

## **CALIFORNIA COASTAL COMMISSION**

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# **F18a**

**6-21-0067 (Laughlin & Greenberg)**

**December 17, 2021**

**CORRESPONDENCE**

**The Trettin Company**  
Community & Government Relations / Project Development

December 9, 2021

TO: Honorable Chair Padilla and Commissioners  
California Coastal Commission

FROM: Bob Trettin, Principal  
The Trettin Company

RE: **CDP Application #6-21-0067;  
Item F18a; December 17, 2021**

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As the authorized agent for the applicants / owners at 325 Pacific (Peter Laughlin) and 327 Pacific (Renita Greenberg), I am writing to note our support for the staff recommendation to approve CDP #6-21-0067, and our acceptance of the draft Conditions of Approval included in the staff report dated December 2, 2021.

I would, however, like to document a rather unusual circumstance associated with this project's history and timeline:

On page two of the staff report, it is noted that "The residence at 327 Pacific Avenue is not considered "existing" for the purposes of Section 30235 (of the Coastal Act)." While this statement is accurate based on the Commission's current interpretation of Section 30235, there is a significant "grey" area associated with this project.

The current residence at 327 Pacific Avenue was constructed in 1984. When the current owner / applicant purchased the property in 1994, she never envisioned that there would be a need to construct coastal bluff protective measures. Yet, unfortunately, several significant failures seaward of her lot ultimately required Ms. Greenberg and her neighbor to seek City of Solana Beach and Coastal Commission emergency and regular permits to construct a lower coastal bluff seawall and upper bluff, below-grade caisson retention system.

In March, 2001, the California Coastal Commission approved CDP 6-00-138, which permitted construction of a lower coastal bluff seawall, below-grade upper bluff retention system, and grouting of the clean sand lens on the coastal bluff below 325 and 327 Pacific Avenue. In taking this action the Commission made the determination that the project, which would remediate the then-existing threat to the residential structures on both of the subject properties, was in conformance with Section 30235 of the California Coastal Act.

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Page 16 of the coastal staff report for CDP 6-00-138, under the Findings and Declarations section of that report, noted that "Therefore, the Commission is required to approve a shoreline altering device to protect the two residences, pursuant to Section 30235 of the Coastal Act." The Commission concurred and approved the coastal bluff seawalls, grouted clean sand lens and below-grade upper bluff retention system for both properties.

In May, 2007, Coastal staff recommended and the Commission approved an amendment to CDP 6-00-138 (A1), which included work to surface an exposed portion of the upper bluff retention system at 327 Pacific and thereby restore its retentive / protective qualities for the primary residential structure.

Again, in approving this project, the Commission made the finding that the project was in conformance with Section 30235 of the Coastal Act.

While it is recognized that more recent Commission members and the current Commission have reinterpreted the definition of "existing structure" to be any primary residential structure approved / built prior to January 1, 1977, we do believe that the current CDP application poses a rare instance, and special circumstance, where prior Commission actions have twice designated coastal bluff protective projects for this residence as being in conformance with Section 30235 of the Coastal Act.

Therefore, while we are not seeking to challenge the Commission's current interpretation of Section 30235, and we are supporting the staff recognition that the residence at 325 Pacific cannot be protected without the work proposed seaward of the 327 property, we are asking that the Commission understand that Ms. Greenberg has never sought to circumvent the Coastal Act.

As a historical note, when Ms. Greenberg and her then neighbors (Kinzel) at 325 Pacific were forced by significant bluff failures in the late 1990's to address the need for coastal bluff protective measures, they chose what they believed to be the most aesthetic and minimal solution. The City of Solana Beach and the Coastal Commission had already approved seawalls that were only +/- 15' high for the properties to the immediate south. Ms. Greenberg and her neighbor at 325 Pacific believed they should keep this minimal approach, and they decided to have their contractor insert a bonding compound +/- 8 ft. deep into the exposed clean sand lens to slow its progressive failure. While this was risky, they believed it to be in keeping with the surrounding actions and far less impactive than a 35 ft. high seawall.

