



DATE: July 11, 2011

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A REGULAR COASTAL PERMIT (RC10-00012) TO ALLOW AN 84 SQUARE-FOOT BATHROOM ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE AT 33 SAINT MALO BEACH – KELLER ADDITION – APPLICANT: DOLORES KELLER**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 1, Categorical Exemption per Section 15301 “Existing Facilities” of the California Environmental Quality Act; and
- (2) Approve Regular Coastal Permit (RC10-00012) by adopting Planning Commission Resolution No. 2011-P26 with findings and conditions of approval attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The subject property is situated within the Saint Malo community, a gated enclave of approximately 80 single-family homes designed in the French Normandy style, characterized by decorative half-timbering, steeply-pitched roofs, cone-shaped tower elements and prominent chimneys. Subdivided in 1929, the Saint Malo community lies at the mouth of Buena Vista Lagoon, adjacent to the City’s southern boundary. It is surrounded by water on three sides and maintains only one point of public street access, at the southern terminus of South Pacific Street. Situated among the residences are several tennis courts and a beach clubhouse.

Typically comprised of both one and two-story elements, the homes in Saint Malo maintain little to no front yard setback from the narrow private streets that wind through the community. Coupled with their traditional architecture, the proximity of the homes to the street lends the community a village-like ambience. In the absence of sizable front or rear yards, private open space on Saint Malo properties is commonly configured as a central or side yard courtyard.

In accordance with covenants, conditions and restrictions established by the Saint Malo Association, new construction and exterior improvements to existing development in the community are subject to review and approval by an architectural committee comprised of Saint Malo homeowners.

**Site Review:** The subject property bears a zoning designation of R-1 (Single-Family Residential) and a land use designation of Single-Family Detached Residential (SFD-R). The property is located within the Coastal Zone and the South Oceanside Neighborhood Planning Area. Like other Coastal Zone properties located outside of the Downtown Redevelopment Area, the site is subject to the land use and development standards of the 1986 Zoning Ordinance.

At nearly 22,000 square feet, the subject property is one of the largest in the Saint Malo community. A corner lot, the property maintains street frontage on three sides and abuts another residence and a vacant lot to the south. While most properties in Saint Malo are adjacent to either the ocean or Buena Vista Lagoon and thus fall within designated environmentally sensitive areas, the subject property lies within the interior of the community and has no direct access to either the ocean or the lagoon. Beyond the building pad, the property slopes steeply downward to its southwestern corner, where the abutting street is roughly 20 feet below the finished grade elevation of the residence.

The existing residence is single-story with steep (12/12) roof elements that reach a maximum height of roughly 19 feet – eight feet below the maximum allowable height for the surrounding zone. A turret element at the southeastern corner of the residence extends to a height of roughly 25 feet. The residence includes three bedrooms and two bathrooms within 2,300 square feet of enclosed habitable space. With a U-shaped layout, the residence features highly-articulated elevations and myriad shed and hipped roof elements. Consistent with other homes in Saint Malo, roofing materials include wood shingle with clay barrel tile on the ridgelines.

**Project Description:** Regular Coastal Permit (RC10-00012) involves the following proposed scope of work:

The applicant proposes the addition of an 84 square-foot bathroom on the south-facing elevation of the existing single-family residence. The proposed bathroom addition would extend six feet beyond the existing building line at a width of 14 feet. The proposed

addition would involve the extension of an existing roof element at a shallower pitch, with the existing 12/12 hipped roof element continued at a 4/12 slope. Exterior finish materials and colors would be consistent with those of the existing residence. New fenestration would match the casement style of existing windows.

The proposed addition would bring a corner of the residence to within nine feet of the side yard property line, consistent with the minimum required side yard setback of five feet. Mature landscaping along the side yard property line would substantially screen the proposed addition from the adjacent property to the south.

The proposed 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 for 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**

###### **Goal 1.23: Architecture**

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

**Policy A:** Architectural form, treatments, and materials shall serve to significantly improve on the visual image of the surrounding neighborhood.

