



DATE: November 13, 2006

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A VARIANCE (V-17-05) FOR THE CONSTRUCTION OF A BLOCK WALL FENCE WITH A 10-FOOT CASTLE-LIKE TOWER AND IRON-GATE ON PROPERTY LOCATED AT 1569 CAMINO CORTO – REGOTTI RESIDENCE – APPLICANT: STACEY AND ALAN REGOTTI**

**RECOMMENDATION**

Staff recommends that the Planning Commission deny the Variance (V-17-05) and adopt Planning Commission Resolution No. 2006-P66 as attached.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The subject lot is Lot 7 of the Shirley Hills Estates (Map 8997) and is situated within the Agricultural District (A) of the Morro Hills Neighborhood.

During May of 1993, the Regotti's applied for ADP-5-93 to construct a single-family residence on a 3.12-acre lot located at 1569 Camino Corto. Oceanside building permits were applied for in 1994 (permit number 102464). Subsequently, in June of 1994 the Regotti's applied for an Oceanside Building Permit (number 103881) to construct a 125-foot long by 3-foot tall retaining wall at the same location.

During November 2005, the Regotti's applied for a Variance (V-17-05) from the height requirements for a fence in the front yard and for the location of a driveway gate.

**Project Description:** The application is to construct a 6-foot tall front yard fence with one 10-foot tall tower structurally incorporated into the fence. (As currently designed the tower is defined as a part of the proposed fence) The proposed fence is a CMU wall with a stucco finish. The 10-foot high, 6-foot diameter (approximate) castle-like tower will be a structural part of the proposed fence and is intended as a play house for the Regotti's children. An iron gate is proposed to be located 20 feet from the front property line and across the driveway. The gate is proposed to be motorized.

The required front yard in the A District is 40 feet (measured from the front property line). The maximum height of a fence or wall, including a retaining wall, is limited to 6 feet and decorative fences and walls are allowed in the front yard setback area upon meeting visibility standards and the approval of the Planning Director (Section 1430.2).

Entry gates shall have a minimum front yard setback of 25 feet. Decorative entry gates which exceed the height of 6 feet requires a building permit and the approval of the Traffic Engineer and the Fire Department to insure adequate accessibility for emergency vehicles and to meet visibility standards. The specific purposes of Section 3040 *Fences and Walls* are the following: (1) maintain consistent development standards for the entire City while preserving a quality streetscape; (2) allow adequate means to secure property when appropriate and based on a demonstrated need; (3) provide screening requirements to mitigate impacts to adjoining properties; and (4) provide development standards along street right-of-ways requiring minimum sight requirements to preserve the public safety and general welfare.

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

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

## **ANALYSIS**

### **KEY PLANNING ISSUES**

1. Is the Variance request supported by the following required findings as specified under Section 4105(B) of the Zoning Ordinance?
  - a) The size, shape, topography, location, and surroundings of the lot are typical for the surrounding area. There are opportunities for alternative designs to be proposed that would be consistent with the zoning ordinance purposes for fences, towers, and gates.
  - b) The granting of the application would be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare. For example, the fence is not decorative, the tower height is substantial, and the gate is in close proximity to the public right-of-way.
  - c) That granting the application is not consistent with the purposes of this ordinance and will constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district. The plainness of the fence, the height of the tower, and the location of the gate can be addressed by alternative site designs that comply with the purposes of this ordinance.

**DISCUSSION**

Staff finds that minor design modifications to the proposed would allow the fence, tower, and gate to comply with current zoning regulations. For example, there is adequate distance for the gate to be setback 5 feet additional from the front property line (a total of 25 feet from the front property line). The proposed fence height of 6 feet, when constructed of decorative material and meeting visibility standards, maybe located within the front yard setback with the approval of the City Planner. The towers -- intended for children play activities -- could be relocated outside of the required 40-foot front yard or the towers could be reduced to a maximum height of 6-feet. Since alternative design options are available and they comply with local zoning regulations, staff cannot find that this application identifies practical difficulties or unnecessary physical hardships for which a variance would be appropriate.

**ENVIRONMENTAL DETERMINATION**

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Article 19 *Categorical Exemptions* wherein Section 15303(e) new construction of accessory structures including garages, carports, patios, swimming pools, and fences are categorically exempt from CEQA.

