CALIFORNIA COASTAL COMMISSION
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SAN DIEGO, CA 92108-4402
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F14a

A-6-LJS-20-0008 (Abbott Residence)

NOVEMBER 19, 2021

CORRESPONDENCE

HechtSolberg

TALON J. POWERS
E-Mail: tpowers@hechtsolberg.com

November 12, 2021

Via Electronic Mail
meagan.flier@coastal.ca.gov

California Coastal Commission
7575 Metropolitan Drive #103
San Diego, CA 92108
Attn: Meagan Flier

Re: Appellants' Response to Staff Report Dated November 3, 2021 Concerning Appeal Number A-6-LJS-20-0008 Which Recommends Approval of Abbott Coastal Development Permit with Conditions

Honorable Commissioners of the California Coastal Commission:

This firm represents the appellants, Andrew Midler, Monica Midler, and Moses Property, LLC ("Appellants") with regard to Appeal Number A-6-LJS-20-0008 concerning the proposed project located at 6340 Camino de la Costa, San Diego, CA 92037 (the "Project"). We appreciate the fact that the Coastal Commission accepted our clients' appeal of the Project. We further appreciate the time, effort and attention paid to reviewing the scope of the Project and its underlying compliance with the City of San Diego's Local Coastal Program (the "LCP"), the Coastal Act, and the California Environmental Quality Act ("CEQA"). Despite such review, however, it remains Appellants' belief that approval of the Coastal Development Permit ("CDP") for the Project would be inconsistent with the aims and requirements of both the LCP and CEQA. As a result, we would urge the Commission to deny the issuance of any CDP for the Project.

As the Staff Report dated November 3, 2021 points out, it is a requirement of the Coastal Act that to be approved, any CDP must be in compliance with both the LCP and CEQA. Specifically, Section 30604(a) of the Coastal Act requires that a CDP shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a LCP in conformity with the provisions of Chapter 3 of the Coastal Act. Moreover, Section 13096 of the Commission's Code of Regulations requires Commission approval of a CDP to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

At the outset, Appellants question whether the previous geotechnical mapping done to determine the precise boundary of the sensitive coastal bluff is sufficiently accurate to determine the precise approved plan boundaries. The Commission's "Primer on Coastal Bluff Erosion" states that the material items to be considered when analyzing development such as that of the Project has to do with the location of the bluff, establishing the "material strength" of the bluff, and addressing concerns

with "weight" on the bluff.[1] The Staff Report acknowledges that the bluff is "partially buried", and many of the Staff Report's special conditions rely on the precise location of the bluff edge, yet as acknowledged the bluff edge has been heavily modified by human activity over the last century and some of the precise setback and removal determinations are consequently indeterminate. Moreover, any analysis of the material strength of the bluff as it regards the new construction are necessarily and materially incomplete in light of the proposed changes to the fill composition and the removal of the previously conforming structures. Finally, the Project's new design proposes a cantilevered second story that overhangs the forty-foot setback from the bluff, but the Staff Report does not include any specific analysis on the impact of such hanging weight on the bluff edge.

Moreover, and as we informed Coastal Staff in our previous correspondence dated March 10, 2021 and June 8, 2021, Appellants remain concerned about issues with runoff and potential damage to the sensitive coastal bluff and adjoining beach and sea cave. While the Staff Report provides a thorough analysis of the impacts of climate change with regard to sea level rise and wave action as it impacts the sensitive coastal bluff, it does not adequately analyze the impacts of increased flash flooding and resulting storm water impacts. Such analysis is critical, as has been evidenced by the storm water induced failures of other coastal bluffs in the region. The updated plans which were requested by Coastal Staff (and the Staff Report's subsequent analysis) confirm that the proposed development will increase the overall impact to the sensitive coastal bluff, the adjoining beach, and underlying sea cave. The potential for additional runoff is especially pressing in light of the fact that the applicants themselves have previously reported and cautioned of historical damages to the bluff area from storm water runoff as part of their challenge to development to the neighboring property in 2014-2015. In light of such previous damage, extra caution must be taken to ensure that proper storm water and runoff protections are provided to protect against irreversible bluff and beach damages.

The Revised Drainage Study which the Staff Report relies upon does not provide any analysis on the extent to which proposed grading/site work, new soil fill, and associated irrigation and drainage solutions for the new yard will impact the run-off situation. Of particular significance, the Revised Drainage Study states that rainwater off the increased impermeable area of the modified roofs will, "discharge through the [new retaining] wall" into a flattened grass area behind an elevated berm near the top of the bluff which will rely on "existing drainage" pipes to take the water to a new duplex pump, but the study provides no details on the capacity of the existing pipes, specifics on the need for increased capacity, or the impact during a large storm event. Further, such analysis is inconsistent with the subsequent communications between applicants and Coastal Staff which seem to call for filling the existing drainage pipes with a slurry to structurally enhance the bluff. The Staff Report itself concedes that "the project will also contribute an approximately 1,100 s.f. increase in the pervious area drained directly to the ocean . . . due to the necessary grading of the fill inland of the section of retaining wall that is to be removed in the central portion of the property."

The San Diego Municipal Code (compliance with which is an essential part of overall LCP compliance and local control as required by Section 30604(a) of the Coastal Act) regulates grading near steep hillsides and coastal bluffs. The relevant parts of the Municipal Code are clear that "any and all" drainage must be directed away from the sensitive coastal bluff unless it qualifies for an exemption, which is not applicable in this scenario. Moreover, the potential stability of the berm itself,

[1] Mark J. Johnsson, "A Primer on Coastal Bluff Erosion", *available at* https://www.coastal.ca.gov/publiced/waves/coastal-erosion.pdf.

or the impact of any new erosion event from a storm, is unclear – as the runoff under this design is focused rather than dispersed, it seems likely that the development would create the potential for a focused impact on the central portion of the sensitive coastal bluff, which could create significant erosion issues. Finally, if the new duplex pump were to fail, it is unclear what the drainage situation would be as a result and whether the water directed to that area would impact the bluff. All of these issues needed to be expressly addressed by the applicants, but the Revised Drainage Study does not provide any specific details or comments. As such, the Project design as revised is not in compliance with Section 21080.5(d)(2)(A) of CEQA as feasible mitigation measures which direct "any and all" drainage away from the sensitive coastal bluff as required by the relevant provisions of the Municipal Code and LCP would act to substantially lessen the significant adverse effect which the Project may have on the sensitive coastal bluff and the surrounding coastal resources.

