO. 60328, IN BOOK 563, PAGE 436 OF OFFICIAL RECORDS, BEING A POINT ON AN 83.31 FOOT RADIUS CURVE, CONCAVE WESTERLY; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE TO THE SOUTHWESTERLY TERMINUS THEREOF; THENCE TANGENT TO SAID CURVE SOUTH 50° 27' WEST 92.50 FEET; THENCE SOUTH 39° 33' EAST 7.50 FEET; THENCE NORTH 50° 27' EAST, 81 FEET TO A TANGENT 50 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE EASTERLY ALONG SAID CURVE 78.54 FEET; THENCE SOUTH 39° 33' EAST 132.50 FEET; THENCE SOUTH 50° 27' WEST 30 FEET; THENCE SOUTH 39° 33' EAST 19.76 FEET; THENCE NORTH 50° 27' EAST, 44.45 FEET; THENCE NORTH 23° 52' WEST, 20.52 FEET TO A POINT IN A LINE WHICH IS PARALLEL WITH AND 20 FEET NORTHEASTERLY MEASURED AT RIGHT ANGLES FROM THE SOUTHWESTERLY LINE OF SAID TENAGLIA LAND; THENCE ALONG SAID PARALLEL LINE NORTH 39° 33' WEST, 169.47 FEET; THENCE NORTH 5° 26' 39" EAST, 29.34 FEE TO THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION LYING WITHIN PARCEL 6 HEREINAFTER DESCRIBED.

PARCEL 3:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS THAT PORTION OF LOT 3 IN SECTION 1, TOWNSHIP 12 SOUTH, RANGE 5 WEST SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, SECTION 1; THENCE ALONG THE EAST LINE OF SAID LOT 3, NORTH 0° 04' 30" WEST 417.05 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY; THENCE ALONG SAID LINE NORTH 41° 16' WEST 899.53 FEET; THENCE SOUTH 58° 34' 39" WEST 207.03 FEET TO THE NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF THE LAND DESCRIBED IN DEED TO NORMAN L. MC LEOD, JR. AND WIFE, RECORDED APRIL 15, 1957, AS DOCUMENT NO. 55406, IN BOOK 6536, PAGE 543 OF OFFICIAL RECORDS; THENCE ALONG SAID PROLONGATION AND SAID NORTHEASTERLY LINE SOUTH 31° 25' 21" EAST, 132.50 FEET TO THE MOST EASTERLY CORNER OF SAID LAND; THENCE SOUTH 58° 34' 39" WEST, 120.31 FEET BEING A POINT IN THE BOUNDARY LINE OF THE LAND DESCRIBED IN DEED TO NANCY KEITH TENAGLIA, RECORDED JUNE 18, 1960 UNDER DOCUMENT NO. 144767 OF OFFICIAL RECORDS; THENCE ALONG THE BOUNDARY LINE OF SAID LAND AS FOLLOWS:

NORTHERLY ALONG THE ARC OF A 100.00 FOOT RADIUS CURVE, CONCAVE WESTERLY 64.34 FEET; THENCE LEAVING SAID CURVE SOUTH 58° 34' 39" WEST - RECORD SOUTH 69° 42' WEST - 26.35 FEET MORE OR LESS TO THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED IN DEED TO HELEN D. FORVE, RECORDED SEPTEMBER 19, 1936 AS DOCUMENT NO. 60328, IN BOOK 563, PAGE 436 OF OFFICIAL RECORDS, BEING A POINT ON AN 83.31 FOOT RADIUS CURVE, CONCAVE WESTERLY; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE TO THE SOUTHWESTERLY TERMINUS THEREOF; THENCE TANGENT TO SAID CURVE SOUTH 50° 27' WEST 92.50 FEET; THENCE SOUTH 39° 33' EAST 7.50 FEET; THENCE NORTH 50° 27' EAST 81.00 FEET TO A TANGENT 50.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE EASTERLY ALONG SAID CURVE 54.24 FEET TO AN ANGLE POINT IN THE BOUNDARY LINE OF THE LAND DESCRIBED IN DEED TO NORMAN L. MC LEOD, ET UX, RECORDED FEBRUARY 21, 1961 AS DOCUMENT NO. 30789 OF OFFICIAL RECORDS, BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG SAID 50.00 FOOT RADIUS CURVE,