Almost immediately after receiving their approvals, Ms. Greenberg observed the neighbors to the south seeking and obtaining permits to increase the height of their lower seawalls to +/- 35 ft. Then, the neighbor to the north received City and Coastal Commission approval to construct a 35 ft. high seawall.

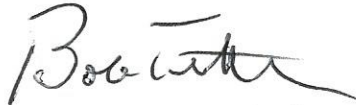
The properties at 325 Pacific and 327 Pacific became the only properties on the Solana Beach coastline with the lower height, more minimalistic seawalls. And for 20 years, this design was effective in protecting the properties. Now, however, the grouted clean sand lens has eroded back significantly and is no longer protecting the mid-to upper bluff. Failure near the top of bluff has exposed the caissons in the below-grade retention system. The residences are again imminently threatened.

Since the initial permitting actions for 325 and 327 Pacific Avenue, the City's Municipal Code and new LCP have stipulated that the preferred method of providing coastal bluff protection is to construct +/- 35 ft. high seawalls and, where necessary, to re-build and landscape failed areas of the coastal bluff.

In summary, we know that there are too many occasions where individuals approach the Commission seeking necessary permits for work that is potentially in conflict with Chapter 3 policies of the Coastal Act. The owner of 327 Pacific was not someone in that category back in 2001 when her coastal bluff protective measures were permitted by the Commission ... and we do not believe that she should be defined in that manner in this current permit application.

Coastal staff members have worked diligently with us on this application for a significant period of time. On behalf of the applicants, Renita Greenberg and Peter Loughlin, I thank all of the members of Commission staff who have been involved in this project. I also thank the Commission for your consideration of this application and request your support of the staff recommendation for approval.

Respectfully submitted,



BOB TRETTIN, Principal  
The Trettin Company

cc: Renita Greenberg, 327 Pacific Avenue  
Peter Laughlin, 325 Pacific Avenue  
John Niven, Soil Engineering Construction, Inc.



December 9, 2021

Delivered via email

To: Karl Schwing  
District Director, San Diego Coast  
California Coastal Commission

**Re: Application No 6-21-0067, Item F18a, 325 & 327 Pacific Avenue, Solana Beach**

Dear Mr. Schwing,

The Surfrider Foundation is a grassroots non-profit environmental organization dedicated to the protection of our ocean, waves, and beaches. The San Diego Chapter has long been dedicated to the protection of San Diego's 70 miles of coastline and is opposed to the ongoing armoring of the bluffs in Solana Beach. We thank staff for their sincere efforts to place a number of important special conditions on this permit for a seawall in Solana Beach. However, we respectfully request that the conditions for approval of this permit be further strengthened to reflect the extraordinary nature of what is going on in the city of Solana Beach.

The staff report accurately reports the terrible situation the City currently finds itself in by stating:

*"The work will be located entirely on the publicly owned beach and bluff across two properties developed with residential structures." (page 2)*