Staff finds that the proposed addition is architecturally consistent with both the existing residence and the surrounding neighborhood, in that it largely adheres to the French Normandy architectural theme of the Saint Malo neighborhood.

In terms of bulk and scale, the proposed addition would maintain the single-story orientation of the existing residence and thereby avoid adverse massing impacts on adjacent properties. Being located along an interior side yard substantially removed from adjacent streets, the proposed addition would have minimal off-site visibility.

Goal 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 follow the goals and policies of the certified Local Coastal Plan when reviewing proposed development in the Coastal Zone.

The proposed project was reviewed by staff for compliance with the goals and policies of the Local Coastal Program Land Use Plan. Staff finds that the application complies with all applicable components of the Local Coastal Program, including development regulations and policies that call for compatibility with the existing character of the surrounding area.

**2. Zoning Compliance**

This project is located in the R-1 (Single-Family Residential) District and complies with the requirements of that zone. Table 1 summarizes proposed and applicable development standards for the project site:

**Table 1: Development Standards**

	STANDARD	EXISTING	PROPOSED
MIN. FRONT YARD	20'	20'	20'
MIN. SIDE YARD	5'	21' 5"	15' 5"
MIN. REAR YARD	15'	43'	37'
MAX. HEIGHT	35'	N/A	12' 4"

The proposed improvements would meet all development standards in terms of height, setbacks, and design as specified in the Oceanside Zoning Ordinance.

**DISCUSSION**

*Issue: Project Compatibility with the Existing Neighborhood and surrounding properties*

All improvements to the property will be consistent with, and compatible to, the existing residence and the adjoining homes in the surrounding homes.

*Recommendation:* Staff finds that the improvements to the property are consistent with the existing residence and would be consistent with the surrounding neighborhood. The 62-square foot addition would be constructed at a height of 16 feet, and would incorporate a design that is consistent with the existing residence.

**ENVIRONMENTAL DETERMINATION**

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the project is exempt under the provisions of the California Environmental Quality Act (CEQA) Class 1 15301 (e), Categorical Exemption "Existing Facilities"

**PUBLIC NOTIFICATION**

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius and occupants within a 100-foot radius of the subject property, individuals and or organizations requesting notification, the applicant, and other interested parties. As of July 6, 2011, no communication related to the proposal had been received.

**SUMMARY**

Regular Coastal Permit (RC10-00012) 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 proposal meets all applicable development standards for the zoning district in which it is situated. The project's architecture is compatible with the existing residence 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:

- Confirm issuance of Class 1, Categorical Exemption for Existing Facilities of the California Environmental Quality Act.
- Move to approve Regular Coastal Permit RC10-00012 and adopt Planning Commission Resolution No. 2011-P26 as attached.

PREPARED BY:



Russ Cunningham  
Senior Planner

SUBMITTED BY:



Jerry Hittleman  
City Planner

JH/RC/fil

Attachments:

1. Site Map
2. Planning Commission Resolution No. 2011-P26

DATE 10/28/10  
 REVISIONS  
 DRAWN BY

VARIOUS  
 CH

**CHRISTOPHER MEER DRAFTING**  
 3000 W. 10TH ST. SUITE 100  
 OAKLAND, CA 94612

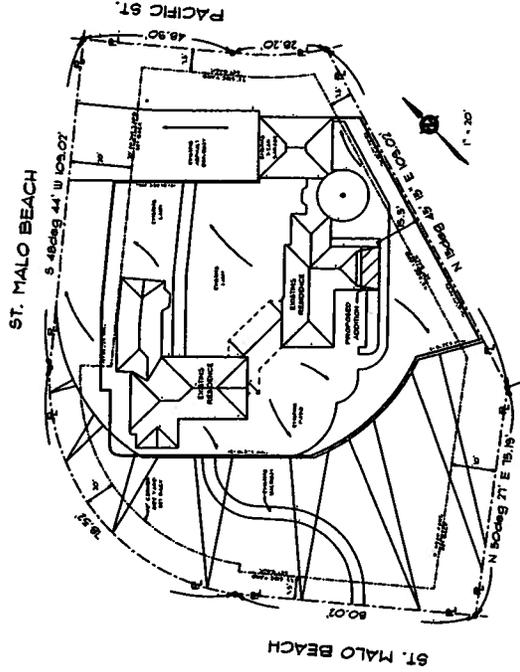
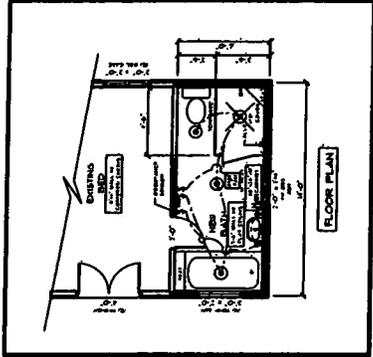
SCOPE OF WORK  
 ADD:  
 NEW BATH 7'4" x 6'6"  
 EXISTING 3'0" x 5'7"  
 APN NUMBER:  
 LEGAL:  
 PDR REC  
 10-50  
 CHANGING  
 WALLS  
 LORRA  
 33 ST. BAYVIEW  
 OAKLAND, CA

**KELLER RESIDENCE**

SHEET #  
 KELLER RESIDENCE

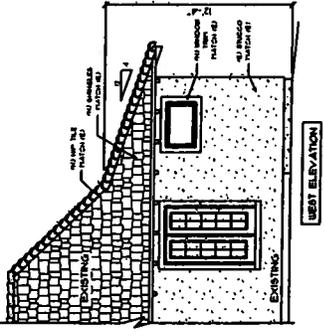
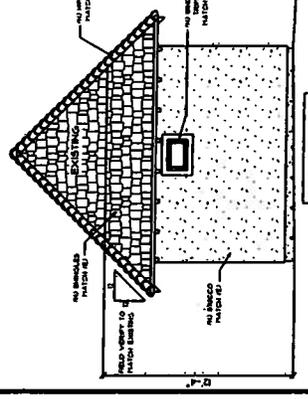
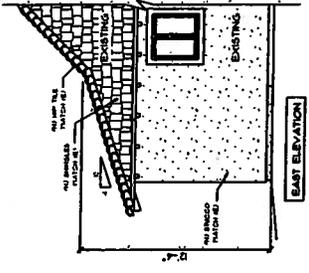
**NOTE:**  
 NO GRADING IS PROPOSED  
 FINISH GRADE SHALL FALL A MINIMUM OF 6" BELOW  
 THE FIRST 10 FT. (7% FOR IMPERVIOUS SURFACES)  
**NOTE:**  
 THIS PROJECT SHALL COMPLY WITH THE 2007 CALIFORNIA  
 BUILDING CODE WHICH ADOPTS THE 2006 IBC, 2006 UPC,  
 2006 UPC AND THE 2009 NEC.

ADD:  
 NEW BATH 3 - 84 SQ. FT.  
 EXISTING LIVING - 279 SQ. FT.



**SITE PLAN**

**VICINITY MAP**



1 PLANNING COMMISSION  
2 RESOLUTION NO. 2011-P26

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

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6 APPLICATION NO: RC10-00012  
7 APPLICANT: Dolores Keller  
8 LOCATION: 33 Saint Malo Beach

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms  
12 prescribed by the Commission requesting a Regular Coastal Permit (RC10-00012) under the  
13 provisions of the City of Oceanside Local Coastal Program to permit the following:

14 a 64-square foot bathroom addition to an existing single-family residence;  
15 on certain real property described in the project description;

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 11<sup>th</sup> day  
17 of July, 2011 conduct a duly advertised public hearing as prescribed by law to consider said  
18 application;