Further, a number of assumptions have changed from the previous drainage study in the Revised Drainage Study without explanation, which have the potential to significantly affect the underlying calculations. Of particular note, in the previous drainage study the swimming pool was calculated as impervious, but in the Revised Drainage Study the swimming pool is calculated as pervious. As such, additional water entering the pool during a storm event would necessarily create runoff, which is likely to be exacerbated with the additional impervious roof area added by the proposed Project design. Moreover, assumptions as to the pre-construction conditions reflecting impervious and pervious numbers, as well as the drainage for Basin Y on the pre-construction charts, have been modified between the two plans. Given that the underlying pre-construction conditions could not have changed between these two drainage studies, we are skeptical of the resulting calculations derived from these inputs. Namely, if you allocate the pool alone as impervious (as the previous study did), it appears the project design will increase rather than decrease storm water runoff. True and correct copies of the relevant drainage study diagrams illustrating the change in the pool from impervious to pervious are enclosed along with this letter.

As noted in their previous correspondence, Appellants retained a civil engineering group with expertise with storm water and runoff issues to review the proposed plans and identify potential issues for your analysis. As indicated in the O'Day Consultants Inc. reports previously provided to the Coastal Commission, there are a number of potential drainage issues with the Project as proposed. Copies of both O'Day reports, as well as the Statement of Qualifications for O'Day Consultants Inc., are enclosed along with this letter.

The two O'Day reports identify the following issues with the redesigned Project:

- While the Revised Drainage Study and plans show that the proposed berm may redirect much of the site drainage, the study does not address the fact that water resulting from a storm event will fall on the face of the newly created slope and will subsequently flow to the bluff face. As such, the construction will create a new impact on the sensitive coastal bluff.

- The proposed plans and drainage likely constitute a substantial modification to previous City approvals and they have not gone through any plan check review or permit processing by qualified City staff. Additional changes will likely be required at the City level, which could significantly impact the approvals in question and the underlying basis for approving a Coastal Development Permit for the revised construction plans. While the Staff Report recommends waiting for the City to stamp copies of the relevant plans and approvals prior to issuance of

the CDP, any changes by the City will necessarily impact the underlying analysis of the Staff Report.

- Both drainage studies lacks analysis on the following issues:
    - No analysis is given on how storm water is conveyed to the storm drain;
    - It is unclear how the roof drains will outlet;
    - It is unclear what will happen to the pool and whether chemicals from the pool will drain into the sensitive coastal area;
    - No calculations exist as to the effectiveness of the pumping system or the backup pumping capacity for collected water, especially in light of the increased impervious area; and,
    - No calculations exist as to the ability of drainage swales to convey storm water or to justify the sizing of the storm drain inlets and piping size in light of increased impervious area.
- It is unclear that the design reflects compliance with the latest City of San Diego Storm Water Standards Manual guidelines or California Regional Water Quality Control orders.
- No indications are provided that these new plans have been analyzed under Priority Development Project guidance as outlined in the Storm Water Standards Manual.

In light of the many potential impacts of the Project on the sensitive coastal bluff and the adjoining coastal resources as identified above, it is Appellants' firm belief that the CDP, even as conditioned in the Staff Report, still constitutes a violation of the implementing Municipal Code regulations which comprise the LCP, as well as a violation of CEQA to the extent that a Project redesign which does not create new runoff conditions directly impacting the sensitive coastal bluff would significantly lessen the adverse effects of the Project on the bluff. In light of such unaddressed violations, we would urge the Commission to deny the CDP.

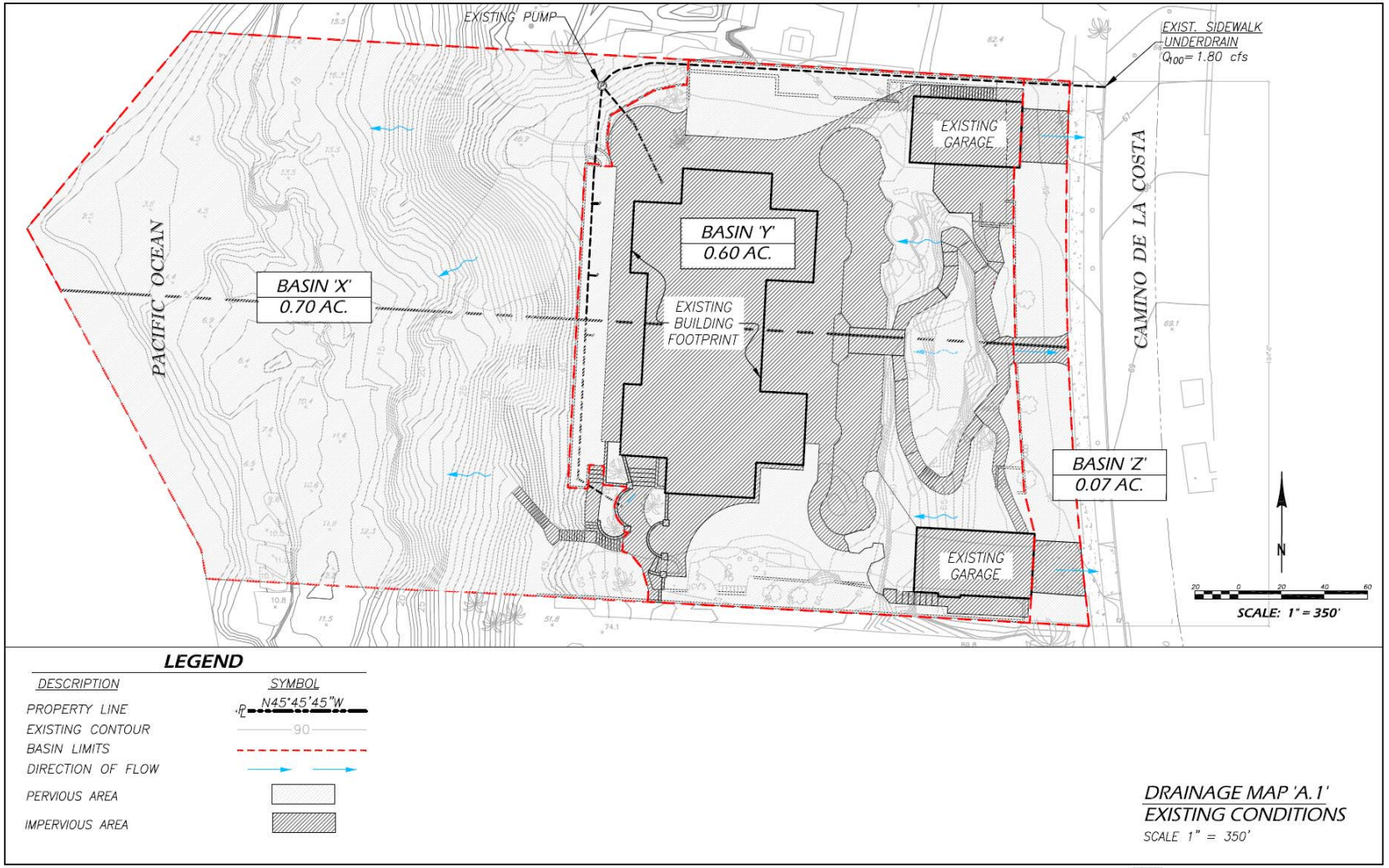
As always, thank you for your time and careful attention to this matter. If you have any questions or require any additional information, please do not hesitate to follow up with me directly.