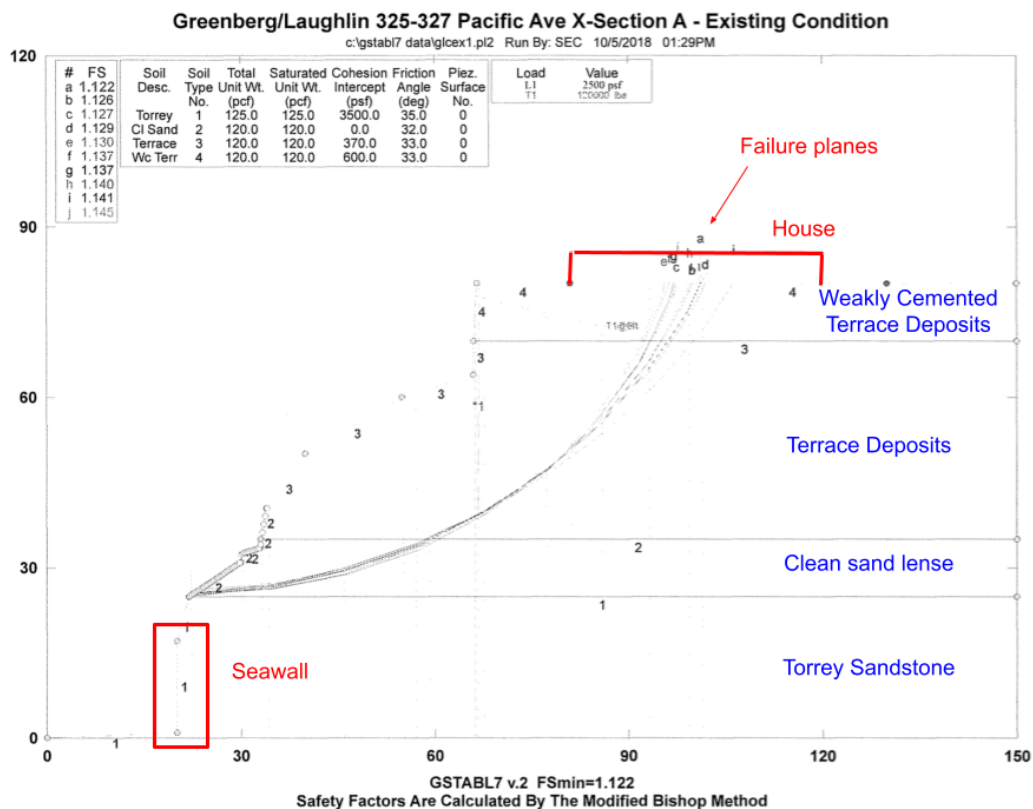
Despite the fact that the bluffs are publicly owned in Solana Beach, a majority of the bluffs in the city are already armored. In essence, public property has been taken for use by private property owners. The continued construction, repair, and enlargement of seawalls in Solana Beach is putting the beach itself in grave danger of disappearing. Favoring private property owners is contrary to the City's duty to protect beaches and bluffs as public land. It is also contrary to the intent of the California Constitution, which includes the beach as part of the public trust. The beach and bluffs are meant to be protected for the enjoyment of all, not just the few coastal property owners whose homes are now threatened by a well-known natural process.

We ask that Staff's Recommendation be modified to include the following:

- 1) The permit should be conditioned such that no new development or additions may be permitted at the subject properties in the future, as it is not possible to site new development where it will be safe from erosion without a need for shoreline armoring. This should include any redevelopment or remodels even under the 50% redevelopment threshold.
- 2) The public recreation fee should be recalculated to include the cave that would collapse absent the proposed protection.

### The current lower bluff seawalls will fail without upper bluff protection

It is likely the present seawall would fail absent the new construction resulting in the immediate formation of new beach area. The applicant's geotechnical report is quite conclusive that there is a very low factor of safety at both 325 and 327 Pacific Ave, even in the presence of the existing lower bluff seawall. Their analysis as represented below shows that the failure planes are well within the footprint of the homes.



It is clear from the applicant's own geotechnical report<sup>1</sup> that these houses should never have been built here in the first place. The fact that the factor of safety is so low even in the presence of the lower bluff seawall should demonstrate to even unskilled observers that the bluff is not a safe place for development. The geotechnical report brings this point home:

*The ultimate exposure and failure of the friable clean sand layer near the base of the Pleistocene section is imminent and will result in a significant acceleration of upslope failure that will impact the subject residences. As noted in the original geotechnical analysis for these properties, this sand layer is similar in appearance, and in the failure mechanism, to those previously identified in the vicinity of and adjacent to Pacific Avenue in this coastal stretch of Solana Beach. The exposed clean sand lense below the subject properties cannot stand vertical for any extended length of time. The relatively weak (low shear strength) clean sand lense is susceptible to massive failure due to wind, water and vibrations.<sup>2</sup>*

This same report details the public danger presented by these properties:

*The section along the beach-level area does not have ample space between the cliff face and the ocean during high tide periods to suggest that there is an area where a person could always walk and not be in a region of threat. Generally, beach hazards include complete collapse of sea caves and undercut and over steepened sea cliffs, as well as massive slope failures of the sea bluff above the bedrock sea cliff. Potential failures along the top of the sea cliff/sea bluff profile may extend landward from about a few to more than 20, or more, feet.<sup>3</sup>*