19 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
20 Guidelines thereto; this project has been found to be exempt per Article 19, Class 1 15301 (e)  
21 "Existing Facilities" categorical exemption from environmental review;

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

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

Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)

1	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$ .713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
2			
3			
4	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.47 per square foot non- residential for Oceanside (\$ .42 for Vista and Fallbrook) \$2.97 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
5			
6			
7			
8			
9	Thoroughfare Fee (For commercial and industrial please note the percent discount)	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)
10			
11			
12	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 09-OR 0093-1	Fee based on water meter size. Residential is typically \$4,597 per unit; Non- residential is \$36,775 for a 2” meter.
13			
14			
15			
16	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 09-OR 0092-1	Based on capacity or water meter size. Residential is typically \$6,313 per unit; Non-residential is \$50,501 for a 2” meter.
17			
18			
19			
20	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit; Non- residential is \$22,495 for a 2” meter.
21			
22			

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

27 WHEREAS, unless otherwise provided by this resolution, all impact fees shall be  
28 calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside  
29

1 City Code and the City expressly reserves the right to amend the fees and fee calculations  
2 consistent with applicable law;

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

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

9 WHEREAS, action on this resolution becomes final 10 days after its adoption, unless  
10 appealed to the City Council, and shall become effective after the 10-working-day appeal period to  
11 the Coastal Commission has expired; and

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

14 FINDINGS:

15 For the Regular Coastal Permit:

- 16 1. The proposed addition, as conditioned, is consistent with the land use policies of the  
17 Local Coastal Program as implemented through the Zoning Ordinance. Specifically, the  
18 project will not substantially alter or impact existing public views within the Coastal  
19 Zone; and the physical aspects of the project are consistent with existing development  
20 on neighboring sites.
- 21 2. The proposed remodel will not obstruct any existing, planned or required public beach  
22 access, in conformance with the policies of Chapter 3 of the Coastal Act.
- 23 3. The project will not result in the loss of any on-street public parking resources, as the  
24 addition will not trigger additional parking or take away from existing on-site parking.

25 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
26 approve Regular Coastal Permit (RC10-00012) subject to the following conditions:

27 Building:

- 28 1. Construction shall comply with the latest edition of the California Codes.
- 29 2. Construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday.

1 **Planning:**

- 2 3. This Regular Coastal Permit shall expire on July 11, 2013, unless implemented per the  
3 Zoning Ordinance or unless the Planning Commission grants a time extension
- 4 4. This Regular Coastal Permit, as conditioned, approves an 84-square foot bathroom addition  
5 to an existing single-family residence. No deviation from the approved plans and exhibits  
6 shall occur without Planning Division approval. Substantial deviations shall require a  
7 revision to the Regular Coastal Permit or a new Regular Coastal Permit.
- 8 5. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
9 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
10 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
11 annul an approval of the City, concerning Regular Coastal Permit (RC10-00012). The City  
12 will promptly notify the applicant of any such claim, action or proceeding against the  
13 City and will cooperate fully in the defense. If the City fails to promptly notify the  
14 applicant of any such claim action or proceeding or fails to cooperate fully in the  
15 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
16 harmless the City.
- 17 6. Prior to the issuance of building permits, compliance with the applicable provisions of the  
18 City's anti-graffiti ordinance (Ordinance No. 93-19/Section 20.25 of the City Code) shall be  
19 reviewed and approved by the Planning Division. These requirements, including the  
20 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be  
21 noted on the Architectural Site Plan and shall be recorded in the form of a covenant  
22 affecting the subject property. A covenant or other recordable document approved by the  
23 City Attorney shall be prepared by the applicant and recorded prior to the issuance of  
24 building permits. The covenant shall provide that the property is subject to this  
25 resolution, and shall generally list the conditions of approval.
- 26 7. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
27 written copy of the applications, staff report and resolutions for the project to the new  
28 owner and or operator. This notification's provision shall run with the life of the project  
29 and shall be recorded as a covenant on the property.
8. Failure to meet any conditions of approval for this development shall constitute a violation  
of the Regular Coastal Permit.