CONCAVE 24.30 FEET; THENCE SOUTH 39° 33' EAST 26.50 FEET; THENCE SOUTH 50° 27' WEST 20.00 FEET; THENCE NORTH 39° 33' WEST TO A POINT OF TANGENCY WITH A 30.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY WHICH IS CONCENTRIC WITH THAT 50.00 FOOT RADIUS CURVE DESCRIBED ABOVE; THENCE WESTERLY ALONG SAID 30.00 FOOT RADIUS CURVE TO A LINE WHICH BEARS SOUTH 22° 36' 40" WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 22° 36' 40" EAST 20.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 4:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND STREET PURPOSES AND FOR THE ERECTION, CONSTRUCTION, MAINTENANCE AND USE OF WATER LINES, SEWER, GAS MAINS, TELEPHONE LINES OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF LOT 3 IN SECTION 1, TOWNSHIP 12 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF PACIFIC STREET AS SAID STREET IS SHOWN ON MAP NO. 909 OF OCEAN FRONT ADDITION, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, WITH THE NORTH LINE OF SAID LOT 3 THENCE WEST ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 39.91 FEET; THENCE SOUTH 41° 16' EAST PARALLEL WITH THE SOUTHEASTERLY PROLONGATION OF SAID CENTER LINE OF PACIFIC STREET, 229.16 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 110.97 FEET; THENCE EASTERLY ALONG THE ARE OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76° 00' 00" A DISTANCE OF 147.20 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE HAVING A RADIUS OF 1444.90 FEET; THENCE NORTHEASTERLY ALONG THE ARC THEREOF, 201.74 FEET TO THE END OF SAID CURVE; THENCE TANGENT TO SAID CURVE NORTH 54° 44' EAST, 77.76 FEET MORE OR LESS TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY RIGHT OF WAY; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE 25.14 FEET; THENCE SOUTH 54° 44' WEST 75.36 FEET MORE OR LESS TO A POINT IN THE LINE THAT IS RADIAL TO THE LAND DESCRIBED CURVE THROUGH THE POINT THEREINABOVE DESIGNATED AS "THE END OF SAID CURVE"; THENCE SOUTHWESTERLY ALONG A CURVE CONCENTRIC WITH THE CURVE HEREINABOVE DESCRIBED AS HAVING A RADIUS OF 1444.90 FEET THROUGH A CENTRAL ANGLE OF 8° 00' 00" AN ARC DISTANCE OF 198.26 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE HAVING A RADIUS OF 39.81 FEET; THENCE WESTERLY ALONG THE ARE OF SAID CURVE 52.81 FEET; THENCE TANGENT TO SAID CURVE NORTH 41° 16' WEST, 221.82 FEET MORE OR LESS TO THE NORTH LINE OF SAID LOT 3; THENCE WEST ALONG SAID NORTH LINE 39.91 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

AN EASEMENT FOR ROAD, WATER LINES, SEWERS AND GAS MAINS OVER THAT PORTION OF LOT 3, SECTION 1, TOWNSHIP 12 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF PACIFIC STREET AS SAID STREET IS LOCATED ON MAP 909 OF OCEAN FRONT ADDITION, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, WITH THE NORTH LINE OF SAID LOT 3; THENCE SOUTH 41° 16' EAST ALONG THE SOUTHWESTERLY PROLONGATION OF THE CENTER LINE OF PACIFIC STREET, 176.34 FEET; THENCE SOUTH 48° 44' WEST 30 FEET TO THE TRUE POINT OF