It is also notably incorrect that the geotechnical report assumes the presence of the current lower-bluff seawall when calculating safety factors. Including bluff stabilization structures in a stability or safety determination is contrary to the City's certified Land

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<sup>1</sup> The geotechnical reports considers only two layers: 1) The clean sands layer and, 2) The upper Pleistocene formation. A proper boring prior to initial construction would have found these materials present in addition to the fact that it was well known in the literature and photographic evidence.

<sup>2</sup> Page 34, Solana Beach staff report accessed at [https://solanabeach.govoffice3.com/vertical/Sites/%7B840804C2-F869-4904-9AE3-720581350CE7%7D/uploads/Item\\_B.2\\_Report\\_\(click\\_here\)\\_05-22-19\\_-\\_O.pdf](https://solanabeach.govoffice3.com/vertical/Sites/%7B840804C2-F869-4904-9AE3-720581350CE7%7D/uploads/Item_B.2_Report_(click_here)_05-22-19_-_O.pdf)

<sup>3</sup> Pages 43-44, Solana Beach staff report

Use Plan (LUP), which is very clear that any safety determination cannot take any bluff retention devices into account:

**Policy 4.18:** *A legally permitted bluff retention device shall not be factored into setback calculations....*

Given the clear impacts to the public beach and the unsafe condition presented by these properties, no further development on these properties should be allowed at any threshold.

### **No new development should be allowed for 327 or 325 Pacific Ave at any threshold**

We request that Special Condition 4 be further strengthened to clarify that no new development of any type will be allowed, as there is no safe location where any new development could be sited absent the seawalls. The geotechnical report is clear on the low factors of safety on the site, even taking the lower bluff seawall into account. The City's LUP is clear that any new development must be set back a safe distance from the bluff's edge and that safety determination cannot take into account any bluff retention devices:

**Policy 4.18:** *A legally permitted bluff retention device shall not be factored into setback calculations....*

**Policy 4.17:** *New development shall be set back a safe distance from the bluff edge, with a reasonable margin of safety, to eliminate the need for bluff retention devices to protect the new improvements. All new development, including additions to existing structures, on bluff property shall be landward of the Geologic Setback Line (GSL) as set forth in Policy 4.25*

**Policy 4.25:** *All new bluff property development shall be set back from the bluff edge a sufficient distance to ensure that it will not be in danger from erosion and that it will ensure stability for its projected 75-economic life. To determine the GSL, applications for bluff property development must include a geotechnical report, from a licensed Geotechnical Engineer or a certified Engineering Geologist, that establishes the Geologic Setback Line (GSL) for the proposed development. This setback line shall establish the location on the bluff top stability where can be reasonably assured for the economic life of the development....*

To clarify that there is no safe location for any new development on either property, we suggest that Special Condition 4 be reworded as follows (additions underlined,

strikethroughs suggest text to remove):

*Special Condition 4: Reliance on Permitted Shoreline Armoring: No future development that is not otherwise exempt from coastal development permit requirements, including additions, major structural alterations, or any redevelopment of the structures on the subject bluff top properties may be permitted as there is no safe location on the property to site any development. ~~may rely on the permitted shoreline armoring to establish geologic stability or protection from hazards.~~ (page 12)*

### **The Public Recreation Fee must account for original impacts starting from 2001**

Proper calculation of the Public Recreation Impact Mitigation Fee (PRF) should account for the area which has been impounded behind the emergency seawall since 2001. This is especially true as f the lower seawall is inherently dependent on the upper bluff protection which is being proposed by this permit. If the proposed upper bluff protection were not constructed, the entire bluff and cave would collapse. This fee calculation must take into account any notch or sea cave landward of the sea wall per Appendix C of the city's certified Land Use Plan (LUP):