- 1 9. Unless expressly waived, all current zoning standards and City ordinances and policies  
2 in effect at the time building permits are issued are required to be met by this project.  
3 The approval of this project constitutes the applicant's agreement with all statements in  
4 the Description and Justification and other materials and information submitted with this  
5 application, unless specifically waived by an adopted condition of approval.
- 6 10. Elevations, siding materials, colors, roofing materials and floor plans shall be  
7 substantially the same as those approved by the Planning Commission. These shall be  
8 shown on plans submitted to the Building Division and Planning Division.
- 9 11. Prior to issuance of a building permit, the applicant and landowner, shall execute and  
10 record a covenant, in a form and content acceptable to the City Attorney, providing that  
11 the property is subject to this resolution and all conditions of approval.

PASSED AND ADOPTED Resolution No. 2011-P26 on July 11, 2011 by the following

12 vote, to wit:

13 AYES:

14 NAYS:

15 ABSENT:

16 ABSTAIN:

17 \_\_\_\_\_  
18 Robert Neal, Chairman  
19 Oceanside Planning Commission

20 ATTEST:

21 \_\_\_\_\_  
22 Jerry Hittleman, Secretary

23 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
24 this is a true and correct copy of Resolution No. 2011-P26.

25 Dated: July 11, 2011

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

28 \_\_\_\_\_  
29 Applicant/Representative

\_\_\_\_\_ Date

33 St. Malo



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

<b>STAFF USE ONLY</b>	
ACCEPTED	BY
11/2/10	SN.

Please Print or Type All Information

HEARING

**PART I - APPLICANT INFORMATION**

1. APPLICANT Dolores Kewer	2. STATUS OWNER
3. ADDRESS 33 St. Malo Beach	4. PHONE/FAX/E-mail 760 757-4456
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Chris Meier	
6. ADDRESS 2240 Monte Vista	7. PHONE/FAX/E-mail 760 419-0766

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL.
C.U.P.
VARIANCE
COASTAL PC10-00017
O.H.P.A.C.

**PART II - PROPERTY DESCRIPTION**

8. LOCATION 33 St. Malo Beach		
10. GENERAL PLAN R	11. ZONING R1	12. LAND USE (1) FAMILY RES

9. SIZE 2,378	13. ASSESSOR'S PARCEL NUMBER 155-101-60-00
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**PART III - PROJECT DESCRIPTION**

14. GENERAL PROJECT DESCRIPTION  
84 Bathrooms Addition

15. PROPOSED GENERAL PLAN /	16. PROPOSED ZONING /	17. PROPOSED LAND USE Residential	18. NO. UNITS 1	19. DENSITY /
20. BUILDING SIZE 84	21. PARKING SPACES /	22. % LANDSCAPE /	23. % LOT COVERAGE or FAR /	

**PART IV - ATTACHMENTS**

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

**PART V - SIGNATURES**

33. APPLICANT OR REPRESENTATIVE (Print): Chris Meier	34. DATE 11/2/10	SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).
Sign: <i>Chris Meier</i>		

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.	35. OWNER (Print) Dolores Kewer	36. DATE 11/2/10
	Sign: <i>Dolores Kewer</i>	

PROJECT NAME: KELVER ADDITION

DATE: 11/2/10

84 # BATH ROOM ADDITION. PROPOSED TO BE  
CONSTRUCTED ON SOUTH SIDE OF EXISTING  
SINGLE FAMILY DWELLING. EXTERIOR DESIGN TO  
BE SUBSTANTIALLY THE SAME AS EXISTING  
DESIGN ELEMENTS. USE NORMANDY DESIGN  
W/ STUCCO AND ~~WOOD~~ WOOD TRIM AT CORNERS AND  
WINDOWS AND DOOR OPENINGS. PROVIDE GRID  
PATTERN THAT IS CONSISTANT WITH THE EXIST.  
ING WINDOWS ON THE REST OF THE DWELLING.  
INTERIOR DESIGN TO COMPLEMENT THE EXIST-  
ING INTERIOR DESIGN ELEMENTS.

