



September 6, 2024

Delivered via email

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

Re: W17b - Appeal No. A-6-ENC-24-0031 (1704 Tattenham Road)

Honorable Commissioners,

The Surfrider Foundation is a nonprofit grassroots organization dedicated to the protection and enjoyment of our world's ocean, waves, and beaches, for all people, through a powerful network. Thank you for the opportunity to comment on this project.

Surfrider agrees with the grounds for appeal brought forth by Commissioners Hart and Aguirre, and supports the Staff Report's determination that Substantial Issue should be found. The appellants cited four major issues as to why this development does not conform with the City of Encinitas' LCP; we concur that all four issues are valid and that substantial issue must be found.

First, the site is clearly in the City's Coastal Bluff Overlay Zone but was not treated as such because, according to the City, the property lines do not extend over the bluff edge. This point is moot because the site is clearly adjacent to a coastal bluff, and Section 30.34.020 of Encinitas' certified Implementation Plan (IP) sets specific guidelines for blufftop development (including setbacks) with no distinction for whether the bluff edge is within a particular property boundary. This raises a substantial issue.

Second, Encinitas' IP requires that accessory dwelling units comply with the setbacks required for the main unit within the Coastal Bluff Overlay Zone. But the proposed ADU is sited seaward of the main structure. This raises a further substantial issue.

Third, the applicant conveniently states that the development is 50 feet from the bluff's edge without substantiating how they arrived at that figure. We agree with the Commission's geologist that the proposed development is closer than Encinitas'

required 40 foot setback. Encinitas IP defines how to determine the bluff edge: ..."the edge shall be defined as that point nearest the bluff beyond which the downward gradient of land surface increases more or less continuously until it reaches the general gradient of the bluff!."

In the photo below (from Staff Report exhibits), you can clearly see that the downward gradient increases continuously from just beyond the existing structure for not only the property in question, but for the entire SeaBluffe Village complex. The downward slope increases immediately and continuously after the visible drainage ditch that runs across the Western edge of the development.



EXHIBIT NO. 3

If this isn't in the Coastal Bluff Overlay Zone, then what is?

Surfrider contends that this property is *already built at the bluff edge*. As a pre-Coastal Act structure, it would never be approved today in its current location under Encinitas LCP or the Coastal Act. To think that the City or the Commission would approve development further seaward is unimaginable to us.

¹ Section 30.04.010 Encinitas certified IP

We'd like to remind the Commission that this bluff stretch has a history of instability. In [2019](#), three people tragically lost their lives due to a bluff collapse on the beach that was almost directly underneath the property-in-question. A review of the California Coastal Records Project shows evidence of many partial bluff slides between 1972-2013. In 1972, around the time of grading and initial construction, the bluff was actively collapsing as seen on the lower left of the photo ([1972](#)).



Photos also show that the area seaward of the residence in question has been cleared and potentially graded ([1979](#)), planted with trees and provided with a retaining wall ([1989](#)). We do not know the history of these developments, but they certainly call into question the City's assertion that the property "does not contain a coastal bluff." Most importantly, the photos illustrate that bluff erosion has moved the bluff edge landward significantly since the structure was first built - while the retaining wall may have marked the bluff edge in 1989, the area had already sloped considerably by [2013](#) and the downward slope is even more pronounced today.

Lastly, we agree with the appellants that the City failed to require the property owners to assume risks to the site and waive rights to future shoreline armoring. Please concur with the appellants and the staff recommendation to find substantial issue. If the property owners wish to convert their existing crawlspace into an ADU, then at the very least, they must do so within the existing footprint of their developed property as

required by Encinitas LCP and the Coastal Act.

Thank you for the opportunity to provide comments on this project.

Sincerely,

Kristin Brinner & Jim Jaffee
Residents of Solana Beach
Co-Leads of the Beach Preservation Committee
San Diego County Chapter, Surfrider Foundation

Mitch Silverstein
Policy Manager
San Diego County Chapter, Surfrider Foundation