**SUMMARY**

Staff believes that the design and location of the fence, tower, and iron-gate will create an undesirable appearance and alternative designs would suitably locate the fence, tower, and gate in a manner that meets zoning regulations for front yards. Therefore, staff recommends denial of the project. The Planning Commission action should be:

- Move to deny Variance (V-17-05) and adopt Planning Commission Resolution No. 2006-P66 as attached.

PREPARED BY:

  
 Juliana von Hacht  
 Associate Planner

JH/JH/fil

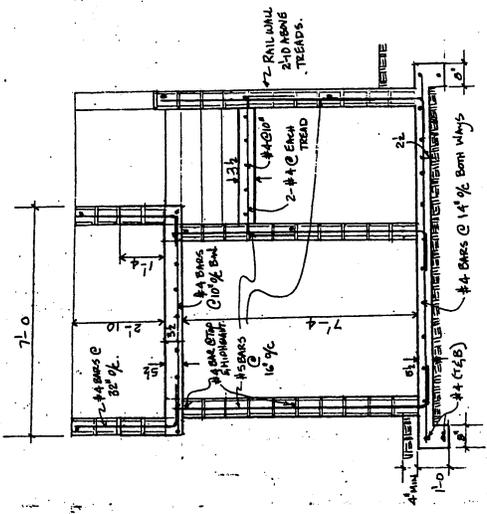
SUBMITTED BY:

  
 Jerry Hittleman  
 Acting City Planner

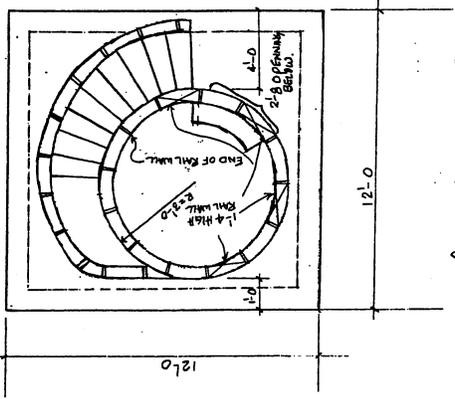
Attachments:

1. Site Plan/Exhibits
2. Planning Commission Resolution No. 2006-P66

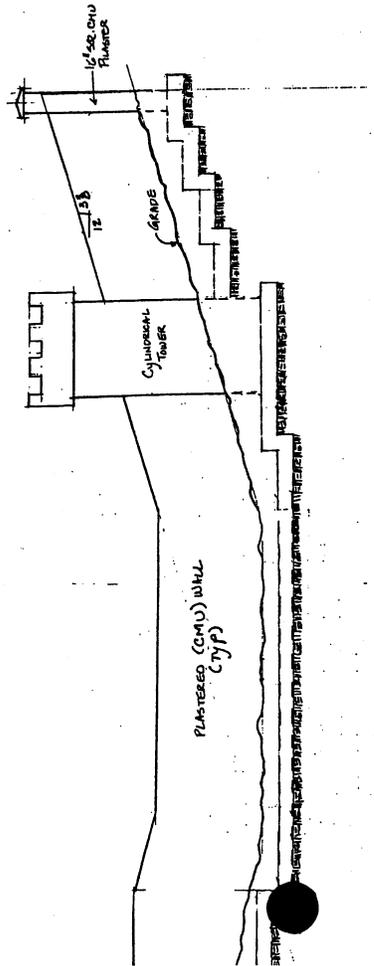




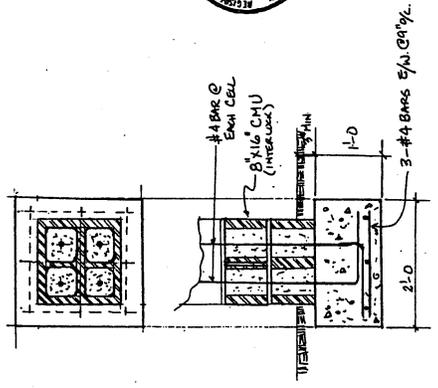
CYLINDRICAL TOWER SECTION



CYLINDRICAL TOWER PLAN



ELEVATION "A"



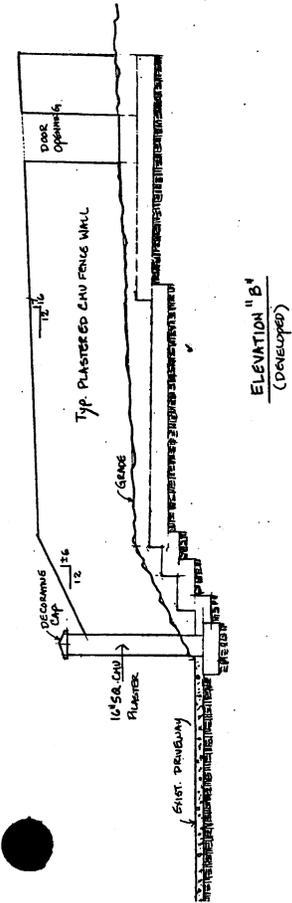
TYPICAL CMU PILASTER DETAIL

NO.	DATE	REVISIONS	DESCRIPTION
1			
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5			

M.E. ENGINEERING  
 1381 N. 3RD AVE. UPLAND, CA. 91786  
 TEL: (909) 924-1111  
 FAX: (909) 924-1813  
 E-MAIL: MENGINEERING@GMAIL.COM

PROJECT: THE J. MRS. REGAN M. RESIDENCE  
 DECORATIVE ESTIMABLE FENCE WALL  
 1519 CALHOUN COURT  
 FAHLESDALE, CA.

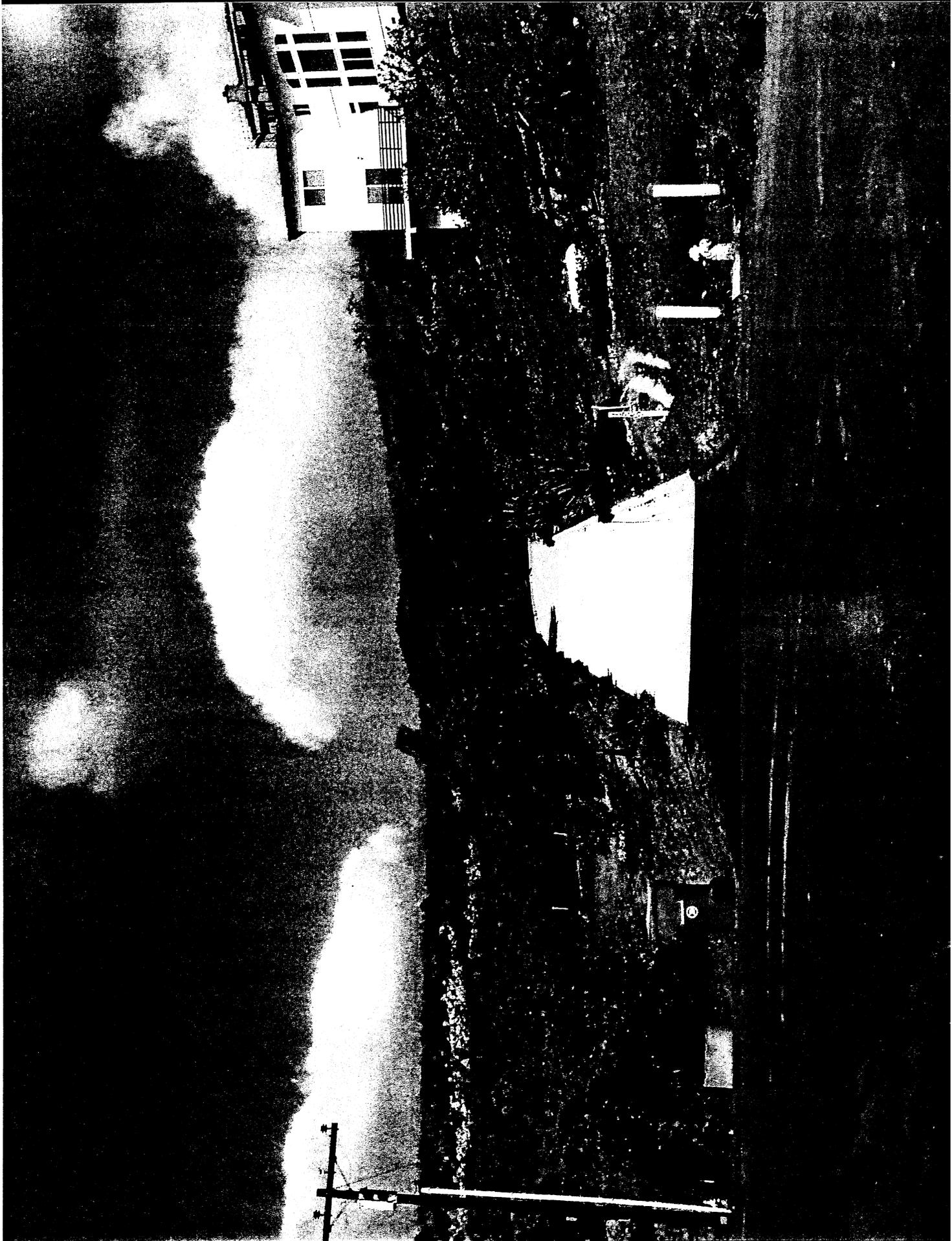
DRAWN BY: MRS. REGAN M. RESIDENCE  
 CHECKED BY: MRS. REGAN M. RESIDENCE  
 DATE: 11/11/11  
 SHEET NO. 3  
 OF 3



ELEVATION "B"  
(Developed)







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PLANNING COMMISSION  
RESOLUTION NO. 2006-P66

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

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APPLICATION NO: V-17-05  
APPLICANT: Stacey and Alan Regotti  
LOCATION: 1569 Camino Corto

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Variance under the provisions of Articles 14 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

a 6-foot tall fence with a 10-foot tall tower constructed within the required front yard and a driveway gate located 20-feet from the front property line;

on certain real property described in the property description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 13<sup>th</sup> day of November 13, 2006 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section 15301;

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

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

FINDINGS:

For the Variance:

1. The size, shape, topography, location, and surroundings of the lot are typical for the surrounding area. There are opportunities for alternative designs to be proposed that would be consistent with the zoning ordinance purposes for fences, towers, and gates.

1 2. The granting of the application would be detrimental or injurious to property or  
2 improvements in the vicinity of the development site, or to the public health, safety or  
3 general welfare. For example, the fence is not decorative, the tower height is substantial,  
4 and the gate is in close proximity to the public right-of-way.

5 3. That granting the application is not consistent with the purposes of this ordinance and  
6 will constitute a grant of special privilege inconsistent with limitations on other  
7 properties in the vicinity and in the same zoning district. The plainness of the fence, the  
8 height of the tower, and the location of the gate can be addressed by alternative site  
9 designs that comply with the purposes of this ordinance.

10 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby deny  
11 Variance (V-17-05).

12 PASSED AND ADOPTED Resolution No. 2006-P66 on November 13, 2006 by the  
13 following vote, to wit:

14 AYES:

15 NAYS:

16 ABSENT:

17 ABSTAIN:

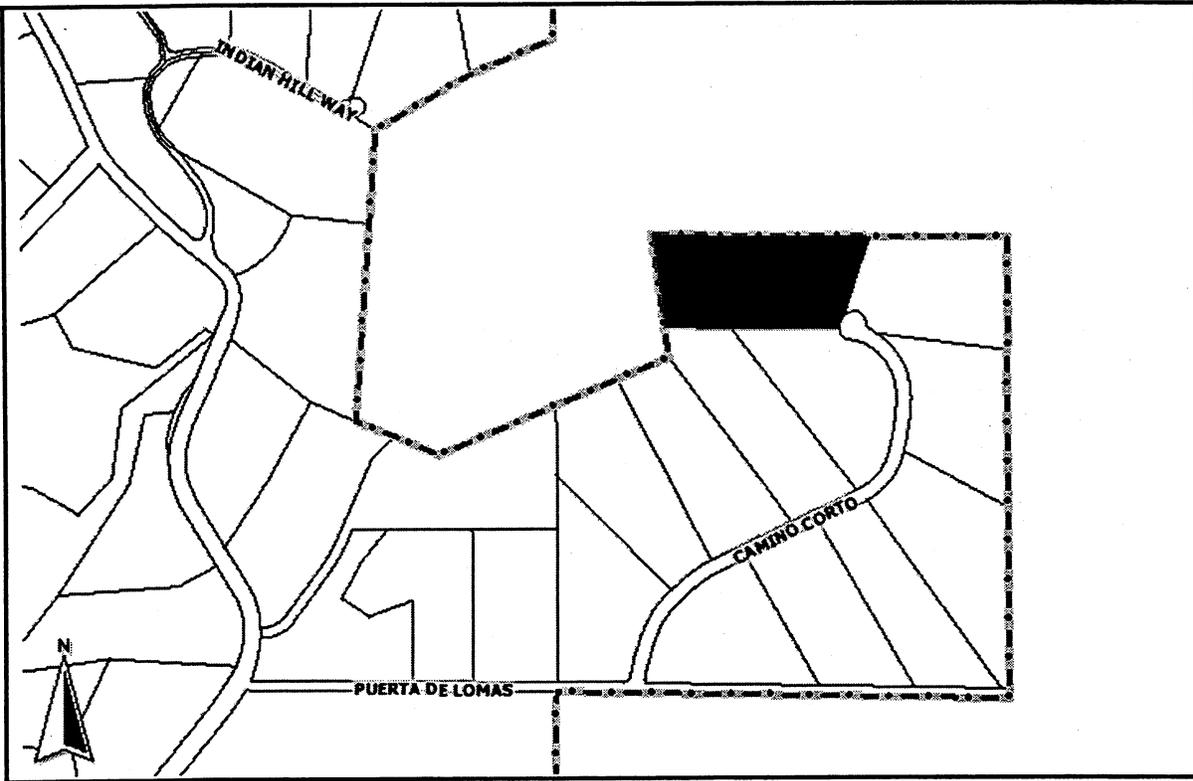
18  
19 \_\_\_\_\_  
20 Dennis Martinek, Chairman  
21 Oceanside Planning Commission

22 ATTEST:

23 \_\_\_\_\_  
24 Jerry Hittleman, Secretary

25 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
26 this is a true and correct copy of Resolution No. 2006-P66.

27 Dated: \_\_\_\_\_ November 13, 2006  
28  
29



**File Number:** V-17-05

**Applicant:** Stacey & Alan Regotti

**Description:**

VARIANCE (V-17-05) for the construction of a 6-foot block wall fence with a 10-foot, castle-like tower and an iron-gate located at 1569 Camino Corte. The project site is zoned A (Agricultural) and is situated within the Morro Hills Neighborhood. **REGOTTI RESIDENCE**

**Environmental Determination:**

The project is exempt from the California Environmental Quality Act.

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

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information				ACCEPTED	BY
				NOV 10 2005	SN.
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT	Stacey + Alan Regotti		2. STATUS	Owner/Builder	
3. ADDRESS	1569 Camino Corto, Fallbrook		4. PHONE/FAX	760-758-8450	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)			Same		
6. ADDRESS	Same		7. PHONE/FAX	Same	
PART II - PROPERTY DESCRIPTION				GPA	
8. LOCATION			1569 Camino Corto, lot 7 of Shirley Estates in the city of Oside, south of Marro hills near on Steeping Indian		
9. SIZE			3.12 ac.		
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
residential home	agriculture	2 1/2 residence - septic system 1 1/2 agriculture	121-280-06-00		
PART III - PROJECT DESCRIPTION				REV-8/21/06	
14. GENERAL PROJECT DESCRIPTION					
FRONT PROPERTY LINE, CMU + STUCCO FENCE (6') WITH IRON DRIVEWAY GATE, REMOTE, SMALL CASTLE TOWER FOR KIDS (variance for left and screen)					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
NA					
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
PART IV - ATTACHMENTS					
ALL APPLICATIONS			DEV. PLANS, C.U.P.s & TENT. MAPS		
<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION		<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS		
<input checked="" type="checkbox"/> 26. 300-FT. RADIUS MAP	<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST		<input type="checkbox"/> 31. CONSTRUCTION SCHEDULE		
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/> 29. PLOT PLANS		<input checked="" type="checkbox"/> 32. OTHER <i>Pics</i>		
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).		
33. APPLICANT OR REPRESENTATIVE (Print):		34. DATE	37. OWNER (Print)		38. DATE
Stacey + Alan Regotti		11/8/05	Same		
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			Sign:		
35. APPLICANT (Print):		36. DATE	39. OWNER (Print):		40. DATE
Stacey + Alan Regotti		11/8/05			
Sign: Stacey + Alan Regotti			Sign:		

RECEIVED

NOV 10 2005

Planning Department

The Regotti Residence  
1569 Camino Corto  
Fallbrook, Ca 92028

RECEIVED  
NOV 10 2005  
Planning Department

November 9, 2005

City of Oceanside  
Planning Department  
Oceanside, Ca

To whom it may concern,

The proposed project is the completion of our property line fence around the perimeter of our property. Two years ago a chain link fence was installed around ninety five percent of the property. Now we would like to finish the front entrance with a block wall and iron gate.

The wall will be constructed using a concrete footing and a CMU (concrete masonry unit), six foot high, stucco finished, fence. With number four rebar per city standards. A ten foot high, six foot diameter castle tower will be built into one portion of the wall which will act as a play house for our children. A man gate will be added to the opposite site of the iron driveway gate, from the tower.

A variance is requested for the following reasons,

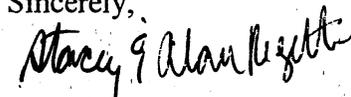
1. The proposed wall and gates are set back from the front property line twenty feet instead of the required forty feet.
2. The castle tower will top out at ten feet high instead of the required six feet.

Granting the variance for our application will not be detrimental to improvements in the vicinity of the development site because the project is located at the end of a dead end street on a cul-de- sac. The surrounding properties are at least fifty feet higher then the street so the development will cause no obstruction of scenic views or cause blind intersection for motorist.

The area in which we live has been under development over the past year and more traffic is obvious in our cal- de- sac. A new subdivision of thirty homes is being built in our neighborhood and this has brought an influx of car and truck traffic. The proposed wall with the gate will keep our three children, who range in age from four years old to ten, safe within the confines of our property and keep out unwanted intruders. Also the fence will help keep the coyotes, which are numerous, away from our animals and children. The castle tower will be a play structure for our children, built out of concrete and block so there is no fire danger. The flower beds in front of the wall will enhance the existing natural landscape with some color.

We hope you will grant us this variance because we feel that it can only increase the value of the neighborhood with no negative impact.

Sincerely,



Stacey and Alan Regotti

Exhibit A

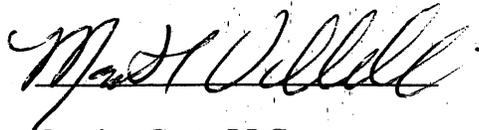
RECEIVED  
AUG 31 2006  
Planning Department

To the City of Oceanside Planning Commission:

We have reviewed the proposed gate addition to the front entrance at 1569 Camino Corto in Oceanside. We approve of the project set forth by our neighbors, Alan and Stacey Regotti.


Mr. and Mrs. Don and Julie Jones  
1549 Camino Corto



Camino Corto LLC  
Mark Vilelli, Managing Member  
1564 Camino Corto

Form No. 3301 (6/00)  
Short Form Commitment, EAGLE  
EAGLE PLUS

ORDER NO: 1536641  
FILE NO:  
LENDER REF: 1813020583

**Exhibit "A"**

The land referred to in this policy is situated in the **STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, CITY OF FALLBROOK**, and described as follows:

**LOT 7 OF SHIRLEY HILLS ESTATES, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 8997, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 6, 1978.**

**APN: 121-280-06-00**



CITY OF OCEANSIDE  
COMMUNITY DEVELOPMENT DEPARTMENT/PLANNING DIVISION

## NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:  
V-17-05 REGOTTI VARIANCE

PROJECT LOCATION - SPECIFIC:  
1569 Camino Corto  
APN 121-280-06

PROJECT LOCATION - GENERAL:  
CITY OF OCEANSIDE

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:  
Construction of a fence, tower, and gate within a required front yard.

NAME OF PUBLIC AGENCY APPROVING PROJECT:  
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:  
Mr. and Mrs. A Regotti  
1569 Camino Corto  
Fallbrook, CA  
(760) 758-8456

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

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

STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15303

**REASONS WHY PROJECT IS EXEMPT:**

The proposed fence, tower, and gate compromise a residential addition that will not result in an increase of 2, 500 square feet.

Contact Person: Juliana von Hacht, Acting Associate Planner

  
SIGNATURE \_\_\_\_\_ DATE November 1, 2006  
For: Jerry Hittleman, Acting City Planner