



**San Diego
County Chapter**

September 4, 2020

Delivered via email

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

Re: Item Th10b, Application 6-19-1291, 249, 241, & 235 Pacific Ave, Solana Beach CA

Dear Mr. Schwing,

The Surfrider Foundation is a nonprofit grassroots organization dedicated to the protection and enjoyment of our world's ocean, waves and beaches through a powerful network. We have been fighting to protect Solana Beach's public bluffs and beaches for over two decades, and are writing now to voice our objection to the proposal that the entire northern portion of our city be armored indefinitely. We object for the following reasons:

- 245 Pacific Ave was improperly removed as an applicant from this application.
- The endangered portions of 245 Pacific Ave should be removed to abate the current emergency, per the deed restrictions placed on the property by the Coastal Commission and accepted by the homeowners at 245 Pacific Ave.
- If a seawall is permitted in front of 245 Pacific Ave, much stronger mitigation is required to offset the extraordinary precedent of granting a seawall to an endangered post-Coastal Act home, particularly in the face of the deed restriction specifically forbidding 245 Pacific Ave a seawall.
- 249 Pacific Ave was improperly added as an applicant to this application.
- Waiting for redevelopment of 249, 235, or 231 Pacific Ave to trigger seawall removal is not sufficient to guarantee restoration of the bluffs to their natural, unarmored state.

245 Pacific Ave should be included in this permit

While 245 Pacific Ave is not listed specifically as an applicant for this permit, it should

be listed, as the proposed armoring activities directly benefit 245 Pacific Ave. The staff report states on page 9:

The subject project is essentially a resubmittal of a project that was partially approved by the Commission in March 2019 (CDP #6-18-0288/DeSimone, Schrager, & Jokipii). That project proposed construction of a 150 ft. long seawall fronting three adjacent existing single-family residences located at 235, 241, and 245 Pacific Avenue, and construction of a geogrid bluff retention device below all three homes.

If this project is essentially a resubmittal of the original project that included 245 Pacific Ave, that property should still be included as an applicant. This is important both in terms of determining appropriate mitigation and looking at the project site as a whole. It fundamentally defies logic that a seawall be proposed where it will result in the primary protection of a threatened property that is not listed as an applicant, especially given that the property at 245 Pacific Ave was included in the project and explicitly denied a seawall as originally submitted to the city of Solana Beach (the city) and the Commission.

The question of which properties should be party to this permit application also raises a question about including 249 Pacific Ave in this application. This permit application appears to be an extension of a permit filed by 231, 235, and 245 Pacific Avenue in 2018. Until this 2020 application before the Coastal Commission, previous applications for permits for this specific seawall from the city and the Coastal Commission have only been submitted by 231, 235, and 245 Pacific Ave. 249 Pacific Ave has been added to this permit application, without first either applying for a new permit or a modification of the Conditional Use Permit (CUP) that the city granted to 231, 235, and 245 Pacific Ave. The city staff report and resolution¹ only cite the original three properties as applicants. It is therefore inappropriate that 245 Pacific Ave, the original applicant, is excluded from this action, and a new property, 249 Pacific Ave, is included in this action without first going through the proper CUP process with the city. It is even more inappropriate if the endangerment of 249 Pacific Ave is being used for justification for the construction of a seawall in front of 245 Pacific Ave. Past actions by the Commission² denied permits for joint applications for protection for 245 and 249 Pacific Ave where 245 Pacific Ave was excluded from protection due to deed restrictions.