*The entire area of a seacave or notch located landward of the proposed Bluff Retention Device shall be considered imminently subject to failure and be included in the mitigation calculation. In addition, the area of any seacaves or notches that have been previously infilled with erodible concrete, located landward of the proposed bluff retention device, which are no longer allowed to erode as originally approved, shall be included in the mitigation calculation.*

Due to the existing seawall and its proposed expansion, the back of the beach has been fixed since 2001, and the width of the sandy beach will continue to narrow over time. As sea level continues to rise, it is increasingly important that the bluffs be able to retreat if we want any chance of continuing to have beaches in Solana Beach. As currently proposed, the fee only addresses the width of the seawall and does not account for the width of the beach that has been impounded since 2001, when the original wall was constructed.

Appendix C of the City's LUP provides example scenarios for calculating the PRF, and these examples provide allowances for various scenarios. Example 1 calculates the PRF in the absence of a seacave or notch, while Examples 2-4 calculate the PRF taking into account the area of a landward seacave or notch, regardless of whether or not it has previously been infilled. .

**“Example 1:** In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with no seacave/notch landward of proposed seawall.

Initial Area = 2' x 50' = 100 sq. ft.

Initial Area Rate = 100 sq. ft. x \$121 = \$12,100

Bluff Retreat Rate = 50 ft. X \$600 = \$30,000

PRF = \$12,100 + \$30,000 = \$42,100

PRF = ((2 ft. x 50 ft.) x \$121 per sq. ft.) + (50 ft. x \$600 per linear ft.) = \$42,100

**Example 2:** In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with a 10 ft. deep by 20 ft. long seacave/notch (which has not been previously infilled) landward of proposed seawall.

PRF = (((2 ft. x 50 ft.) + (10 ft. x 20 ft.)) x \$121 per sq. ft.) + (50 ft. x \$600 per linear ft.)  
= \$66,300

**Example 3:** In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with a 2 ft. deep by 20 ft. long seacave/notch (which has not been previously infilled) landward of proposed seawall.

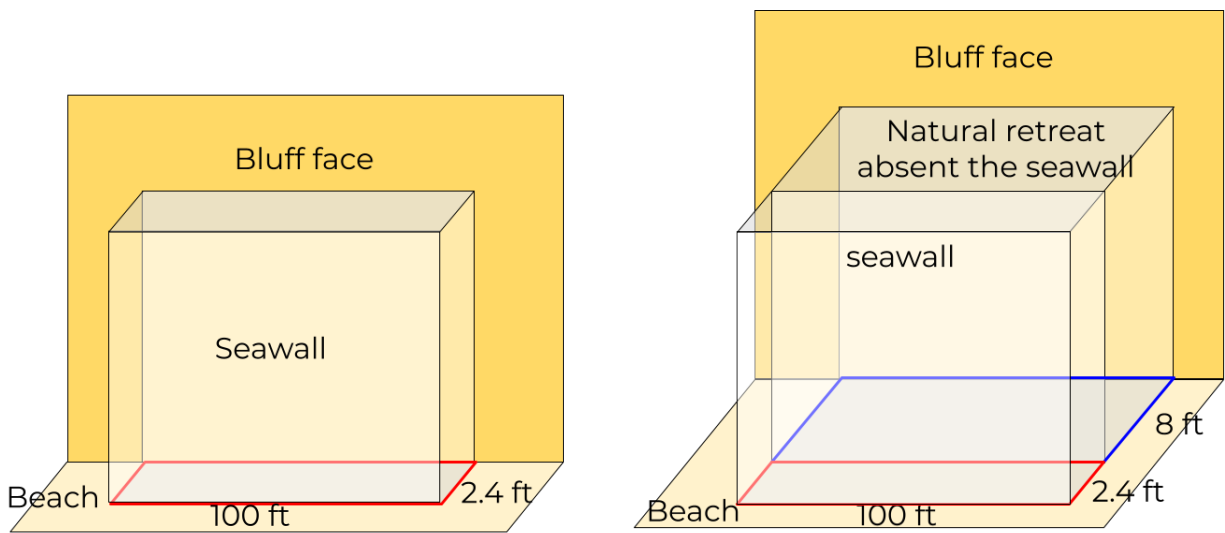
PRF = (((2 ft. x 50 ft.) + (2 ft. x 20 ft.)) x \$121 per sq. ft.) + (50 ft. x \$600 per linear ft.)  
= \$46,940

**Example 4:** In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with a 2 ft. deep by 20 ft. long seacave/notch that has been previously infilled with erodible concrete landward of proposed seawall.