Very truly yours,

Talon J. Powers
HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP

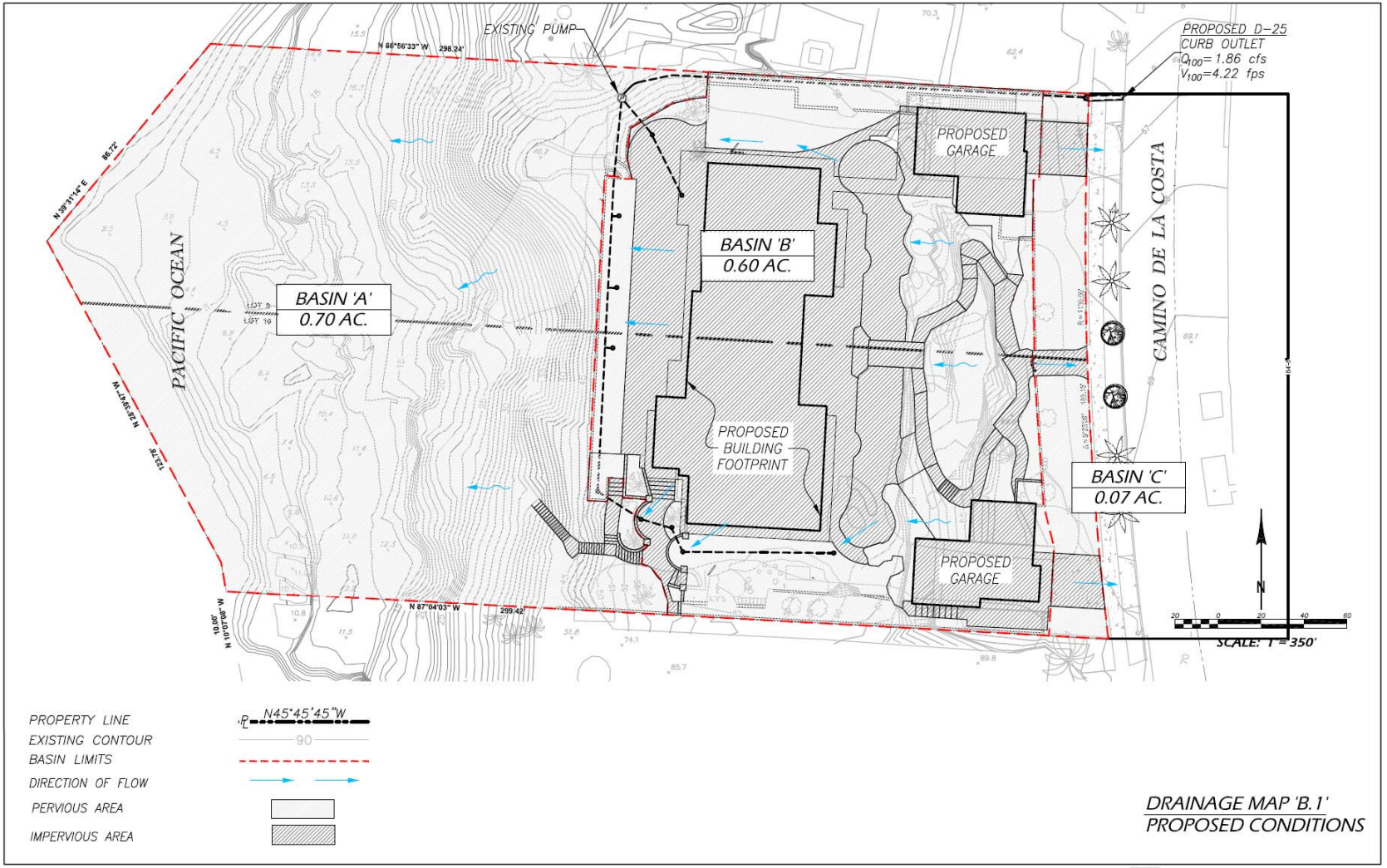
TJP/tp
4856-3613-3891 v. 4
Enclosures
cc: Robin M. Mayer

January 15, 2018 Drainage Study – Existing Conditions (Identifying Pool as Impervious)



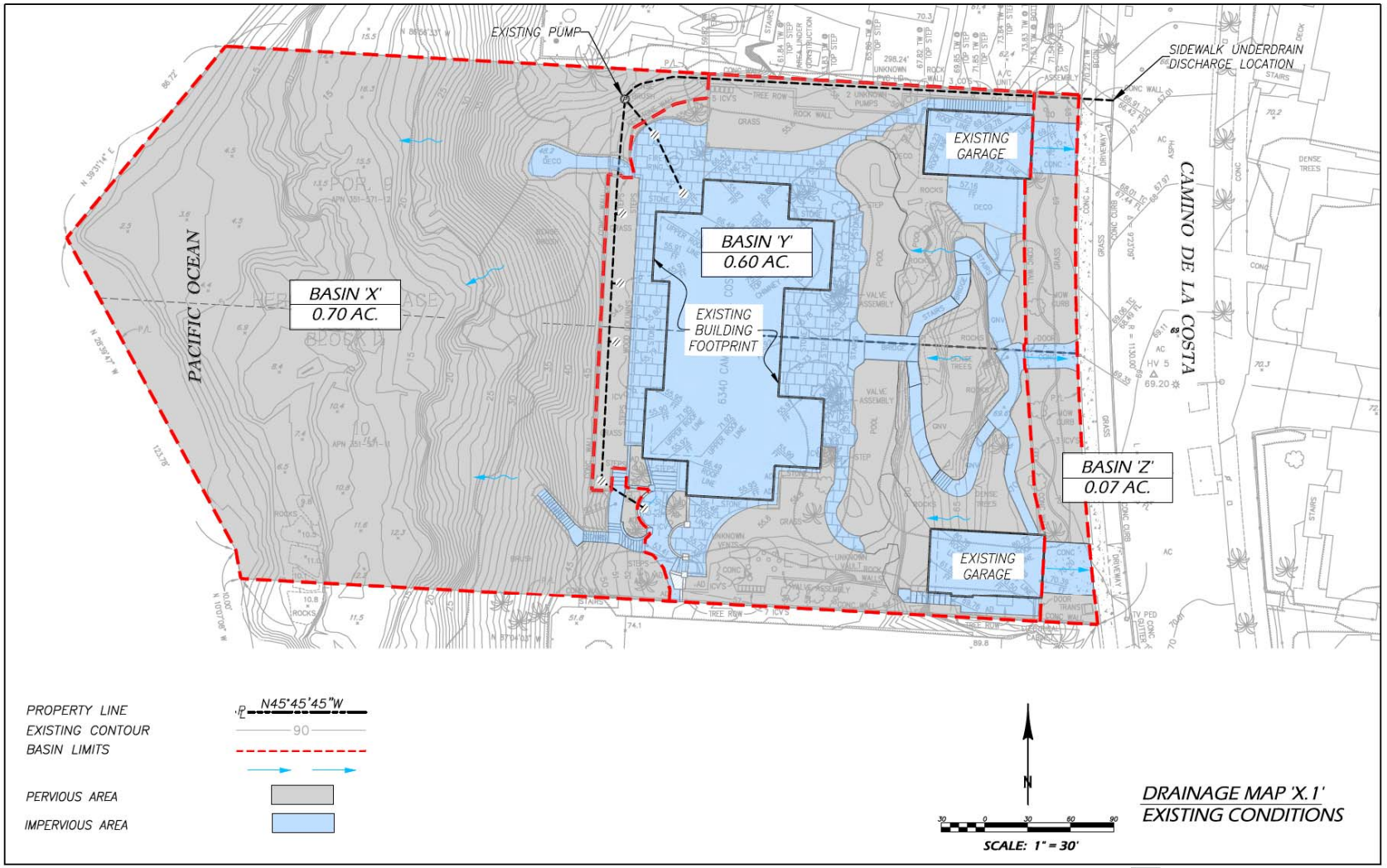
COFFEY ENGINEERING, INC.

