Fusion Engineering and Technology
1810 Gillespie Way Suite 207
El Cajon, CA 92020
(619) 736-2800

All Receive - Agenda Item # 9
For the Information of the:
CITY COUNCIL
Date 6/25/24 CA ✓ CC ✓
CM ✓ ACM ✓ DCM (3) ✓

City of Carlsbad City Council Hearing June 25, 2024

Subject: **939 Begonia Court**
Variance – Hillside Development Ordinance

Hello City Council Member,

Please find below Civil Engineer notes / summary regarding the subject variance application.

1. **Construction Options:**
   a. Exhibit 'A': Restore Slope with Reinforcement. Construction difficulty. Long term erosion concern. City Staff Engineers have made comments / statements that over steepened 1.5:1 (67%) inclination 'sliver' fill slope is acceptable, but they are not the responsible charge Civil / Geotechnical Engineer.
   b. Exhibit 'B': Singular 6' Retaining Wall with Reinforced Slope. Significant grading operation to facilitate grid installation of over steepened 1.5:1 slope.
   c. Exhibit 'C': Singular Over Height (H=11' max exposed) Retaining Wall with 2:1 Slope. Large temp backcut required. Similar construction concerns as above option.
   d. Exhibit 'D': Structurally Retrofit Existing Retaining Walls in place. Least impactful to slope.
   e. Exhibit 'E': 2:1 Slope projection. For reference only.
2. **Variance Justification:**
   a. Community Statistics (236 Lots Studied):
      i. 939 Begonia Court 47% Slope Encumbrance vs 22% Average (w/ Rear Yard Slope). Only one other lot within study area has over 45% slope encumbrance.
   b. Immediate Neighborhood Statistics (937 to 942 Begonia Court):
      i. Avg Lot Slope Encumbrance = 34% (939 is 1.39X Avg)
      ii. Average useable rear yard area = 3,519 s.f. (939 is 2,506 s.f., or 29% Less than Avg)
3. **Community Support:**
   a. Exhibit 'F': Petition in support of existing retaining walls to remain signed by 67 neighbors.
4. **Precedence:**
   a. Hom Residence (2170 Twain Avenue):
      i. Exhibit 'G': Already had a singular developer installed retaining wall (6' max exposed per HDO) with ~3ksf of useable back yard area. Said wall could have been extended, while meeting HDO, to provide identical increase in area of house pad level as City approved (multiple) terraced walls.
      ii. 14,070 s.f., 1 of 3 lots with over 0.3 acre out of 149 total residential lots per Map 14340. 43.6% Slope encumbrance, 25' high, both less than 939 Begonia.
      iii. Exhibit 'H': Multiple other properties in this community have constrained back yards, separate from 'cut back slope' lots. Furthermore, the 'cut back' nature of the developer installed slope has no bearing on the reality experienced by the homeowner, i.e. when the homeowner purchased the lot the slope was existing and they bought 'as is', same as Begonia.
      iv. Exhibit 'I': Hom residence retaining wall variance documentation do not provide evidence of meeting surficial and global stability factor of safety requirements.

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ENGINEERING AND TECHNOLOGY

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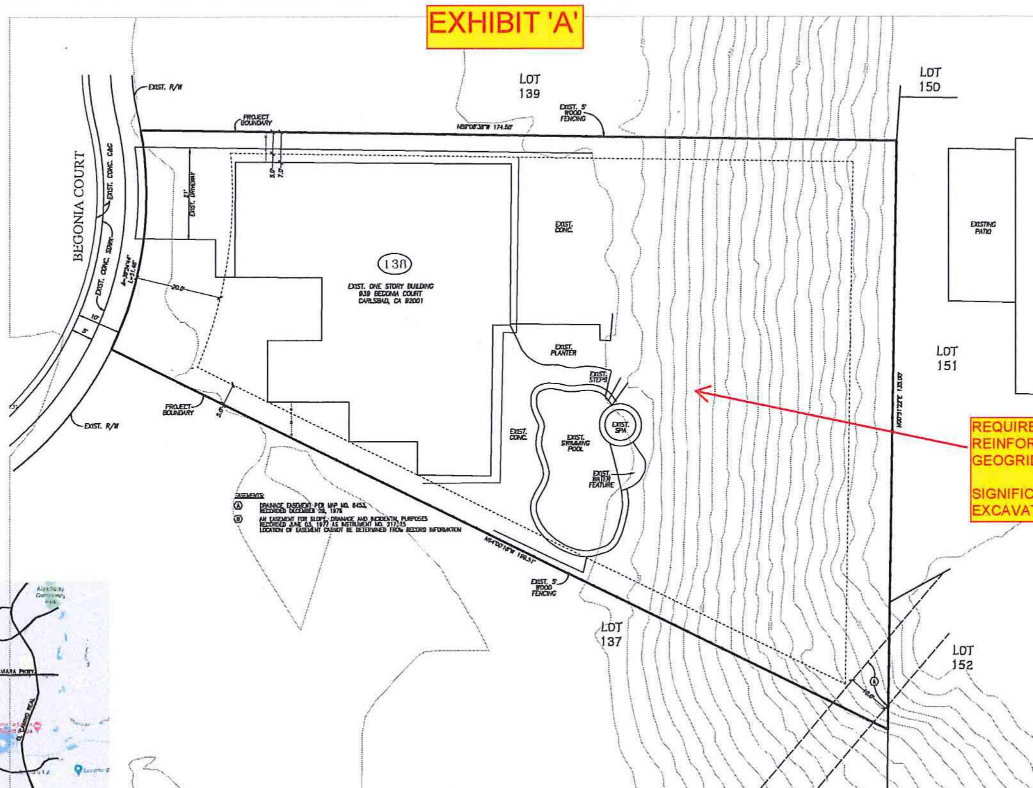
b. Other examples of precedence throughout the City that were approved apart of larger project and/or unpermitted walls that have not been enforced.
c. Constitutional provisions for fair application of laws.

Should you have any questions regarding the information contained in this memo please contact me.

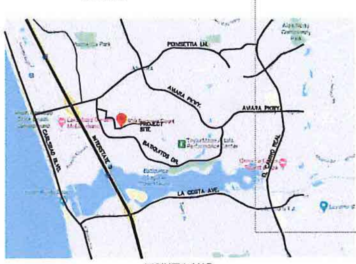
Thank You,

Johnny Rivera, P.E. C73878
President / Principal of Civil Engineering
Mobile: (619)992-6618
Johnny@FusionEngTech.com

EXHIBIT 'A'



SCALE 1"= 10'



VICINITY MAP

PROPERTY INFORMATION:	OWNER INFORMATION:
939 BEGONIA COURT CARLSBAD, CA 92011 APN 214-380-23-00 LEGAL DESCRIPTION: LOT 170 OF LA JOLLA ALTA MAP NO. 7165, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA. SITE ACREAGE = 0.377 AC EXISTING ZONING = R-1 EXISTING LAND USE = R-4 PROPOSED LAND USE = R-4 NO CHANGES PROPOSED TO BUILDING, PARKING, ETC. TOTAL BUILDING COVERAGE = 2,803 BUILDING SQUARE FOOTAGE = 3,440 PERCENT LANDSCAPING = 20%	OWNER: VALERIE LICHTMAN REVOCABLE TRUST DATED JUNE 12, 2003 VALERIE LICHTMAN, TRUSTEE 890 BERNARD WAY SAN BERNARDINO, CA 92404 ISQUARED@CHARTER.NET 909-658-4291 APPLICANT: RENE LICHTMAN 890 BERNARD WAY SAN BERNARDINO, CA 92404 ISQUARED@CHARTER.NET 909-658-4291

