



DATE: June 11, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A 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 – 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 Section 15303(a) of the California Environmental Quality Act.
2. Adopt Planning Commission Resolution No. 2007-P30 approving Regular Coastal Permit (RC-13-01) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The project site is situated within the gated community of Saint Malo Beach. On October 25, 2001, the applicant submitted a regular coastal permit application to construct a single-family home on a 0.18-acre site. During the past five and a half years, the location and building footprint has remained relatively unchanged while the applicant has addressed substantive issues related to the proposed construction adjacent to the Buena Vista Lagoon.

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 (see project *Description and justification*).

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 regular coastal permit.

Regular Coastal Permit RC-13-01 represents a request for the following: 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 fifteen-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.

Objective 1.23 Architecture: The architectural quality of all proposed projects shall enhance neighborhood and community values and City image.

Policies:

- A. Architectural form, treatments, and materials shall serve to significantly improve on the visual image of the surrounding neighborhood.
- B. Structures shall work in harmony with landscaping and adjacent urban and or topographic form to create an attractive line, dimension, scale, and or pattern.
- C. Elevations, floor plans, perspectives, lines-of-sight, material boards, and other such displays and exhibits shall be provided as necessary to ensure compliance with General Plan policies.

The proposed Jones Residence has been approved by the Saint Malo Beach Architectural Committee. 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.

1.32 Coastal Zone Objective: To provide for the conservation of the City's coastal resources and fulfill the requirements of the California Coastal Act of 1976.

Policy A: The City shall utilize the certified Local Coastal Plan and supporting documentation for review of all proposed projects within the Coastal Zone. Specifically, the goals and policies of the Local Coastal Program Land Use Plan shall be the guiding policy review document.

The proposed project was reviewed by staff for compliance with the policies of the Local Coastal Program Land Use Plan. Staff finds that the application complies with said policies.

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 Powers 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 proposed French Provincial architecture is detailed within Key Planning Issues 1. The home will consist of one 2-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.
9. The City shall continue to cooperate with other agencies including the State Department of Fish and Game, the Cities of Carlsbad and Vista through the Joint Powers Committee, U. S. Fish and Wildlife Service, San Diego Association of Governments, and the Regional Water Quality Control Board in seeking ways to lessen current impacts on the lagoon. Siltation and water pollution are two such impacts that are particularly critical.

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: A Single-family residence requires the approval of a Storm water management plan.

Recommendation: The project is located adjacent to a watershed and has the potential of impacting the Buena Vista Lagoon. The applicant has responded to staff comments by revising the *Storm water management plan* to satisfactorily comply with local regulations. The quantity of impervious surfaces has been reduced and site drainage improved. The current stormwater plan has been approved by staff.

Issue: The project's adjacency to the Buena Vista Lagoon and sensitive habitat influenced the site design.

Recommendation: The *Summary biological resources letter report*, dated March 22, 2006, concludes that the project site is a disturbed infill lot located within a highly developed area. The construction footprint will be situated away from the edge of the Buena Vista Lagoon and wetland resources. Everett and Associates found that no significant direct or indirect impacts to sensitive biological resources will result from project implementation.

The applicant has revised the site design to include a 15-foot native plant buffer that is measured westward from the eastern property line. The applicant agrees to comply with the adopted Buena Vista Lagoon Flood Protection Site Plan and agrees to comply with conditions requiring the property owners to construct a berm at the site.

The project as proposed and is conditioned to use Best Management Practices in order to prevent any potential adverse impacts to off-site resources during construction, including preventing construction runoff from entering the Buena Vista Lagoon.

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, June 1, 2007 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 June 8, 2007, no communication supporting or opposing the request had been received.

SUMMARY

The proposed 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. The project meets all applicable development standards for the district in which it is situated. 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 project based on the findings and subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

- Move to approve Regular Coastal Permit RC-13-01 and adopt Planning Commission Resolution No. 2007-P30 as attached.

PREPARED BY:



Juliana von Hacht
Associate Planner

SUBMITTED BY:.



Jerry Hittleman
City Planner

REVIEWED BY: 

Amy Volzke, Principal Planner

JH/JH/fil

Attachments:

1. Site Map
2. Planning Commission Resolution No. 2007-P30
3. Flood Protection Plan
4. Letter from the Saint Malo Architectural Committee

RECEIVED
MAR 07 2007
Planning Department

Jones Residence

74 St. Malo Beach
Oceanside, California 92054

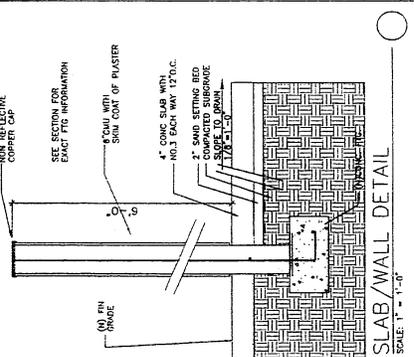
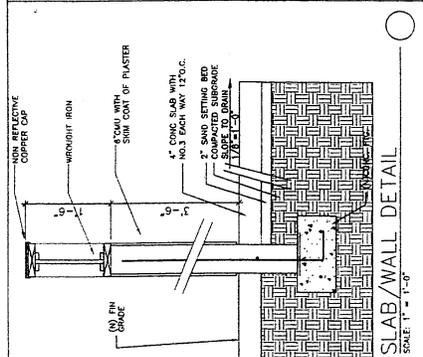
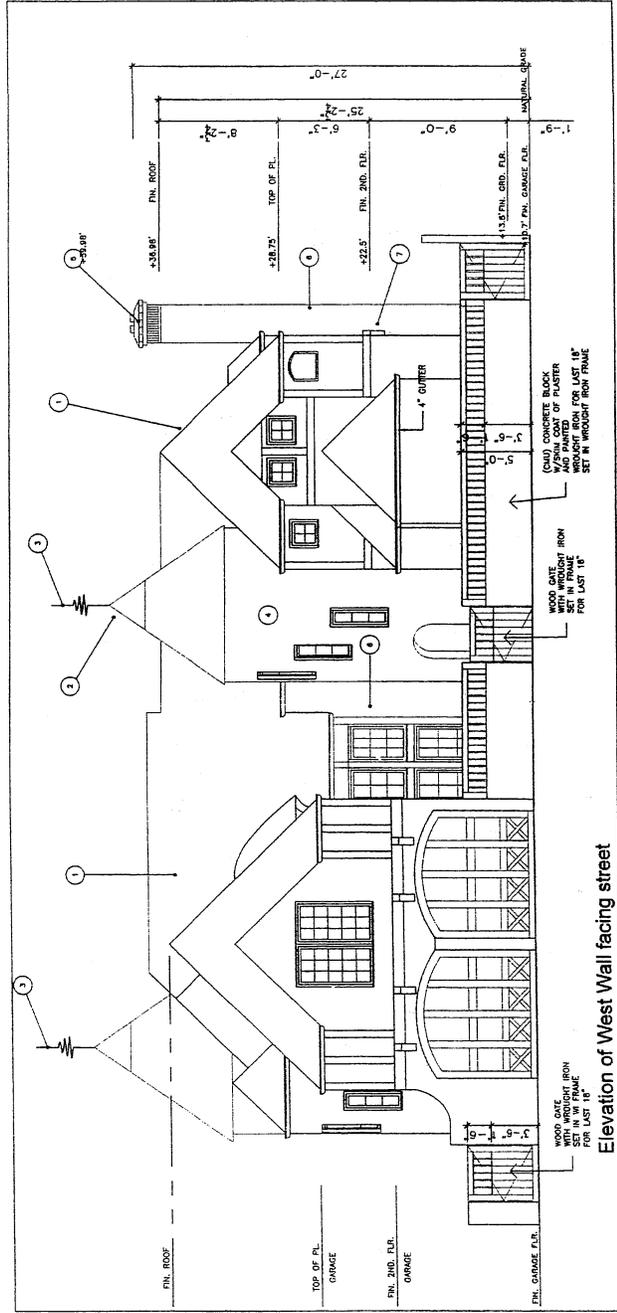
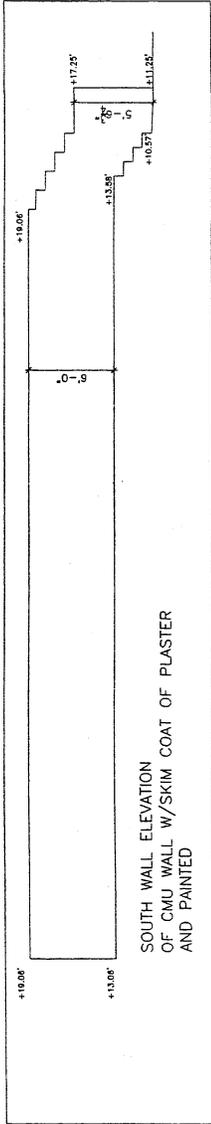
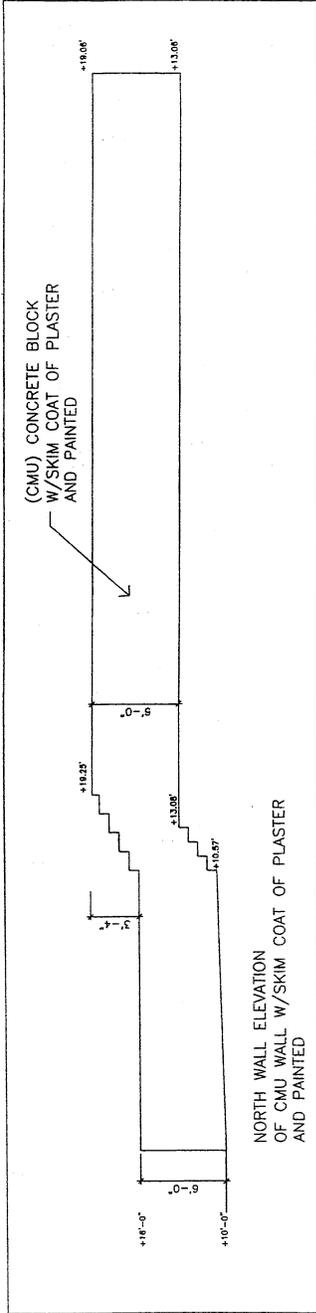
for

Mr. and Mrs. Thomas F. Jones

March 7, 2007

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Jones
Residence

Lot 74 St. Malo Beach
Oceanside, California 92054

sheet title

Block Face Average

scale:

date: 03.07.07

project number: 0022

architect:

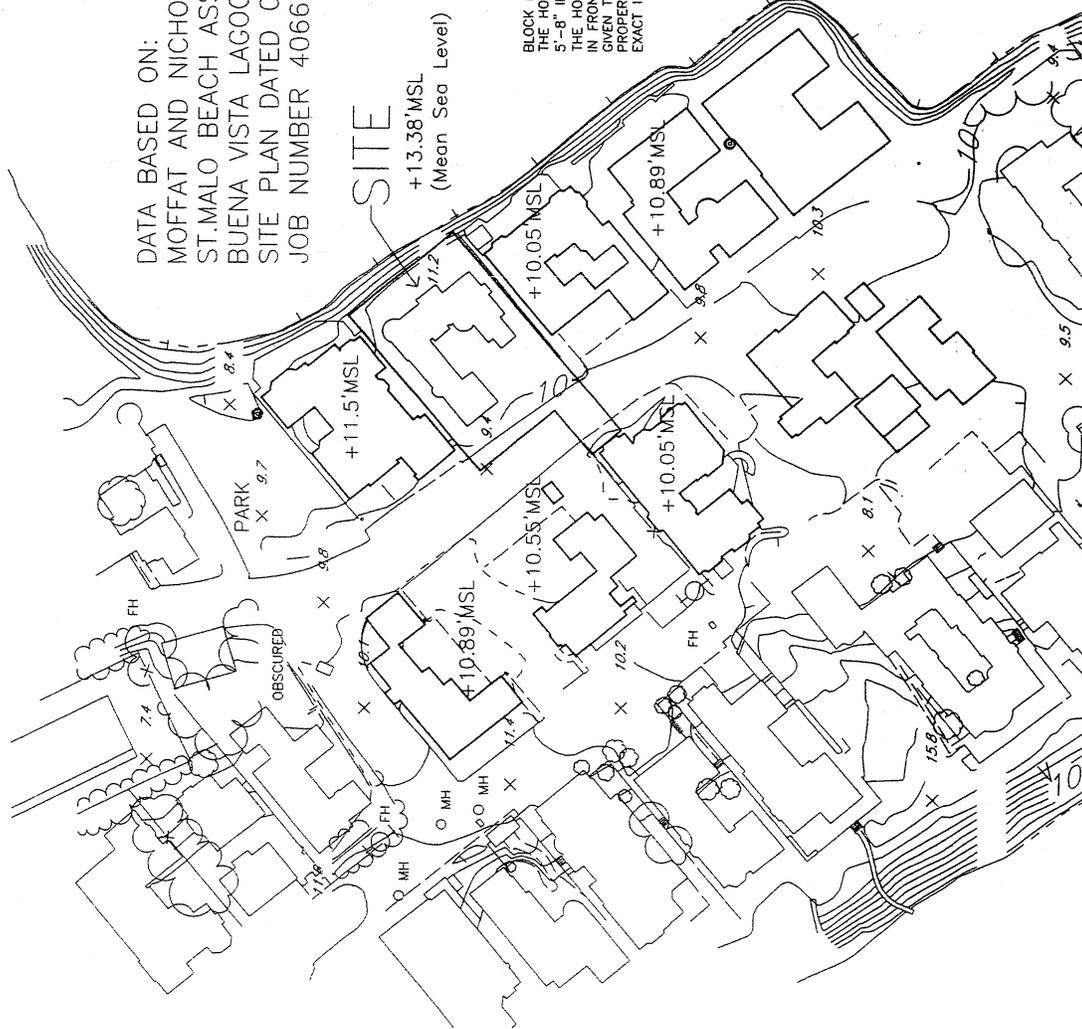
A-0.3

DATA BASED ON:
MOFFAT AND NICHOL ENGINEERS,
ST.MALO BEACH ASSOCIATION
BUENA VISTA LAGOON FLOOD PROTECTION
SITE PLAN DATED 03.23.01
JOB NUMBER 4066-22

SITE

+13.38' MSL
(Mean Sea Level)

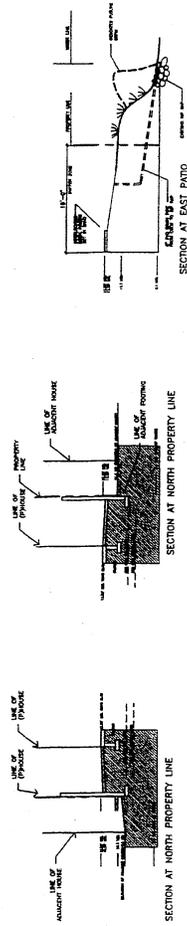
BLOCK FACE INFORMATION:
THE HOUSE NORTH OF THE SITE IS
5'-8" IN FRONT OF PROPOSED DESIGN.
THE HOUSE ON THE SOUTH IS 10'-4"
IN FRONT OF THE PROPOSED DESIGN.
GIVEN THE COMPLEXITY OF THE PROPERTIES AND
PROPERTY LINES, THERE IS NO WAY TO DETERMINE
EXACT INFORMATION ON EACH LOT AND EACH HOUSE.



scale: 1"=20'-0"

Setback Information

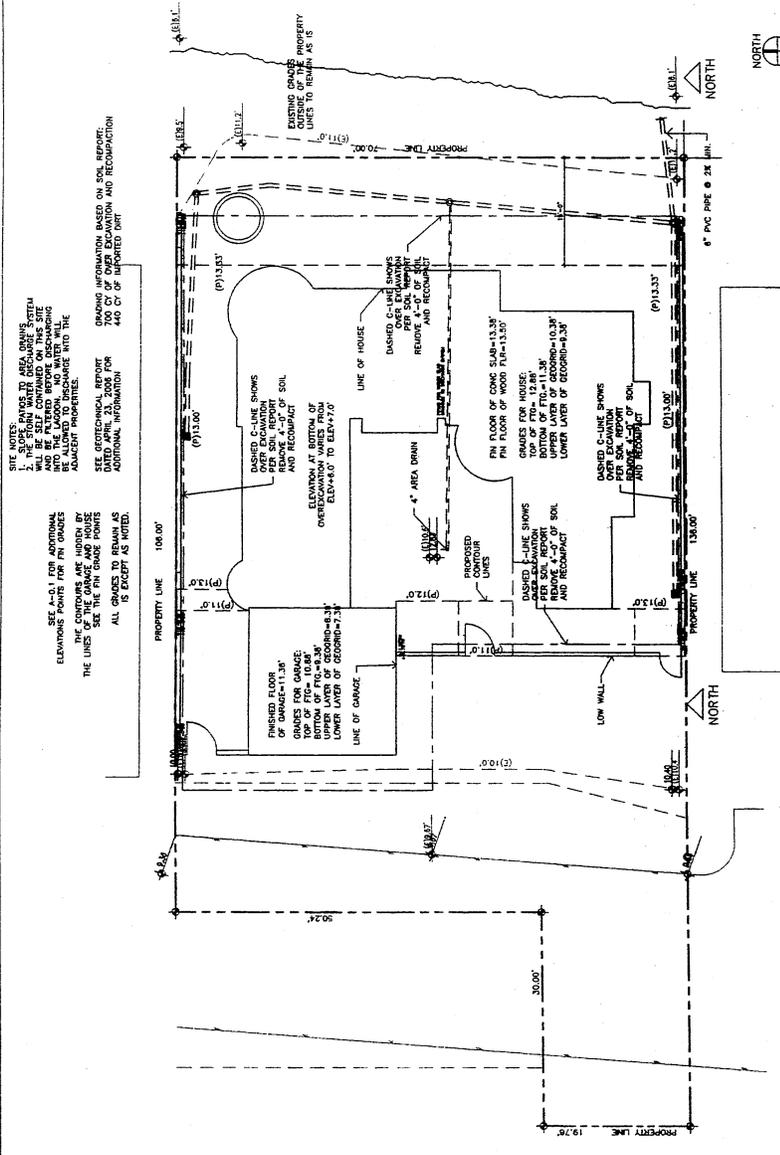
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Sections at Property Lines

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

1



SEE A-0.1 FOR ADDITIONAL ELEVATION POINTS FOR FIN GRADES. THE LINES ARE HIDDEN BY THE HOUSE FOOTPRINT. SEE THE FIN GRADE POINTS ALL GRADES TO REMAIN AS IS EXCEPT AS NOTED.

SEE GEOLOGICAL REPORT DATED APRIL 23, 2006 FOR ADDITIONAL INFORMATION. 300 CF OF OVER EXCAVATION AND RECOMPACTION 440 CF OF IMPROVED DIRT.

SITE NOTES:
1. THE EXISTING WATER DISCHARGE SYSTEM SHALL BE MAINTAINED AND BE ALTERED BEFORE EXCAVATING OR FILLING ADJACENT PROPERTIES.
2. THE EXISTING WATER DISCHARGE SYSTEM SHALL MAINTAIN A MINIMUM 12" CLEARANCE TO THE ADJACENT PROPERTIES.

- FIRE PREVENTION NOTES:
60. FIRE DEPARTMENT REQUIREMENTS SHALL BE PLACED ON THE NOTES SECTIONS.
61. ALL PROPOSED AND EXISTING FIRE HYDRANTS WITHIN 400 FEET OF THE PROJECT SHALL BE SHOWN ON ALL PLANS.
62. IN ACCORDANCE WITH THE UNIFORM FIRE CODE SECTION 901.1.4.4, APPROVED ADDRESSES FOR COMMERCIAL, INDUSTRIAL, AND RESIDENTIAL OCCUPANCIES SHALL BE PLACED IN A CLEAR, UNOBTURSCATED AND LEGIBLE MANNER ON THE PLANS FRONTING THE PROPERTY. NUMBER SHALL CONTRAST WITH THEIR BACKGROUND.
63. SINGLE FAMILY DWELLINGS REQUIRE 4" ADDRESS NUMBERS.
64. PLANS SHALL BE SUBMITTED TO THE FIRE PREVENTION BUREAU FOR PLAN CHECK REVIEW AND APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMITS.
65. BUILDINGS SHALL MEET OCEANSIDE FIRE DEPARTMENTS CURRENT CODES AT THE TIME OF BUILDING PERMIT APPLICATION.

Preliminary Grading Plan

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

1

General Notes

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sheet title

Site Plan
Landscape Plan

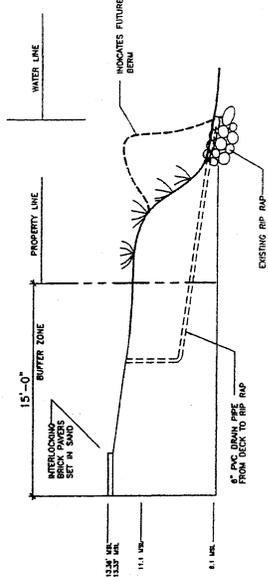
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date: 03.07.07

project number: 0322

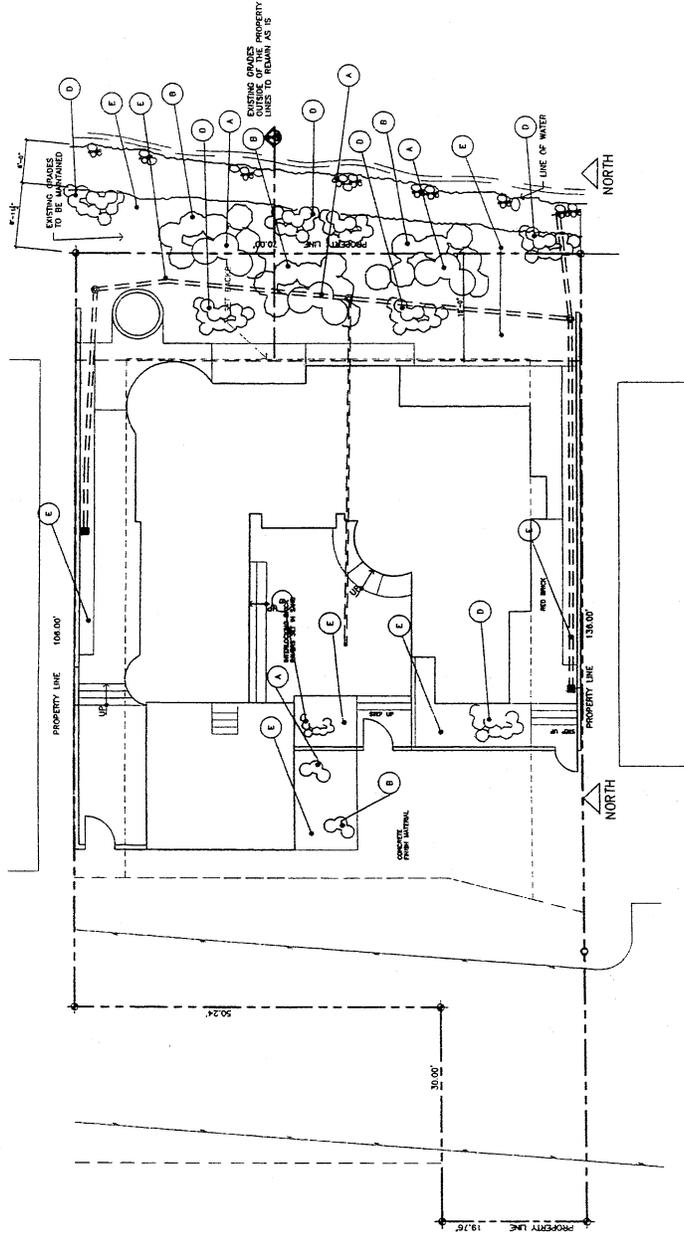
architect

L-0.1



Section Thru East Patio

scale: 1/4"=1'-0" 2



SYL. BOTANICAL NAME / COMMON NAME	CALIFORNIA NATIVE	SIZE
A. MALVACEAE, RUBIA		3' DOL
B. COMPOSITAE, SYMPHYCARPUS		3' DOL
C. MALVACEAE, RUBIA		3' DOL
D. JUNCACEAE, JUNCUS		1' DOL
E. ASTERACEAE, SYMPHYCARPUS		1' DOL
F. RUBIACEAE, RUBIA		1' DOL

NOTE: ALL PLANTS ARE TO BE SECURED BY STATE SUPPLY SHALL BECOME A MATTER OF 100% STATE/COMMON FIRM ENDORS CONTROL. BLANKET # 36150 BY NORTH AMERICAN GREEN (912-487-4832) INSTALL PER MANUFACTURER'S SPECIFICATIONS.

Preliminary Landscape Plan

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

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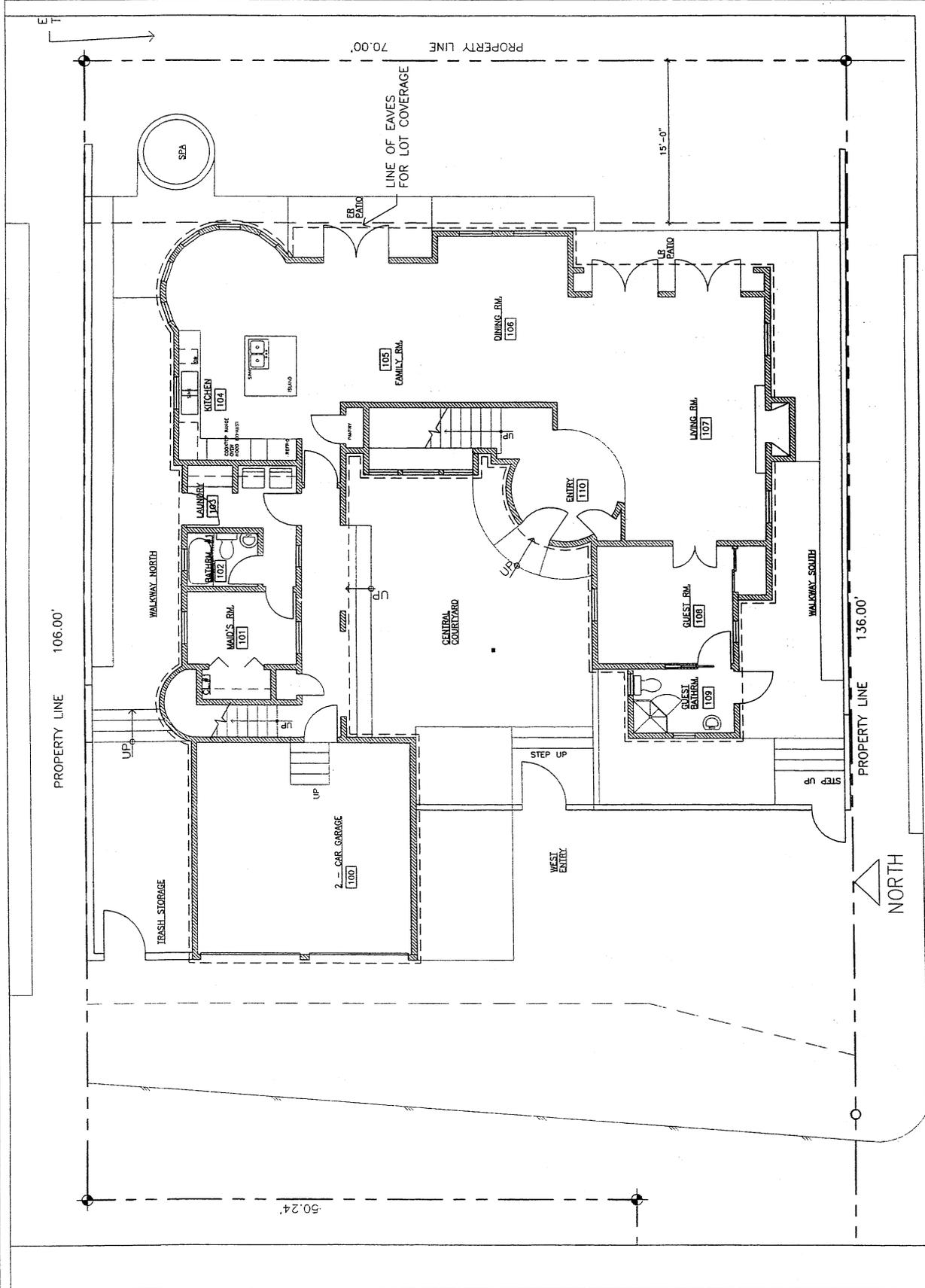
Lot 74 St. Melo Ranch
Oceanside, California 92054

sheet title
Ground Floor Plan

date: 03.07.07

project number: 0632

A-1



Proposed Floor Plan

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

1

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Lot 74 St. Malo Branch
Oceanside, California 92054

sheet title
Ground Floor Plan
with Dimensions

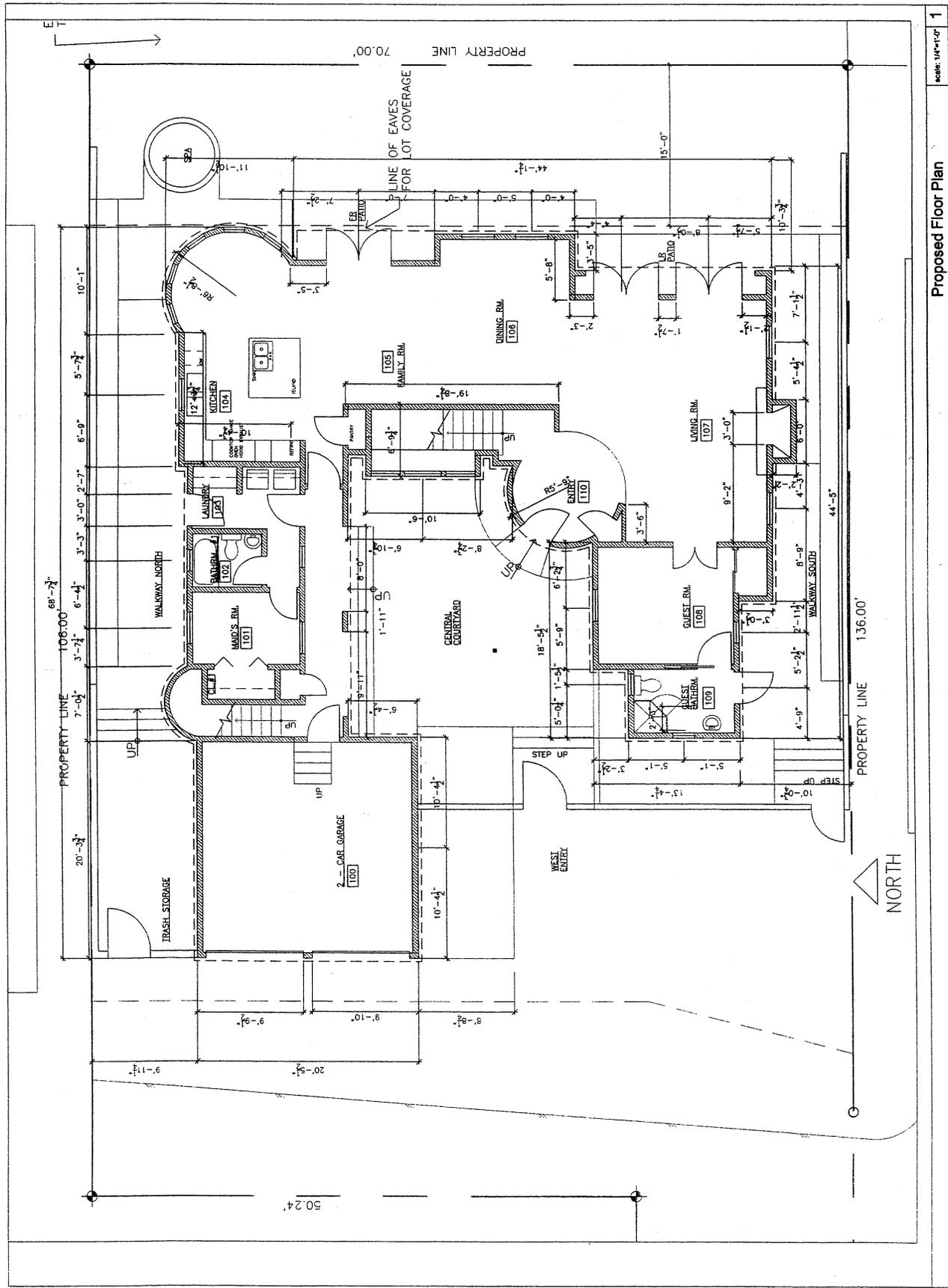
scale:

date: 03.07.07

project number: 0532

architect:

A-1.1



Proposed Floor Plan

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

1

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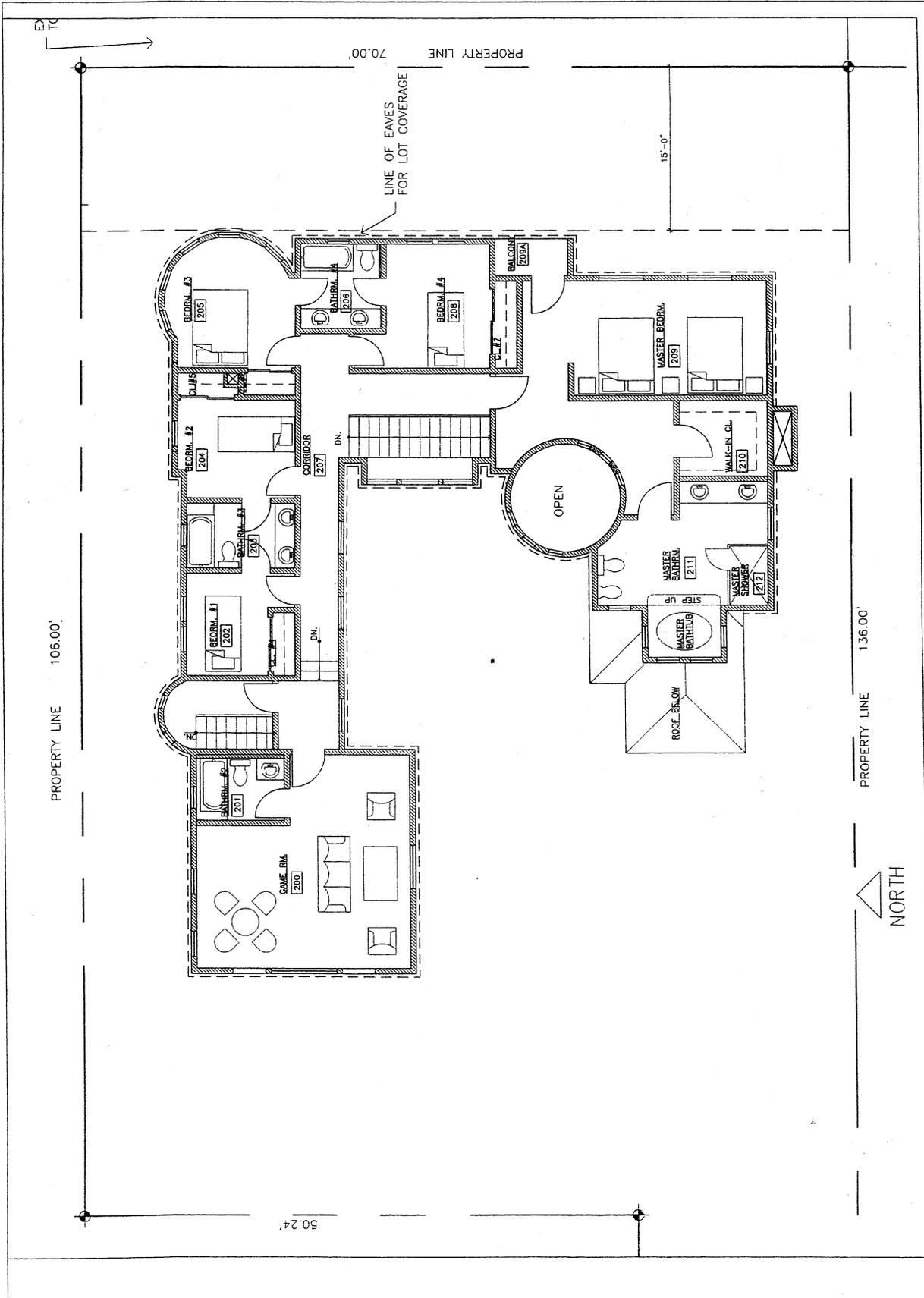
Lot 74 St. Milo Beach
Oceanside, California 92054

Sheet No.
Second Floor Plan

scale:

date: 03.07.07
project number: 0022
architect:

A-2



Proposed Second Floor Plan
scale: 1/8"=1'-0" 1

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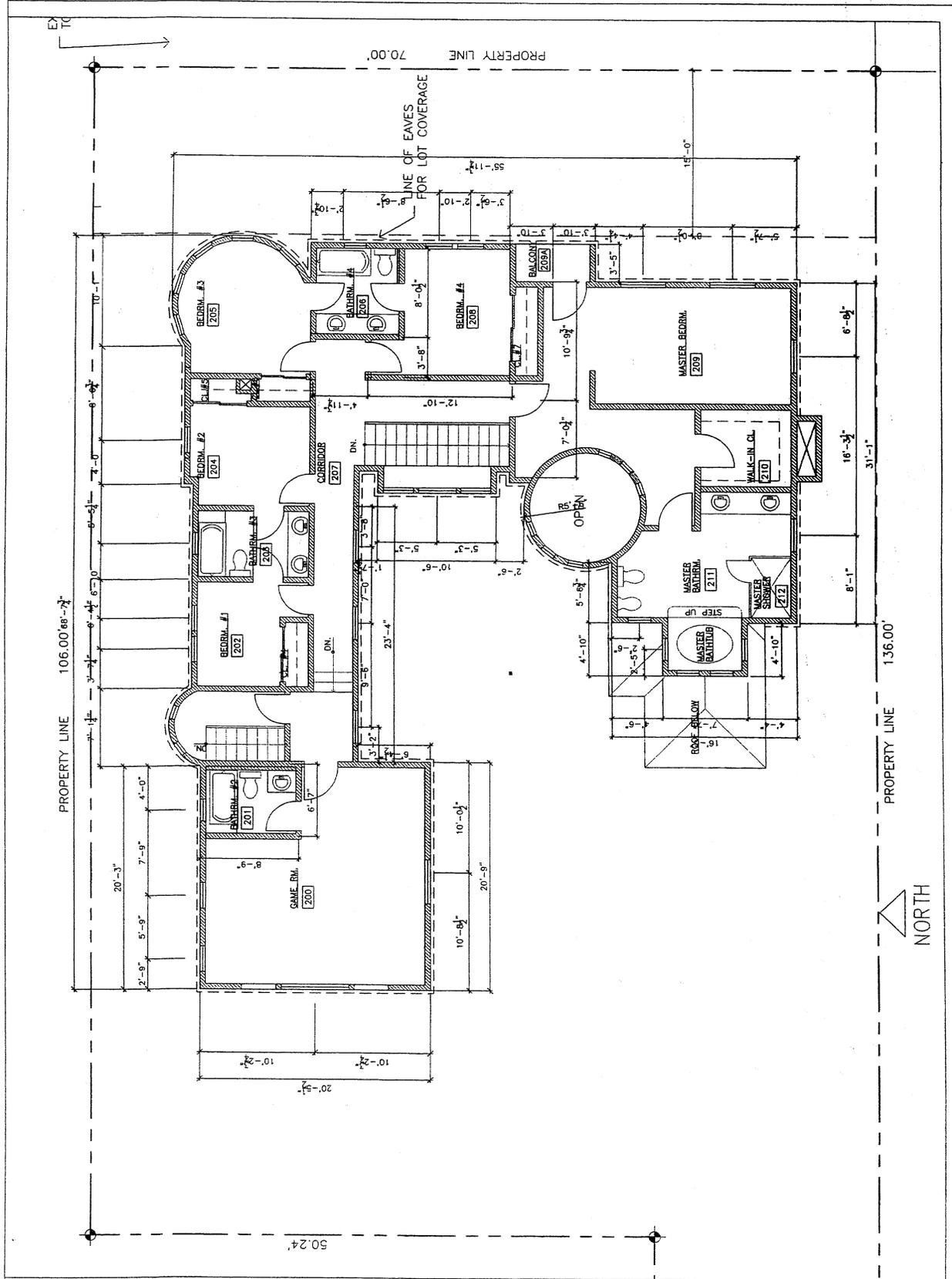
sheet title
Second Floor Plan
with Dimensions

scale:

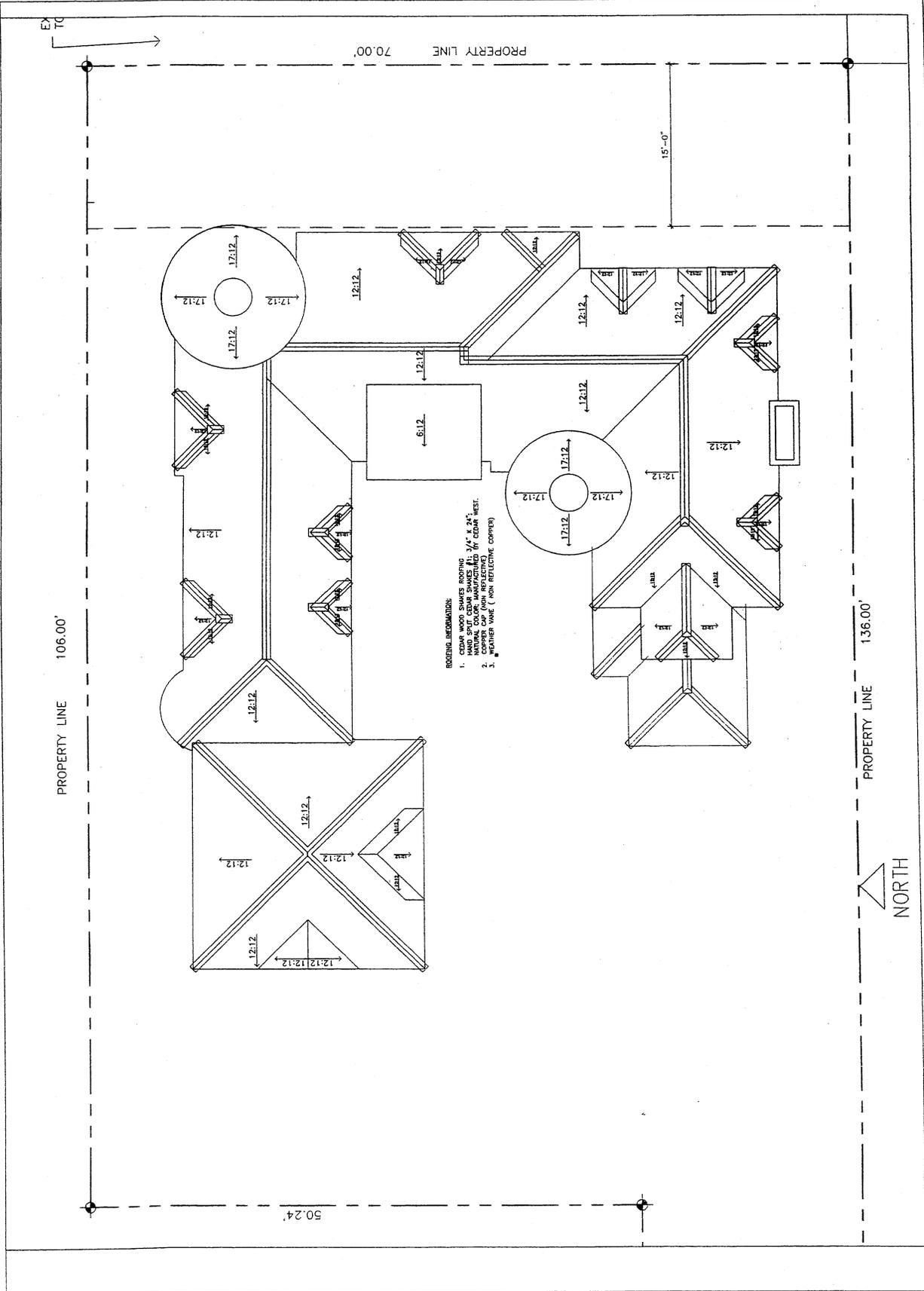
date: 03.07.07

project number: 0322

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Proposed Second Floor Plan 1
scale: 1/4"=1'-0"

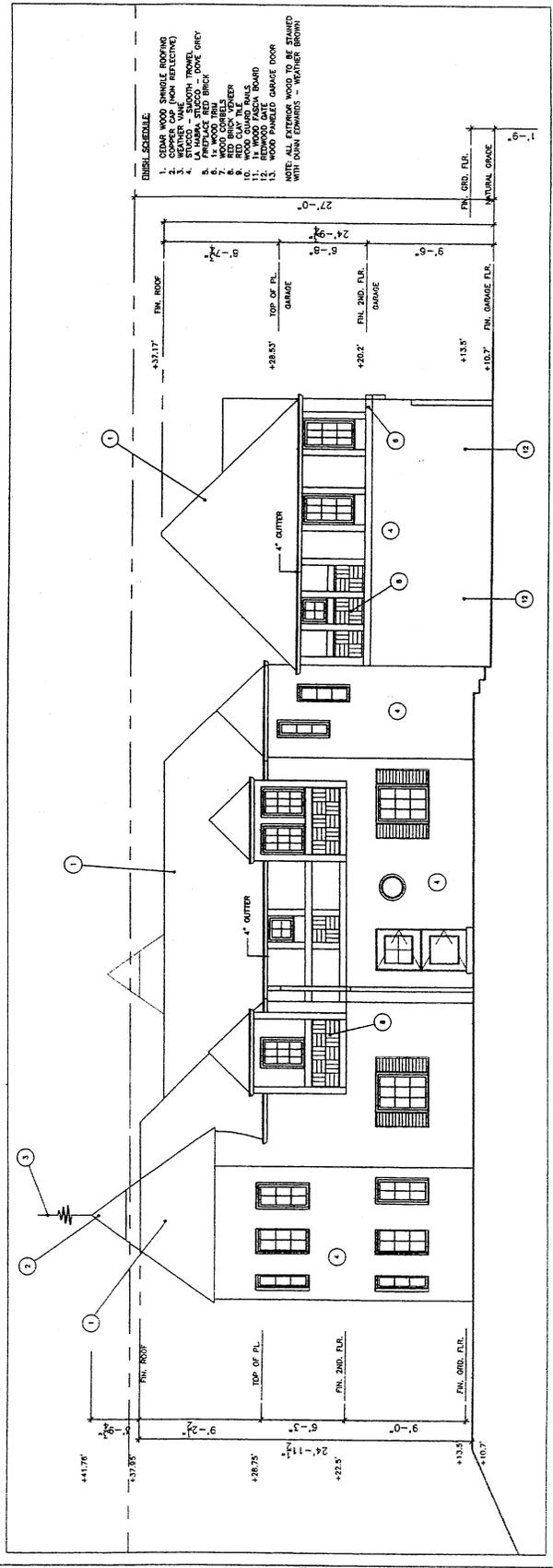


ROOFING INFORMATION:
1. DORMER ROOFING: SHAKES
2. DORMER SHAKES: 3/4" X 24"
3. NATURAL COLOR, MANUFACTURED BY CEDAR WEST.
4. GABLE ROOFING: SHAKES
5. WEATHER VANE (NON REFLECTIVE COPPER)

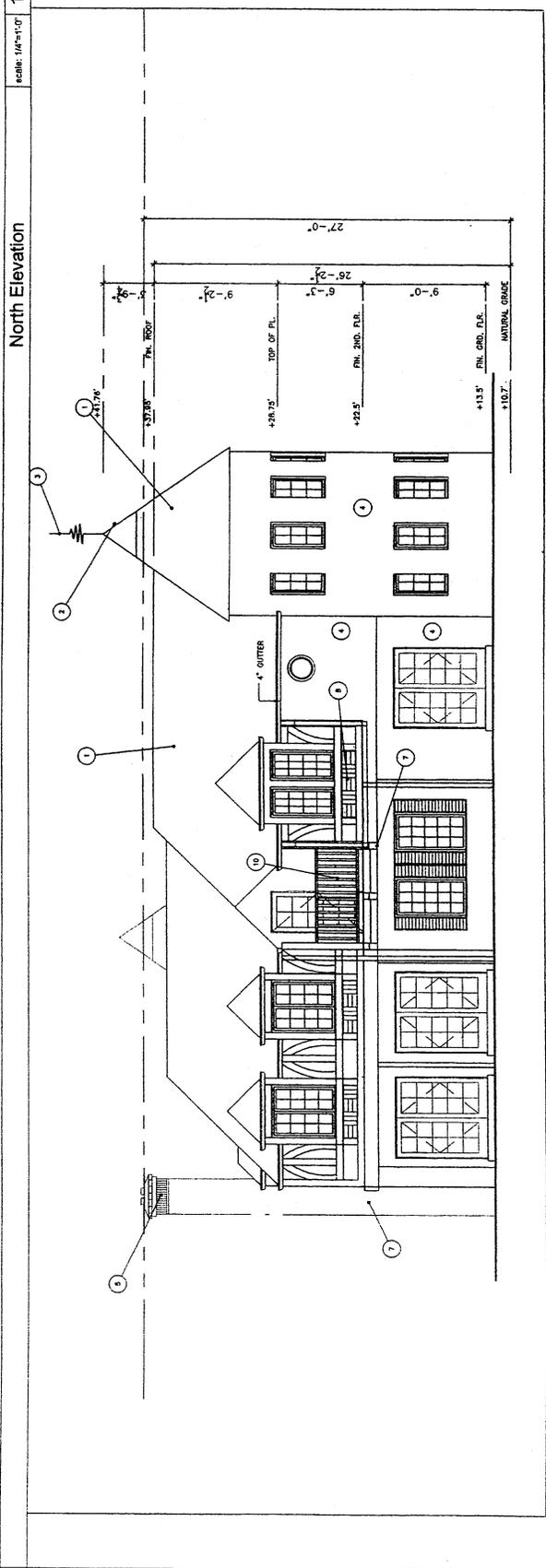
Proposed Roof Plan

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

1



- FINISH SCHEDULE
1. CEDAR WOOD SHINGLE ROOFING
 2. COPPER CAP (NON REFLECTIVE)
 3. STUCCO - SMOOTH TRIM
 4. STUCCO - SMOOTH TRIM
 5. PAINT - INTERIOR
 6. PAINT - EXTERIOR
 7. PAINT - EXTERIOR
 8. PAINT - EXTERIOR
 9. PAINT - EXTERIOR
 10. WOOD GUARD RAILS
 11. WOOD GUARD RAILS
 12. WOOD GUARD RAILS
 13. WOOD PANELED GARAGE DOOR
- NOTE: ALL EXTERIOR WOOD TO BE STAINED WITH DOWN EXTERIOR - HICKORY BROWN

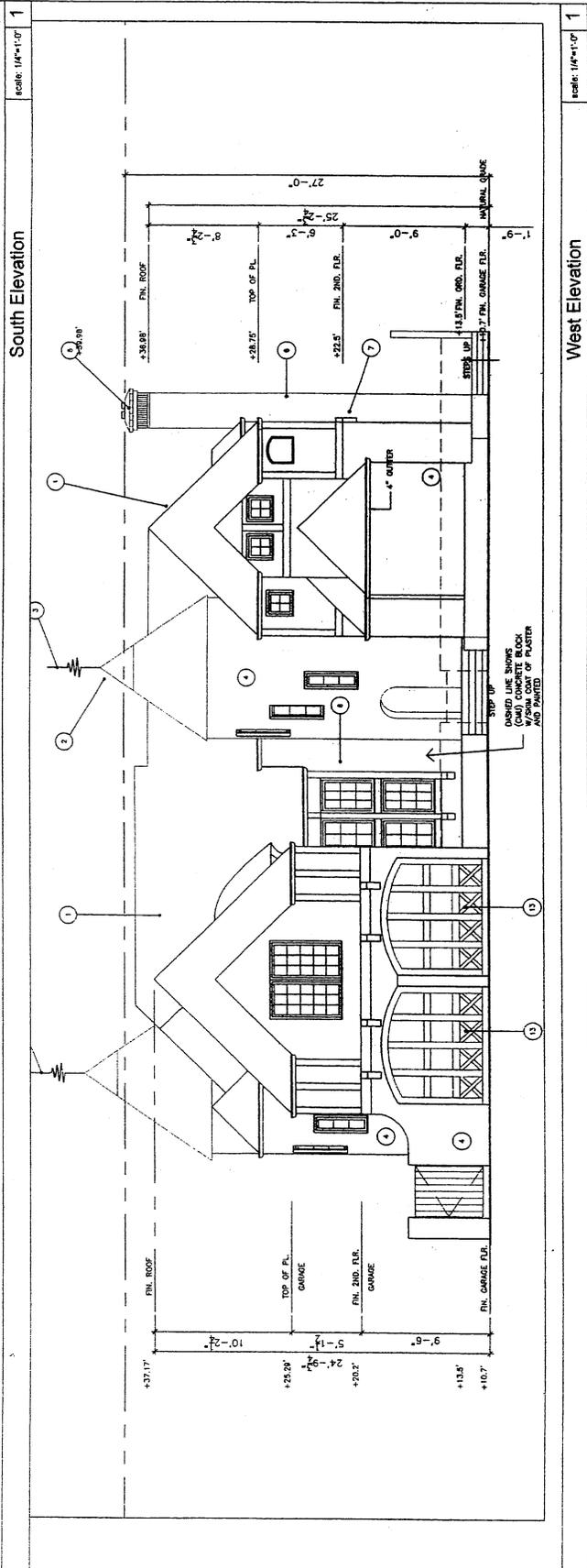
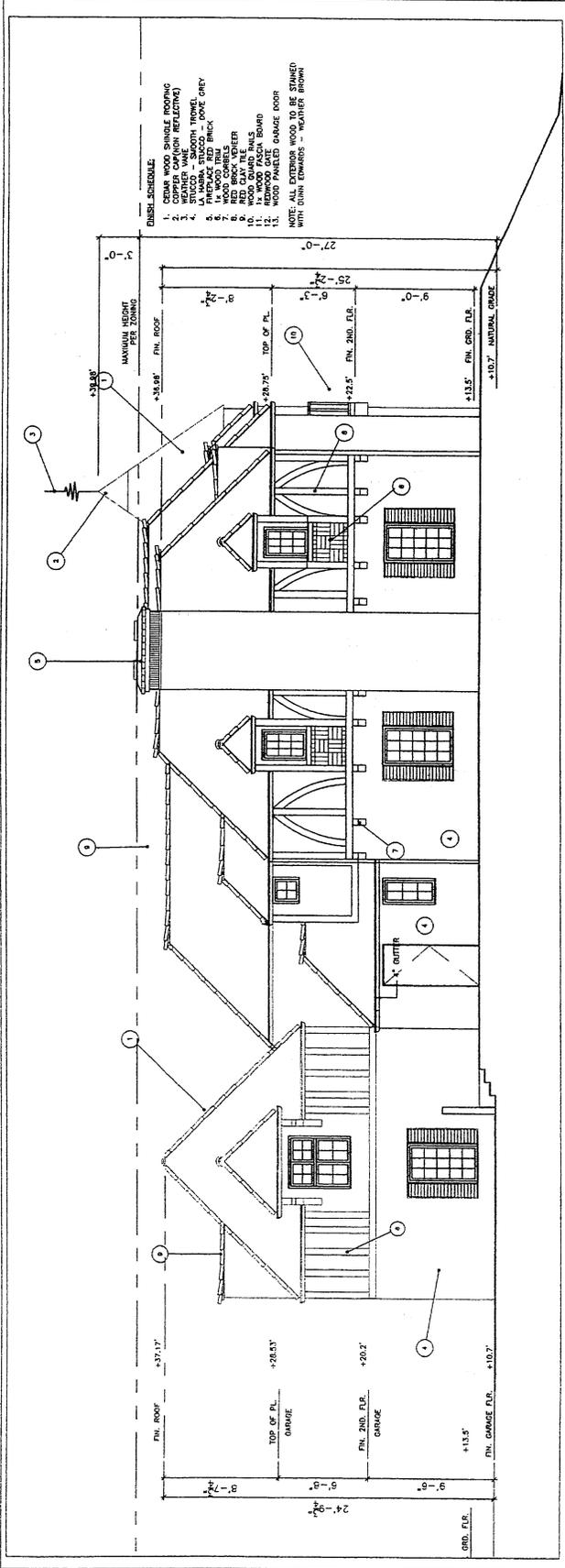


North Elevation

East Elevation

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

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



McLaughlin Associates
Architects

975 East Green Street Suite 103
Pasadena, California 91109
626 395-9838 FAX 626-793-2761
email: mca@mcclink.net

Jones
Residence

14174 S. Main Beach
Coelester, California 92054

sheet title
Courtyard Elevations
North, East, South, and West

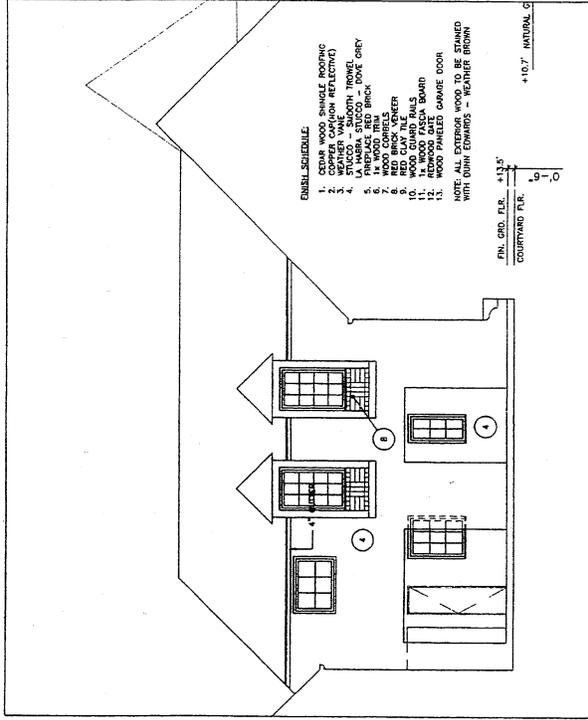
scale

date: 05.07.07

project number: 0522

architect:

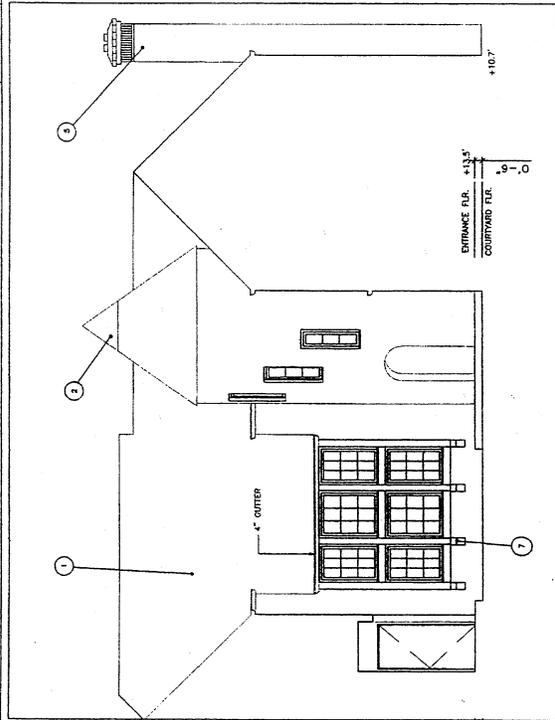
A-8



North Elevation(Courtyard)

1

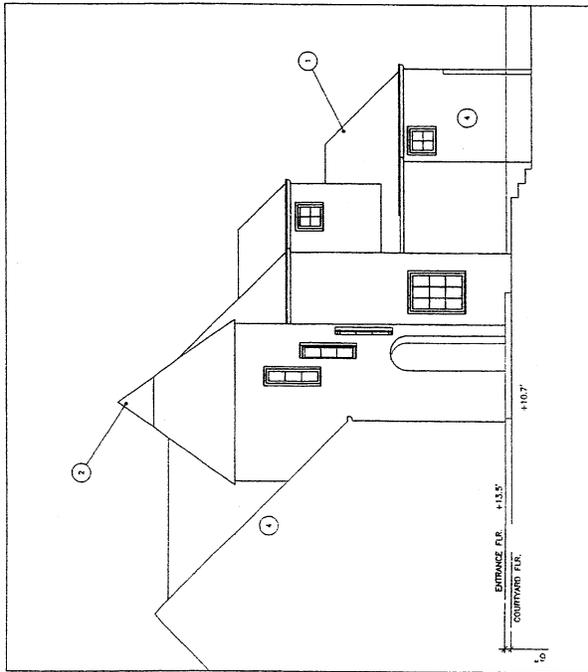
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East Elevation(Courtyard)

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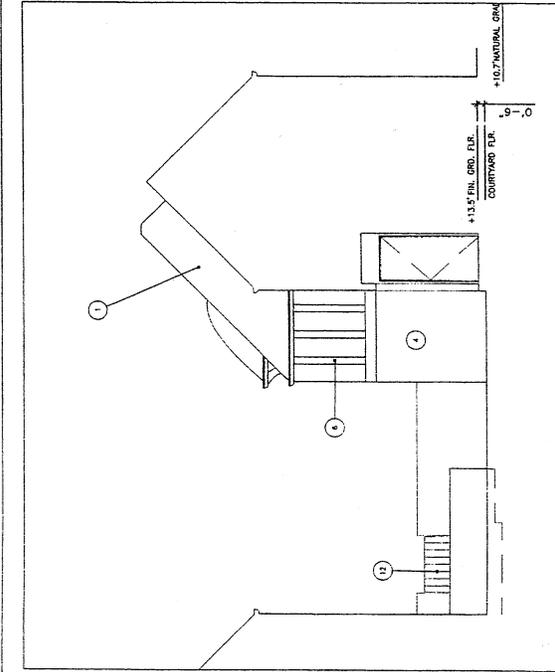
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South Elevation(Courtyard)

1

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



West Elevation(Courtyard)

1

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

1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-P30

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

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

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

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

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

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

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

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

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

27 ///////////////////////////////////////////////////////////////////
28 ///////////////////////////////////////////////////////////////////
29 ///////////////////////////////////////////////////////////////////
///////////////////////////////////////////////////////////////////
///////////////////////////////////////////////////////////////////
///////////////////////////////////////////////////////////////////

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.

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

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

25 8. All landscaping, fences, walls, etc. on the site, and in any adjoining private parkways
26 shall be permanently maintained by the owner, his assigns or any successors-in-interest
27 in the property. The maintenance program shall include normal care and irrigation of the
28 landscaping; repair and replacement of plant materials; irrigation systems as necessary;
29 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
26 grading permits.

27 23. Prior to any grading of any part of the tract or project, a comprehensive soils and
28 geologic investigation shall be conducted of the soils, slopes, and formations in the
29 project. All necessary measures shall be taken and implemented to assure slope stability,
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:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11

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Dennis Martinek, Chairman
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

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

Dated: June 11, 2007

March 30, 2001

CALIFORNIA COASTAL COMMISSION
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

RECEIVED

APR 02 2001

Planning Department

Attn: Bill Ponder, Coastal Planner

Subj: Buena Vista Lagoon Flood Protection Plan
M&N File No. 4066-02

Dear Mr. Ponder:

This letter report summarizes the proposed flood protection plan for the St. Malo Community. Over the years, upland urbanization within the Buena Vista Lagoon watershed has increased, thereby increasing flood flows into the lagoon. The City of Oceanside has responded by proposing a project to increase the width of the weir at the mouth of the lagoon from 50 feet to 80 feet. Widening the weir will significantly increase its capacity to discharge flood flows without flooding of adjacent property. However, analyses indicate that St. Malo residences will be subject to flooding during a 100-year event. The scope of this present study was to develop a plan to provide flood protection to St. Malo residences during a 100-year flood event, assuming the weir improvements are also constructed.

BACKGROUND

The St. Malo community is located in the City of Oceanside, just north of the mouth of the Buena Vista Lagoon. The Lagoon lies partially within the City of Oceanside and partially within the City of Carlsbad with the center of the existing weir at the boundary. The existing weir is a 50-foot long broad-crested weir with a crest elevation at +5.57 feet above mean sea level (MSL) and sidewalls at +11.22 feet MSL.

There have been several hydrology studies for Buena Vista Lagoon to predict the 100-year peak flow. In 1976, the Department of Sanitation and Flood Control conducted a hydrology study and calculated the 100-year return period flood flow to be 3,500 cubic feet per second (cfs) at the



lower end of the lagoon. Over the past two decades, this peak flow has increased due to the upland urbanization effects¹.