January 15, 2018 Drainage Study – Proposed Conditions (Identifying Pool as Impervious)



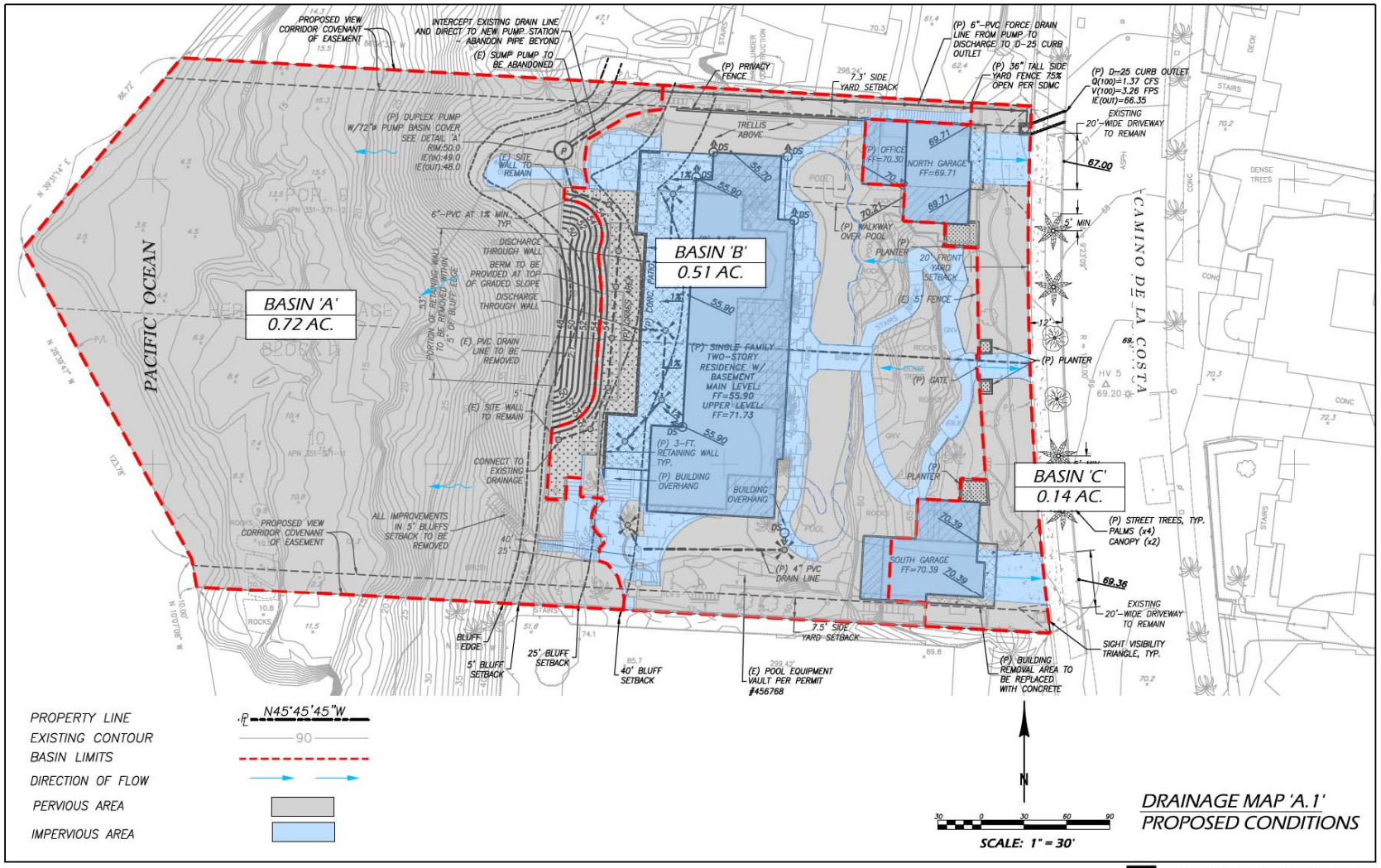
COFFEY ENGINEERING, INC.

April 26, 2021 Drainage Study – Existing Conditions (Identifying Pool as Pervious)



COFFEY ENGINEERING, INC.

April 26, 2021 Drainage Study – Proposed Conditions (Identifying Pool as Pervious)



COFFEY ENGINEERING, INC.

O'Day
CONSULTANTS
Civil Engineering & Surveying

May 18, 2021
JN 211007-01
Email Only

Mr. Talon Powers, Esq.
Hecht Solberg Robinson Goldberg & Bagley LLP
600 West Broadway, Suite 800
San Diego, CA 92101

RE: Review of Revised Preliminary Drainage Study Dated 4/26/2021 for the "Abbott Residence"

Dear Talon:

I have reviewed the revised Preliminary Drainage Study and have the following comments:

In my review of the earlier site plan, I commented that the removal of the existing wall would require some grading.

The revised study shows the wall replaced by grading a slope, the toe of which will match the top of the natural bluff. In order to avoid site water going over the slope and consequently over the bluff in this area, Abbott's engineer proposed an alignment of storm drains to catch site drainage and adding a berm on the top of the newly graded slope.

