

From: Rene Lichtman  
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Dear Neighbor, a few years back I knocked on your door and asked you to sign a petition to support deterring the city from forcing a grading operation in my backyard due to some retaining walls I built on the slope behind my swimming pool. This fight has now entered its 6th year and we are now being sued by the city for "operating a public nuisance" because we have refused to grade the hillside. We have had a formal estimate provided by Danny Cohen with JC Baldwin Construction Co. and were informed that the cost of grading would be above \$900,000. With landscaping costs and the costs of the civil and structural engineering plans, this would bring the final costs to over \$1 Million. My mother is the official owner of the home, and we still have a mortgage. She is 84 years old now and is suffering from the onset of dementia. She was a victim of the "Geek Squad scam" out of India where she lost my late father's entire retirement pension fund and her class action settlement for a poisonous prosthetic hip that was surgically put into her containing cobalt and chromium 6. One of potential resulting diseases from this is dementia. The scam not only caused the losses I mentioned but she had also used credit cards to give money to the scammers destroying her credit in the process. All this is to say we cannot access the equity in the home.

In addition to this major obstacle to complying with the city's demands are the professional assessments of both the civil and structural engineers that we hired, Johnny Rivera with Fusion Engineering Tech and Eric Freund with Ficcadenti Wagoner and Castle. They have determined that the grading of the hillside is logistically infeasible and potentially "dangerous to life and property of the surrounding neighbors". I will provide the contact information for all of the professionals involved so you can hear it from the horse's mouth if you would like to verify my statements here. On top of these rather serious issues, the city has approved other almost identical projects in the past, or just chosen to not enforce them in the same way they are in our case. Some are very nearby in our immediate neighborhood. But even more concretely a residence at 2170 Twain ~~Dr.~~<sup>Ave</sup>, the Hom residence, was approved last year and followed identical circumstances to ours. The walls and structures were built unpermitted, they built terraced walls with a large, covered patio space complete with bbq and lounge area. The city approved their request for variance, it appears, with no resistance whatsoever. You can easily verify all of this on the city records website and feel free to use Google Maps to see satellite views of the Hom residence's extensive project.

My mother and I cannot raise the \$1 Million to do what the city is trying to force us to do. Even if we had the money we would be faced with shouldering the responsibility of possibly hurting or even killing a neighbor in the process and damaging their property. We could never agree to this and so we are faced with the very real possibility of having our home taken from us. A home I worked an entire lifetime for, and aided by my mother's enormous help, poured my heart into making it a beautiful place thinking I was raising its value and being a good member of this neighborhood. It appears I was very wrong and I made a very serious mistake. I built those walls by hand with pickaxe, shovel and buckets after my girlfriend of 6 years had passed and I needed to focus my grief. She had loved the views in the backyard, and so I dedicated it as a sort of tribute. It was hard physical work and it helped me process emotionally. I did not research enough and was unaware of the "Hillside Development Ordinance" that exists almost uniquely in Carlsbad's extremely restrictive permitting environment. If I could go back I would NEVER have built those walls. If I could tear them down now I would, but the city will not accept that as a solution and will only allow the grading operation as a solution. What the city wants done will require 150 dump trucks over 60 days time to move the entire hillside to an offsite

location and then move all of that dirt back and “rebuild” the hillside. This will be extremely invasive, noisy, dirty and damaging to the roads throughout the neighborhood. It will damage the immediate next door properties and distribute air pollution and dust across the entire neighborhood. As of now Eric Freund, our structural engineer, has stated there is no danger to the hillside as the walls stand currently, and to bring them to full structural standard a noninvasive “soil nail retrofit” is the very best option to meet any structural requirements. This would necessitate zero dump trucks and would cause zero impact to the surrounding neighborhood. But the city refuses to approve this option. Even with all of the facts and evidence we have brought to bear, including the risks it would pose to the neighbors with their proposed option, they remain obstinate to listen to common sense reason. They maintain that we have not met the 5 required arguments to approve a variance. Without going into detail over what each required justification is, its simpler to say that the city’s argument is that the circumstances of the property are not uniquely limited to restrict our privileges beyond those of other households in the area and that we would enjoy special privileges that other properties would not have access to. We disagree with this finding. As I have stated, they have granted many other variances for similar properties and have even destroyed records that show this but somehow allowed the Hom residence to slip through, perhaps because it was so recent. If you go on the city records website, you will find an enormous number of documents were approved for destruction including many retaining wall cases.

I am writing to you now to notify you about a planning commission hearing that will take place February 21<sup>st</sup> at 5pm at the city hall building off of Carlsbad Village Drive near the village. It would make an impact if you were to write a letter to the city planning commission supporting our request for approval of the variance option instead of grading the hillside. It would make an even bigger impact if you took the effort to actually attend the hearing and speak in support of granting the variance. I know that life these days is extremely busy and that this is a big ask. So, you decide what its worth. Try to imagine what 150 dump trucks over 60 days time with large earth moving equipment operating non stop to load those trucks billowing diesel exhaust into the air will be like. They will no doubt have traffic cones out and workers everywhere. It will be a MESS. And think about what a nightmare it will create if they do collapse that hillside destroying the upper house possibly destroying more than one home. Imagine what it will be like to fix all of that, and imagine if someone was actually hurt because of this ridiculous, unreasonable decision. Please consider putting a little effort towards this with me. I am so sorry I caused this. If I had known what I know today I NEVER would have done this. I hope you can forgive me for this mistake and come together to try and stop an even bigger mistake from happening.

Sincerely,  
Rene Lichtman  
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P.S. Here are the contacts for all of the main professionals involved.

Johnny Rivera Fusion Engineering Tech phone; (619) 992-6618, email: [Johnny@fusionengtech.com](mailto:Johnny@fusionengtech.com)

Eric Freund Ficcadenti Wagoner and Castle phone: (949) 259-5570 email: [Efreund@fwcse.com](mailto:Efreund@fwcse.com)

Danny Cohen JC Baldwin Construction Co. phone: (760) 519-2564 email: [Dcohen@jcbaldwin.com](mailto:Dcohen@jcbaldwin.com)

If you ever have a project that needs an engineer or extremely qualified contractor, every one of these guys are absolutely top-notch and extremely skilled individuals.

The City Planning Dept.  
has called this an eyesore?  
Is this what I have created  
Here?



