

CALIFORNIA COASTAL COMMISSION

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F14a

ADDENDUM

November 17, 2021

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item F14a**, Coastal Commission Permit Application **#A-6-LJS-20-0008 (Abbott, La Jolla)**, for the Commission Meeting of November 19, 2021.

1. APPELLANT CORRESPONDENCE

The purpose of this addendum is to respond to a letter from the appellants, Andrew Midler, Monica Midler, and Moses Property, LLC, regarding the staff report, dated November 3, 2021. The appellants' full response letter with attachments, dated November 12, 2021, is available in the Correspondence for this item.

The appellants' letter of opposition asserts the following with regards to the geotechnical analysis: (1) that due to the previous anthropogenic modifications that altered or obscured the natural bluff edge, the bluff edge determination is insufficiently accurate to use as a basis for the geologic setback or within the special conditions; (2) that the current analysis of the bluff's material strength is effectively negligible because the proposed project includes removal of structures and a change in fill composition compared to that which was originally analyzed; and (3) that the staff report does not consider any effects of the weight from the cantilevered floor to bluff edge;

The appellants' letter of opposition also asserts the following with regards to water quality and runoff capture on site: (1) that the Revised Drainage Study, dated April 26, 2021, does not sufficiently consider the potential for increases in flash flooding or demonstrate that the drainage system will have enough capacity to pass a large rainfall event; (2) that there is no backup for the new drainage system if the sump pump were to fail; (3) that neither the staff report nor the Revised Drainage Study evaluate how the new grading, fill, and associated irrigation and drainage for the new yard might impact runoff; (4) that the proposed development will increase impacts to the adjacent bluff and beach because of increases to both impervious and pervious drainage areas; and (5)

that the project as proposed is inconsistent with the San Diego Municipal Code because the project does not direct any and all runoff away from the bluff.

2. STAFF REPORT REVISIONS

Staff makes the following changes be made to the above-referenced staff report. Deletions shall be marked by ~~strikethrough~~ and additions shall be underlined:

1. In response to the applicant's assertion that the bluff edge determination is insufficiently accurate, add the following after the second sentence of the fifth paragraph of the "Analysis" section on Page 23 of the staff report:

The natural bluff edge was determined in accordance with the LCP definition on pp. 22-23 of the report. The definition accounts for fill that might otherwise obscure the natural bluff edge. The Commission's geologist reviewed the bluff edge as determined by the applicant and agreed that the applicant followed the appropriate procedures to delineate the bluff edge according to LCP policy. The referenced diagram is directly applicable to the portions of the Abbott site where the natural bluff edge has been covered by fill.

2. In response to the appellants' assertion that the material strength analysis relies upon the existing as opposed to the proposed substrate conditions, add the following after the second sentence of the first full paragraph on Page 25 of the "Bluff Stability" section:

Neither the removal and replacement of the existing fill, nor the removal of the previous structures are anticipated to contribute to geologic instability at the site.

3. In response to the appellants' assertions that the staff report does not consider effects from the weight of the cantilevered floor to the bluff edge, add the following at the end of the first full paragraph on Page 25 of the staff report:

Because the cantilevered second floor relies upon the first floor and foundations, located outside of the 40 ft. setback, for structural support, there are no effects from any hanging weight of the cantilevered floor seaward of the 40 ft. setback.

4. In response to the appellants' assertion that the Revised Drainage Study and staff report do not adequately analyze impacts from increased flash flooding, staff note that both the staff report and Revised Drainage Study reference the sizing of the drainage system with respect to a 100-yr. storm event. Staff would refer the reader to Pages 29 and 36 of the staff report for more information. In addition, add the following after the third sentence of the first paragraph on Page 36 of the "Analysis" section:

Though climate change may result in future increases to flash flooding, the proposed drainage system should have sufficient capacity to pass flows from large flash flooding events, as a 100-yr storm event is by its very nature, a large

event capable of producing flash flooding that may occur more frequently in the future.

5. In response to the appellants' assertion that the proposed project could result in impacts to the bluff if the proposed sump pump were to fail, add the following after the second sentence of the first full paragraph on Page 37 of the staff report:

Special Condition # 4 section (e)(v) requires the applicant to maintain, inspect, and ensure that the drainage system and best management practices associated thereto remain operational over the life of the development. As such, the sump pump is already required to be properly maintained, preempting the likelihood that the pump would fail unexpectedly.

6. In response to the appellants' assertion that new grading, fill, and associated irrigation and drainage for the new yard might impact runoff, staff note that potential impacts to water quality resulting from the necessary grading associated with the wall removal are addressed on Page 37 of the staff report. To further clarify, add the following after the changes suggested per revision #7 in this addendum on Page 37 of the staff report:

Special Condition # 4 requires preparation and implementation of a detailed post-development runoff plan, which will ensure that disturbance to coastal waters and natural drainage features are minimized, that adverse impacts from runoff are avoided to the maximum extent feasible, that other best management practices (BMPs) are implemented where infiltration is not appropriate, and that said BMPs are maintained over the life of the development. **Special Condition # 1** requires any existing irrigation systems that drain anywhere on or over the bluff top to be removed or capped.

7. In response to the appellants' assertion that proposed development will increase impacts to the adjacent bluff and beach due to increases in both the impervious and pervious drainage areas, add the following after the second sentence of the first full paragraph on Page 37 of the staff report:

Though the Revised Drainage Study does not include the pool in its impervious drainage area, as the original drainage study did, the revised study is consistent with respect to its comparison calculations; inclusion of the pool in the impervious drainage area for the pre- and post-construction conditions would not alter the resulting overall decrease in the total impervious drainage area under the post-construction conditions. The Commission's water quality technical experts have reviewed both drainage studies and concur.

8. In response to the appellants' assertion that the proposed project is inconsistent with the San Diego Municipal Code, staff would note that Page 37 of the staff report states: "While LUP policy requires surface drainage to flow to the street or into drainage facilities that divert water from going over bluffs, in the case of the

proposed project, slight increase in runoff over the bluff face is unavoidable due to the need to regrade and stabilize the back yard area inland of the removed wall, lest the upper slope of the bluff face erode away without any stabilization or grading. The applicant considered alternatives; however, no other feasible, less environmentally damaging alternatives exist to prevent runoff over the bluff face during rainfall that would meet LUP and Coastal Act requirements, which mandate removal of the retaining wall, and ensure proper drainage.” To further clarify, add the following on Page 37 of the staff report after the aforementioned sentence:

The project as proposed will meet the intent of the LUP and Coastal Act policies, which is to ensure proper drainage, allow for natural bluff retreat, and limit shoreline protection devices.