PREPARED BY:	PRE-PROJECT SITE PLAN	SHEET
FUSION ENGINEERING & TECHNOLOGY 1810 GILLESPIE WAY, #207 EL CAJON, CA 92020 (619) 736-2800	LICHTMAN RESIDENCE 939 BEGONIA COURT CITY OF CARLSBAD, CALIFORNIA	1 OF 1

7.2.1. OPTION 1- MSE Wall System

MSE walls can be constructed near the toe of the slope. The wall should not be constructed atop or near the influence of the existing cantilever retaining walls. The lower MSE wall should have geogrid lengths of not less than 8 feet. The limits of the geogrid should be extended to the backcut, even if shorter geogrid lengths are shown on the wall plans. A minimum horizontal fill width of 8 feet should be maintained on the slope. The fill slope can be constructed as described in Section 7.5.6. A minimum of 1 subdrain should be installed at the toe of the slope. A second drain may also be needed behind the upper MSE retaining wall. The MSE retaining walls should be embedded as recommended by the designer, but no less than 12 inches at the toe of the slope. MSE walls installed above descending slope should be embedded so that the daylight distance from the bottom of the wall to the slope face is at least 5 feet.

7.2.2. OPTION 2- Restore Slope with Reinforced Soil Slope

A stabilization keyway should be constructed at the toe of the proposed slope. The limits of this keyway should be based on the final slope design, but should be no less than 12 feet wide. Reinforced soil slopes (RSS) should be constructed on fill slopes steeper than 2:1. The grading contractor should have experience in the construction of a RSS. There are several methods on constructing a RSS, such as using temporary wooden formwork or permanent wire mesh forms (See Figure 7.2.2, below), and the grading contractor should select the most economical method of construction. The construction method should allow for the fill to be compacted out to the slope face without damaging the reinforcement.

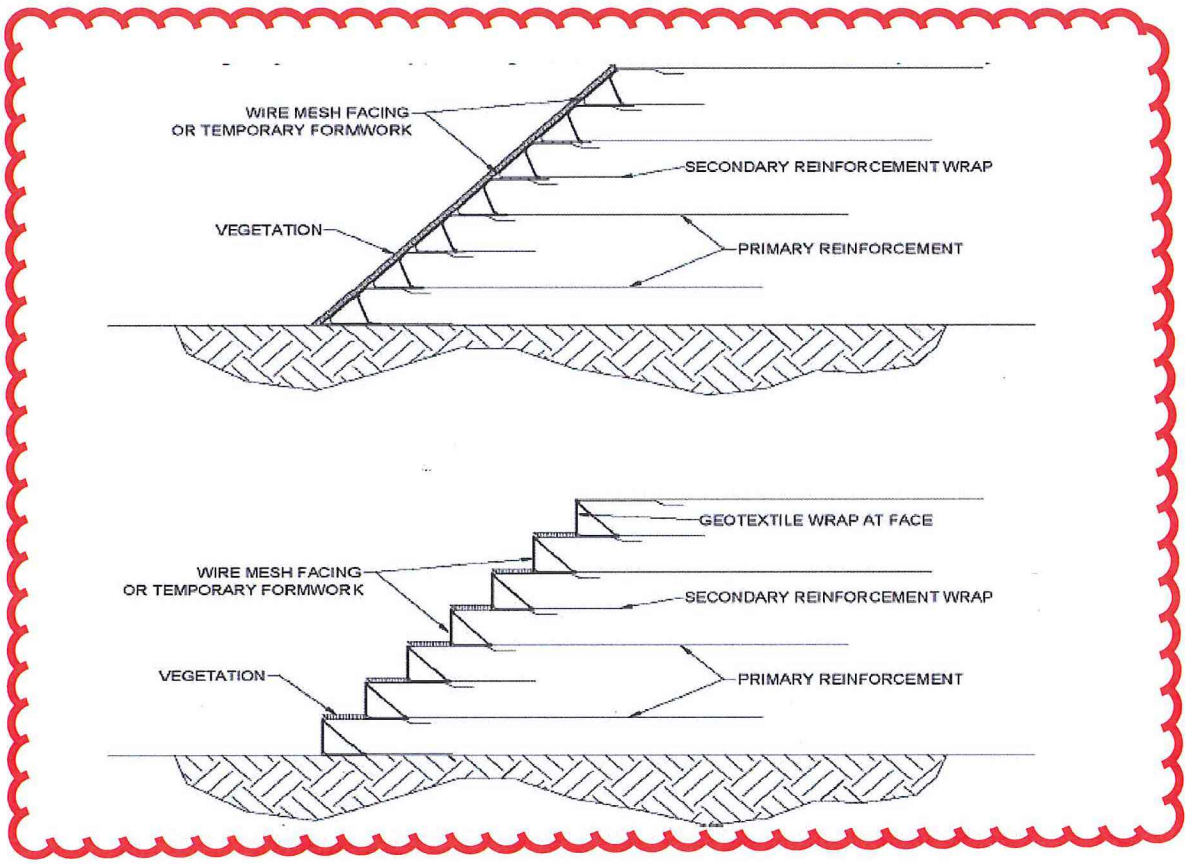


Figure 7.2.2 Alternative Methods of RSS Construction (from TenCate™ 2010a)

The primary reinforcement can include placing layers of Mirafi Miragrid 3XT (or approved equivalent) every 4 feet vertically starting from the bottom of the keyway. The primary geogrid layers should extend from the slope face to the backcut. The primary geogrid should be oriented so that the primary strength is perpendicular to the slope face. Splices in the primary direction should be avoided. A secondary layer of reinforcement consisting of Mirafi Miramesh TR (or approved equivalent) should be wrapped around the slope face and embedded a minimum of 5 feet with a maximum vertical spacing of 18 inches. The Miramesh vertical spacing can be reduced to every 2 to 4 feet if the primary geogrid layer is wrapped on the outside of the Miramesh and the primary geogrid is embedded a minimum of 8 feet as measured from the slope face. Geogrid reinforced slopes are expected to be globally and surficially stable to inclinations up to 1:1 (H:V). Splicing of the secondary layer shall not be conducted.

7.2.3. Temporary Backcut Stability

During grading operations, temporary backcuts will be required to accomplish removals and provide room to place geogrid. Care should be taken during backcut construction and backfill should be placed expeditiously in order to minimize risk of failure. Complete removal of the failed materials will be required should failure occur.

Backcuts exposing competent Very Old Paralic Deposits should be made no steeper than 1:1 to heights of up to 20 feet. Steeper backcuts may be possible for small sections but should be evaluated by AGS. Shallower backcuts are recommended below existing walls or within undocumented fill. Close geologic mapping of the stabilization and buttress key backcuts should be provided to document the exposed conditions. Revised recommendations may be necessary should areas of instability be encountered.

In consideration of the inherent instability created by temporary construction of backcuts, it is imperative that grading schedules be coordinated to minimize the unsupported exposure time of these excavations. Once started these excavations and subsequent fill operations should be maintained to completion without intervening delays imposed by avoidable circumstances. In cases where five-day workweeks comprise a normal schedule, grading should be planned to avoid exposing at-grade or near-grade excavations through a non-work weekend. Where improvements may be affected by temporary instability, either on or offsite, further restrictions such as slot cutting, extending work days, implementing weekend schedules, and/or other requirements considered critical to serving specific circumstances may be imposed.

7.3. Geologic Observation During Grading

All temporary slope excavations, including front, side and backcuts, and all cut slopes should be mapped to verify the geologic conditions that were modeled prior to grading.