BEGINNING; THENCE NORTH 41° 16' WEST 40 FEET TO A POINT ON A CURVE WHOSE CENTER BEARS SOUTH 48° 44' WEST 20 FEET FROM SAID POINT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 31.42 FEET; THENCE TANGENT TO SAID CURVE SOUTH 48.44' WEST 59.02 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 84.90 FEET AN ARC DISTANCE OF 130.81 FEET; THENCE TANGENT TO SAID CURVE SOUTH 39° 33' EAST 658.14 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 932.92 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 195.80 FEET TO THE END OF SAID CURVE; THENCE TANGENT TO SAID CURVE SOUTH 27° 33' EAST, 394.18 FEET TO THE SOUTHERLY LINE OF SAID LOT 3; THENCE SOUTH 89° 55' 30" EAST ALONG SAID SOUTHERLY LINE 45.15 FEET; THENCE NORTH 27° 33' WEST, 415.11 FEET, MORE OR LESS TO A POINT IN A LINE THAT IS RADIAL TO THE LAST DESCRIBED CURVE THROUGH THE POINT HEREINABOVE DESCRIBED AS THE END OF SAID CURVE; THENCE NORTHWESTERLY ALONG A CURVE CONCENTRIC WITH THE CURVE HEREINABOVE DESCRIBED AS HAVING A RADIUS OF 932.92 FEET THROUGH A CENTRAL ANGLE OF 12° AN ARC DISTANCE OF 204.19 FEET; THENCE TANGENT TO SAID CURVE NORTH 39° 33' WEST, 658.14 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 44.90 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 69.18 FEET; THENCE TANGENT TO SAID CURVE NORTH 48° 44' EAST 79.02 FEET; THENCE NORTH 41° 16' WEST 20 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM A STRIP OF LAND 40 FEET IN WIDTH, THE CENTER LINE THEREOF BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF PACIFIC STREET AS SAID STREET IS SHOWN ON MAP NO. 909 OF OCEAN FRONT ADDITION ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY WITH THE NORTH LINE OF SAID LOT 3; THENCE SOUTH 41° 16' EAST ALONG THE SOUTHEASTERLY PROLONGATION OF THE SAID CENTER LINE OF PACIFIC STREET, 176.34 FEET; THENCE SOUTH 48° 44' WEST 109.02 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 64.90 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 100 FEET; THENCE TANGENT TO SAID CURVE SOUTH 39° 33' EAST, 622.52 FEET TO THE MOST EASTERLY CORNER OF LAND CONVEYED BY UNION TRUST COMPANY OF SAN DIEGO TO KENYON A. KEITH, ET UX, RECORDED JULY 8, 1930, IN BOOK 1797, PAGE 112 OF DEEDS AND THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE; THENCE CONTINUING SOUTH 39° 33' EAST 35.62 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 954.92 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07° 06' 10" A DISTANCE OF 178.38 FEET TO THE END OF THE HEREIN DESCRIBED LINE.

PARCEL 6:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO, OVER, UNDER, ALONG AND ACROSS THAT PORTION OF LOT 3 IN SECTION 1, TOWNSHIP 12 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3 SECTION 1; THENCE ALONG THE EAST LINE OF SAID LOT 3 NORTH 0° 04' 30" WEST 417.05 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY; THENCE ALONG SAID LINE NORTH 41° 16' WEST 899.53 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 47° 16' WEST 17.77 FEET; THENCE SOUTH 58° 34' 39" WEST 254.07 FEET TO A TANGENT 75 FOOT RADIUS CURVE, CONCAVE EASTERLY; THENCE SOUTHWESTERLY AND SOUTHERLY ALONG SAID CURVE 117.81 FEET THROUGH AN ANGLE OF 90° 00'; THENCE

