

## Cynthia Vigeland

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**To:** Eric Lardy  
**Cc:** Planning  
**Subject:** RE: CDP 2023-0016V 2023-0002 (DEV 2020-0134) Begonia Court Retaining Wall February 21, 2024 agenda item

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**From:** j phelps <[jmwp1984@yahoo.com](mailto:jmwp1984@yahoo.com)>  
**Sent:** Sunday, February 18, 2024 3:06 PM  
**To:** Planning <[planning@carlsbadca.gov](mailto:planning@carlsbadca.gov)>; Eric Lardy <[eric.lardy@carlsbadca.gov](mailto:eric.lardy@carlsbadca.gov)>  
**Subject:** CDP 2023-0016V 2023-0002 (DEV 2020-0134) Begonia Court Retaining Wall February 21, 2024 agenda item

Good afternoon, please find attached a comment letter for an agenda item for the planning commission meeting being held on February 21, 2024 at 5 p.m. We do plan to attend the meeting and will request to speak.

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February 18, 2024  
Planning Commission of the City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

RE: Case No: CDP 2023-0016/V 2023-0002 (DEV 2020-0134) Begonia Court Retaining Wall

Dear Chairman Peter Merz and Planning Commissioners,

***We are writing to express our strong opposition to the proposal*** to grandfather the structural retro fitting of an illegally built “retaining wall” at 939 Begonia Court, Carlsbad, CA 92011.

- It is an obfuscation to call this structure a “retaining wall” as it is an observation deck, which was erected by the property owner to increase the rental rate the property could generate. We note that ***it is very atypical for a “retaining wall” to have built-in steps and seating***. During its erection, we overheard the property owner tell the laborers that no one could make him remove the structure.

There are three compelling reasons for this planning commission to reject this proposal.

1. ***This observation deck has adversely affected ours and surrounding neighbor’s economic and physical well-being.*** The economic damage if this structure is allowed to remain would be actual and permanent, not hypothetical. The actual damage is a loss of privacy in two ways. First, the observation deck allows for direct visibility into the backside of our house and backyard. Second, because of the acoustical effects of the “mini-canyon”, even a causal conversation of people on the observation deck cascades down onto our property. The visual and noise intrusion of this observation deck has diminished our ability to fully use our backyard outdoor experience as well being able to open our windows to enjoy the natural air conditioning our coast is famous for. Our physical well-being has been and will continue to be impaired by the noise blasting down onto our property. This property has and will be used for shorter-term vacation rentals that results in large groups partying well past midnight. This has interrupted our ability to get peaceful sleep on too many nights. I would welcome for any commissioner to conduct a site inspection on our property to acquire a fuller understanding of our privacy loss.
2. ***Removing the observation deck will restore the neighborhood to its prior state and reduce tensions that have led to law enforcement responses.*** This is not an owner-occupied property, instead it is being used for commercial rental purposes. The excessive noise from these short-term commercial rentals required neighbors to seek the help of the Carlsbad Police Department (CPD). CPD would like for you to make their job easier through the removal of this observation deck.
3. ***Send a strong message to irresponsible owners that think the rules or neighborhood decorum do not apply to them through the removal of this observation deck.***

You denied this retroactive permit before, so we implore you to do the right thing again by requiring removal of this observation deck. We pray that you will find the wisdom to return our property back to the “American Dream” status that it was before this monstrosity nightmare was erected.

Jack & Renee Phelps  
956 Whimbrel Court  
Carlsbad, CA 92011

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**View of Observation Deck from 956 Whimbrel Court Backyard**



**View of Observation Deck & Seating Area from 956 Whimbrel Court Bedroom**