7.4. Seepage

Seepage, if encountered during grading, should be evaluated by the Geotechnical Consultant. If seepage is excessive, remedial measures such as horizontal drains or under drains may need to be installed.

7.5. Earthwork Considerations

7.5.1. Compaction Standards

All fills should be compacted at least 90 percent of the maximum dry density as determined by ASTM D1557. All loose and or deleterious soils should be removed to expose firm native soils or bedrock. Prior to the placement of fill, the upper 6 to 8 inches of suitable material should be ripped, moisture conditioned to optimum moisture or slightly above optimum, and compacted to a minimum of 90 percent of the maximum dry density (ASTM D1557). Fill should be placed in thin (6 to 8-inch) lifts, moisture conditioned to optimum moisture or slightly above, and compacted to at least 90 percent of the maximum dry density (ASTM D1557) until the desired grade is achieved.

7.5.2. Benching

Where the natural slope is steeper than 5-horizontal to 1-vertical and where determined by the Geotechnical Consultant, compacted fill material shall be keyed and benched into competent materials.

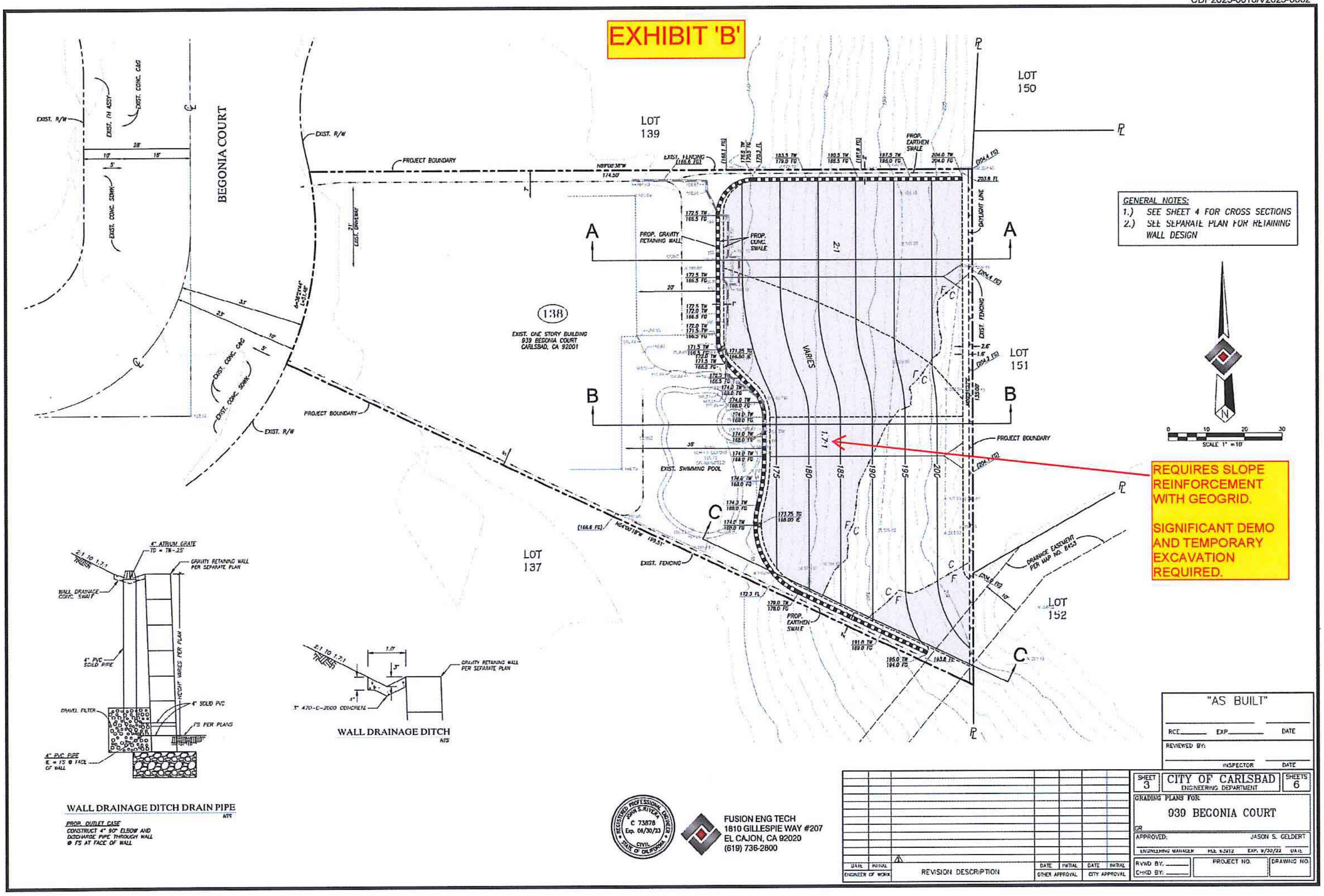
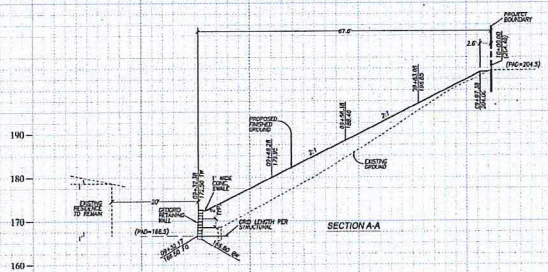
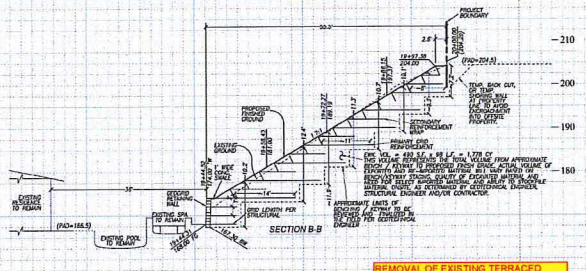


EXHIBIT 'B'
BEGONIA COURT
LOT 139
LOT 150
LOT 151
LOT 137
LOT 152
138
EXIST. ONE STORY BUILDING
939 BEGONIA COURT
CARLSBAD, CA 92001
PROJECT BOUNDARY
EXIST. R/W
EXIST. SWIMMING POOL
EXIST. FENCING
PROP. GRAVITY RETAINING WALL
PROP. EARTHEN SWALE
DAYLIGHT LINE
VARIES
2:1
1.7:1
175
180
185
190
195
200
GENERAL NOTES:
1.) SEE SHEET 4 FOR CROSS SECTIONS
2.) SEE SEPARATE PLAN FOR RETAINING WALL DESIGN
REQUIRES SLOPE REINFORCEMENT WITH GEOGRID.
SIGNIFICANT DEMO AND TEMPORARY EXCAVATION REQUIRED.
WALL DRAINAGE DITCH
WALL DRAINAGE DITCH DRAIN PIPE
FUSION ENG TECH
1610 GILLESPIE WAY #207
EL CAJON, CA 92020
(619) 736-2800
"AS BUILT"
REVISION DESCRIPTION
CITY OF CARLSBAD
ENGINEERING DEPARTMENT
SHEET 3
SHEETS 6
GRADING PLANS FOR:
939 BEGONIA COURT
JASON S. GELDERT