PRF = (((2 ft. x 50 ft.) + (2 ft. x 20 ft.)) x \$121 per sq. ft.) + (50 ft. x \$600 per linear ft.)  
= \$46,940"

The example PRF calculations make clear that if the seawall is preventing the natural creation of additional beach space that would have occurred via seacave or notch collapse, even if the seacave/notch has already been filled, that needs to be considered as lost public beach space and should be mitigated for in the calculation of the PRF.

One way to include the beach area lost since 2001 in the calculation of the PRF would be to use the erosion that would have occurred over the 20 years since the seawall was placed at a rate of 0.4 ft/year.



Initial beach space impounded by the seawall in 2001

Total beach space impounded by the seawall from 2001-present day

From the city's LUP Appendix C, the formula to calculate the PRF is as follows:

$$\frac{\text{Initial Area} \times \text{Initial Area Rate} + \text{Bluff Retreat Length} \times \text{Bluff Retreat Rate}}{\text{Total Public Recreation Fee}}$$

Permit Year	Initial Area Rate (per LF)	Bluff Retreat Rate (per LF)
2023	\$139	\$874

The 'Initial Area Rate' is used to mitigate for the physical space that the seawall takes up on the beach immediately upon its construction. This occurred in 2001 and is illustrated above in red as the 2,400 ft<sup>2</sup> of beach area that is occupied by the seawall.

When calculating the Initial Area Rate now, we should also take into account the area that was lost to the public over the last 20 years, given that 20 years of natural bluff retreat has already been prevented. This is shown above as the blue area that represents beach space that should exist, but was not created as the seawall prevented the natural landward migration of the bluffs at a rate of 0.4 ft/year, for 20

years, or 8 feet. Put another way, the seawall should not just be considered to be 2.4 ft deep for purposes of the Initial Area Rate calculation, but should instead be considered 10.4 ft deep (2.4 ft + 8 ft) for the Initial Area Rate Calculation.

The Public Recreation Fee should then be calculated as follows:

	Staff Report Calculation	Adjusted Calculation
Initial Area (Seawall)	100 ft. x 2.33 ft. = 233 ft <sup>2</sup>	100 ft x (2.33 ft + 8ft) = 1,033 ft <sup>2</sup>
Initial Area Rate	233 ft <sup>2</sup> x \$139 = \$32,387.00	1,033 ft <sup>2</sup> x \$139 = <b>\$143,587</b>
Bluff Retreat Rate	100 ft. x \$874 = \$87,400	100 ft. x \$874 = \$87,400
Public Recreation Fee	\$32,387.00 + \$87,400.00 = \$119,787.00	<b>\$143,587 + \$87,400 = \$230,987</b>

By considering the area that would have been created by the retreating bluff, much like considering a filled notch, the Initial Area Rate Calculation should take this history of impounded beach space into account to correctly determine the PRF and compensate the public for lost beach space.

### Support for staff's conditions and recommendations

We support staff's strong statements about 327 Pacific Ave not being an existing structure and therefore does not have a right to shoreline armoring:

*"...the home at 327 Pacific Avenue is not an existing structure for purposes of Section 30235 of the Coastal Act because it was permitted and built after 1976, thereby postdating the enactment of the California Coastal Act. Thus the Commission is not required to approve shoreline armoring to protect the blufftop residence at 327 Pacific Avenue." (page 2)*

We also support staff's Special Condition #17 that requires mean high tide line (MHTL) surveys and monitoring to track the migration of the mean high tide line over time. This is crucial as the MHTL is ambulatory and will move landward with climate change and sea level rise. As was correctly pointed out in a recent report to the Commission entitled "Protecting Public Trust Resources in the Face of Sea Level Rise", the location and extent of tidelands can vary significantly over time. It would greatly benefit the Commission to identify a 'zone of concern' rather than a static line. This way, when the tide line eventually reaches the toe of the bluff (thereby causing a seawall to exist on

public lands), the Commission has the tools and ability to appropriately protect public tidelands.

