

On behalf of Surfrider Foundation, San Diego County, I would like to state our support for the staff recommendations for Application No. 6-23-0186 (Barlow Capital Investment, LLC, San Diego). Surfrider has been following this project from the original application and has participated in local hearings held by the La Jolla Community Planning Association and the City of San Diego Hearing Officer. We acknowledge the work of staff and thank them for their detailed response to the project and the determination of the special conditions. We agree with all of the special conditions placed on the permit, however, there are some additions we would like to suggest before the application is decided.

- 1) The Monitoring and Maintenance Program described in Special Condition 3 is thorough and will provide a good dataset for future projects dealing with erodible concrete. Special Condition 3.a.iv states that the applicant should measure erosion on a yearly basis, yet Special Condition 3.b states that the reports are to be submitted every 5 years. We think this data would be more useful to the public and future projects if it was available after collected. We suggest that Special Condition 3.b be updated to increase the rate of report submission to every year.
- 2) Staff has determined that the erodible concrete will erode at the same rate as the natural bluff, and therefore a sand mitigation fee for the installation of erodible concrete is not required. In the cases that erodible concrete does not erode as predicted or the applicant fails to submit a required monitoring report as listed in Special Condition 4.a.ii., we suggest that a Construction Performance Bond be supplied by the applicant to allow for collection of sand mitigation fees, rather than imposing them in a new or amended permit. This way if the project fails, the sand mitigation fees are available to the fund without waiting for the permit process to be completed. If after a set time, the project is shown to behave as predicted, the bond would be released to the applicant.
- 3) During their presentation to the community planning and City hearings, the applicant said they would remove all of the gunite and debris from the beach. However, their exhibits only show removal of debris along the property line. Recent storm surf and high tides have moved detached pieces of gunite along the beach and its removal is critical to public safety. We suggest that Special Condition 8 specify that the applicant should remove all pieces of detached gunite from the beach and bluff, regardless of where it may lie. This may require the applicant to apply for a "right of entry permit" to complete the debris removal work. This does not apply to the gunite that is installed on the bluff face at an adjacent property.
- 4) The Calumet Park enhancements in Special Condition 13 are a welcome addition to the project and will be utilized by the neighborhood and local San Diegans. It is an understated park but provides some of the only coastal views along this part of the coast and tends to get crowded especially during swell events. We would also suggest using some resources to inspect the irrigation along the north end of the park where a trail to the beach exists. The trail is often wet, even during dry conditions and may experience increased erosion possibly due to irrigation at the bluff top originating from the park or residences north of the park. The trail to the beach is one of the few, relatively safe access points to the beach in this area.

Our final comment focusses on the lack of a bluff stability study due to sea level rise (SLR) in the applicant's geotechnical report for this project. The project was deemed by City staff to be a repair and therefore follow §143.0143 Section (g) of the City's Development Regulations for Sensitive Coastal Bluffs. However, neither the applicant or City could provide construction plans, or point to a development project registered with the City. Additionally, Staff refers to the existing gunite as "unpermitted". It seems antithetical to the Development Regulations that a project removing unpermitted bluff retention device and installing a new bluff retention device should be considered a repair. It is our interpretation that this project should be handled under §143.0143 section (f), which requires the study of bluff stability in presence of SLR, as well as an analysis of projected El Nino events on bluff stability. Neither are addressed in the applicant's geotechnical report. El Nino conditions are forecast for the coming year, yet we do not have guidance on how this will affect the bluff at the project site.

Staff has responded to this concern in a very reasonable way and given their determination that the erodible concrete will erode at the same rate as the bluff, they say a SLR study is unnecessary. However, what if the erodible does not behave as predicted? What if the effects of SLR are amplified in the region and causes wave action surpassing those considered for the determination of the erodibility? Obviously, the project has moved forward without the study, but it would be interesting to hear the Commission's comments on the how the City applied its development regulations for this project, and the distinction between a new project and a repair.

Thank you for the opportunity to respond to this project and thank you for your help in protecting and keeping California's Coast open to all.

Regards,  
Tom Cook  
Surfrider Foundation, San Diego County  
San Diego, CA