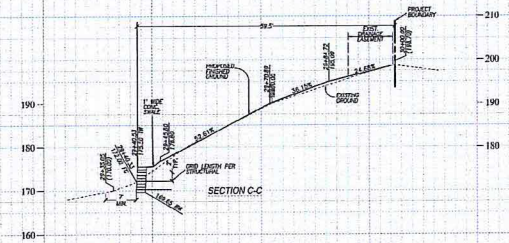


SECTION A-A



SECTION B-B

REMOVAL OF EXISTING TERRACED WALL SYSTEM AND SUBSEQUENT SLOPE REINFORCEMENT WOULD REQUIRE SUBSTANTIAL REMEDIAL GRADING WHICH COULD JEOPORDIZE STABILITY OF SLOPE, REQUIRE OFFSITE GRADING, AND/OR POTENTIALLY DAMAGE OFFSITE IMPROVEMENTS



SECTION C-C

C 73879
Exp. 06/30/23
CIVIL
STATE OF CALIFORNIA

FUSION ENG TECH
1810 GILLESPIE WAY #207
EL CAJON, CA 92020
(619) 736-2800

PROFILE SCALES
HORIZ.: 1"=10'
VERT.: 1"=10'

"AS BUILT"
RCE_____ EXP_____ DATE
REVIEWED BY:
INSPECTOR DATE

DATE	INITIAL	REVISION DESCRIPTION	DATE	INITIAL	DATE	INITIAL
ENGINEER OF WORK			OTHER APPROVAL		CITY APPROVAL	

SHEET 4 | CITY OF CARLSBAD ENGINEERING DEPARTMENT | SHEETS 5

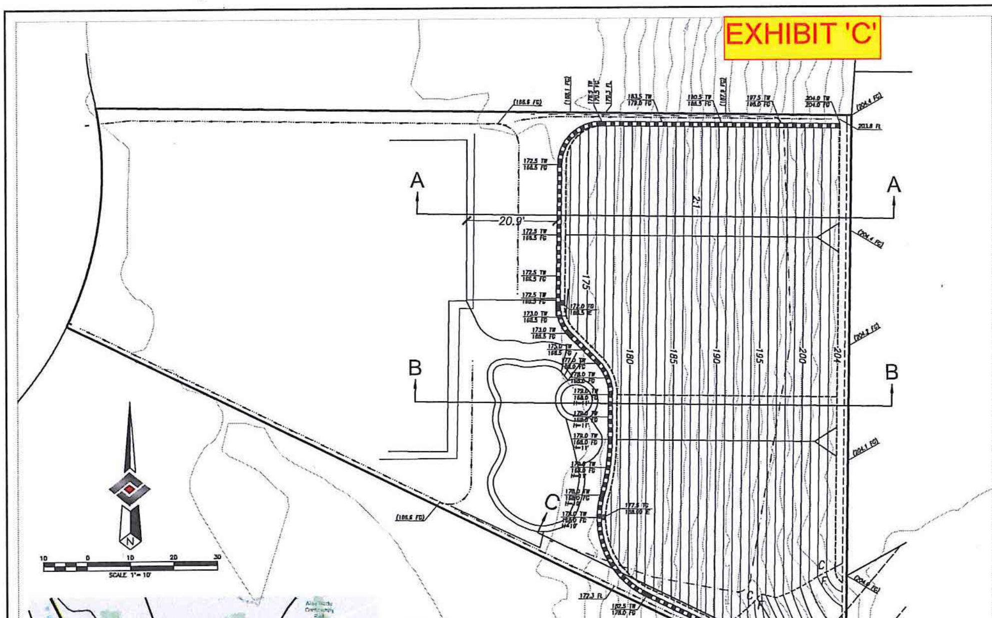
GRADING PLANS FOR:
939 BECONIA COURT

APPROVED: JASON S. GELDERT
ENGINEERING MANAGER RCE 62972 EXP. 6/30/22 DATE

R.W.O. BY.: C.O.D. BY.: PROJECT NO. DRAWING NO.

CDP 2023-_____ /V 2023-_____

EXHIBIT 'C'



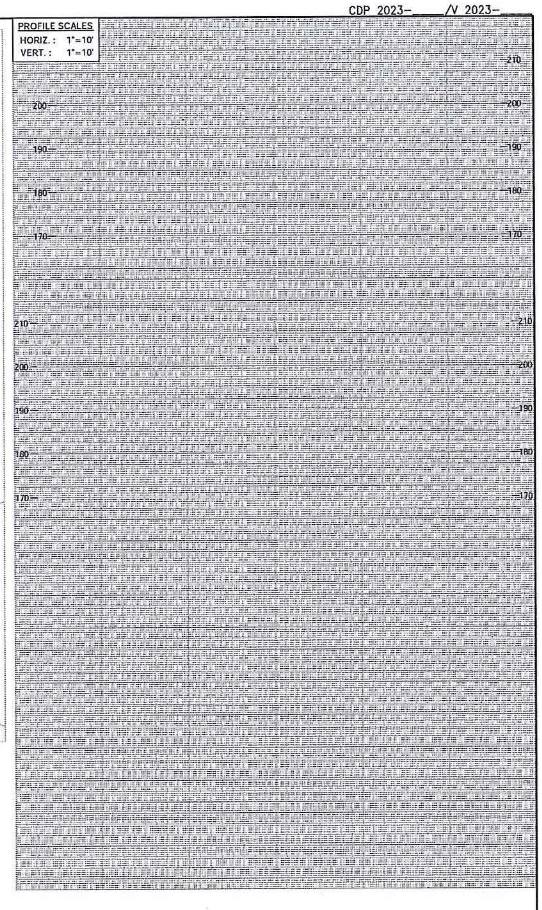


EXHIBIT:
OVERHEIGHT WALL
H=11' MAX
W/ 2:1 SLOPE

VICINITY MAP

PROPERTY INFORMATION:

939 BEGONIA COURT CARLSBAD, CA 92011
APN 214-390-23-00

LEGAL DESCRIPTION:
LOT 170 OF LA JOLLA ALTA MAP NO. 7165, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

SITE ACREAGE = 0.377 AC
EXISTING ZONING = R-1
EXISTING LAND USE = R-4
PROPOSED LAND USE = R-4
NO CHANGES PROPOSED TO BUILDING, PARKING, ETC.

TOTAL BUILDING COVERAGE = 2,802
BUILDING SQUARE FOOTAGE = 3,440
PERCENT LANDSCAPING = 20%

OWNER INFORMATION:

OWNER:
VALERIE LICHTMAN REVOCABLE TRUST DATED JUNE 12, 2003
VALERIE LICHTMAN, TRUSTEE
800 BERNARD WAY
SAN BERNARDINO, CA 92404
ISQUAREDOCHARTER.NET
909-658-4291