Importantly, shore protection does not stop the formation of public trust land behind it had the shore protection not been present. Per a recent article "Climate Change and the Public Trust Doctrine: Using an Ancient Doctrine to Adapt to Rising Sea Levels in San Francisco Bay" [Golden Gate U. Env'tl. LJ 3 (2009): 243], *United States vs Milner* and other cases were cited to support the assertion that shore protection does not stop the formation of public trust land behind it had the shore protection not been present.

In the case of sea level rise in Solana Beach intersecting seawalls, the nuisance is now access to State Public Trust Tidelands and not City land. Therefore, the State or Coastal Commission or State Lands Commission will have the ability to impose retreat or inverse condemnation of seawalls that impair the public trust.

In summary, we support Staff's recommendation if the special conditions are strengthened to correctly calculate the Public Recreation Fee and make it clear that no development of any type may be permitted, as there is no safe location to site any new development.

Thank you for your consideration of our comments.

Sincerely,

Jim Jaffee & Kristin Brinner  
Residents of Solana Beach  
Beach Preservation Committee  
San Diego Chapter, Surfrider Foundation

Laura Walsh  
California Policy Manager  
Surfrider Foundation

**The Trettin Company**  
Community & Government Relations / Project Development

December 10, 2021

TO: Karl Schwing, Deputy Director  
California Coastal Commission

FROM: Bob Trettin, Principal  
The Trettin Company

RE: Response to Surfrider Letter dated 12/09/21;  
Application #6-21-0067; Item F18a;  
325 and 327 Pacific Avenue, Solana Beach

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As the authorized agent for the owners / applicants of 325 Pacific Avenue (Peter Laughlin) and 327 Pacific Avenue (Renita Greenberg), I would like to offer a few comments in response to statements provided by the Surfrider Foundation in their letter regarding CDP #6-21-0067, scheduled for Commission Hearing on Friday, December 17, 2021.

I believe that the Commission understands that there is already a lower coastal bluff seawall at the subject site. The proposed project will only raise the height of the seawall and reconstruct and landscape failed areas of the coastal bluff. While Surfriders characterizes this project as taking public property for use by private property owners, this is hardly the case with respect to the proposed project. As noted, a permitted seawall already exists on the public beach. The proposed project will not, in any way, expand its impact on the beach. Moreover, the concept of a Beach Recreation Mitigation Fee did not exist in 2001, when this seawall was permitted for 325 and 327 Pacific. The current project allows the existing wall to be "captured" for implementation of this mitigation, and the project is contributing \$119,787.00 as a result of the project. This mitigation amount is based on the City's Beach Recreation Impact Fee calculations which were developed after completion of extensive professional studies and documentation. In fact, the final fee was almost doubled over the professional recommendations after Coastal staff and Commission involvement. The Commission then formally accepted this fee structure. If this project were not to go forward, the existing, permitted lower coastal seawall would remain and no mitigation fee would be required.

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Surfriders also proposes that the project be conditioned more restrictively, noting their proposal that no new development or additions may be permitted at the subject properties. Realistically, the existing City Municipal Code and LCP already provide restrictions that would likely result in no new development being allowed on the subject properties. However, a blanket ban on any future new development would be detrimental to current and future owners of the property for the following reasons;

- A. At present, owners would be allowed to rebuild if their homes were destroyed by fire, earthquakes or other natural disasters.
- B. Should a future owner decide to remove the existing residence in its entirety, that owner would still be constitutionally guaranteed the right to the use of the property for its intended purposes (these properties are zoned for single-family homes). Under such a circumstance the City and Coastal Commission could limit the size and location of a new residence, but they couldn't prohibit any new development.

However, as noted, based on the existing location of the bluff setback line, which is close to Pacific Avenue, the City's Municipal Code and LCP likely already precludes any additions to the existing residences.