This design addresses much of the problem of the site drainage not flowing onto the bluff. However, it does not address the fact that water from a rainstorm falls on the face of the slope and subsequently flows onto the bluff face.

This plan appears to not meet the requirements of the San Diego Municipal Code regulating grading near steep hillsides and coastal bluffs (Sect. 143.0142 et seq.)

Section 143.0142 (f) of the Code requires that "Any increase in runoff resulting rom the development of the site shall be directed away from any steep hillside areas…", and Section 143.0143 (d) requires that "All drainage from the improvements on the premises shall be directed away from any coastal bluff…"

Even though the area in question may be considered a small contribution to the drainage, the Code is clear that "any and all" drainage must be directed away unless it qualifies for an exemption.

The other drainage issues outlined in my March 8, 2021 letter should be considered, such as pool overflow, calculations on sizing of swales and drains, and on sizing pumps and backup pumps. However, these more precise items should be addressed during the permit processing with the City, along with the treatment of the storm water runoff.

The Coastal staff could consider conditioning some review control of these items as they are addressed at the ministerial/construction permit application process with the City of San Diego.

Very truly yours,
O'DAY CONSULTANTS, INC.

Patrick N. "Pat" O'Day, PE, QSD
President

c.c. by email Andrew Midler

COFFEY ENGINEERING, INC.

September 14, 2021

Meagan Flier
Coastal Engineer
CA Coastal Commission

RE: Coastal Commission Review – Abbott Residence
Civil + Storm Water Updates

Dear Meagan,

We have responded to the latest Coastal Commission comment issued on 08/26/2021 following way:

Review Comments

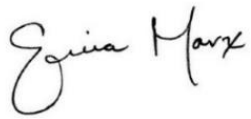
- **Email comment from Coastal Commission dated 08/26/2021:**
  Staff agrees that minimizing bluff alteration is a priority; however, leaving the old sump pump in place could result in future coastal resource impacts when the bluff erodes more than 5ft and the existing system becomes exposed and/or falls to the bluff or ocean below. Staff believes that a minor amount of bluff alteration, if followed by the repair of the slope, may still be warranted to avoid such an outcome.

  To inform our consideration of this issue, please describe the steps that would have to be taken to (a) remove the pump (including an estimate of the volume and area of excavation that would be required) and (b) to repair (i.e., fill and revegetate) the slope. If this work is somehow infeasible, please explain. If the old sump pump cannot be feasibly or safely removed at present, staff would consider a special condition that would require monitoring and removal of the debris if/when the old sump pump becomes exposed.

  Response: Our recommendation remains to abandon the existing sump pump to promote the preservation of the bluff as practicable. In response to the above email, the soils engineer was contacted to comment on the impact the removal of the pump would have on the formational bluff material. The soils engineer agreed that the removal of the existing pump basin would likely result in significant damage to the bluff due to the excavation that would be required for the removal. It is the soil engineer's recommendation that once the pump equipment is removed from the basin that the empty basin be filled with two-sack sand and cement slurry. Attached is the email from the soils engineer, Dave Russell from Christian Wheeler Engineering, that provides his recommendation for how and why the existing pump basin should be abandoned.

If we can be of further service, please feel free to contact us. Thank you.

Sincerely,
Coffey Engineering, Inc.



Erica Marx
erica@coffeyengineering.com

From: David Russell <drussell@christianwheeler.com>
Sent: Thursday, September 9, 2021 11:59 AM
To: Chandra Slaven <cslaven@aac.law>
Cc: Arie Spangler <arie@aac.law>; Lauren Williams <lauren@matrixdesignstudio.com>; Erica Marx <erica@coffeyengineering.com>
Subject: RE: A-6-20-0008 (Abbott Residence) Chandra,

Based on our observations and site photographs, we would recommend removing any at grade (lid and removable interior/plumbing features) from the cylindrical, outer wall of the sump and then filling the interior of the cylinder with a two-sack sand/cement slurry.

The reasoning for this is that significant damage to the blufftop area would likely occur as the result of digging up and completely removing the exterior, cylindrical wall of the existing sump. The diameter of the resultant hole would certainly be much greater than that of the existing sump's exterior wall. I would expect that if the existing sump is completely removed and not abandoned in- place as recommended, that location would be a spot of concentrated and accelerated coastal bluff erosion when compared to adjacent bluff areas.

Once cured, the two-sack sand-cement slurry would be similar in strength to local sandstones. The two-sack slurry mix would be excavatable (if such were ever necessary). The slurry will shrink when cured, so it is our recommendation that it should be installed in at least two lifts and brought up (in a cured state) to within a few inches of existing grades.

Best Regards,

David R. Russell, Principal Geologist.
Christian Wheeler Engineering
3980 Home Avenue, San Diego 92105
Direct: 619.550.1721 | Office: 619.550.1700
www.christianwheeler.com
Geotechnical & Geological Consulting Services | Materials Testing & Inspection | Laboratory Services | Environmental Consulting Roofing & Waterproofing Consulting

COFFEY ENGINEERING, INC.

July 13, 2021

Megan Flier
CA Coastal Commission

RE: Coastal Commission Review – Abbott Residence
Civil + Storm Water Updates

Dear Meagan,

We have responded to the latest Coastal Commission comments issued on 06/09/2021 following ways:

Review Comments

- **Comment #1:**
  - Grading: The revised drainage study dated April 26, 2021 shows grading behind the portion of the wall proposed to be removed (pdf page 7). Some grading was noted on the previously amended site plans (sent 1/15/2021, dated 12/03/20, pdf page 14- building section 'B'), but no specific grading plan was provided. Can you please provide us with a few more specifics: how much material (cubic yardage) is being cut/filled/graded, if any material is being excavated and removed- where is it being relocated, if there is any fill- where is it coming from, etc.?

    Response: A civil grading & drainage plan (Sheet C.1) has been provided as part of this review. Please refer to the "Grading Tabulations" table on Sheet C.1 for specific grading information.

- **Comment #2:**
  - The municipal code (sections 143.0143 (b) and (d)) requires that all runoff to be directed away from the bluff face and that any necessary grading minimizes alteration to natural landforms. Can you please provide further detail on the need for grading, whether the proposed grading is the minimum necessary, and whether other feasible alternatives to grading exist?

    Response: The need for grading originated from the Coastal Commission's requirement to remove the existing retaining wall from the 5-ft. bluff setback. Sheet C.1 the extent of existing retaining wall proposed to be removed from the 5-ft. bluff setback. To account for the grade differential between the existing bottom and top of the wall, grading is proposed to transition the elevations between the proposed grass area and existing bluff edge. Proposed grading is minimized in this area as to not grade further west into the bluff beyond where the existing wall face currently resides. This will also help maintain natural drainage patterns and pathways.