APPLICANT:
RENE LICHTMAN
800 BERNARD WAY
SAN BERNARDINO, CA 92404
ISQUAREDOCHARTER.NET
909-658-4291

JOHN E. RIVERA No. 73878 Exp. 6/30/25 CIVIL STATE OF CALIFORNIA

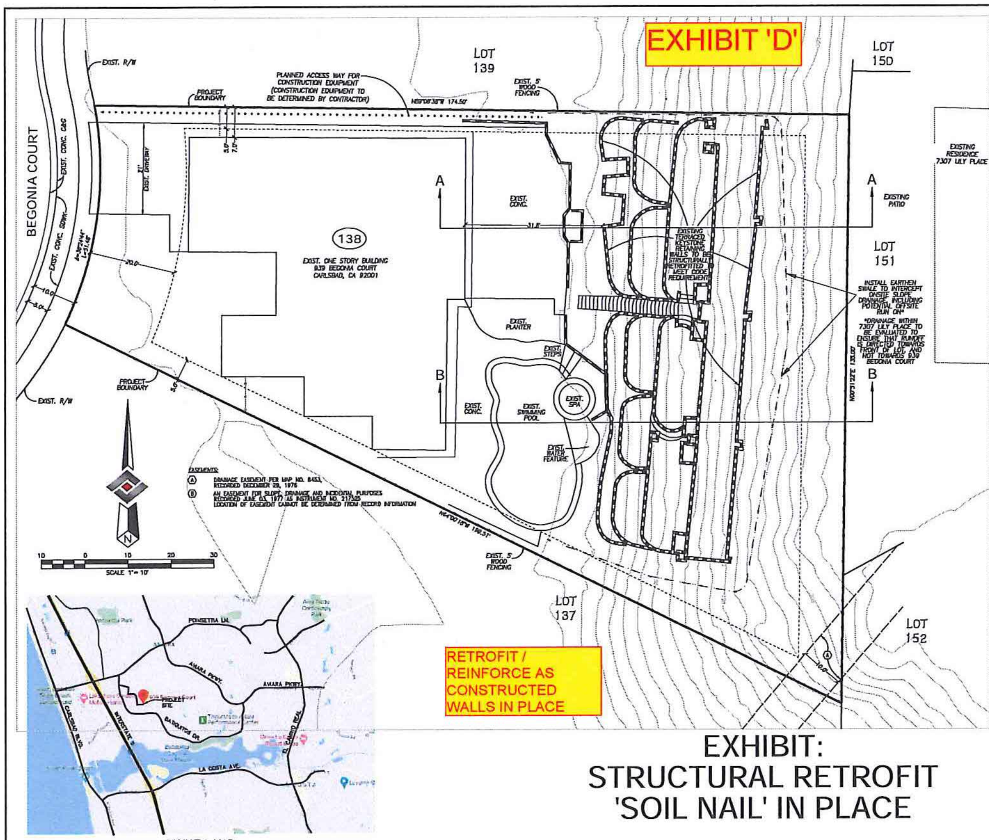
PREPARED BY:
FUSION ENGINEERING & TECHNOLOGY
1810 GILLESPIE WAY, #207
EL CAJON, CA 92020
(619) 736-2800

PRELIMINARY SITE PLAN
STRUCTURAL RETROFIT OPTION
LICHTMAN RESIDENCE
939 BEGONIA COURT
CITY OF CARLSBAD, CALIFORNIA

MAP 1 OF 1

R:\0005 939 Begonia Court\Pln\Site Plan\0005_SP-01.dwg[]Jun-18-2024:14:01

CDP 2023-______/V 2023-______



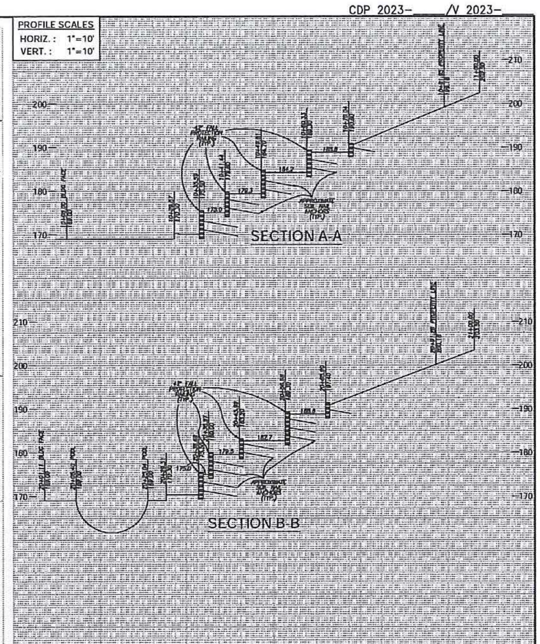


EXHIBIT:
STRUCTURAL RETROFIT 'SOIL NAIL' IN PLACE

VICINITY MAP

PROPERTY INFORMATION:

939 BEGONIA COURT CARLSBAD, CA 92011
APN 214-380-23-00

LEGAL DESCRIPTION:
LOT 170 OF LA JOLLA ALTA MAP NO. 7185, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

SITE ACREAGE = 0.377 AC
EXISTING ZONING = R-1
EXISTING LAND USE = R-4
PROPOSED LAND USE = R-4
NO CHANGES PROPOSED TO BUILDING, PARKING, ETC.

TOTAL BUILDING COVERAGE = 2,803
BUILDING SQUARE FOOTAGE = 3,440
PERCENT LANDSCAPING = 20%

OWNER INFORMATION:

OWNER:
VALERIE LICHTMAN REVOCABLE TRUST DATED JUNE 12, 2003
VALERIE LICHTMAN, TRUSTEE
850 BERNARD WAY
SAN BERNARDINO, CA 92404
ISQUARED@CHARTER.NET
909-658-4291

APPLICANT:
IRENE LICHTMAN
850 BERNARD WAY
SAN BERNARDINO, CA 92404
ISQUARED@CHARTER.NET
909-658-4291

CONSTRUCTION QUANTITIES:

GRADING QUANTITIES
(WORK COMPLETED):
CUT: 150 CY
FILL: 150 CY
IMPORT/EXPORT: 0 CY
REMEDIAL: N/A

GRADING QUANTITIES
(WORK TO BE COMPLETED TO ADDRESS CODE VIOLATION):
CUT: 0 CY
FILL: 0 CY
IMPORT/EXPORT: 0 CY
REMEDIAL: N/A

DESIGN & CONSTRUCTION NOTES:

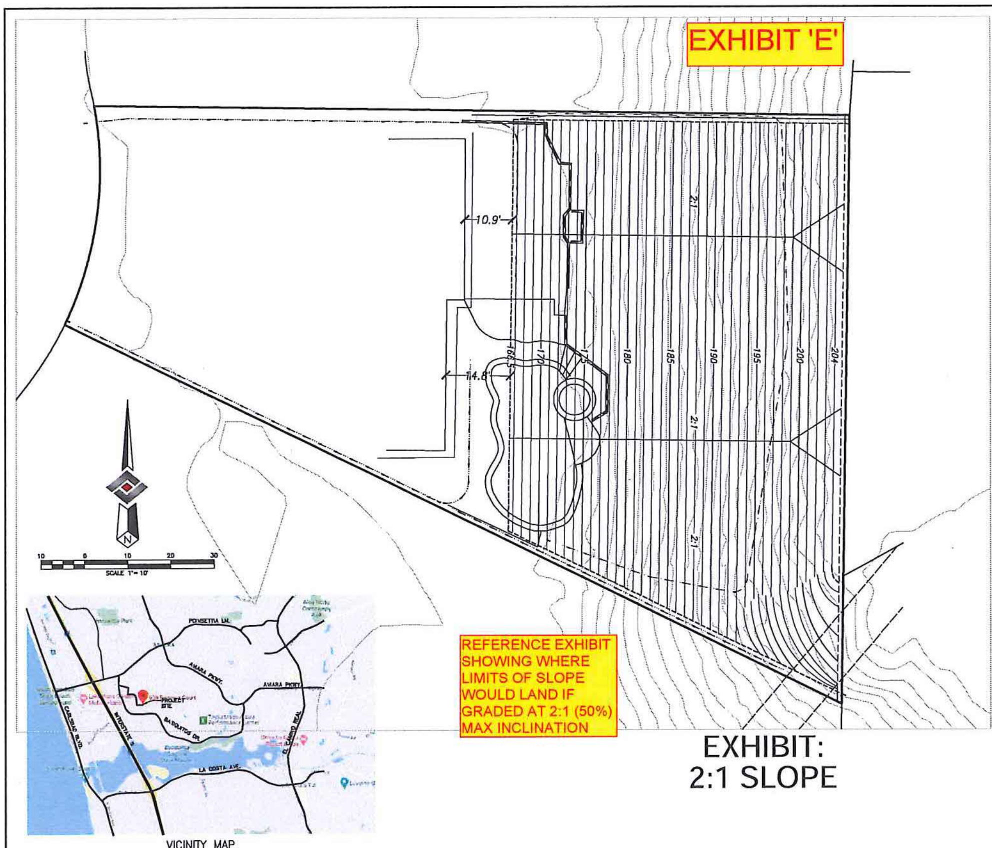
- EXISTING MSE WALLS TO BE PERMITTED.
- APPROXIMATE CURRENT GEOGRID LENGTH OF 4'.
- RETROFITTING OF WALLS TO BE ACCOMPLISHED BY INSTALLING SOIL NAILS AND CORRESPONDING NEW FACING.
- PROVIDE 42" FALL PROTECTION RAILING.
- PROPOSED WALL ANCHORS (SOIL NAILS) AND/OR GEOGRID SHALL NOT EXTEND BEYOND PROPERTY LINE WITHOUT WRITTEN APPROVAL FROM ADJACENT PROPERTY OWNER.
- REFERENCE GEOTECHNICAL REPORT FOR SOIL SPECIFICATIONS.
- PRECISE DESIGN (INCLUDING NAIL SCHEDULE, WALL DRAINAGE, FACING THICKNESS, GLOBAL STABILITY) TO BE ADDRESSED AT FINAL ENGINEERING.
- CONSTRUCTION MEANS AND METHODS SHALL BE PER CONTRACTOR