Surfriders also proposes that replacement and restoration of a home's features, to a cumulative 50% threshold, should not be allowed for the project properties. We find that type of proposal to be punitive and unreasonable. Prohibiting new development when existing residences are relying on coastal bluff protective measures has been found to be reasonable, legally acceptable, and within the parameters of the Coastal Act. Conversely, prohibiting a property owner from maintaining and enhancing their existing residence would be extremely unreasonable and challengeable. If implemented, it could lead to degradation of properties and loss of value.

If Surfriders believes the City of Solana Beach's Municipal Code and LCP policies are in need of refinement, then they should be working with the City and Coastal Commission to affect any needed change. To suggest that Municipal Code and LCP policies be circumvented on a case by case basis would be entirely inappropriate and potentially unenforceable.

Surfriders also makes the assumption that the existing, permitted lower coastal bluff seawall will fail without upper bluff protection. This is an entirely false assumption. It is accurate to state that the clean sand lens has now returned to a failure state and that the ongoing mid-to-upper bluff failures imminently threaten to undermine the rear-yard caisson system and impact the residences. However, Soil Engineering Construction, Inc. fully assessed the condition of lower coastal bluff seawall and found it to be in excellent condition.

The Surfrider letter also states that “It is notably incorrect that the geotechnical report assumes the presence of the current lower-bluff seawall when calculating safety factors.” Actually, the analyses submitted was evaluating the upper bluff and analyzing the factor of safety against sliding through the clean sand layer, not the lower portions of the cliff at beach level where an existing, permitted seawall already exists.

When assessing the necessary top of bluff setback for a new residence, an owner could not rely on existing seawalls and would need to calculate slope stability / factor of safety on the basis that the walls were not present. However, when determining the threat of mid-to-upper bluff failure on an existing residence, our stability analyses to determine the factors of safety in the building pad area did include the presence of the threatened upper bluff retention system.

The Surfrider letter also offers several comments and recommendations relative to the Public Recreation Fee for the project.

1. Surfriders wants the fee assessed back to 2001 when the seawall was first permitted. We understand that the Commission recognizes the original approval included mitigation across a 22-year period and it would not be ethical or legally acceptable to attempt changes to that mitigation 20 years after the permit was granted. Mr. Laughlin purchased the 325 Pacific Avenue property after reviewing the Title Report that included all recordings and encumbrances. That is exactly why the Commission requires the recording of deed restrictions that include all conditions of approved projects ... so future homeowners are fully aware of all requirements.
2. Surfriders wants the Public Recreation Fee to include a sea cave that would otherwise have collapsed, adding to the public beach. The city’s Beach Recreation Fee does include added costs for sea caves that are fronted by seawalls. However, there was never a sea cave at the subject site. The existing seawall was constructed under Coastal Emergency Permit after the undercut lower coastal bluff cleaved off – leaving a near vertical lower bluff at the failure site and exposing the clean sand lens that exists above the lower sandstone bluff materials.

In summary, we believe that the Surfrider comments are applicable, in most instances, to every property with an existing seawall or the potential future need for a seawall. Therefore, we would emphasize our earlier comment that attempting to address such concerns on a case by case basis would be disingenuous and would significantly undercut the legislative process.

Both the City and the Coastal Commission spent years on the development of the Solana Beach LCP. If Surfriders believes that amendments are necessary, or appropriate, then we believe they should work with City and Coastal staff, and blufftop homeowners, toward that end. Residents who are forced to seek protection for their homes, or residents seeking to restore or enhance the qualities of their homes, should be able to rely on Municipal Code and LCP policies in their planning and permitting.

We appreciate this opportunity to respond to Surfriders written comments on the project. We can note our support for the staff recommendation and the proposed conditions of approval.

Respectfully submitted,



Bob Trettin, Principal  
The Trettin Company

cc: Peter Laughlin, 325 Pacific Avenue  
Renita Greenberg, 327 Pacific Avenue  
John Niven, Soil Engineering Construction, Inc.