



July 25, 2023

To: San Diego Hearing Officer  
Delivered via webform submission

Re: Project 484426, Conditional Support for CDP #1705630 and SDP #1705631

Honorable Hearing Officer,

Surfrider Foundation is a nonprofit environmental organization that engages a vast volunteer network of ocean users to protect our world's ocean, waves, and beaches for all people. Our San Diego County Chapter represents thousands of ocean recreation users — from dedicated surfers to occasional beachgoers — as well as the coastal communities and economies that rely on them throughout the region. We recognize beaches as a public resource held in the public trust, and the preservation of beaches, all remaining natural coastline areas, and public beach access is core to our mission. We appreciate the opportunity to comment on the permit applications before you for 417 Sea Ridge Drive.

Surfrider San Diego conditionally supports approval of CDP# 1705630 & SDP# 1705631, which would require removal of an existing unpermitted concrete infill at 417 Sea Ridge Drive.

**However, we request stronger language addressing the unsightly tarp(s) that has covered the unpermitted infill since 2016.** We've received numerous complaints about the tarp from Tourmaline beachgoers over the years.

Unpermitted coastal bluff infill is in clear violation to various codes set forth in the San Diego Municipal Code (SDMC), the La Jolla Community Plan and Local Coastal Program Land Use Plan (LCP), and the California Coastal Act. SDMC 143.0143(a) states the nature of the violation succinctly: *No development is permitted on the face of a sensitive coastal bluff, except as permitted in Section 143.0143(g) and (h), and the coastal bluff face shall be preserved as a condition of permit approval.*<sup>1</sup>

The unsightly tarp, visible to hundreds of Tourmaline beachgoers every day since 2016, is also in violation of the aforementioned statutes but is not specifically referenced in the Staff Report. Surfrider requests the addition of specific language to the CDP and SDP that requires permanent

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<sup>1</sup> The exceptions in subsections (g) and (h) refer to a threatened existing primary structure (g) or public improvements (h), neither of which apply to the property in question.

removal of the tarp, along with the other unpermitted development that is identified. Regardless of whether the tarp was placed on the bluff face for additional stabilization, to conceal the clearly visible unpermitted concrete infill underneath it, or both, the fact remains that it must also be considered unpermitted development in either case. If the tarp is an additional erosion control measure, as the applicant has ostensibly claimed, then it's unpermitted development on the face of a sensitive bluff, just like the concrete infill even if to a lesser extent. And since the tarp clearly alters and negatively affects public views of the coastal bluffs and beach in an *identified public vantage* point per the certified La Jolla LCP, it is a violation in this regard too. From the La Jolla LCP:

*Public views from identified vantage points, to and from La Jolla's community landmarks and scenic vistas of the ocean, beach and bluff areas, hillsides and canyons shall be retained and enhanced for public use.<sup>2</sup>*



This July 15, 2023 photograph shows the current, dilapidated state of the tarp

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<sup>2</sup> Tourmaline Beach is an identified public vantage point in the LCP in Figure 9 and Appendix G. Quote is from p.39 of the LJ LCP, under Policies/Visual Resources.



SDMC Section 132.043 similarly states that “*public views shall be preserved*” for all development on sensitive coastal bluffs. Therefore, Surfrider requests the addition of specific language to the CDP and SDP that requires permanent removal of the tarp. Although the applicant has assured city staff that the tarp will be replaced with erosion control netting and hydroseeding, Surfrider requests specific language given the applicant’s clear and documented history of code violations at this property. Our concern is that otherwise, there is nothing to stop the property owner from covering the coastal bluff with another unsightly tarp in the future. We are not comfortable with that uncertainty, nor are we comfortable with any precedent that such a tarp would be permissible for other blufftop properties. If such language is not included, we reserve the right to appeal this decision to the Planning Commission and, if necessary, the Coastal Commission.

We view this as a necessary step for restoring the beauty of our coastal bluffs, which have been marred by this property for a long time. Given its visibility near one of San Diego's iconic beaches, Tourmaline Surf Park, our organization has received numerous inquiries regarding the status of the property. We hope that the issuance of these permits will quickly resolve some of the issues brought to us, most importantly, the removal of the unpermitted infill, additional structures, and the tarp that hangs from the side of the bluff.

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

Sincerely,

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