LEGAL DESCRIPTION  
Order No. 26623

Exhibit A

PARCEL 1:

THAT portion of Lot 3, in Section 1, Township 12 South, Range 5 West, San Bernardino Base and Meridian, in the City of Oceanside, County of San Diego, State of California, according to the United States Government Survey, described as follows:

COMMENCING at the intersection of the North line of said Section 1, with the Southeasterly prolongation of the center line of Pacific Street, as said Street is shown on OCEANFRONT ADDITION, according to the Map thereof No. 909, filed in the Office of the County Recorder of San Diego County, June 8, 1904; thence along the Southeasterly prolongation of the center line of said Pacific Street, South  $41^{\circ}16'00''$  East, 176.34 feet to the TRUE POINT OF BEGINNING; thence South  $48^{\circ}44'00''$  West, 109.02 feet to the beginning of a tangent 64.90 foot radius curve concave Easterly; thence Southerly along the arc of said curve through a central angle of  $88^{\circ}17'00''$ , a distance of 100.00 feet; thence tangent to said curve, South  $39^{\circ}33'00''$  East, 80.02 feet; thence North  $50^{\circ}27'00''$  East, 75.14 feet; thence North  $15^{\circ}45'15''$  East, 106.44 feet to a point on the arc of a 110.97 foot radius curve, concave Northeasterly, a radial line of said curve bears South  $15^{\circ}33'00''$  West to said point; thence North  $15^{\circ}33'00''$  East, 20.29 feet to a point on the arc of a 75.39 foot radius curve, concave Northeasterly, a radial line of said curve bears South  $27^{\circ}18'00''$  West to said point; thence Northwesterly along the arc of said curve through a central angle of  $21^{\circ}26'00''$  a distance of 28.20 feet; thence tangent to said curve North  $41^{\circ}16'00''$  West, 48.90 feet to the TRUE POINT OF BEGINNING.

PARCEL 2:

An easement and right of way for road and street purposes, and for erection, construction, maintenance and use of water lines, sewers, gas mains, conduits and/or lines for the transmission of water, sewage, gas, light, telephone, power and any other purpose whatever and for the necessary attachments, in connection therewith, over and across that portion of Lot 3, in Section 1, Township 12 South, Range 5 West, San Bernardino Base and Meridian, in the City of Oceanside, County of San Diego, State of California, according to the United States Government Survey, described as follows:

Continued

LEGAL DESCRIPTION CONTINUED

Order No. 26623

Page 2

Exhibit A

(Parcel 2, continued)

COMMENCING at the most Northerly corner of Parcel 1 hereinabove described; thence South  $48^{\circ}44'00''$  West, 30.00 feet to the TRUE POINT OF BEGINNING; thence North  $41^{\circ}16'00''$  West, 40.00 feet to the point of cusp with a tangent 20.00 foot radius curve, concave Westerly; thence Southerly along the arc of said curve through a central angle of  $90^{\circ}00'00''$ , a distance of 31.42 feet; thence tangent to said curve South  $48^{\circ}44'00''$  West, 59.02 feet to the beginning of a tangent 84.90 foot radius curve, concave Easterly; Southerly along the arc of said curve through a central angle of  $88^{\circ}17'00''$ , a distance of 130.81 feet; thence tangent to said curve South  $39^{\circ}33'00''$  East, 658.14 feet to the beginning of a tangent 932.92 foot radius curve, concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of  $12^{\circ}00'00''$ , a distance of 195.80 feet; thence tangent to said curve South  $27^{\circ}33'00''$  East, 394.18 feet to the Southerly line of said Lot 3; thence along said Southerly line, South  $89^{\circ}55'30''$  East, 45.15 feet; thence North  $27^{\circ}33'00''$  West, 415.11 feet to the beginning of a tangent 972.92 foot radius curve, concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of  $12^{\circ}00'00''$ , a distance of 204.19 feet; thence tangent to said curve North  $39^{\circ}33'00''$  West, 658.14 feet to the beginning of a tangent 44.90 foot radius curve, concave Easterly; thence Northerly along the arc of said curve through a central angle of  $88^{\circ}17'00''$  a distance of 69.18 feet; thence tangent to said curve North  $48^{\circ}44'00''$  East, 79.02 feet; thence North  $41^{\circ}16'00''$  West, 20.00 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT portion lying within Parcel 1 hereinabove described.