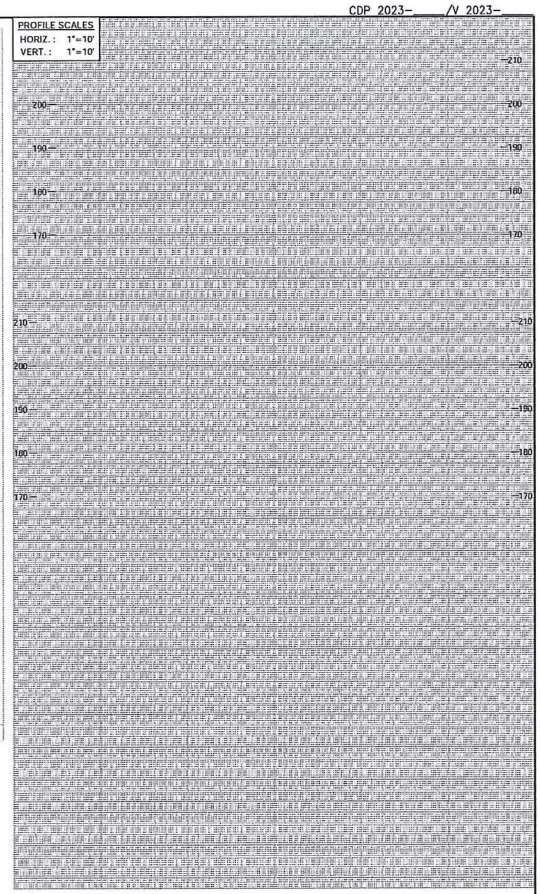
PREPARED BY:
FUSION ENGINEERING & TECHNOLOGY
1810 GILLESPIE WAY, #207
EL CAJON, CA 92020
(619) 736-2800

PRELIMINARY SITE PLAN
STRUCTURAL RETROFIT OPTION
LICHTMAN RESIDENCE
939 BEGONIA COURT
CITY OF CARLSBAD, CALIFORNIA

MAP 1 OF 1

CDP 2023-_____/V 2023-_____





PROPERTY INFORMATION:

939 BEGONIA COURT CARLSBAD, CA 92011
APN 214-380-23-00

LEGAL DESCRIPTION:
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SITE ACREAGE = 0.377 AC
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APPLICANT:
RENE LICHTMAN
860 BERNARD WAY
SAN BERNARDINO, CA 92404
ESQUARED@CHARTER.NET
909-658-4291

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PRELIMINARY SITE PLAN
STRUCTURAL RETROFIT OPTION
LICHTMAN RESIDENCE
939 BEGONIA COURT
CITY OF CARLSBAD, CALIFORNIA

MAP 1 OF 1

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PETITION REGARDING ARENT RETAINING WAL ICITY OF CARLSBAD

EXHIBIT 'F'

ATTACHMENT 6

We, the citizens of the City of Carlsbad, petition the City to allow the permit of the currently existing retaining wall located at the premises located at: 939 Begonia Court, Carlsbad.

We live in the neighborhood where the current retaining wall is located. It enhances the value of our property and does not pose a threat to public safety. It will be over-burdensome and disruptive to our neighborhood if it is forced to be removed by the City. We therefore petition that the wall be permitted.

Allowing the permitting of the existing wall will avoid a lengthy nuisance in our neighborhood in both noise and possible ingress and egress over our properties. In addition, it will avoid heavy machinery and vast amounts of dirt and soil to be moved in and around our streets and properties. It will also avoid the possible instability of the hill on which the retaining wall is situated, if the wall is forced to be removed.

We demand that the Planning and Zoning Commissions allow a permit of the retaining wall at 939 Begonia Court in our neighborhood. We have listed our address below to be notified of any and all Planning and Zoning Commission meetings as well as meetings with the City Counsel regarding this matter.

Name	Address	Signature
1 Mark Baldwin	7212 Azalea Place Carlsbad CA 92011	
Katheryn Bachman	7212 Azalea Place Carlsbad, CA 92011	
Reagan West	7210 Azalea Place Carlsbad, CA 92011	
James Stepp	7107 Azalea Carlsbad 92011	
Sandy Ross	7201 Azalea Place Carlsbad 92011	
Michael Ross	7201 Azalea Pl. Carlsbad CA 92011	
Ed Scarpelli	929 Orchid Way 92011 Carlsbad	
8 Laura Scarpelli	929 Orchid Way Carlsbad 92011	

Name	Address	Signature
9 Deborah K. Heck	915 Poppy Ln 92011	
William L. Thompson	914 Poppy Ln 92011	
Bill Walsh	910 Poppy Ln 92011	
Tricia Walsh	910 Poppy Ln 92011	
David Walsh	902 Poppy Lane	
Brian Norton	909 Poppy Lane	
Scott Chanil	912 Poppy Ln	
Stefan Asbock	923 Begonia Ct	
Amy Asbock	923 Begonia Ct	
Jon Eyer	7107 Primrose way	
Lisa Eyer	7107 Primrose Way	
Gaylon Haney	7108 Primrose Way	
Kelly Lewis	7105 Primrose Way	
Jason Lewis	7105 Primrose Way	
Keith Bryan	7104 Primrose Way	
	7102 Primrose Way 92011	Irene Bulmer
Joan Stanley	902 Daisy Ave	
26 Philip Beaston	906 Daisy Ave	

Name	Address	Signature
27 John Stewart	930 Begonia Ct	
SAM LEONARD	919 BEGONIA Ct	
MIKE KENNEDY	932 Begonia Ct.	
STEVEN BARNES	927 BEGONIA Ct.	
K. Rehm	920 Begonia Ct	K Rehm
Michael Medlock	918 Begonia	M.G. Medlock
Lee Mann	907 Poppy Ln	
Clyde Sorrell	909 Begonia Ct	
Angel Odom	912 Begonia Ct	
Mary Teachout	914 Begonia Court	
John T. Barnes	7304 Azalea Pl	
Ron Kieffe	921 Poppy Lane	
Gregg Land	917 Poppy Ln	
Mary Hull	913 Poppy Lane	
Brenda Olsen	944 Begonia Ct	Brenda Olsen
KEVIN HARRIS	942 BEGONIA CT	
SARANAC HARRIS	942 Begonia Ct	
44 Michael Heck	915 Poppy Ln	

PETITION REGARDING CURRENT RETAINING WALL IN CITY OF CARLSBAD

We, the citizens of the City of Carlsbad, petition the City to allow the permit of the currently existing retaining wall located at the premises located at: 939 Begonia Court, Carlsbad.

We live in the neighborhood where the current retaining wall is located. It enhances the value of our property and does not pose a threat to public safety. It will be over-burdensome and disruptive to our neighborhood if it is forced to be removed by the City. We therefore petition that the wall be permitted.

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	Name	Address	Signature
45	Christy-Lee	7296 Azalea Pl	Christy Lee
46	Barry Mudd	7202 AZALEA PL	

PETITION REGARDING CURRENT RETAINING WALL IN CITY OF CARLSBAD

We, the citizens of the City of Carlsbad, petition the City to allow the permit of the currently existing retaining wall located at the premises located at: 939 Begonia Court, Carlsbad.

We live in the neighborhood where the current retaining wall is located. It enhances the value of our property and does not pose a threat to public safety. It will be over-burdensome and disruptive to our neighborhood if it is forced to be removed by the City. We therefore petition that the wall be permitted.

Allowing the permitting of the existing wall will avoid a lengthy nuisance in our neighborhood in both noise and possible ingress and egress over our properties. In addition, it will avoid heavy machinery and vast amounts of dirt and soil to be moved in and around our streets and properties. It will also avoid the possible instability of the hill on which the retaining wall is situated, if the wall is forced to be removed.

We demand that the Planning and Zoning Commissions allow a permit of the retaining wall at 939 Begonia Court in our neighborhood. We have listed our address below to be notified of any and all Planning and Zoning Commission meetings as well as meetings with the City Counsel regarding this matter.

Name	Address	Signature
JAMES COTHRAN	910 BEGONIA COURT	James A. Cothran
Rick LOUGHERY	916 Begonia Ct	
BEATRICE PUTZ ROSAURO SANCHEZ	943 BEGONIA CT CRLSD 92011	
John Turbeville	934 Begonia ct 92011	
Pearl E Holmes	928 Begonia Ct 92011	Pearl E Holmes
Kevin Connors	921 Begonia Court 92011	
James Alvarado	915 Begonia Ct.	
Valencia Sorells	909 Begonia Ct 92011	

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Name	Address	Signature
55 Elnora Chambers	914 Daisy Ave. Carlsbad	Elnora Chambers
Georgina Sutherland	918 Daisy Ave 92011	Carlsbad Ca
Joel Hawthorne	919 Orchid Way Carlsbad 92011	
Poliana Miranda	919 Orchid Way 92011	Poliana Miranda
HAL LONAS	908 Orchid Way 92011	
Patrick Reuner	915 Orchid Way	
RYAN OPEKA	910 ORCHID Way	
Amelia Thornton	909 Orchid way	
Theodore J Porter	906 Orchid Way	
Andrea	902 Orchid	
Reed McGuire	901 Orchid Way	
66 Helen Reese	905 ORCHID WAY	

PETITION REGARDING CURRENT RETAINING WALL IN CITY OF CARLSBAD

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Name	Address	Signature
67 Linda Kramer	7305 Lily Pl	

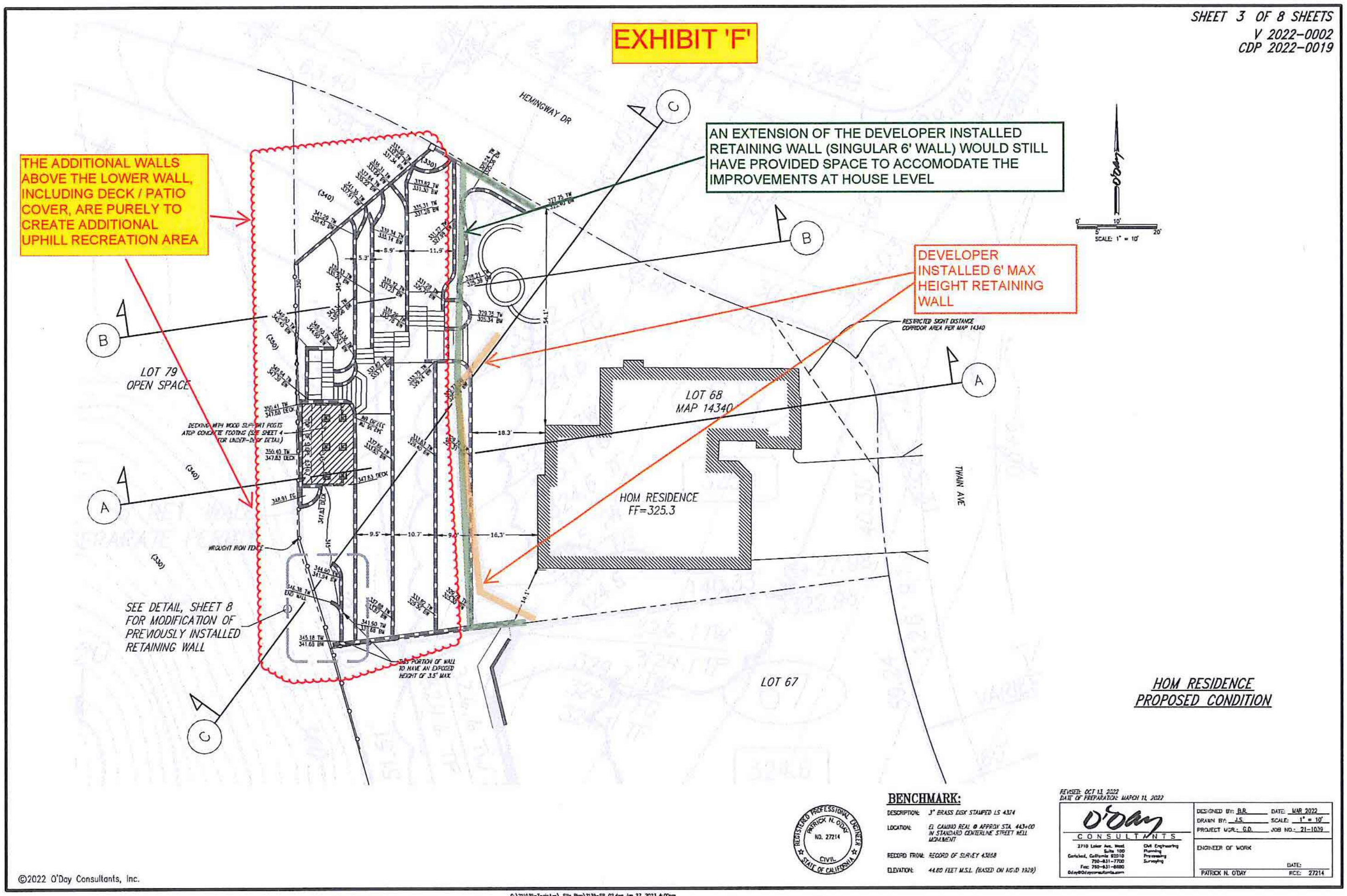
SHEET 3 OF 8 SHEETS
V 2022-0002
CDP 2022-0019
EXHIBIT 'F'
HEMINGWAY DR
AN EXTENSION OF THE DEVELOPER INSTALLED RETAINING WALL (SINGULAR 6' WALL) WOULD STILL HAVE PROVIDED SPACE TO ACCOMODATE THE IMPROVEMENTS AT HOUSE LEVEL
THE ADDITIONAL WALLS ABOVE THE LOWER WALL, INCLUDING DECK / PATIO COVER, ARE PURELY TO CREATE ADDITIONAL UPHILL RECREATION AREA
DEVELOPER INSTALLED 6' MAX HEIGHT RETAINING WALL
SCALE: 1" = 10'
RESTRICTED SIGHT DISTANCE CORRIDOR AREA PER MAP 14340
LOT 79 OPEN SPACE
LOT 68 MAP 14340
HOM RESIDENCE FF=325.3
TWAIN AVE
WROUGHT IRON FENCE
SEE DETAIL, SHEET 8 FOR MODIFICATION OF PREVIOUSLY INSTALLED RETAINING WALL
LOT 67
HOM RESIDENCE PROPOSED CONDITION
BENCHMARK:
DESCRIPTION: 3" BRASS DISK STAMPED LS 4324
RECORD FROM: RECORD OF SURVEY 43858
ELEVATION: 44.80 FEET M.S.L. (BASED ON NGVD 1929)
O'Day CONSULTANTS
DESIGNED BY: B.R.
DRAWN BY: J.S.
DATE: MAR 2022
SCALE: 1" = 10'
JOB NO.: 21-1039
ENGINEER OF WORK
PATRICK N. O'DAY
RCE: 27214
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EXHIBIT 'G'

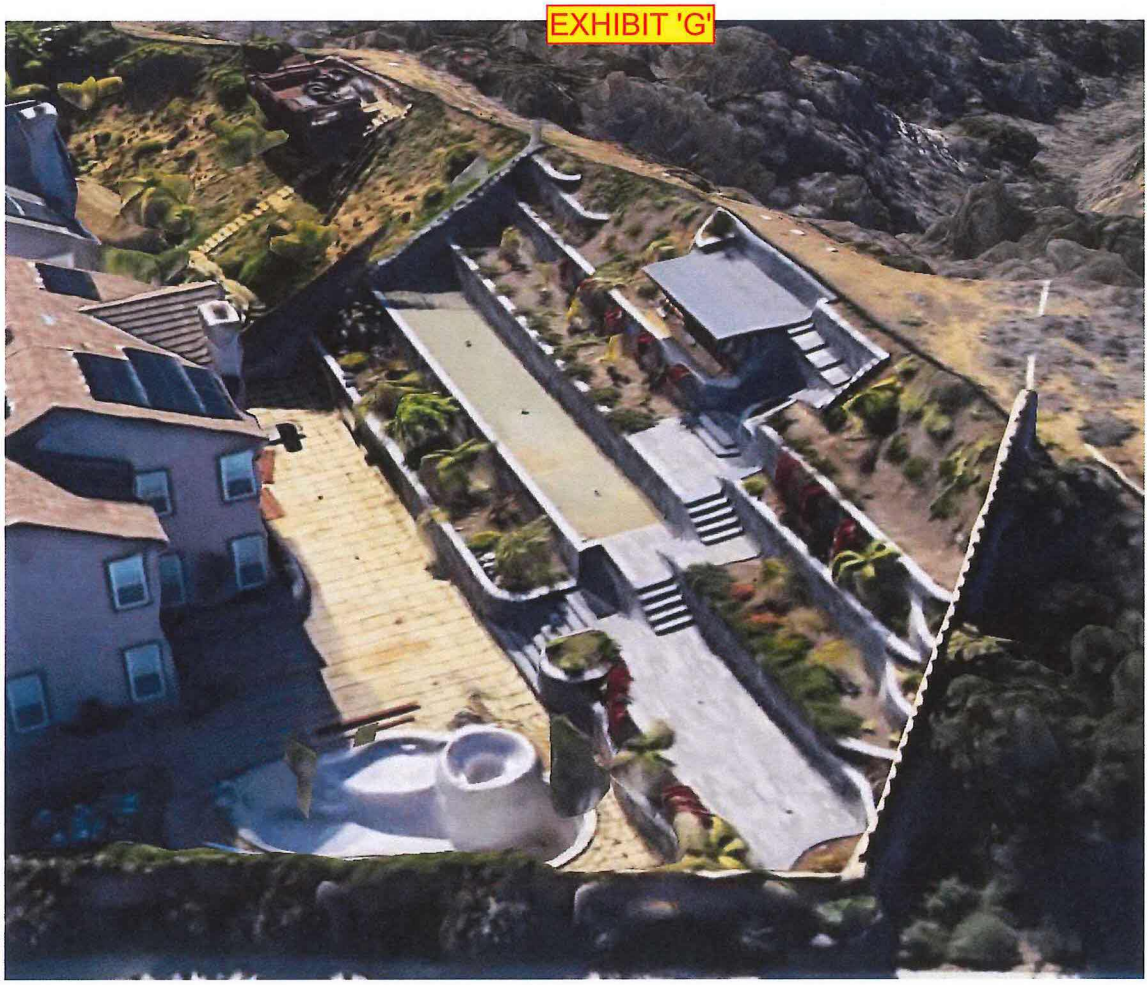

EXHIBIT 'H'

to decrease the stability of the wall, as test pits sever the geogrid reinforcement and disturb the soil compaction. A report on the findings was prepared and reviewed by the City and its third-party consultant.

The technical reports conclude that, in general, the tiered Keystone walls are spaced far enough apart to where they do not negatively place a surcharge on each other. In one location however, it is suggested that minor remedial work should be conducted to avoid potential future surcharge. A condition to this effect is included with the draft resolution. However, with this single exception, it is concluded that the Keystone walls were constructed consistent with the Keystone Construction Manual guidelines, that the walls show no sign of distress, and it is expected that they would continue performing as intended. It is also noted that the wall system has been constructed for almost three years at this point, through two and a half rainy seasons, with no visible slumping of the soil backfill or movement in the pavers. The technical reports indicate that the factors of safety against deep-seated failure are determined to be at an acceptable level, that no structural issues with the wall have been observed, that the walls will not impact improvements on any adjacent properties, and that the walls have been constructed in a manner suitable for their intended use.

Variance (CMC Chapter 21.50)

Pursuant to CMC Chapter 21.50, variances are granted to resolve practical difficulties or physical hardships that may result from the unique size, shape, topography, or dimensions of a property. The applicant is requesting a variance to sections of the Zoning Ordinance in order to allow the authorized construction of the stepped retaining wall system and wood deck. The following Hillside Development regulations apply to manufactured slopes which have a gradient of greater than forty percent and an elevation differential of greater than fifteen feet.

> Section 21.95.140(C)(1)(a)(i); "*[Retaining walls] on or into an uphill perimeter manufactured slope shall be limited to a maximum of six vertical feet as measured from the existing grade at the toe of the slope.*"
>
> Section 21.95.140(C)(1)(a)(ii); *"Decks may be constructed upon an uphill perimeter manufactured slope up to the required building setback(s) of the underlying zone."*

In order to support an approval for a variance, all five required findings of fact from CMC Section 21.50.050 must be made. These five required findings and analysis are discussed below.

1. **That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.**

   The subject property possesses unusual topographic constraints which result in special circumstances which other properties in the vicinity do not possess. The subject lot was constructed with a "cut-back" slope.