A hydrology study was performed for the City of Oceanside by Hunsaker and Associates San Diego, Inc. in 1994². This study indicated that the 100-year flow at the lower end of Buena Vista Lagoon, near the ocean, was 14,167 cfs. This value is significantly higher than any other study prepared for this area and, therefore, was reassessed in 1996. The 1996 study by Hunsaker and Associates San Diego, Inc.³ indicated the peak 100-year flow at the Buena Vista Lagoon weir is 5,517 cfs, which was later reduced to 5,152 cfs. This reduction was to take into account an additional detention basin upstream of the Buena Vista Creek. However, the city later decided not to build the detention basin.

Since the 1996 study is the most recent hydrological study for the area, the 100-year flow rate of 5,517 cfs is used in studies for providing flood protection alternatives. Grey Mayer at the City of Oceanside Engineering Department confirmed this flow rate in a telephone conversation on April 12, 2000. This value represents a 58% increase in the 100-year flow since 1976.

ANALYSIS

Under current 100-year flow rate conditions (5,517 cfs), the water surface elevation in the lagoon was calculated to reach +15.8 feet MSL with the existing 50 feet weir.

There are twelve homes, four unimproved properties, and three tennis courts within the St. Malo community that border the lagoon. The lagoon-perimeter side of these parcels range in elevation from +9.1 to +11.5 feet MSL. Most of the perimeter is protected by earthen dike, though some residences have constructed low-height walls affording additional protection.

During severe winter storms, the water surface elevation rises within the lagoon and has overflowed the banks, flooding some of the St. Malo homes. The City of Oceanside has proposed to remove the existing weir and replace it with an 80-foot OGEE weir. Increasing the channel-weir width and changing the shape of the weir to make it more hydraulically efficient will effectively lower the water surface elevation of the lagoon during storm flows. A 100-foot wide weir was initially desired in order to provide greater flood protection, however, property easements limited the maximum available width to 80 feet.

With the proposed 80-foot OGEE weir, the water surface elevation at the lagoon was calculated to be +12.2 feet for the 100-year flow rate, Q , of 5,517 cfs.

¹ June Applegate & Assoc. and Philip Williams & Assoc. 1985. *Buena Vista Lagoon Watershed Sediment Control Plan*. Prepared for California Coastal Conservancy.

² Hunsaker & Assoc., Inc. 1994. *Hydrologic Study for Buena Vista Creek Basin*. Prepared for City of Oceanside.

³ Hunsaker & Assoc., Inc. 1996. *Supplemental Hydrologic Study for Buena Vista Creek Basin*. Prepared for City of Oceanside.



The benefit of constructing the proposed 80-foot OGEE weir is to lower the water surface elevation at the lower end of the lagoon from 15.8 ft to 12.2 ft MSL, reducing the 100-year flood elevation by 3.6 feet. This improvement significantly reduces the flooding severity for the 100-year event and also greatly reduces the frequency and severity of flooding at St. Malo for lesser events.

PROPOSED FLOOD PROTECTION PLAN

The objective of the flood protection plan is to provide a water barrier that, during and after construction, has no impact to the lagoon and associated vegetation, and minimal impact to the adjacent houses and landscaping. The height for the proposed new earthen dikes or protective structures is +12.5 feet MSL, providing 0.3 feet freeboard during the estimated 100-year event. Based on the flood hydrograph used by Hunsaker and Associates San Diego (1996), the flood flow peaks at 5,517 cfs, exceeding 5,000 cfs for approximately 30 minutes, and exceeding 4,000 cfs for about an hour.

A site visit was conducted on January 23, 2001 to observe site conditions and constraints in detail in order to develop a flood protection plan. Personnel conducting the site visit included Messrs. Russell Boudreau and Dennis LaChaine of Moffatt & Nichol Engineers, and Mr. Walt Crampton, a geotechnical consultant with Group Delta Consultants in San Diego.

The attached drawings illustrate the proposed plan. The majority of the flood protection is provided by either raising an existing earthen dike or constructing a new earthen dike around the lagoon perimeter. Note that the proposed improvements are to be constructed on the landward side of the existing dike to avoid filling of the lagoon as well as eliminate potential impacts to lagoon vegetation. Low height walls are recommended at locations where either width limitations or existing structures preclude the feasibility of raising the dike. Photographs are included at key locations to illustrate site conditions.

ALTERNATIVES ANALYSIS

To reiterate, the proposed flood protection plan is to widen the weir from 50 to 80 feet with a more hydraulically efficient design, and raise the perimeter protection of the lagoon up to a minimum of +12.5 feet MSL. This results in raising the existing dike/walls between 1.0 feet up to 3.4 feet.

Widening the weir has been demonstrated herein to provide an efficient means to reduce lagoon flood levels. If the weir-widening project is not implemented, our hydraulic studies indicated the 100-year flood elevation in the lagoon will be +15.8 feet. This will result in significantly higher dikes/walls to be required around the lagoon perimeter. Given the existing elevation range of the lagoon perimeter of +9.1 feet to +11.5 feet MSL, required flood protection height increases will range from 4.3 feet to 6.7 feet. This will present a significant aesthetic impact to the lagoon, plus eliminate first floor views of the lagoon for the St. Malo residents. Since there is insufficient



perimeter width to accommodate these height increases with an earthen dike, the resulting flood protection would be a solid wall around the entire lagoon perimeter.

Conversely, if a weir-widening project alternative was desired that resulted in no requirement to raise the existing flood protection for the St. Malo residences, hydraulic calculations indicate that the weir would have to be 208 feet wide to pass the 100-year flood flow and maintain lagoon levels at or below +9.1 feet MSL, which is currently the lowest perimeter elevation. As discussed above, existing easements limit weir widening to 80 feet. Without this constraint, widening the weir from 50 feet to over 200 feet would have a significant impact on aesthetics and possibly beach access.

In summary, the proposed flood protection plan provides a good balance between weir widening and raising the lagoon perimeter flood protection.

RESPONSE TO YOUR LETTER DATED NOVEMBER 9, 2000

In your letter to the City of Oceanside dated November 9, 2000, you cited the need for additional information regarding the weir-widening and perimeter flood protection projects. Most of the information requested has been addressed in this letter. The following provides additional specific responses to your information requests:

- ***General information on current berm configuration and elevation*** – Provided in this letter and in detail on the attached drawings.
- ***Amount of total fill in the lagoon and in open coastal waters*** – None. All filling will be done on the private St. Malo properties with no impacts to lagoon waters nor associated vegetation, as demonstrated on the attached drawings.
- ***Overview of current water quality conditions and anticipated impacts associated with proposed projects*** – This is not considered an issue since no water quality impacts are anticipated as a result of the projects.
- ***Estimate of the volume of beach quality material trapped by the weir and proposals for getting this material to the local beaches*** – The lagoon has not been a significant source of beach quality sediments since 1940, when outlet culverts were installed at the mouth to regulate maximum water levels. This eliminated tidal action until 1969 when they were washed out, recreating a natural outlet for only a short time until the existing fixed weir was constructed in 1970. Since that time tidal flows have been excluded and the lagoon has been converted into a freshwater lake. Furthermore, sediments that are carried into the lagoon are predominantly silt, with much of the coarser bed-load sediments deposited upstream⁴.

⁴ June Applegate & Assoc. and Philip Williams & Assoc. 1985. *Buena Vista Lagoon Watershed Sediment Control Plan*. Prepared for California Coastal Conservance.



- *Analysis of the opportunity to facilitate the continued delivery of sediments to the coast for the various alternatives* – As stated above, the lagoon has not been a source of beach sand since 1940. Even before that time, much of the sediment from the watershed was deposited on the broad floodplain upstream⁴. Currently, given the size and amount of urbanization within the watershed, it is unlikely that it would provide a significant beach sand source.

Please contact me with any questions or comments.

Very truly yours,

MOFFATT & NICHOL ENGINEERS

Russell H. Boudreau, P.E.
Supervisory Coastal Engineer

RHB/pjs

P:\mgmt\4066rb1.lm3

c: Lesley Ewing, California Coastal Commission
Jerry Hittleman, City of Oceanside
Dennis Metzler, St. Malo Beach Association
Bob Norvet, St. Malo Beach Association
John Tenaglia, St. Malo Beach Association

Attachments

Mrs. Henry Tenaglia
306 West Bellevue Drive
Pasadena, CA 91105

June 29, 2005

McLaughlin Associates Architects
975 East Green St., Ste. 103
Pasadena, CA 91106

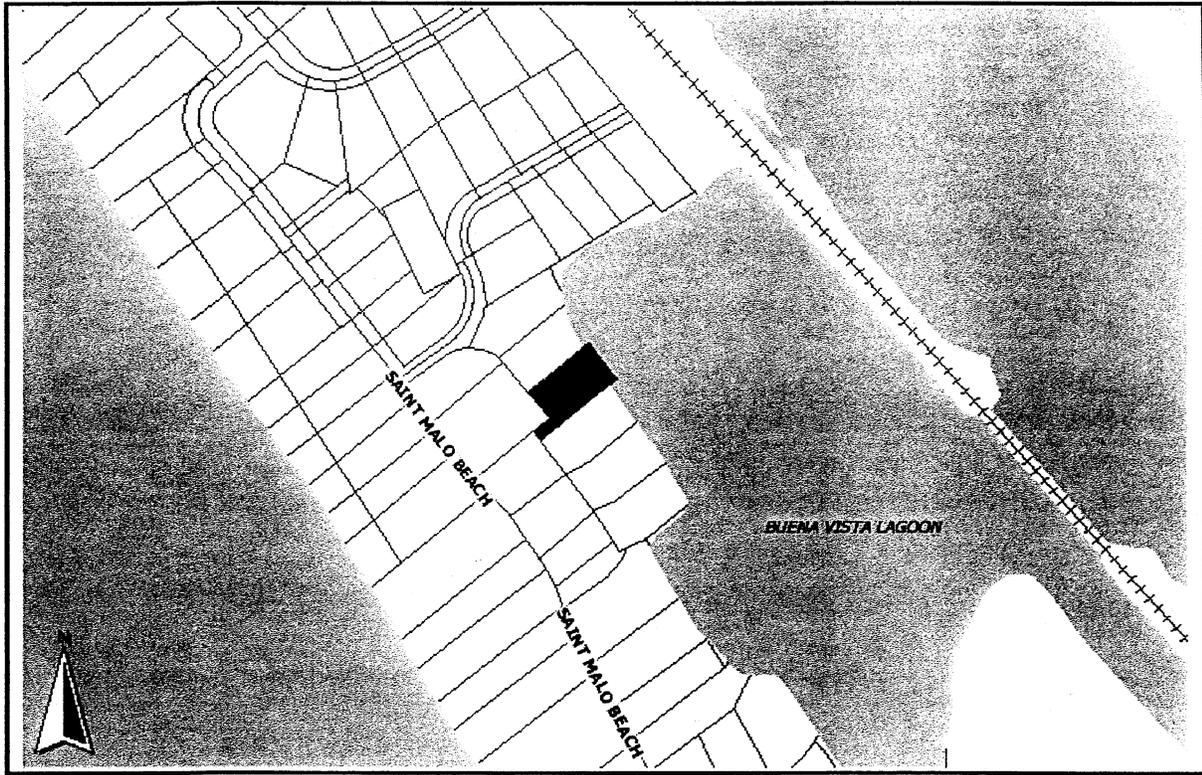
RECEIVED
JUL 27 2005
Planning Department

Dear Rick,

The St. Malo Beach Architectural Committee has approved your plans for the proposed residence of Mr. & Mrs. Thomas Jones at 74 St. Malo Beach, Oceanside, CA.