PARCEL 3:

An easement and right of way for road and street purposes and for erection, construction, maintenance and use of water lines, sewers, gas mains, conduits and/or lines for the transmission of water, sewage, gas, light, telephone, power and any other purposes whatever and for the necessary attachments, in connection therewith, over and across that portion of Lot 3, in Section 1, Township 12 South, Range 5 West, San Bernardino Base and Meridian, in the City of Oceanside, County of San Diego, State of California, according to the Units States Government Survey, described as follows:

Continued

LEGAL DESCRIPTION CONTINUED

Order No. 26623

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**Exhibit A**

(Parcel 3, continued)

BEGINNING at the intersection of the North line of said Section 1, with the Southeasterly prolongation of the center line of Pacific Street, as said Street is shown on OCEAN FRONT ADDITION, according to the Map thereof No. 909, filed in the Office of the County Recorder of San Diego County, June 8, 1904; thence along the North line of said Section 1, West, 39.91 feet; thence South  $41^{\circ}16'00''$  East, 229.16 feet to the beginning of a tangent 110.97 foot radius curve concave Easterly; thence Southerly along the arc of said curve through a central angle of  $76^{\circ}00'00''$ , a distance of 147.20 feet to the beginning of a compound 1444.90 foot radius curve; thence Easterly along the arc of said curve through a central angle of  $08^{\circ}00'00''$ , a distance of 201.74 feet; thence tangent to said curve North  $54^{\circ}44'00''$  East, 77.76 feet to the Southwesterly line of the 200.00 foot right of way of the Atchison, Topeka and Santa Fe Railway Company; thence along said Northwesterly line, North  $41^{\circ}16'00''$  West, 25.14 feet; thence South  $54^{\circ}44'00''$  West, 74.36 feet to the beginning of a tangent 1419.90 foot radius curve concave Northerly; thence Westerly along the arc of said curve through a central angle of  $08^{\circ}00'00''$  a distance of 198.26 feet to the beginning of a compound 39.81 foot radius curve; thence Northerly along the arc of said curve through a central angle of  $76^{\circ}00'00''$ , a distance of 52.81 feet; thence tangent to said curve North  $41^{\circ}16'00''$  West, 221.82 feet to the North line of said Section 1; thence along said North line, West 39.91 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM THAT portion lying within Parcel 1 hereinabove described.

bv  
5-27-80



## NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** Dolores Keller
2. **ADDRESS:** 33 St. Malo Beach, Oceanside CA. 92054
3. **PHONE NUMBER:** (760) 757-4456
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Russ Cunningham
6. **PROJECT TITLE:** RC10-00012 (Keller Addition)
7. **DESCRIPTION:** A Regular Coastal Permit to allow an 84-square foot addition to an existing single family residence located at 33 Saint Malo Beach. The project site has a zoning designation of R-1 (Single Family Residential) and is situated within the South Oceanside Neighborhood and the Coastal Zone.

**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 this review, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 1, for Existing Facilities, Section 15301 (e); or,
- "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 does not constitute a "project" as defined by CEQA (Section 15378).

A handwritten signature in black ink, appearing to read "Russ Cunningham".

Russ Cunningham, Senior Planner

Date: July 6, 2011