    An alternative to the proposed grading would be to construct a new retaining wall or leave the existing retaining wall within the bluff setback as is. Both alternatives would require an encroachment into the 25-ft. bluff setback. However, leaving the existing retaining wall would minimize any soil disturbance within and on the bluff.

- **Comment #3:**
  - Would it be possible to vegetate the regraded portion of the blufftop in a

manner consistent with all other LCP policies and municipal codes (i.e. native vegetation, view corridor requirements are maintained, etc.)?

Response: It is not recommended to irrigate vegetation on the re-graded portion of bluff. Therefore, any landscape would need to be established without an irrigation system. Further coordination with the landscape architect would be required for a feasible solution. The intent of the berm at the top of the slope is to keep any stormwater runoff generated from the site away from the bluff. It is the intent of the proposed drainage design to inhibit drainage from entering the bluff as much as possible.

- **Comment #4:**
  - Removal of Existing Sump Pump: The revised drainage study proposes to abandon the existing sump pump. Is it possible to remove the sump pump and attached accessory structures within 5ft of the bluff edge? If not, please provide further explanation for why doing so would be infeasible.

    Response: The existing sump pump is proposed to be abandoned to preserve the bluff intact as much as possible to maintain existing condition. The removal of the sump pump would require extensive excavation and additional grading into the bluff. To promote the preservation of the bluff in this area, we proposed that all pipes leading to the existing sump pump be disconnected and re-routed to the new pump basin.

- **Comment #5:**
  - New Sump Pump: From the site plans it appears that the new sump pump will be located 10ft below grade between the 5ft and 25ft blufftop setbacks. Is this correct? LCP policy (section 143.0143 (f)(2)) requires that all accessory structures, which would include this sump pump, are located above grade. Is it possible to locate the new sump pump landward of the 25ft blufftop setback line? If not, please provide further explanation.

    Response: Yes, this is correct. The pump basin bottom will be located approximately 10-ft. below existing grade. The pump basin cover/lid is proposed to be at existing grade elevation as shown. The pump basin cannot be placed above existing grade because the pump basin bottom needs to be at a sufficiently low elevation to collect and discharge any storm water runoff generated from the site to keep generated storm water runoff from entering the bluff.

    Per SDMC Section 143.0143 (f)(2), it is understood that this section applies to accessory structures. However, the pump basin is not considered an accessory structure. The SDMC defines a "structure" as the following:

    > *"Structure means an edifice or building of any kind or any construction built up or composed of parts joined together in some definite manner including a wall, fence, pier, post, sign, or shelter."*

    The proposed pump basin is part of the drainage conveyance system and is not considered a type of structure and/or accessory structure. As part of the drainage conveyance system, this also includes the proposed landscape drains within the proposed grass area near the proposed grading area. These types of drainage features are proposed to minimize and

divert the storm water runoff entering the bluff and should be considered a separate on-site feature from any of the proposed structures and/or accessory structures.

The purpose of the pump basin is to keep storm water away from the bluff as stated in SDMC 143.0143 (d) that states:

"All drainage from the improvements on the premises shall be directed away from any coastal bluff and either into an existing or newly improved public storm drain system or onto a street developed with a gutter system or public right-of-way designated to carry surface drainage run-off. All drainage from any unimproved areas shall be appropriately collected and discharged in order to reduce, control, or mitigate erosion of the coastal bluff."

Furthermore, SDMC Section 143.0143 (f)(2) does not set limits and/or standards for this type of drainage feature and therefore be exempt from the application to propose the pump basin past the 25-ft. bluff setback.

If we can be of further service, please feel free to contact us. Thank you.

Sincerely,
Coffey Engineering, Inc.

Erica Marx
erica@coffeyengineering.com

HechtSolberg

TALON J. POWERS
E-Mail: tpowers@hechtsolberg.com

June 8, 2021

Via Electronic Mail
meagan.flier@coastal.ca.gov

California Coastal Commission
7575 Metropolitan Drive #103
San Diego, CA 92108
Attn: Meagan Flier

Re: Review of Revised Drainage Study for Construction at 6340 Camino de la Costa, San Diego, CA

Dear Ms. Flier:

As you know, we represent the appellants with regard to the proposed project located at 6340 Camino de la Costa, San Diego, CA 92037 (the "Project"). We appreciate the fact that you have provided us with the updated Preliminary Drainage Study dated April 26, 2021 (the "Revised Drainage Study").

As we informed you in our previous correspondence, we remain concerned about issues with runoff and potential damage to the sensitive coastal bluff and adjoining beach. The updated plans which were requested by the Coastal Commission, and which confirm that the proposed development will increase the impermeable square footage at the Project, make runoff issues a critical concern. The potential for additional runoff is especially pressing in light of the fact that the applicants themselves have previously reported and cautioned of historical damages to the bluff area from storm water runoff as part of their challenge to development to the neighboring property in 2014-2015. In light of such previous damage, extra caution must be taken to ensure that proper storm water and runoff protections are provided to protect against irreversible bluff and beach damages.

Our review of the Revised Drainage Study has left us with many of the same questions we had from reviewing the initial documents. Namely, the Revised Drainage Study does not establish the extent to which proposed grading/site work, new soil fill, and associated irrigation and drainage solutions for the new yard will impact the run-off situation. Of particular significance, the Revised Drainage Study states that rainwater off the increased impermeable area of the modified roofs will, "discharge through the [new retaining] wall" into a flattened grass area behind an elevated berm near the top of the bluff which will rely on "existing drainage" pipes to take the water to a new duplex pump, but the study provides no details on the capacity of the existing pipes, specifics on the need for increased capacity, or the impact during a large storm event. Moreover, the potential stability of the berm itself, or the impact of any new erosion event from a storm, is unclear – as the runoff under this design is focused rather than dispersed, it seems likely that the development would create the potential for a focused impact on a portion of the bluff which could create significant erosion issues. Finally,

if the new duplex pump were to fail, it is unclear what the drainage situation would be as a result and whether the water directed to that area would impact the bluff. All of these issues should be expressly addressed, but the Revised Drainage Study does not provide any specific details or comments.

A number of assumptions have changed from the previous drainage study in the Revised Drainage Study without explanation, which have the potential to significantly affect the underlying calculations. Of particular note, in the previous drainage study the swimming pool was calculated as impervious, but in the Revised Drainage Study the swimming pool is calculated as pervious. This does not make sense because the pool uses an infinity edge design with imperious stone around and is a "closed" system. As such, additional water entering the pool during a storm event would necessarily create runoff, which is likely to be exacerbated with the additional impervious roof area added by the proposed Project design. Moreover, assumptions as to the pre-construction conditions reflecting impervious and pervious numbers, as well as the drainage for Basin Y on the pre-construction charts, have been modified between the two plans. Given that the underlying pre-construction conditions could not have changed between these two drainage studies, we are skeptical of the resulting calculations derived from these inputs. Namely, if you allocate the pool alone as impervious (as the previous study did), it appears the project design will increase rather than decrease storm water runoff.