TANGENT TO SAID CURVE SOUTH 31° 25' 21" EAST 15 FEET MORE OR LESS TO THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED IN DEED TO HELEN D. FORVE, RECORDED SEPTEMBER 19, 1936 AS DOCUMENT NO. 60325, IN BOOK 563, PAGE 436 OF OFFICIAL RECORDS, BEING A POINT ON A 83.31 FOOT RADIUS CURVE, CONCAVE WESTERLY; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE TO THE SOUTHWESTERLY TERMINUS THEREOF; THENCE TANGENT TO SAID CURVE SOUTH 50° 27' WEST, 92.50 FEET; THENCE SOUTH 39° 33' EAST 7.50 FEET; THENCE NORTH 50° 27' EAST, 81 FEET TO A TANGENT 50 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE EASTERLY ALONG SAID CURVE 54.24 FEET TO AN ANGLE POINT IN THE BOUNDARY LINE OF THE LAND DESCRIBED IN DEED TO NORMAN L. MC LEOD, ET UX, RECORDED FEBRUARY 21, 1961 AS DOCUMENT NO. 30789 OF OFFICIAL RECORDS; THENCE ALONG THE BOUNDARY LINE OF SAID LAND NORTH 22° 36' 40" EAST 29.16 FEET; THENCE NORTH 5° 26' 39" EAST 29.34 FEET TO A POINT IN THE ARC OF A 100 FOOT RADIUS CURVE, CONCAVE WESTERLY A RADIAL LINE OF SAID CURVE BEARS SOUTH 84° 33' 21" EAST TO SAID POINT; THENCE NORTHERLY ALONG SAID CURVE 64.34 FEET THROUGH AN ANGLE POINT OF 36° 52'; THENCE TANGENT TO SAID CURVE NORTH 31° 25' 21" WEST 15 FEET TO A TANGENT 45 FOOT RADIUS CURVE, CONCAVE EASTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE 70.69 FEET THROUGH AN ANGLE OF 90° 00'; THENCE TANGENT TO SAID CURVE NORTH 58° 34' 39" EAST 264.53 FEET TO SAID SOUTHWESTERLY RIGHT OF WAY LINE ABOVE MENTIONED; THENCE NORTH 41° 16' WEST 12.69 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION, IF ANY, INCLUDED IN LAND DESCRIBED IN DEED TO ST. MALO ASSOCIATION, INC., RECORDED MARCH 27, 1956, IN BOOK 6034, PAGE 430 OF OFFICIAL RECORDS.

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY TERMINUS OF THAT COURSE ABOVE DESIGNATED AS "NORTH 22° 36' 40" EAST 29.16 FEET" ABOVE; THENCE WESTERLY ALONG THE 50 FOOT RADIUS CURVE ABOVE DESCRIBED, 54.24 FEET; THENCE SOUTH 50° 27' WEST 87 FEET; THENCE SOUTH 39° 35' EAST 20 FEET; THENCE NORTH 50° 27' EAST 81 FEET TO A TANGENT 30 FOOT RADIUS CURVE, SOUTHERLY; THENCE EASTERLY ALONG SAID CURVE TO A LINE WHICH BEARS SOUTH 22° 36' 40" WEST FROM THE POINT OF BEGINNING; THENCE NORTH 22° 36' 40" EAST 20 FEET TO THE POINT OF BEGINNING.

APN: 155-102-37-00



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Thomas Jones
2. **ADDRESS:** 975 E Green Street #103, Pasadena, CA 91106-2415
3. **PHONE NUMBER:** (626) 356-9638
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Juliana von Hacht
6. **PROJECT TITLE:** RC-13-01TE Jones Residence Time Extension
7. **DESCRIPTION:** single-family residence

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Associate Planner finds that the proposed constitutes new construction of a single-family residence at 74 Saint Malo Beach. Therefore, the Associate Planner has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 3, Section 15303(b) New construction of small structures; or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Juliana von Hacht, Associate Planner

Date: July 27, 2009

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee