

From: [Robert Wilkinson](#)
To: [Shelley Glennon](#)
Cc: [Gary Nessim](#); [Peder Norby](#)
Subject: village arch
Date: Thursday, October 13, 2022 1:11:56 PM
Attachments: [TopTen10-22.pdf](#)
[SupportDoc#1.pdf](#)
[SupportDoc#3.pdf](#)
[Examples1.pdf](#)
[Examples2.pdf](#)
[Examples3.pdf](#)
[Examples4.pdf](#)

Hello Shelley,

I am asking that you pass on the attachments to each of the committee members and to your consultants

I also ask that I be given time to make my pitch at the next meeting on the 25th

My pitch will be on two task;

#1 that the committee request that the scope of their services be expanded to review the need for an additional master plan standard on building architecture produce different public facades that are 25-50ft in wide. This so that no matter how large the new development is its public presentation is that of a series of buildings that have their own individual appearance. This so the Village looks like a village.

#2 expand the committee's to set up a program for a design competition that will create an additional acceptable architectural style that will be a "Carlsbad signature" style. This could be for mixed use development only or wide open.

I will put the 3pm meeting at C.H. on my schedule

Please see the attached pdf

Respectfully,

Robert Wilkinson
Wilkinson Design Group
*Land Planning +
Landscape Architecture*

bob@wdesigngroup.net

P.O. Box 4237
Carlsbad Ca, 92018-4237

760 434 2152

CAUTION: Do not open attachments or click on links unless you recognize the sender and

TEN TASK TO MOVE US FORWARD WITH OUR VILLAGE

#1 Amend the charge of the current citizens committee on Village architecture to add a new standard to the V-B MP. That all buildings in the core area be required to show different facades with a max 50ft width. This for all buildings that are exposed to any area of the public realm.

#2 Amend this committee's task to create a new "Carlsbad signature" building design style and add it to the list of acceptable used in the Village. Create this "signature design" via a competition among building architects.

#3 Move forward on planning and design of the new CH / Civic Center and keep that effort on schedule.

#4 Supported by the decision on City Hall / Civic Center, bring the idea of an official "Town Center" up for discussion at an upcoming Council hearing. Have the Council vote on a new Village Manager position to help shepard all aspects of the Village's enrichment. Currently management is very weak !

#5 Vote again and get the vote needed to add funding to move forward faster on putting the train in a trench. At the rail corridor, arterial roads both north as well as south should all be grade separated.

#6 Start and stay on schedule on the design and engineering to build out the idea currently known as the "Grand Promenade".

#7 Work with Cal-Trans to get ped/bike tunnels under I-5. As stated in the Mobility chapter of the Carlsbad General Plan, not just words on paper.

#8 Start the design process for individual gathering places in the Village as stated in the Master Plan, so its not just words on paper sitting on the shelf.

#9 Gain a better demographic produced by more 4-sale "work force" housing. The City must now react in a creative way to the State's new edict for no required (on site) parking in the Village. Big change should produce big ideas!

#10 Take decisive action, as needed, to stop the poor decisions being made on Village redevelopment coming from the City's community development service departments.



A Village or no Village for Carlsbad

this is the question the community should be asking its self right now,
or the question may be answered for them

We must stop approving redevelopment projects that are Village killers! Either that or start referring to this area of Carlsbad as “Downtown” only. No longer use the term / title “Village” removing all use of that name. What we are now doing is pernicious and ***will lead to the death of our Village.*** Conversely if we do not wish to give up on having a “Village” in Carlsbad we need to ask ourselves what is ***our collective mental image of a “Village”.*** Then only approve projects that reinforce that desired vision. Regarding building heights, we believe, “that ship has sailed” and at this point it would be extremely difficult to reverse. Upper level setbacks should help mitigate the 45 foot height standard we have now. We must work on what can be achieved.

Our goal now should be to create public realm corridors ***filled and framed with Village character.*** Building&landscape architecture that create and strengthen the desired Village atmosphere. The core area of the Village was originally divided into parcels with ***50ft*** widths. All new projects need to respond to this aspect of the area’s heritage. Only approve developments that produce the ***appearance of individual buildings no wider than 50ft. Creating a Village setting that appears to be from a gathering of people built over time rather than recent work of a few large developers.*** Large developments are not inherently bad , having some benefits of scale (placing parking below street grade is one). However we do not want to give up our desirable Village character to developments with one uniform look spread across our public realm. A secondary but important result from this one standard should be that ***it will also help reinforce the uniqueness of our Village in Carlsbad.***

The character of our Village, its atmosphere & ambiance will benefit and be strengthened by a rich mixture of 50ft wide facades. Each with an individual appearance, a blend of harmonious styles . This new standard should be implemented now and be mandatory in master plan districts VC, HOSP, FC and be recommended in all other districts. It must be implemented for building edges on all public realm areas or wherever building facades are easily viewed from near by public areas.

The visual definition of individual facades should be aided by varied street edge setbacks of 3-6ft for most buildings. Each facade will need to vary its exterior materials, window and balcony treatments, store front designs, roofscapes and color schemes. Exemptions to this new standard may be considered for venues with interiors space for large public gatherings , civic, theatrical, educational, or exhibits.

Kiss Carlsbad's Village good bye - as in bye bye!

why because the City's Planning Dept is promoting and will recommend approval of new development that are **VILLAGE KILLERS** like this

This is the Hope Ave Apartments that is proposed to go next to "the Loft"
The planning dept is promoting this look for our Village



Does this look like a Village to you? no its the **"Kiss of Death"** but this is what is coming unless you get engaged and make your voice heard !.

Please tell them you do not like what is coming out of the Planning dept. for the Village. You do not like what is being propose as the Hope Apts.

Tell them you want a new standard added to the Master Plan as part of the on going architectural committee's work. The new standard needs to require that all new development no matter the size of the property must present itself as series buildings with facades that are no wider than 50ft. The Village was originally and is today divided into parcels that are 50ft wide. This should influence "the look" for our Village's core area, character rich "Main Streets" in Village Districts VC, Hosp, & FC.



VILLAGE MAIN STREETS
a m e r i c a n a
C A R L S B A D , C A

We are asking that each of us get a message to our City government officials. Asking them to add a new standard to the Village - Barrio Master Plan. A standard requiring that all redevelopment in the Village Core area help create a “Main Street” character. All re-development no matter its full size produce buildings with different facades that are 25-50 feet in width.



OCTOBER 2022



A primary goal - the appearance of many buildings, built by many, people over many years



Each of the core area corridors should be framed with "Main Street" redevelopment



Whimsy - promote & support it when it adds & Serendipity: beach town character



A series of different facades along Kettner from Broadstone urban mixed use in Little Italy



Desirable Character for Carlsbad's "walkable Village" 2



Buildings lining our Village “Main Streets,
Character rather than height should be the
primary issue.



Make towers mean
something



Our Village “Main Streets”
must also be “Complete Streets”



In our Village walking & cycling
must not be held as subordinate
forms of mobility

Oct 2022



**Desirable Character for
Carlsbad’s “walkable Village”** 3



Much of the Village & Barrio was originally parcelized into lots that are 50 feet wide with the ability to be further divided into two 25 foot wide lots. We should respect this heritage point and reflect it in the redevelopment of the Village core.

Oct 2022



**Desirable Character for
Carlsbad's "walkable Village"**

From: [Lori Robbins](#)
To: [Shelley Glennon](#)
Subject: Re: Example of design guidelines
Date: Monday, October 24, 2022 5:40:16 PM

Hi Shelly

A few people have mentioned to me that they have liked the new development in Santa Barbara. Here is a link to their Design Standards Manual:

<https://santabarbaraca.gov/services/construction-land-development/reference-library/design-guidelines>

Appreciate if this is passed along to the people looking at keeping Carlsbad a Village.

Thanks
Lori

- Sent from Lori's iPad

On Oct 24, 2022, at 8:46 AM, Shelley Glennon
<Shelley.Glennon@carlsbadca.gov> wrote:

Thank you, Lori for providing the below link to Sunnyvale's design guidelines and standards. I will share it with the Committee and then the council as requested.

Best Regards,
Shelley Esteybar Glennon
Associate Planner
Community Development Department
City of Carlsbad
1635 Faraday Ave.
Carlsbad, CA 92008

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planning@carlsbadca.gov (general inquiries)

[Instagram](#) | [Facebook](#) | [Twitter](#) | [You Tube](#) | | [Enews](#)

From: Lori Robbins <silentmeowing@gmail.com>
Sent: Friday, October 21, 2022 9:43 AM
To: Shelley Glennon <Shelley.Glennon@carlsbadca.gov>
Subject: Example of design guidelines

Hi Shelly

I thought you and the architectural committee would be interested in what Sunnyvale (and many other cities) have published to keep the character and scale appropriate for new buildings.

<https://www.sunnyvale.ca.gov/business-and-development/planning-and-building/permit-center/design-guidelines-standards-and-specific-plans>

This is a huge project that is best done by an architectural firm that has experience. There are detailed drawings and specifications.

I was wondering if you could forward it to the committee for Tuesdays meeting and of course council too.

These standards are usually checked and modified by a design review committee- an essential part of design standard enforcement and betterment.

Thank you. I plan to be at the meeting to speak to this.

Lori Robbin

<https://www.sunnyvale.ca.gov/business-and-development/planning-and-building/permit-center/design-guidelines-standards-and-specific-plans>

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From: [AM Lafferty](#)
To: [Shelley Glennon](#)
Cc: [Eric Lardy](#); [Mike Strong](#)
Subject: Re: Design Review Committee Meeting next Tuesday October 25, 2022 3PM at City Hall Council Chambers
Date: Tuesday, October 25, 2022 11:10:03 AM
Attachments: [REVISED HPC Packet 9.12.22 OPTIONAL INCENTIVES.pdf](#)

Hi Ms. Glennon,

Attached is an abridged version of the Historic Preservation Commission's meeting agenda indicating ***Optional Incentives*** for preservation, approved on 9/12/2022.

These *Optional Incentives* for historic preservation were also approved at the City Council's meeting on 10/18/2022. Council directed staff to work with the Historic Preservation Commission to develop additional incentives to encourage historic preservation throughout the city.

Could the Objective Design Standards use (and possibly expand) these *Optional Incentives* to include building preservation, rehabilitation and reuse?

Please include this as public comment for today's Objective Design committee meeting.
Thanks.

Alicia Lafferty
760-434-3873



HISTORIC PRESERVATION COMMISSION

Agenda

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

REVISED

Sept. 12, 2022, 6 p.m.

Welcome to Your Historic Preservation Commission Meeting

This agenda includes information about topics coming before the Library Board of Trustees and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person



Historic Preservation Commission Meetings take place at City Hall, 1200 Carlsbad Village Drive

Online



Watch the livestream and replay past meetings on the city website, carlsbadca.gov/residents/communication/city-tv-channel

How to participate

If you would like to provide comments to the Historic Preservation Commission, please:

- Fill out a speaker request form, located in the foyer.
 - Submit the form to the Clerk before the item begins.
 - When it's your turn, the Clerk will call your name and invite you to the podium.
 - Speakers have three minutes, unless the presiding officer (usually the Chair) changes that time.
 - You may not give your time to another person, but groups can select a single speaker as long as three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer or the commission.
-
- **In writing:** Email comments to librarycommunity@carlsbadca.gov. Comments received by 2 p.m. the day of the meeting will be shared with the Historic Preservation Commission prior to the meeting. When e-mailing comments, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City Manager's Office at 442-339-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or manager@carlsbadca.gov by noon on the Monday before the meeting to decide

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held March 14, 2022

Minutes of the Regular Meeting held May 9, 2022

PUBLIC COMMENT: *The Brown Act allows any member of the public to comment on items not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, this public comment period is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Historic Preservation Commission will receive comments at the beginning of the meeting. In conformance with the Brown Act, no action can occur on these items.*

DEPARTMENTAL REPORTS:

1. **ELECT CHAIR AND VICE CHAIR** – Accept nominations/volunteers and elect a new Chair and Vice Chair for the Historic Preservation Commission for FY 2022-23. (Staff contact: Sheila Crosby, Library & Cultural Arts) (action)
Recommendation: Accept nominations/volunteers and elect a new Chair and Vice-Chair.
2. **AMENDMENTS TO THE CITY’S HISTORIC PRESERVATION ORDINANCE, INCLUDING THE ESTABLISHMENT OF A LOCAL MILLS ACT PROGRAM (MCA 2022-0003)** – Receive report from staff and discuss amendments to the city’s historic preservation regulations, including the establishment of a local Mills Act Program. (Staff contact: Mike Strong, Community Development)
Recommendation: Adopt a resolution
3. **NOVEMBER MEETING SCHEDULE** – Discuss the proposal for a special meeting Wednesday, November 9 (Staff contact: Sheila Crosby, Library & Cultural Arts) (action)
Recommendation: Discuss and approve special meeting date and time.

CARLSBAD TOMORROW: (previously named CARLSBAD GROWTH MANAGEMENT UPDATE COMMITTEE)

CARLSBAD VILLAGE & BARRIO DESIGN REVIEW COMMITTEE UPDATE:

CARLSBAD HISTORICAL SOCIETY UPDATE:

COMMISSION LIAISON ANNOUNCEMENTS:

COMMISSIONER COMMENTS:

ADJOURNMENT:

OPTIONAL REGULATORY AND NON-REGULATORY INCENTIVES

At their meeting on Aug. 29, 2022, the Historic Preservation Commission may want to review and consider other options to incentivize the preservation, restoration and/or rehabilitation of historic resources. The following list provides some additional regulatory and non-regulatory incentives that the Commission may want to forward to the City Council to consider as a future implementation action item. The list is not exhaustive and the Commission may propose other options.

1. Expanded Use.

1. A designated historic resource that is listed in the Register with an active Mills Act Contract may operate a home occupation, subject to Section 21.10.040 of Title 21, excepting that such a bona fide home occupation shall allow on-premises employees and customers. No more than two non-residents who commute to the home for work may be continuously employed at any one time on the site, except where specifically permitted by law. No more than eight clients or customers shall be on the premises in any one day. Each and every one of the other standards and conditions listed in Section 21.10.040 must be observed at all times by the holder of a home occupation permit pursuant to this title.
2. A Designated Historic Resource home occupation shall continue to comply with the Secretary of the Interior's Standards, all of the codes adopted by reference (including but not limited to the State Historical Building Code, Uniform Plumbing Code, Uniform Fire Code, etc.), and shall require ADA clearances as determined necessary by the Building Official.
3. Approval of an expanded home occupation permit under this section requires the application and approval of a Historical Use Permit, issued by the Commission.

2. Development Standard Flexibility.

Designated historic resources listed in the Register are allowed to deviate from the following development standards, so long as the improvements are designed by an individual meeting the applicable Professional Qualification Standards, and the improvements are consistent with the Secretary of the Interior's Standards, as well as the State Historical Building Code if applicable. Approval of a development standard waiver under this section requires the application and approval of a Historical Use Permit, issued administratively by the Planning Division.

1. Parking Standards.
 - a. Residential historic resources may add additional floor area and bedrooms without providing additional parking provided that such additions do not exceed more than 50 percent of the original square footage of the structure and that at least two covered parking spaces are provided on-site. This incentive is not available when accessory dwelling units or junior accessory dwelling units are proposed.
 - b. Non-residential historic resources with limited off-street parking may be granted a waiver to allow a reduction in off-street parking requirements to a maximum of 50 percent of the code requirement when supported by a parking study or other documentation to the satisfaction of

the City Planner that demonstrates the use will not adversely affect parking availability to surrounding properties.

c. Non-residential historic resources may add up to 15 percent of the existing floor area, not to exceed 500 square feet, without providing additional off-street parking and without bringing any existing nonconformity into compliance with the current zoning regulations, subject to review and approval by the Director. The addition must be removed if the Historic Resource is demolished or substantially replaced.

d. The Director may establish a parking in-lieu fee for the adaptive re-use of non-residential Designated Historic Resources that have no or limited off-street parking.

2. Setbacks.

a. Additions to historic resources shall be allowed to maintain legal non-conforming front, side and rear yard setbacks up to the line of existing encroachment, provided that all setbacks as required by the Uniform Building Code, unless modified by the State Historical Building Code, and the Fire Code are maintained.

3. Preservation Easements.

Preservation easements on the facades of buildings designated as a Designated Historic Resource may be acquired by a nonprofit group through purchase, donation, or documentation pursuant to California Civil Code 815-816.

4. Official Recognition/Awards.

The Commission may recognize those projects involving designated historic resources that have demonstrated a high level of commitment to maintaining or restoring the historic integrity of the resource. Some historic resources, including historical landmarks or gateway locations, may be identified on-site with an exterior marker displaying pertinent information about the resource.

Historic Preservation

The City of Carlsbad has a long and rich history with its origins dating back to the late 19th century as a “whistle stop” on the new California Railroad. The city’s namesake dates back to the 1880s when John Frazier, a former sailor, dug a well in the area and sold the water to train passengers. It was found that the fresh water was similar to that found in some of the most renowned spas in the world, so the town was named after the famed spa in the Bohemian town of Karlsbad.

As the area grew over the decades, many of the historical structures and landmarks built in those earlier years still remain. The city recognizes the importance of restoring, preserving, and protecting these older buildings in order to help give people a sense of place and connection with the past.

This Info-Bulletin provides an overview of the various incentive programs that are available to owners of these historical structures. Through these programs, we can help protect and maintain the city’s rich cultural history for generations to come.



Documents Referenced

- CA Mills Act - Contract; [§50280](#)
- CA Mills Act - Tax Code; [§439](#)
- Secretary of the Interior’s Standards; [website](#)
- State Historical Building Code; [§18950](#)
- Informational Bulletin on CEQA; [IB-150](#)
- Carlsbad Historic Resources Code; [§22.01](#)
- Land Use Review Application; [P-1](#)
- Mills Act Application Form; [P-XX](#)
- Mills Act Supplemental Checklist; [P-XX](#)

PROGRAM ELIGIBILITY

The city’s historic resources code (§22.XX-§22.XX) establishes a voluntary program that incentivizes owners to preserve their historic structures by providing fiscal benefits and relief from certain development standards and taxes. To qualify, the owner of the historic resource must agree to participate in the program, and the historic resource being considered must meet certain requirements, as summarized below.

Designated Historic Resources

A potential historic resource can be more than just a building or structure; it may be a landmark, site, landscape features, or other object of scientific, aesthetic, educational, cultural, architectural, or historic significance.

However, in order for a potential historic resource to be considered a designated “Historic Resource” that is subject to the benefits prescribed under the city’s historic resources code, the property owner must provide reason and justification supporting why the resource should be protected.

Step one in this process is to determine whether the resource meets initial historic qualifications. The property owner must show that the potential historic resource is at least 50 years old and meets at least three of the following criteria:

- It is associated with events that contribute to our history;

- It identifies with a person or person who significantly contributed to the culture and/or development of the city, state, or nation;
- It represents an architectural type/period of known professionals who significantly influenced local, state, or national heritage; or
- It yields information important to the prehistory or history of the area.

Resources meeting this initial qualification step can then proceed to Step 2: Application Submittal. Under this step, the property owner must file a Carlsbad Historic Resource Registry (Registry) application, along with documentation showing how the resource meets the criteria selected in Step 1 above. Such supporting documentation may include site records and surveys or other similar documented evidence showing the historical importance of the property.

Once filed and reviewed by the city's 3rd party historical consultant, the application and findings are presented before the Historic Preservation Commission (Commission) for consideration. Following their review, the Commission makes a recommendation to the City Council whether the potential historic resource should be included in the Registry. Only those properties included in the Registry are eligible to participate in the historic preservation incentives discussed in this bulletin.



Removal from the Register

Because this is a voluntary program, property owners may request their property to be removed from the Registry. The Commission and City Council consider the de-designation application.

Properties that benefited from any of the incentives listed below shall be forwarded to the Planning Commission for review and action, which may include rescinding any discretionary permits (e.g., allowance for bed and breakfast) and/or require any structures that benefited from reduced zoning standards (e.g., relaxed parking and setback requirements) to be modified to comply with current development standards.

Additionally, once a resource is found to be historic pursuant to the review criteria and documentation referenced earlier in this informational bulletin, despite its removal from the Registry, any future modification to the historic resource will require review and mitigation pursuant to the California Environmental Quality Act (CEQA). Refer to the city's Info-Bulletin ([IB-150](#)) for more information on the CEQA process.



may be found at the California Office of Historic Preservation's [website](#).

Federal Tax Credits

The Federal Historic Preservation Tax Incentives program, and the 20% Rehabilitation Tax Credit, is available for buildings that are listed landmarks in the National Register of Historic Places, or that contribute to National Register Historic Districts or certain local historic districts. To qualify, properties must be income-producing (i.e., commercial, industrial, agricultural, or rental residential purposes, but not properties used exclusively as the owner's private residence) and substantially rehabilitated according to the Secretary of the Interior's Standards for Rehabilitation.

The historic building, the rehabilitation project plans, and the completed project must all be certified by the Secretary of the Interior. The program is jointly administered by the National Park Service and the Internal Revenue Service in partnership with the State Historic Preservation Office. More information about the Federal 20% Rehabilitation Tax Credit may be found at the California Office of Historic Preservation's [website](#).

HISTORIC PRESERVATION INCENTIVES

The city offers a number of incentives designed to encourage property owners to enhance and preserve important historic resources.

Bed & Breakfast Establishments

Although most residential zones only allow residential use of property, the city code allows owners of historic resources to use the property in a non-traditional way. Specifically, city code (§21.04.046 & §21.42.140) allows historic resources in some multi-family and mixed-use zones to operate a business that accommodates overnight guests, commonly referred to as a bed & breakfast.

The specific zones that offer this incentive are Multiple-Family Residential (R-3), Residential Density-Multiple (RD-M), Residential Professional (R-P), Residential Tourist (R-T) and Commercial Tourist (C-T). A discretionary permit (specifically, a Conditional Use Permit, or CUP) is required, which may require conditions be added by the city to ensure compatibility with surrounding properties. For more information on the city's discretionary permit review process, please see the Community Development Department [Permit & Service Delivery Guide](#).

State Historical Building Code

This alternative building code seeks to preserve historic buildings by providing equivalent life safety standards for repairs, alterations, and additions to historic buildings. The equivalent measures permitted by the code are more sensitive to the historic conditions of a building than standard building codes, allows flexibility (often resulting in cost savings) in meeting building code requirements for restored and rehabilitated structures. General information about the State Historical Building Code



THE MILLS ACT

The Mills Act is often recognized by the state as probably the single most important economic incentive program offered to private property owners for the restoration and preservation of historic buildings, which is why this section provides more attention to this city incentive.

Mills Act Origins

In 1971, the City of Coronado was pursuing a rezone of the Hotel Del Coronado, which would have had significant property tax implications if approved. In response, State Senator James Mills from San Diego

introduced in 1976 the Mills Act legislation, which established an economic incentive program that allows local jurisdictions to enter into contracts with property owners who agree to rehabilitate, restore, and maintain their historic property in exchange for a reduction in local property taxes.

Since its adoption, local Mills Act programs have helped preserve thousands of historic structures throughout California. The program's regulatory authority is described under state government code (§50280-50290) as well as the revenue and taxation code (§439-439.4).



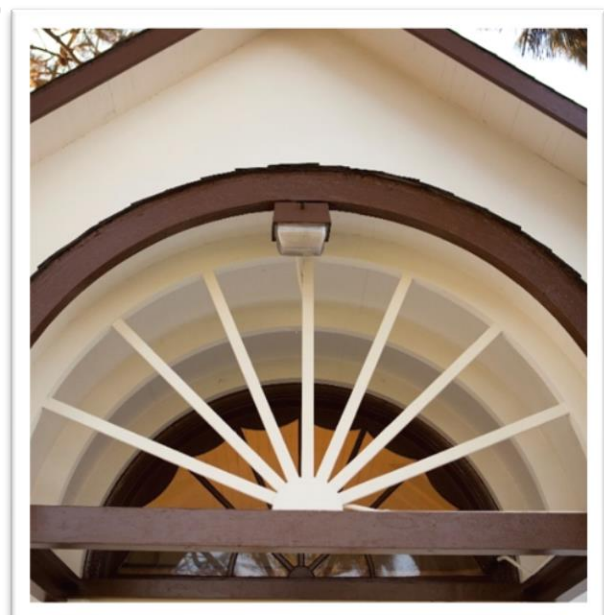
Carlsbad Mills Act Program – Highlights

In 2022, the city established a voluntary Mills Act program (§22.XX). Application processing steps for a Mills Act contract are provided later in this info-bulletin, but some important program highlights are provided below.

- According to the County Tax Assessor's website, properties under a Mills Act contract can experience a reduction in property taxes for most owners of between 40% and 60% compared to what the property tax would be without the Mills Act.
- Contract term is for 10 years that automatically renews each year. Financial penalties are imposed for early termination, including a state-mandated penalty fee of 12.5% of the full market value at the time of cancellation.
- Only privately-owned properties that meet the definition of a "Qualified Historical Property" (§22.XX) are eligible to apply for a Mills Act contract.
- Following application submittal, the property will be assessed by the city to determine

compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, in particular the Standards and Guidelines for Preservation, Restoration & Rehabilitation.

- The contract includes a work plan describing the improvements or modifications required, if any, for preserving, restoring, and rehabilitating the historic property during the term of the contract. Failure to timely complete the work plan may result in cancellation of the contract.
- Improvements to the historic property under the work plan must follow the aforementioned Secretary of the Interior's Standards.
- While under contract, the property owner may build an addition to their property, so long as it complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitation. It should be noted that new construction receives less property tax reduction. Please contact the County Assessor's office for information.
- The deadline for owners to apply for a Contract is June 1. This deadline has been set to ensure that contract applications can be approved, executed, and recorded before the County Tax Assessor's lien date (December 31).
- State law requires the city to inspect the property before the contract is approved and recorded, and every five years afterward to ensure contract requirements are being met.





Pre-Application Meeting

Owners interested pursuing a Mills Act contract must first contact the Planning Division to schedule a meeting to go over program and application requirements. This mandatory meeting that must occur before a contract application can be submitted. Completed Mills Act contracts are due to the County Tax Assessor's Office by November in order for the property tax reductions to take place the next tax year. As such, it is recommended that the pre-application meeting and application submittal occur within January thru March of each year. Refer to the calendar located on next page for a listing of critical deliverable dates.

Please note that the City of Carlsbad does not have any role in the eventual valuation of the property under a Mills Act contract. The County Tax Assessor's office is solely responsible for valuations to determine property tax bills. Property owners are encouraged to contact the County Tax Assessor's office regarding potential savings under the Mills Act as well as their tax professional prior to filing their application with city.

Application Submittal

The following is a summary of the submittal requirements required to request a Mills Act contract. All required forms and supplemental requirements need to be submitted by the June 1 deadline before the city will begin processing the Mills Act contract application.

Failure to supply timely sufficient information during the processing of the Mills Act application is reasonable grounds for processing delays or the withdrawal or disapproval of the application.

- Land Use Review Application ([P-1](#))
- Mills Act Contract Application ([P-XX](#))
- Mills Act Supplemental Checklist ([P-XX](#))
- Verification of historical status from the National Register, California Register or city Register. If not available, a historical report prepared by a qualified professional for a concurrent city historic designation request. A qualified professional is someone who meets one or more of the applicable "Secretary of the Interior's Historic Preservation Professional Qualification Standards" to the satisfaction of the City Planner.
- A proposed 10-year work plan report, which details the preservation, maintenance, repair, restoration, and rehabilitation improvements the owner anticipates completing within the first 10 years of the contract. The work plan shall either be prepared by, or submitted with a statement of concurrence provided by, a qualified professional as referenced in the preceding bullet.
- Copy of Title Report, which must be current within the six months prior to application submittal. If the property has changed ownership within those six months, it must be supplemented by a copy of the current deed.

Please note that historical reports and work plans can take time to prepare. It is strongly suggested that owners begin the process of hiring these professionals during the year before you intend to apply for the Mills Act.



Application Review Process

The following are processing steps the city will likely take during its review of a Mills Act application and supporting documentation.