As previously noted, appellants have retained a civil engineering group with expertise with storm water and runoff issues to review the proposed plans and identify potential issues for your analysis. As indicated in the O'Day Consultants Inc. report previously provided to the Coastal Commission, O'Day identified a number of potential drainage issues and after reviewing the Revised Drainage Study, issued a revised report with additional findings and drainage concerns. Copies of both O'Day reports, as well as their Statement of Qualifications, are enclosed along with this letter.

The updated O'Day report identifies the following issues with the redesigned Project:

- While the Revised Drainage Study and plans show that the proposed berm may redirect much of the site drainage, the study does not address the fact that water resulting from a storm event will fall on the face of the newly created slope and will subsequently flow to the bluff face. As such, the construction will create a new impact on the sensitive coastal bluff.

- The revised project design does not meet the underlying requirements of the San Diego Municipal Code, which regulates grading near steep hillsides and coastal bluffs, with the Code being clear that "any and all" drainage must be directed away from the sensitive coastal bluff unless it qualifies for an exemption, which is not applicable in this scenario.

- The Revised Drainage Study did not resolve any of the issues identified in the previous O'Day report, namely the issues related to pool overflow, sizing of swales and drains, sizing of pumps and backup pumps, and treatment of storm water runoff.

- The proposed plans and drainage likely constitute a substantial modification to previous City approvals and they have not gone through any plan check review or permit processing by qualified City staff. Additional changes will likely be required at the City level, which could significantly impact the approvals in question and the underlying basis for approving a Coastal Development Permit for the revised construction plans.

In light of these underlying design changes, additional review and analysis must be conducted to ensure that the revised Project complies with the City of San Diego's Local Coastal Program and associated implementing regulations which necessarily control the proposed development. We remain concerned that the view corridors have been altered and obstructed by the new proposed construction plans which have been forwarded.

As always, thank you for your time and careful attention to this matter. If you have any questions or require any additional information, please do not hesitate to follow up with me directly.

Very truly yours,

Talon J. Powers
HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP

TJP/tp
4815-7027-4797 v. 4
Enclosures
cc: Alexander Llerandi
Diana Lilly

O'Day
CONSULTANTS
Civil Engineering & Surveying

May 18, 2021
JN 211007-01
Email Only

Mr. Talon Powers, Esq.
Hecht Solberg Robinson Goldberg & Bagley LLP
600 West Broadway, Suite 800
San Diego, CA 92101

RE: Review of Revised Preliminary Drainage Study Dated 4/26/2021 for the "Abbott Residence"

Dear Talon:

I have reviewed the revised Preliminary Drainage Study and have the following comments:

In my review of the earlier site plan, I commented that the removal of the existing wall would require some grading.

The revised study shows the wall replaced by grading a slope, the toe of which will match the top of the natural bluff. In order to avoid site water going over the slope and consequently over the bluff in this area, Abbott's engineer proposed an alignment of storm drains to catch site drainage and adding a berm on the top of the newly graded slope.

This design addresses much of the problem of the site drainage not flowing onto the bluff. However, it does not address the fact that water from a rainstorm falls on the face of the slope and subsequently flows onto the bluff face.

This plan appears to not meet the requirements of the San Diego Municipal Code regulating grading near steep hillsides and coastal bluffs (Sect. 143.0142 et seq.)

Section 143.0142 (f) of the Code requires that "Any increase in runoff resulting rom the development of the site shall be directed away from any steep hillside areas…", and Section 143.0143 (d) requires that "All drainage from the improvements on the premises shall be directed away from any coastal bluff…"

Even though the area in question may be considered a small contribution to the drainage, the Code is clear that "any and all" drainage must be directed away unless it qualifies for an exemption.

The other drainage issues outlined in my March 8, 2021 letter should be considered, such as pool overflow, calculations on sizing of swales and drains, and on sizing pumps and backup pumps. However, these more precise items should be addressed during the permit processing with the City, along with the treatment of the storm water runoff.

The Coastal staff could consider conditioning some review control of these items as they are addressed at the ministerial/construction permit application process with the City of San Diego.

Very truly yours,
O'DAY CONSULTANTS, INC.

Patrick N. "Pat" O'Day, PE, QSD
President

c.c. by email Andrew Midler

HechtSolberg

TALON J. POWERS
E-Mail: tpowers@hechtsolberg.com

March 10, 2021

Via Electronic Mail
meagan.flier@coastal.ca.gov

California Coastal Commission
7575 Metropolitan Drive #103
San Diego, CA 92108
Attn: Meagan Flier

Re: Review of New Proposed Plans for Construction at 6340 Camino de la Costa, San Diego, CA

Dear Ms. Flier:

As you know, we represent the appellants with regard to the proposed project located at 6340 Camino de la Costa, San Diego, CA 92037 (the "Project"). We appreciate the fact that you have provided us with relevant new correspondence and plan documents outlining proposed changes to the design of the Project, including the drainage study referenced in the revised plans.

As we informed you in our previous correspondence, we remain concerned about issues with runoff and potential damage to the sensitive coastal bluff and adjoining beach. The updated plans which were requested by the Coastal Commission, and which confirm that the proposed development will increase the impermeable square footage at the Project, make potential issues with runoff a critical concern. The potential for additional runoff is especially pressing in light of the fact that the applicants themselves have previously reported and cautioned of historical damages to the bluff area from storm water runoff as part of their challenge to development to the neighboring property in 2014-2015. In light of such previous damage, extra caution must be taken to ensure that proper storm water and runoff protections are provided to protect against irreversible bluff and beach damages.

To that end, appellants have retained a civil engineering group with expertise with storm water and runoff issues to review the proposed plans and identify potential issues for your analysis. That group, O'Day Consultants Inc., has reviewed the relevant plan documents and the provided drainage study for the revised Project, which have been submitted to you, and has drafted a report summarizing the issues identified in such review. A copy of the report issued by O'Day Consultants, Inc., as well as their Statement of Qualifications, is enclosed along with this letter. Specifically, the report identifies the following issues with the redesigned Project as follows:

- While the plans state that no grading will occur, there are multiple places (including the removal of the retaining wall west of the main building and the construction of a new storm drain) which will require some degree of grading and redesign of the storm drain system now currently in place.

- The drainage study, which was drafted in 2018 and which does not assume the increase in impervious roof area created by the new plans, has not been revised to reflect the changed and current site plan. Specifically, the drainage study lacks analysis on the following issues:
    - No analysis is given on how storm water is conveyed to the storm drain;
    - It is unclear how the roof drains will outlet;
    - It is unclear what will happen to the pool and whether chemicals from the pool will drain into the sensitive coastal area;
    - No calculations exist as to the effectiveness of the pumping system or the backup pumping capacity for collected water, especially in light of increased impervious area; and,
    - No calculations exist as to the ability of drainage wales to convey storm water or to justify the sizing of the storm drain inlets and piping size in light of increased impervious area.
- It is unclear that the design reflects compliance with the latest City of San Diego Storm Water Standards Manual guidelines or California Regional Water Quality Control orders.
- No indications are provided that these new plans have been analyzed under Priority Development Project guidance as outlined in the Storm Water Standards Manual.
- Finally, without an updated drainage study and a comprehensive precise grading plan prepared for the new Project design, any analysis will necessarily be unable to identify all Project risks.

Lastly, while you are certainly aware of the issue, the Project as revised in the plan documents that have been submitted to you is substantially different from the Project previously approved by the City. As such, analysis must be conducted to ensure that the revised Project is in accordance with the City of San Diego's Local Coastal Program, as that is the relevant implementation of the Coastal Act for purposes of development analysis. We remain concerned that the view corridors have been altered and obstructed by the new proposed construction plans which have been forwarded.

As always, thank you for your time and careful attention to this matter. If you have any questions or require any additional information, please do not hesitate to follow up with me directly.

Very truly yours,

Talon J. Powers
HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP

TJP/tp
4832-6542-1280 v. 4
Enclosures
cc: Alexander Llerandi
Diana Lilly

O'Day
CONSULTANTS
Civil Engineering & Surveying

March 4, 2021
JN 211007-01
Email Only

Mr. Talon Powers, Esq.
Hecht Solberg Robinson Goldberg & Bagley LLP
600 West Broadway, Suite 800
San Diego, CA 92101

RE: Review of Revised Plans for House at 6340 Camino de la Costa, La Jolla, CA "Abbott Residence"

Dear Talon:

We reviewed the plans dated 12/3/2020 and Drainage Study dated 1/15/2018 that you made available to us last week.

Mr. Brian Faraci, an engineer with O'Day Consultants, performed a site visit last week as well. However, he was not able to enter the Abbott residence site to inspect closer but could view the site from the neighbor's property (your Client's property).

In our review of the plans, the drainage study, and the site, we limited our review to identifying issues with regard to drainage runoff onto the adjacent sensitive coastal bluff.

Given that, our review identifies items that could potentially result in runoff over the bluff but with a proper design, the site can be made to avoid bluff runoff.

With respect to Grading:
The plans state that no grading will be required for this new site plan (see cover sheet "Grading Data Table").

However, the plans also show the removal of the 7-foot +/- high retaining wall which now exists west of the main building. This will require grading the wall area to make up the 7-foot difference. Two possibilities are to either (1) match the bottom of wall elevations, which will create a low point in the area, create access issues to the building, and possibly expose the existing underground storm drain, or (2) match the top of wall elevations, which would require a graded slope that drains toward the bluff or to a new

retaining wall. Either of which will require, at a minimum, the re-alignment of the existing storm drain.

Finally, the plan shows a new storm drain to be constructed west of the building which directs drainage towards the bluffs. The plan should show grading to divert this water but does not.

Regarding the Drainage Plan and Drainage Issues:
The Drainage Study has not been revised to reflect the changed and current site plan.

The site plan indicates that all runoff between the street and the bluff is captured by the storm drain south and west of the mail building but does not show how the storm water is conveyed to the storm drain.

Other issues to be considered:

1. Where do roof drains outlet?
2. Does storm water drain to the pool and then overflow? If so, are there chemicals in the pool that should not drain to the storm drain?
3. Are there calculations to show ability of drainage swales to convey storm water around the building to the storm drain?
4. Are there calculations to support the sizing of storm drain inlets and underground piping?

Also, the drainage study indicates that all runoff between the street and the bluff is collected at the northwest corner of the site and pumped to the street. To assure that the pump system works correctly and not result in a failure the following needs to be analyzed:

1. How does the pumping system work?
    a. What is the maximum pumping capacity?
    b. How is pumping capacity affected by flow in street?
    c. How large is the holding tank?
2. What is the backup plan?
    a. Is there a secondary pump?
    b. Is there emergency overflow?
    c. Is there an automated alert system?

Regarding the Treatment of Storm Water Runoff:
The design should reflect compliance with the latest City of San Diego Storm Water Standards Manual guidelines and California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001, and as amended by Order Nos. R9-2015-0001 & R9-2015-0100.

Have calculations been done to determine if this is a "Priority Development Project" as outlined in the above referenced manual?

1. What permanent BMP's are proposed? The BMP note on the plans should be reviewed.
2. What is proposed for hydromodification (flow control)?

We believe that these issues would be addressed in the City of San Diego application process and can be addressed now by providing an updated Drainage Study and a comprehensive Precise Grading Plan, both prepared by a licensed civil engineer.

Please advise if you need further clarification or have further questions.

Very truly yours,
O'DAY CONSULTANTS, INC.

Patrick N. "Pat" O'Day, PE, QSD
President

c.c. by email Andrew Midler

Re: Follow Up Hearing on Abbott SDP

Flier, Meagan@Coastal <meagan.flier@coastal.ca.gov>
Fri 2/19/2021 2:16 PM

To: Talon Powers <tpowers@hechtsolberg.com>
Cc: Llerandi, Alexander@Coastal <Alexander.Llerandi@coastal.ca.gov>; Lilly, Diana@Coastal <Diana.Lilly@coastal.ca.gov>

1 attachments (5 MB)
2018_0115 Abbott_drainage study.pdf;

Hi Talon,
I just received a copy of the drainage study, so as promised, I'm forwarding it to you. See attached, and let me know if you have any other questions/concerns.

Sincerely,
Meagan

Meagan Flier
Coastal Engineer | CA Coastal Commission
Meagan.Flier@coastal.ca.gov

From: Talon Powers <tpowers@hechtsolberg.com>
Sent: Friday, February 19, 2021 12:37 PM
To: Flier, Meagan@Coastal <meagan.flier@coastal.ca.gov>
Cc: Llerandi, Alexander@Coastal <Alexander.Llerandi@coastal.ca.gov>; Lilly, Diana@Coastal <Diana.Lilly@coastal.ca.gov>
Subject: RE: Follow Up Hearing on Abbott SDP

Thank you, Meagan.

With the increased square footage of the roof in the updated plans, we continue to be concerned with runoff and drainage issues, and would expect to have comments based on these study documents (as the plans themselves do not disclose the drainage plan for the proposed construction). Once we have those plans in hand we will review and expeditiously provide our comments to you for incorporation in your review and staff report documents.

We sincerely hope that you review these issues carefully in light of previous runoff issues on these properties and their potential impacts of the project on the coastal bluff and adjoining beach.

Best,
Talon

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