Sincerely,

Nancy Tenaglia
Mrs. Henry Tenaglia



File Number: RC-13-01

Applicant: Thomas Jones

Description: Consideration of a REGULAR COASTAL PERMIT (RC-13-01) for the construction of a single-family residence located at 74 Saint Malo Beach and situated 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 – Thomas Jones**

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: May 30, 2006

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

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 October 25, 2001. The application is described as follows:

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.

Said hearing will be held on June 11, 2007, at 7:00 p.m. in the Council Chamber of City Hall, 300 North Coast Hwy., Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at (760) 435-3520 after June 6, 2007, to be informed of the place on the agenda and the approximate time of hearing.

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

If you disagree with the decision of the Planning Commission concerning this project's conformance to the Local Coastal Plan, you may appeal the decision to the City Council. The appeal, accompanied by the appropriate fee must be filed in the City Clerk's Office, 300 North Coast Hwy., Oceanside, no later than 5:00 p.m. on June 21, 2007 (10 days from the adoption of the Planning Commission Resolution).

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

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

Application For Planning Commission Hearing

Planning Department (760) 966-4770
 Oceanside Civic Center
 300 North Coast Highway
 Oceanside, California 92054-2885

STAFF USE ONLY

ACCEPTED

10-25-01

BY

SMP

Please Print Or Type All Information

HEARING

Part I - APPLICANT INFORMATION

1. APPLICANT MR. AND MRS. THOMAS F. JONES		2. STATUS MARRIED		GPA	
MCLA064 911052098 1304 25 09/05/05 FORWARD TIME EXP RTN TO SEND MCLAUGHLIN ASSOCIATES ARCHITECTS 975 E GREEN ST STE 103 PASADENA CA 91106-2415		4. PHONE / FAX 626-796-5529 in during processing)		MASTER / SP.PLA	
		7. PHONE / FAX 626-756-9638 626-793-3781 (F)		ZONE CH.	
RETURN TO SENDER 				TENT. MAP	
				PAR. MAP	
				DEV. PL.	
				C.U.P.	
				VARIANCE	
				COASTAL	
				O.H.P.A.C.	

PART II - PROPERTY DESCRIPTION

8. LOCATION 74 ST. MALO		9. SIZE 8,012 SF	
10. GENERAL PLAN SPD		11. ZONING RS	
12. LAND USE SPD		13. ASSESSOR'S PARCEL NO. SEE LEGAL 105-102-31	

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION SINGLE FAMILY RESIDENCES 2 STORY 7 BEDROOMS		GROUND FLOOR 2688 SF	
		2ND FLOOR 2769 SF	
		TOTAL 5,457 SF	
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING RS	17. PROPOSED LAND USE SPD	18. NO. UNITS 1
19. DENSITY	20. BUILDING SIZE 5,457 SF	21. PARKING SPACES 5	22. % LANDSCAPE 17%
23. % LOT COVERAGE 73.5%			

PART IV - ATTACHMENTS

ALL APPLICATIONS

DEV. PLANS, CUP'S & TENT. MAPS

<input checked="" type="checkbox"/> 24. DESCRIPTION / JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input type="checkbox"/> 30. FLOOR PLANS & ELEVATIONS
<input checked="" type="checkbox"/> 26. 300 FT. RADIUS MAP	<input type="checkbox"/> 27. PROPERTY OWNERS' LIST	<input type="checkbox"/> 31. CONSTRUCTION SCHEDULE
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT	<input type="checkbox"/> 29. PLOT PLANS	<input type="checkbox"/> 32. OTHER

PART V - SIGNATURES

THE APPLICANT OR HIS /HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION

SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY.)

33. APPLICANT OR REPRESENTATIVE (Print): RICHARD H. MCLAUGHLIN	34. DATE 10-10-01	37. OWNER (Print): Thomas F Jones	38. DATE
Sign:		Sign:	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			
35. APPLICANT (Print):	36. DATE	39. OWNER (Print):	40. DATE
Sign:		Sign:	

City of Oceanside

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

Dated: 05.14.05

RECEIVED
MAY 25 2006
Planning Department

Part IV – Attachments

24. **Description and Justification:** The project is the construction of a single-family house in an existing neighborhood known 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 a 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.

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.

Richard H. McLaughlin, A.I.A.

EXHIBIT "A"

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS 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 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 $0^{\circ}04'30''$ WEST 417.05 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY; THENCE ALONG SAID LINE NORTH $41^{\circ}16'$ WEST 899.53 FEET; THENCE SOUTH $58^{\circ}34'39''$ 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. 95406, IN BOOK 6536, PAGE 543 OF OFFICIAL RECORDS; THENCE ALONG SAID PROLONGATION AND SAID NORTHEASTERLY LINE SOUTH $31^{\circ}25'21''$ EAST 132.50 FEET TO THE MOST EASTERLY CORNER OF SAID LAND; THENCE SOUTH $58^{\circ}34'39''$ WEST 49.34 FEET; THENCE SOUTH $39^{\circ}33'$ EAST, 129.97 FEET; THENCE SOUTH $50^{\circ}27'$ WEST 5 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH $39^{\circ}33'$ EAST, 70.00 FEET; THENCE SOUTH $50^{\circ}27'$ WEST, 136.00 FEET TO A POINT IN THE BOUNDARY LINE OF THE LAND DESCRIBED IN DEED TO NANCY KEITH TENAGLIA, RECORDED JULY 19, 1960 UNDER DOCUMENT NO. 144767 OF OFFICIAL RECORDS; THENCE ALONG THE BOUNDARY LINE OF SAID LAND NORTH $39^{\circ}33'$ WEST 19.76 FEET; THENCE NORTH $50^{\circ}27'$ EAST 30 FEET; THENCE NORTH $39^{\circ}33'$ WEST, 30.24 FEET TO A LINE WHICH BEARS SOUTH $50^{\circ}27'$ WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH $50^{\circ}27'$ EAST 106 FEET TO THE TRUE POINT OF BEGINNING.

RESERVING 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 LYING WITHIN PARCEL 2 HEREINAFTER DESCRIBED.

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 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 $0^{\circ}04'30''$ WEST 417.05 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY; THENCE ALONG SAID LINE NORTH $41^{\circ}16'$ WEST, 899.53 FEET; THENCE SOUTH $58^{\circ}34'39''$ 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. 95406, IN BOOK 6536, PAGE 543 OF OFFICIAL RECORDS; THENCE ALONG SAID PROLONGATION AND SAID NORTHEASTERLY LINE SOUTH $31^{\circ}25'21''$ EAST, 132.50 FEET TO THE MOST EASTERLY CORNER OF SAID LAND; THENCE SOUTH $58^{\circ}34'39''$ 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 53°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. 60329, 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 FEET 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 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 53°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. 60329 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 53°27' WEST 92.50 FEET; THENCE SOUTH 39°33' EAST 7.50 FEET; THENCE NORTH 53°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 NICHOLAS 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 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 9 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO 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 ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76°00'00" A DISTANCE OF 147.23 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 75.76 FEET MORE OR LESS TO A POINT IN THE LINE THAT IS RADIAL TO THE LAND DESCRIBED CURVE THROUGH THE POINT THEREINAFOVE DESIGNATED AS "THE END OF SAID CURVE"; THENCE SOUTHWESTERLY ALONG A CURVE CONCENTRIC WITH THE CURVE FORTHENAFOVE 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 39.31 FEET; THENCE WESTERLY ALONG THE ARC 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 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 COUNTY RECORDER OF SAN DIEGO COUNTY, WITH THE NORTH LINE OF SAID LOT 3; THENCE SOUTH $41^{\circ}16'$ EAST ALONG THE SOUTHWESTERLY PROLONGATION OF THE CENTER LINE OF PACIFIC STREET, 176.34 FEET; THENCE SOUTH $48^{\circ}44'$ WEST 30 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH $41^{\circ}16'$ WEST 40 FEET TO A POINT ON A CURVE WHOSE CENTER BEARS SOUTH $48^{\circ}44'$ WEST 20 FEET FROM SAID POINT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 31.42 FEET; THENCE TANGENT TO SAID CURVE SOUTH $48^{\circ}44'$ 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 $39^{\circ}33'$ 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 $27^{\circ}33'$ EAST, 304.18 FEET TO THE SOUTHERLY LINE OF SAID LOT 3; THENCE SOUTH $89^{\circ}55'33''$ EAST ALONG SAID SOUTHERLY LINE 45.15 FEET; THENCE NORTH $27^{\circ}33'$ 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 $39^{\circ}33'$ 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 $48^{\circ}44'$ EAST 79.02 FEET; THENCE NORTH $41^{\circ}16'$ 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 COUNTY RECORDER OF SAN DIEGO COUNTY WITH THE NORTH LINE OF SAID LOT 3; THENCE SOUTH $41^{\circ}16'$ EAST ALONG THE SOUTHEASTERLY PROLONGATION OF THE SAID CENTER LINE OF PACIFIC STREET, 176.34 FEET; THENCE SOUTH $48^{\circ}44'$ WEST 139.02 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 $39^{\circ}33'$ 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;

No. 2573

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 118.98 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 THEREOF, OVER, UNDER, ALONG AND ACROSS THAT PORTION OF LOT 3 IN SECTION 1, TOWNSHIP 12 SOUTH, RANGE 9 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO 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 41°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 J. FORVE, RECORDED SEPTEMBER 19, 1934 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. 30799 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 73.69 FEET THROUGH AN ANGLE OF 90°00'; THENCE TANGENT TO SAID CURVE NORTH 58°34'39" EAST 284.53 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 THEREFOR THAT PORTION, IF ANY, INCLUDED IN LAND DESCRIBED IN DEED TO ST. PAUL ASSOCIATION, INC., RECORDED MARCH 27, 1956, IN BOOK 6034, PAGE 430 OF OFFICIAL RECORDS.

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES DESCRIBED AS FOLLOWS:

975441

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N: 25732

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 ARCVE DESCRIBED, 54.24 FEET; THENCE SOUTH 53°27' WEST 81
FEET; THENCE SOUTH 39°33' EAST 20 FEET; THENCE NORTH 50°27' EAST 81 FEET
TO A TANGENT 30 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE EASTERLY
ALONG SAID CURVE TO A LINE WHICH BEARS SOUTH 22°36'40" WEST FROM THE
POINT OF BEGINNING; THENCE NORTH 22°36'43" EAST 20 FEET TO THE POINT OF
BEGINNING.

975441

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MT
No 25732



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-13-01 Jones Residence
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 project 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).

Jerry Hittleman, Acting City Planner

Date: June 11, 2007

cc: Project file Counter file Library Posting: County Clerk \$50.00 Admin. Fee