



DATE: April 7, 2014

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A VARIANCE (V13-00007) TO ALLOW TWO DRIVEWAYS ON A SINGLE-FAMILY PROPERTY LOCATED AT 1601 SOUTH NEVADA STREET, WITHIN THE SOUTH OCEANSIDE NEIGHBORHOOD PLANNING AREA – DRIVEWAY AT 1601 SOUTH NEVADA – APPLICANT: TRICIA VAN WAGNER**

**RECOMMENDATION**

Staff recommends that the Planning Commission, by motion:

- (1) Adopt Planning Commission Resolution No. 2014-P07, with findings attached herein, denying Variance (V13-00007)

**BACKGROUND**

On July 9, 2012, the Building Division issued permits to construct an 846-square-foot addition to an existing single-family residence located on a 7,200-square-foot corner lot at 1601 South Nevada Street. The approved project included the conversion of an existing single-vehicle garage to habitable space and the construction of a new two-vehicle garage. While the converted single-vehicle garage was accessed from a curb-cut and driveway on South Nevada Street, the new two-vehicle garage is accessed from a new curb-cut and driveway on Morse Street. Per Zoning Ordinance Section 3102 (Basic Requirements for Off-Street Parking and Loading), the new two-vehicle garage was required, given that the project involved the addition of more than 499 square feet of new habitable space.

The site plan included in the approved plan set calls for the removal of the existing curb-cut and driveway on South Nevada Street, consistent with Zoning Ordinance Section 3113 (Parking Access from Street), which establishes that “no more than one driveway shall be permitted for any residential lot or parcel unless otherwise approved by the Planning Commission or City Council.”

Subsequent to the implementation of the approved project, including the new curb-cut and driveway on Morse Street, the applicant expressed a desire to maintain the existing curb-cut and driveway on South Nevada Street. City staff informed the applicant that final building permits cannot be issued, nor securities for off-site improvements refunded, until the curb-cut and driveway are removed.

On December 19, 2013, the applicant submitted an application for a variance to maintain the curb-cut and driveway on South Nevada Street.

## **PROJECT SITE**

Situated within the South Oceanside Neighborhood Planning Area, the project site bears a General Plan land use designation of Single-Family Detached Residential (SFD-R) and a zoning designation of Single-Family Residential (RS). The project site is located at the southwest corner of South Nevada Street and Morse Street. The property is bounded by other single-family residential uses to the north, south, east, and west.

The project site is comparable in size and shape to other properties in the vicinity, measuring approximately 60 feet in width and 115 feet in length. There is roughly 12 feet of right-of-way between the front property line and the curb on South Nevada Street, and roughly 15 feet of right-of-way between the corner side yard property line and the curb on Morse Street. While no sidewalk currently exists along the property frontage on either South Nevada Street or Morse Street, the right-of-way behind the curb is intended to accommodate future sidewalk.

The project site is located approximately 850 feet from South Coast Highway, one-third of a mile from South Oceanside Elementary School, and a half-mile from both Marshall Street Park and Buccaneer Park.

## **PROJECT DESCRIPTION**

The applicant proposes to maintain the existing curb-cut and driveway on South Nevada Street that was to be removed in conjunction with the addition to the existing single-family residence. Maintaining more than one curb-cut and driveway on a single-family property is contrary to Zoning Ordinance Section 3113 (Parking Access from Street). Consequently, the proposed project requires issuance of a variance, which in turn requires a finding that special circumstances or conditions applicable to the project site have deprived the property of privileges enjoyed by other property in the vicinity.

The project is subject to the following City policies, regulations, and guidelines:

1. Zoning Ordinance
2. General Plan (Land Use, Circulation, and Recreational Trails Elements)
3. California Environmental Quality Act (CEQA)

## **ANALYSIS**

### **KEY PLANNING ISSUES**

#### **1. General Plan Conformance**

Staff finds the proposed project to be inconsistent with the goals and objectives of the City's General Plan, as follows:

##### **A. Land Use Element**

###### **Goal 1.2: Site Design**

**Objective:** To provide high-quality site design, all proposed land development project shall take advantage of natural or manmade environments to maximize energy conservation, natural air circulation, public safety, visual aesthetics, private and common open space, privacy, and land use compatibility.

###### **Policies:**

C. New development or land uses shall provide coordinated site design wherever possible with existing or proposed adjacent land uses to provide complimentary site design, unified circulation access, and joint use of ancillary facilities.

G. All developments shall design parking areas to maximize efficiency, safety, convenience, and open space.

It is Staff's position that the maintenance of the curb-cut and driveway on South Nevada Street reflects neither "coordinated" nor "complimentary" site design, given that said curb-cut and driveway no longer provide access to on-site parking resources. In Staff's view, the maintenance of the curb-cut and driveway on South Nevada Street serves only to discourage the use of the recently implemented garage. While removal of the curb-cut and driveway may or may not result in more efficient use of on-site parking resources, doing so would inevitably: 1) reduce potential conflicts between pedestrians and vehicles along the property frontage on South Nevada Street; and 2) improve the visual appeal of the property by allowing for more landscape area (both on the project site and within the adjacent right-of-way).

##### **B. Circulation Element/Pedestrian Master Plan**

**Goal 1 (Safety):** Develop and maintain a safe pedestrian network that is free of barriers and hazards; that has sufficient lighting, signs, signals, street crossings, and buffers from vehicular traffic in order to create a sense of security for the pedestrian. Utilize corrective measures through engineering, education, and enforcement.

**Objective:** Develop projects and programs to improve pedestrian safety around schools.

While the frontage of the project site does not currently include sidewalk, the City's long-term goal is to furnish sidewalk throughout the surrounding neighborhood, as evidenced by recent sidewalk installation along Cassidy Street and Stewart Street. These recent sidewalk improvements are part of a broader effort to create safe routes to schools.

As previously noted, the project site lies within 850 feet of South Oceanside Elementary School. To enhance safety for children walking to and from school, the City seeks to minimize curb cuts that extend into existing sidewalk and portions of the right-of-way where sidewalk is anticipated. It is Staff's position that future sidewalk within the 1600 Block of South Nevada Street will be safer and more inviting for schoolchildren and other pedestrians if the existing curb-cut and driveway are removed.

### C. Recreational Trails Element

Goal 8: An interconnected network of pedestrian facilities within the City, linking recreational and other destinations.

Objective: Continue to construct sidewalks on all streets as improvements occur. Sidewalks should be adequately maintained and kept clear of obstructions. Landscaped walking corridors should be encouraged in new development through use of meandering sidewalks, linear parks, greenbelts, and similar elements.

Removal of the curb-cut and driveway on South Nevada Street will not only help to minimize obstructions to pedestrian activity but also allow for more greenbelt between future sidewalk and the curb. The result will be a more attractive walking corridor that provides maximum separation between pedestrians and vehicles.

## 2. **Zoning Compliance**

### ***Driveway Standards***

Zoning Ordinance Section 3113 (Parking Access from Street) establishes that that "no more than one driveway shall be permitted for any residential lot or parcel unless otherwise approved by the Planning Commission or City Council." Planning Commission or City Council approval of more than one driveway on a residential property requires issuance of a variance, with said variance supported by findings outlined in Zoning Ordinance Section 4105(B).

### ***Required Findings***

In approving the variance, the review authority must find that: 1) the project site is subject to unique constraints that preclude the exercise of property rights enjoyed by other properties in the vicinity; 2) the proposed project will not result in detrimental or injurious impacts to public health, safety, or general welfare, or property or improvements in the immediate area; and 3) the variance does not constitute a special privilege inconsistent with limitations placed on other nearby properties.

The applicant contends that the home cannot be conveniently accessed from the garage. While this may be the case, this condition is a consequence of the plan the applicant proposed and implemented. Staff finds that the dimensions of the project site afforded ample opportunity for alternative designs that would have furnished more convenient access to the home from the garage. Moreover, the applicant could still improve access to the home from the garage through minor modifications to the home (e.g., installation of key or code-activated locks on doors that lead into the dining room and lie within 15 feet of the garage). Thus, Staff cannot make the required finding that conditions beyond the applicant's control create a hardship that is unique to the subject property.

As previously established, it is Staff's position that the maintenance of the curb-cut and driveway on South Nevada Street would adversely impact the safety and convenience of pedestrian activity and diminish the visual appeal of the subject property. Leaving the curb-cut and driveway in place would also adversely impact on-street parking resources. Consequently, Staff cannot make the required finding that the project would not be detrimental or injurious to public health, safety, or general welfare, or property or improvements in the immediate area.

### ***Second Driveways in the Vicinity***

The applicant indicates that roughly 30 percent of corner lots in the vicinity maintain two driveways. While Staff has not attempted to verify this claim, limited field research shows that four other properties abutting Morse Street currently have two driveways. All of these properties were developed before current policies and regulations regarding residential driveways were established. In two instances, it appears the two driveways were part of the original development of the property. In the other two cases, second driveways were implemented without required City permits. Research of permit records indicates that no second driveways have been approved in the vicinity of the project site since the institution of current policies and regulations regarding residential driveways. For this reason, Staff cannot make that finding that the granting of the variance would be consistent with limitations placed on other nearby properties.

### ***Policy Statement***

Appended to this staff report is a policy statement prepared in the early 1990s on the subject of residential driveways. This policy statement is meant to reinforce the provisions of Zoning Ordinance Section 3113 by establishing that "the purpose of a driveway is to provide access from the public street to an approved parking area of a lot." The statement further notes that "each driveway cut removes parking from the public street and creates a point of conflict with vehicles entering or backing into the street." Given that the curb-cut and driveway on South Nevada Street do not provide access to an approved parking area on the project site, Staff cannot justify allowing these features to remain within the public right-of-way.

**ENVIRONMENTAL DETERMINATION**

Should the Planning Commission concur with staff's recommendation, the proposed project is statutorily exempt pursuant to CEQA Guidelines Article 18, Section 15270 (Projects Which Are Disapproved). Should the Planning Commission approve the proposal, staff will prepare a resolution of approval that documents the appropriate CEQA review process.

**PUBLIC NOTIFICATION**

Legal notice was published in the North County Times and notices were sent to property owners of record and tenants within a 300-foot radius of the subject property.

**SUMMARY**

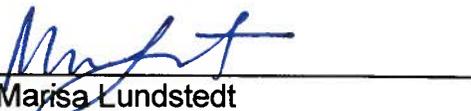
The proposed variance is not consistent with the policies of the General Plan or the requirements of the Zoning Ordinance. Maintenance of the curb-cut and driveway on South Nevada Street would be contrary to the City's efforts to improve pedestrian safety, protect on-street parking resources, and enhance residential streetscapes with ample landscape. Consequently, Staff recommends that the Planning Commission deny the project based on the findings contained in the attached resolution. Staff recommends that the Planning Commission:

- Move to deny Variance (V13-00007) by adopting Planning Commission Resolution No. 2014-P07.

PREPARED BY:

  
Russ Cunningham  
Senior Planner

SUBMITTED BY:

  
Marisa Lundstedt  
City Planner

ML/RC/fil

Attachments:

1. Plans
2. Planning Commission Resolution No. 2014-P07
3. Photographs
4. Driveway Location Policy

**RECEIVED**  
**DEC 19 2013**  
 CITY OF OCEANSIDE  
 DEVELOPMENT SERVICES

RES STRUCT  
 TONY HRANEK, P.E.  
 P.O. BOX 1363  
 SULLANA BEACH, CA 92075  
 THRANEK@AOL.COM  
 CA04428

**VAN WAGNER RESIDENCE**  
 1601 S NEVADA  
 CITY OF OCEANSIDE

REVISIONS	DATE



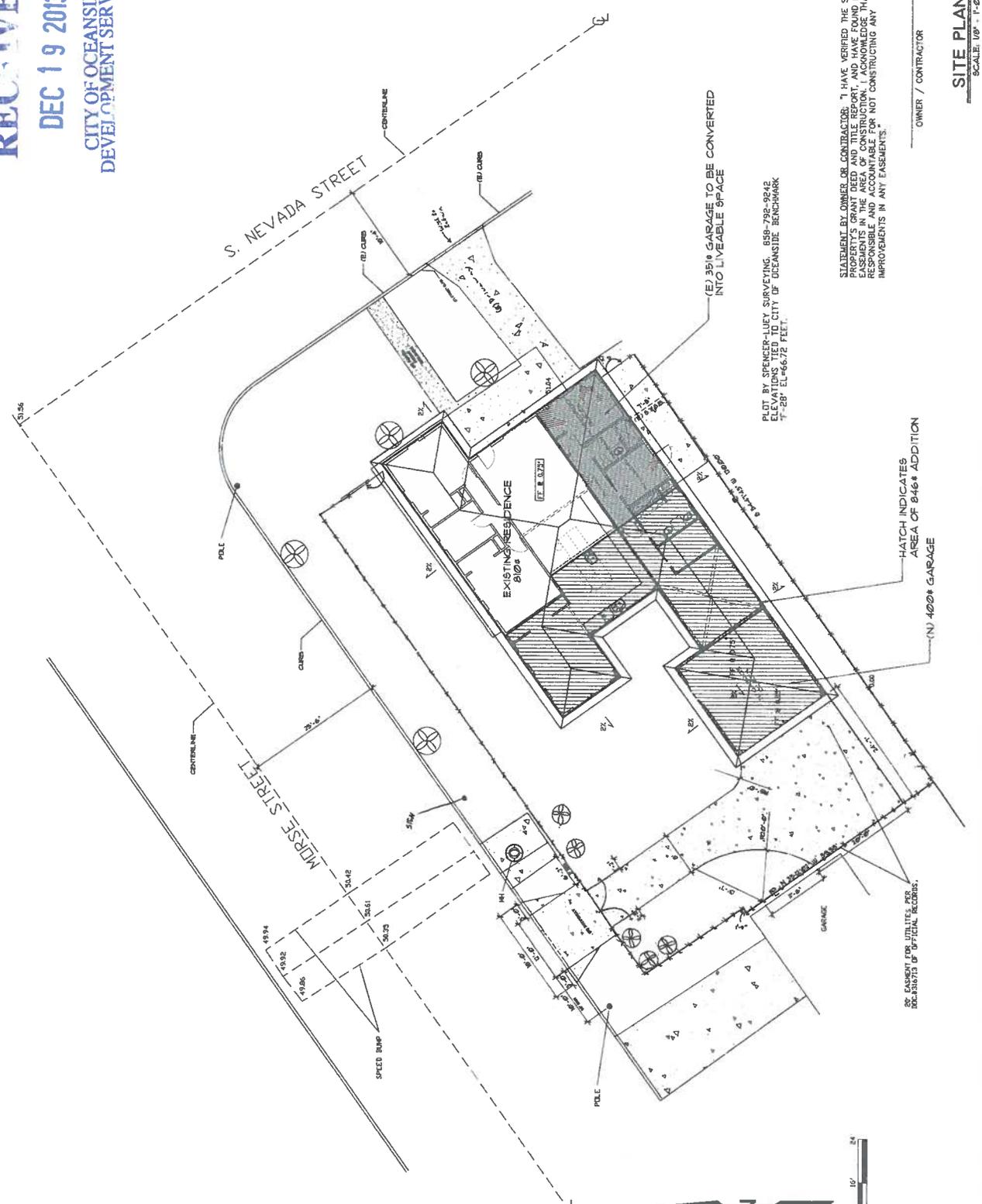
SHEET INFORMATION  
 DRAWN BY: A.J.H./A.L.V.  
 CHECKED BY:  
 DATE: 11/6/13

SHEET NUMBER

**A1.1**

SITE PLAN

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



STATEMENT BY OWNER OR CONTRACTOR: I HAVE VERIFIED THE SUBJECT PROPERTY'S GRANT DEED AND TITLE REPORT, AND HAVE FOUND NO EVIDENCE OF EASEMENTS OR ENCUMBRANCES THAT I AM RESPONSIBLE AND ACCOUNTABLE FOR NOT CONSTRUCTING ANY IMPROVEMENTS IN ANY EASEMENTS.

PLAT BY SPENCER LUY SURVEYING, 659-732-9242  
 ELEVATION TO CITY OF OCEANSIDE BENCHMARK  
 T-28' EL=6672 FEET

HATCH INDICATES AREA OF 846# ADDITION  
 (N) 400# GARAGE  
 (E) 35# GARAGE TO BE CONVERTED INTO LIVEABLE SPACE

OWNER / CONTRACTOR DATE

Tricia E VanWagner  
 1601 S Nevada St, Oceanside, CA 92054  
 doctorjeeves@hotmail.com  
 (760) 390-6647

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2014-P07

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

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6 APPLICATION NO: V13-00007

7 APPLICANT: Tricia Van Wagner

7 LOCATION: 1601 South Nevada Street

8 APN 153-131-21-00

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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 Variance under the provisions of the City of Oceanside  
13 Zoning Ordinance to permit two driveways on certain real property described in the project  
14 description.

15 WHEREAS, the Planning Commission, after giving the required notice, did on the 7th day  
16 of April, 2014, conduct a duly advertised public hearing as prescribed by law to consider said  
17 application;

18 WHEREAS, the documents or other material which constitute the record of proceedings  
19 upon which the decision is based will be maintained by the City of Oceanside Planning Division,  
20 300 North Coast Highway, Oceanside, California 92054.

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

22 FINDINGS:

23 For the proposed Variance (V13-00007) to allow two driveways on a single-family residential  
24 property:

- 25 1. Relative to other properties in the vicinity, there are no special circumstances extant at  
26 1601 South Nevada Street, in terms of the property's size, shape, topography, or location,  
27 that warrant deviation from zoning standards that limit single-family residential  
28

1 properties to one driveway. The applicant has other, code-compliant means of achieving  
2 the stated goal of convenient access from on-site parking facilities to the home.

3 2. The granting of the variance would be detrimental to the City's efforts to improve  
4 pedestrian safety, protect on-street parking resources, and enhance residential streetscapes  
5 with ample landscape.

6 3. The granting of the variance would constitute a special privilege inconsistent with the  
7 limitations on other properties in the vicinity and in the same zoning district. While a  
8 limited number of properties in the vicinity maintain two driveways, these second  
9 driveways were either implemented prior to current standards and policies regarding  
10 residential driveways or without the benefit of City approval.

11 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby deny  
12 Variance (V13-00007).

13 PASSED and ADOPTED Resolution No. 2014-P07 on April 7, 2014 by the following  
14 vote, to wit:

15 AYES:

16 NAYS:

17 ABSENT:

18 ABSTAIN:

19 \_\_\_\_\_  
20 Robert Neal, Chairperson  
21 Oceanside Planning Commission

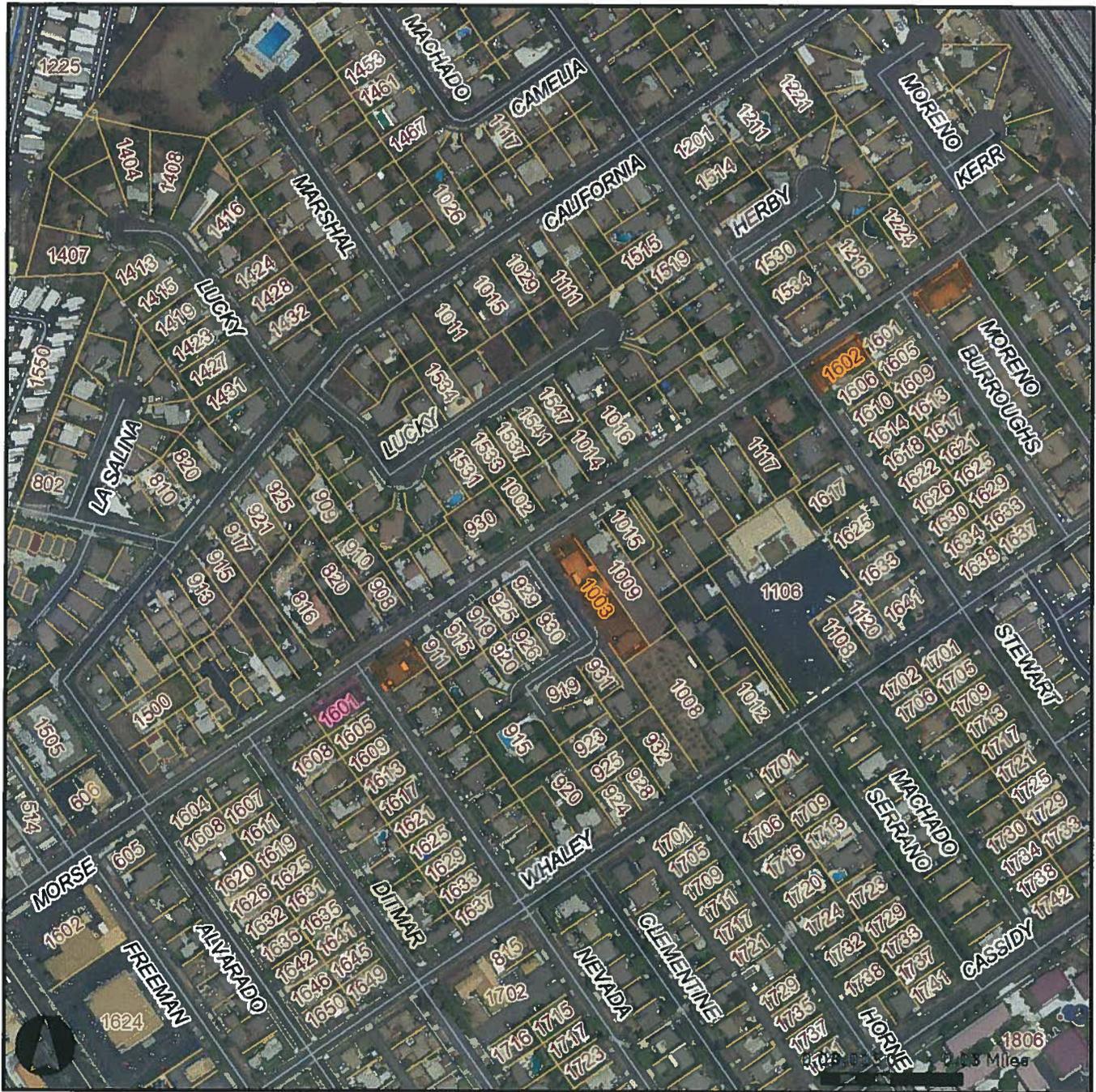
22 ATTEST:

23 \_\_\_\_\_  
24 Marisa Lundstedt, Secretary

25 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify that  
26 this is a true and correct copy of Resolution No. 2014-P07.

27 Dated: April 7, 2014  
28 \_\_\_\_\_

# City of Oceanside



## City of Oceanside

- This map prepared solely for illustration purpose and is not to be relied upon for engineering drawings.
- Some information may not be accurate.

Sources: Orthophoto July 2009 DMI Inc.

### City Base Map

Orthophotography by Aerometric for USGS, NGTOC III, ROLLA MO, SAN DIEGO CA

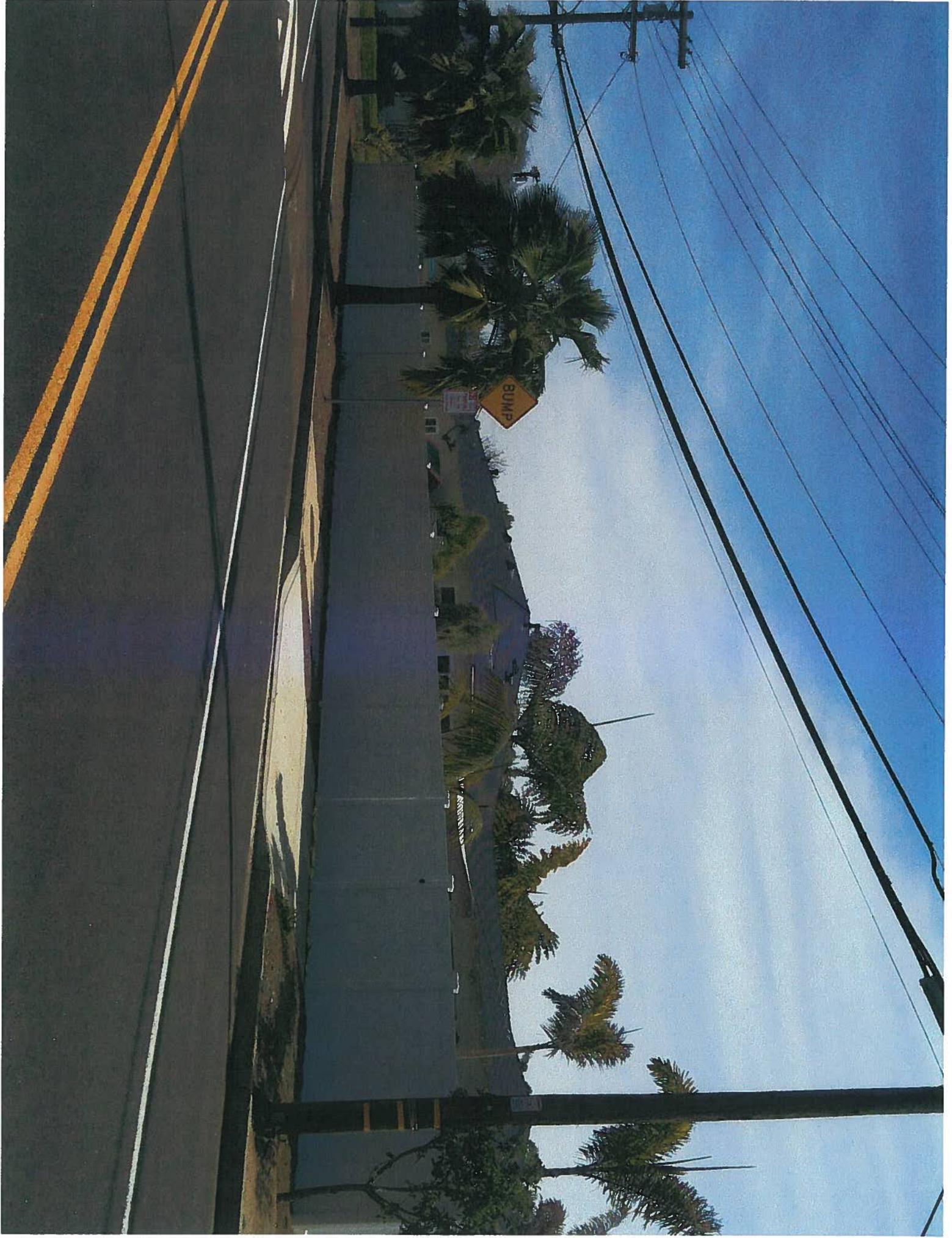


Subject Property



Other Properties with Two Driveways





CITY OF OCEANSIDE  
DRIVEWAY LOCATION POLICY  
FOR RESIDENTIAL AREAS

Standard design for residential areas allow one driveway cut per residential lot. This is consistent with the City of Oceanside's development guidelines and policies. The purpose of a driveway is to provide access from the public street to an approved parking area of a lot (usually a garage or carport). Each driveway cut removes parking from the public street and creates a point of conflict with vehicles entering or backing into the street.

Additional driveway cuts are not allowed for the following uses:

1. Recreational Vehicle Parking access.
2. To allow parking in the front yard area of a lot.
3. If a lot has alley access, no other driveway is allowed.

If there are special conditions, i.e. slope areas or traffic safety concerns, please contact Paul Pace in the Engineering Department for further information at ~~966-4735~~.

435-5078



**Application for Discretionary Permit**

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

**STAFF USE ONLY**

ACCEPTED

**RECEIVED**

DEC 19 2013

**CITY OF OCEANSIDE  
DEVELOPMENT SERVICES**

BY

RC/  
TM

**Please Print or Type All Information**

HEARING

**PART I - APPLICANT INFORMATION**

GPA

**1. APPLICANT**

Tricia E. VanWagner

**2. STATUS**

owner

MASTER/SP.PLAN

ZONE CH.

**3. ADDRESS**

1601 South Nevada Street

**4. PHONE/FAX/E-mail**

760-390-6647  
doctorjeeves@hotmail.com

TENT. MAP

PAR. MAP

**5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)**

Tricia E. VanWagner

DEV. PL.

C.U.P.

**6. ADDRESS**

1601 S. Nevada St  
Oceanside, CA 92054

**7. PHONE/FAX/E-mail**

760-390-6647

VARIANCE

V13-00007

COASTAL

**PART II - PROPERTY DESCRIPTION**

O.H.P.A.C.

**8. LOCATION** Lot "A" in Block 42 of S. Oceanside Map # 301  
1601 South Nevada Street SW corner Nevada/Morse

**9. SIZE**

**10. GENERAL PLAN**

Single-Family

**11. ZONING**

RS

**12. LAND USE**

**13. ASSESSOR'S PARCEL NUMBER**

153-131-2100

**14. LATITUDE**

33° 10' 47" N

**15. LONGITUDE**

117° 21' 44" W

**PART III - PROJECT DESCRIPTION**

**16. GENERAL PROJECT DESCRIPTION** Variance to retain existing Driveway in permit # BLDG12-0678

**17. PROPOSED GENERAL PLAN**

NA

**18. PROPOSED ZONING**

NA

**19. PROPOSED LAND USE**

NA

**20. NO. UNITS**

NA

**21. DENSITY**

NA

**22. BUILDING SIZE**

NA

**23. PARKING SPACES**

NA

**24. % LANDSCAPE**

NA

**25. % LOT COVERAGE or FAR**

NA

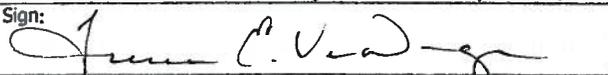
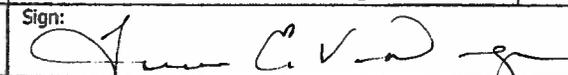
**PART IV - ATTACHMENTS**

TVW	26. DESCRIPTION/JUSTIFICATION	TVW	27. LEGAL DESCRIPTION	TVW	28. TITLE REPORT
TVW	29. NOTIFICATION MAP & LABELS	TVW	30. ENVIRONMENTAL INFO FORM	TVW	31. PLOT PLANS
NA	32. FLOOR PLANS AND ELEVATIONS	NA	33. CERTIFICATION OF POSTING	NA	34. OTHER (See attachment for required reports)

**PART V - SIGNATURES**

SIGNATURES FROM 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).

35. APPLICANT OR REPRESENTATIVE (Print): Tricia E VanWagner	36. DATE 18 Dec, 2013	37. OWNER (Print): Tricia E VanWagner	38. DATE 18 Dec, 2013
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Sign:  Sign: 

- I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.
- I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.

I purchased the 810 sq ft, 2 bedroom 1 bath bungalow on 1601 S. Nevada St. in 2004 because I loved the location as well as the large corner lot with room for expansion. As active duty Navy, I was forced to move and deploy, limiting the need or the ability for expansion. With orders to Camp Pendleton for September 2012 and an expanding family, we initiated our expansion project from the East Coast with the help of a designer, architect, surveyor and a contractor in an effort to have the project completed before our move.

Before moving to the East Coast we saw the expansion of shoulders on Morse Street and the addition of speed humps to slow increasing traffic. Because Morse is the busier of the two streets our house is located on, we originally intended to retain the original driveway off Nevada Street and use the front door for primary entry and exit. In fact, in our design and construction we have no keyed doors in the back of the house as a product of our thinking that we could retain the original drive. Being remote during the permitting process, we worked with our contractor and architect to get building design plans pushed through for permitting and did not know that the City mandated removal of the existing driveway on Nevada St until the actual construction phase of the project was near completion.

City of Oceanside Code 31 for Off Street Parking requires a two car garage with the addition of over 499 sq ft. Although we really did not want a two car garage or a garage in the back yard, we assumed that the 7200 sq ft corner lot would provide ample opportunity for us to meet the requirement. Unfortunately, a number of obstacles severely limited our expansion options. In 1980, the City of Oceanside reserved the western-most 20 feet of our property as a utility easement, prohibiting construction in the area. A large utility vault between the property and Morse St. limited placement of the driveway. In addition, a large speed hump and telephone pole essentially mandated that the 2 car garage be attached to the southwest corner of the house, facing west, with driveway bisecting the backyard.

Upon relocation to Oceanside and realization of the full scope of the permitted plans, I approached the City requesting permission to retain the original drive but was told that section 3113 of City Code Article 31 states that there are to be no more than 1 driveway per residential household. With the new 2 car garage already in place the new driveway not yet completed, I tried to explore other options with the City such as not cutting the curb or not completing the driveway in the backyard. I was told that there was no flexibility after a project is permitted and that we must complete the new driveway and remove the existing driveway in order to receive final permit. Permit # DRWY12-0003 and ROWP13-0198 were applied for and curb with drive to Morse were completed.

However a survey of homes in the neighborhood (North side of Morse to South side of Kelly St with East side of Alvarado to I-5) found that there are 17 out of 57 similarly situated corner lots that have 2 driveways or 2 access points across the right of way. This is 30% of similar properties. Section 3113 of the Code continues to state that if a home has alley access, this is to be the sole access point for parking. A survey of the same geographic neighborhood shows that 75 properties either have dual frontage/corner lots with 2 access points or dual access from both the residential street and the alley. Again, a significant number of homes that contradict said code. Two examples of these discrepancies are 1) the house directly across the street to the East from 1601 Nevada St. It is also a corner lot with

a drive on Nevada Street and a garage with drive on Morse St. This is identical to what the owner of 1601 Nevada street requests in the variance application. 2) I was even more frustrated to discover a home further south on Nevada St. under permitted construction allowed to retain their 2 driveways. I brought all of this to the City and was told that the only way to retain our front drive would be to apply for a costly variance.

The intent of the variance to permit # BLDG12-0678 is to retain the original, pre-expansion driveway on the SE side of 1601 S. Nevada St. In summary, we chose to expand our home in South Oceanside because we valued the location and felt that we would have ample opportunity with such a large corner lot. However, a number of obstacles mandated placement of the new garage and driveway. We always intended to maintain the original driveway and did not realize that removal was a requirement during the permitting process. Now, for safety reasons, we hope to retain our front driveway.

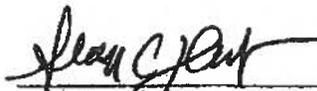
**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL "A"**

THAT PORTION OF THE VACATED ALLEY IN BLOCK 42 OF SOUTH OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL MAP THEREOF NO. 301, FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER ON SEPTEMBER 14, 1887, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT "K" IN BLOCK 42 OF MAP NO. 301, THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT "K", NORTH 35°12'13" WEST, 21.74 FEET (NORTH 35°12'13" WEST PER R.O.S. NO. 21271, RECORDED ON JULY 3, 2012) TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID NORTHEASTERLY LINE OF LOT "K", NORTH 54°49'00" EAST, 1.62 FEET; THENCE NORTH 35°11'00" WEST, 38.24 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF MORSE STREET; THENCE ALONG SAID SOUTHEASTERLY LINE, SOUTH 54°47'40" WEST, 1.64 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT "K"; THENCE ALONG SAID NORTHEASTERLY LINE OF LOT "K", SOUTH 35°12'13" EAST, 38.24 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 62 SQUARE FEET MORE OR LESS.

 5-2-13  
SEAN C. ENGLERT, P.L.S. 7959      DATE  
COASTAL LAND SOLUTIONS, INC





## NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** Tricia Van Wagner
2. **ADDRESS:** 1601 South Nevada Street Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 390-6647
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Russ Cunningham
6. **PROJECT TITLE:** Driveway @ 1601 South Nevada (V13-00007)
7. **DESCRIPTION:** Request for a Variance to allow a second driveway on a single-family residential property located at 1601 South Nevada Street.

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

- The project is categorically exempt, Class \_\_, (Title), (Section); 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, per Article 18, Section 15270 (Projects Which Are Disapproved); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

---

Russ Cunningham, Senior Planner

Date: March 28, 2014

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