- During review, the city may approximate the amount of reduced property taxes. This is only used to estimate the potential impact on city revenues. Actual tax savings will be determined by the County Tax Assessor.
- A site inspection will be conducted to assess the physical condition and historic condition, known as “integrity.”
- Once the deemed complete, the application will be scheduled for review by the Commission (no later than September) followed by a final decision by the City Council (no later than November).
- Once City Council approves the contract, the city will execute and forward it to the county for recordation within 20 days after approval. Recordation must occur by December 31 in order for the contract to take effect in the next full property tax year.
- Once recorded, the city will notify the property owner, the County Tax Assessor, and the State Office of Historic Preservation.
- If all deadlines are met, the property owner will see any property tax reduction in the next full property tax year. Questions about the property tax bill and valuation should be directed to the County Tax Assessor’s office at (619) 531-5002.

Critical Dates Calendar

Below is an overview of the critical dates that must be met in order to timely process a Mills Act contract application.



Contract Monitoring

After the contract is recorded, state law requires the city to monitor the owner’s compliance with the contract via inspections. The owner will need to provide a signed affidavit to the city prior to each inspection stating the owner is complying with the terms of the contract and written consent authorizing city staff or designated third party to enter the premises.

Inspections occur every five years during the life of the contract. The purpose is to verify that the property owner is maintaining their building per historic standards as stated in the contract and is making progress on the contract’s work plan in a timely manner.



Such a cancellation would follow due process through a public hearing, but the city would typically pursue administrative and legal remedies to try to obtain the owner's compliance before cancelling the contract. Cancellation could also be the result of an owner's request to cancel the contract, typically for reasons of site development.

Unlike nonrenewal, cancellation is immediate and state law requires the owner to pay a penalty fee of 12.5% of the property's full market value at the time of cancellation

YOUR OPTIONS FOR SERVICE

To schedule an appointment or to learn more about the Mills Act Contract process, please contact the Planning Division at (442) 339-2610 or via email at Planning@carlsbadca.gov.

Contract Nonrenewal or Cancellation

Every year on the anniversary date, a Contract is automatically renewed for another year. This means the Contract has a rolling, or perpetual, 10-year term. However, state law provides two ways to end a Mills Act Contract term.

- The first way is that either party to the contract (city or owner) may file a "notice of nonrenewal," which is recorded with the county and signals the tax assessor to put into effect another way to value the property that gradually increases the property valuation while the years left decrease for the remainder of the contract.
- The second way is for a local government to cancel the contract. Cancellation could be as a result of an owner's breach of the contract terms such as not maintaining and repairing the property or making inappropriate alterations to the property that do not follow required guidelines,



From: [Gary Nessim](#)
To: [Shelley Glennon](#); [Robert Wilkinson](#)
Subject: Design Review Committee comments
Date: Tuesday, October 25, 2022 2:29:49 PM
Attachments: [Bar Harbor Architecture.pdf](#)

Shelley Glennon, Design Review Committee staff contact

I wish to suggest that Contemporary and Modern styles only be permitted by going to City Council for approval and that Victorian, Santa Barbara, Craftsman, Spanish styles be permitted by staff. Contemporary and Modern styles still need standards for Council to use to judge in order to accept or reject.

I want to suggest that to minimize the use of Contemporary and Modern Architectural styles that each floor or story be setback 10 feet from all sides to offset the flat roofs that are a part of the style. That is first floor on property line, second floor setback 10 feet on all sides, third floor setback 20 feet on all sides, third floor setback 30 feet on all sides, etc.

On a very recent trip to Bar Harbor Maine, a smaller but similar village I found some Architectural examples for your committee to consider nad they are attached.

Gary Nessim

760 519 5556

[CAUTION: Do not open attachments or click on links unless you recognize the sender and know the content is safe.](#)

Attached please look at photos from Bar Harbor Maine of two attractive 4 story hotels.
Notice the change in color and style, every 30 feet along the street giving the appearance of a different building or lot, every 30 feet.





Bar Harbor Hotel 4 story Victorian theme as an additional example without any changes in color. Those pennant flags are a solid material and the towers are reminiscent of the Twin Inns commercial building.