"In 2001, the Commission denied a request to fill an approximately 70-foot long stretch of notch/undercut area at the base of a coastal bluff on public

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[https://solanabeach.govoffice3.com/vertical/Sites/%7B840804C2-F869-4904-9AE3-720581350CE7%7D/uploads/Item_B.1_Report_\(click_here\)_-4-11-18.PDF](https://solanabeach.govoffice3.com/vertical/Sites/%7B840804C2-F869-4904-9AE3-720581350CE7%7D/uploads/Item_B.1_Report_(click_here)_-4-11-18.PDF)

² <https://www.coastal.ca.gov/meetings/mtg-mm14-5.html> Item 16a

beach below 245 and 249 Pacific Avenue with a colored and textured erodible concrete mixture. Fill was proposed to be a maximum of 17 feet high and a maximum 8 feet deep. The Commission denied the application because the proposed notch infill was proposed as a preemptive protection measure and the fill was not required to protect the existing structures at the top of the bluff and would result in inconsistencies with Chapter 3 policies of the Coastal Act related to alteration of natural landforms along bluffs and cliffs, public access and visual resources (CDP #6-00-035/Presnell & Ratkowski)." Application No. 6-13-0437 (Presnell/Graves LLC, Solana Beach, staff report at page 17)

Further, in the same Staff Report cited above, protection in front of 245 Pacific Ave was denied and analysis to remove the threatened portions was requested. We are again faced with the same question regarding removal of threatened portions of 245 Pacific Ave.

When the home at 245 Pacific Avenue was approved by the Commission, two options were provided to the landowner. The first option was to set the home back 40 feet from the bluff edge in a location that would have a higher likelihood to be safe for 75 years from bluff erosion. The second option was to set the home a minimum of 25 feet back from the bluff edge and waive all rights to construct any upper or lower bluff stabilization devices (other than filling of seacaves) to protect any portion of the residence located within the 40 ft. blufftop setback area, to utilize a foundation design that could be removed in the event of endangerment, and to record a deed restriction acknowledging that the portion of the home located closer than 40 ft. from the bluff edge would be removed if the bluff edge receded to within 10 ft. of the structure and that portion of the home was considered unsafe for occupancy. The applicant chose the second option and sited the home 25 feet back from the bluff edge. Thus, the Commission allowed the applicant to assume the risk of siting the home closer to the bluff edge, as long as the applicant agreed to waive the right to shoreline protection to protect the seaward portion of the home and to remove that portion of the home if it became unsafe for occupancy (Ref: Special Conditions of 6-96-021 in Exhibit 9).

The Commission's geologist determined that the geotechnical documentation submitted with the previous application to protect both homes with a 74 ft. long seawall extension showed that there was a very low probability that the portion of the home at 245 Pacific Avenue located 40 feet from the bluff edge was imminently threatened by erosion, as the most likely failure plane was approximately 7-8 ft. from the bluff edge. Based on this determination, Commission staff requested that the applicant provide an analysis of removing the portions of the home at 245 Pacific Avenue located seaward of the 40 ft. bluff setback and to provide alternative geotechnical

analysis showing that the portion of the home at 245 Pacific Avenue located landward of 40 ft. from the bluff edge was in imminent danger, as required by the conditions of approval of the residence. The applicant subsequently withdrew the application and submitted the current application for a 49 ft. long seawall extension. The proposed 49 ft. long extension would cover the remaining ~24 ft. of natural bluff fronting 249 Pacific Avenue and only ~25 ft. of natural bluff fronting 245 Pacific Avenue. “ Application No. 6-13-0437 (Presnell/Graves LLC, Solana Beach, staff report at pages 15-16) (emphasis added)

245 Pacific Ave is at risk and threatened portions should be removed

We applaud the fact that at the 2019 Coastal Commission hearing, the Commission unanimously voted to deny 245 Pacific Ave a seawall per the deed restriction accepted by the owners of that property. However, that was not the only deed restriction the property owners accepted. Not only did they waive the right to a seawall, they also agreed to remove the portion of the home located closer than 40 ft. from the bluff edge if it became threatened. We ask that the Commissioners continue to adhere to the conditions of that deed restriction and now act to have the threatened portion of the home removed.

The previous applications that included 245 Pacific Ave have repeatedly stated, on the record, with supporting geotechnical evidence reviewed by independent experts, that the home at 245 Pacific Ave is in danger from bluff collapse. Indeed this was used as a central argument towards the original application for a seawall fronting this property. Documentation for the clear danger presented by the home at 245 Pacific Ave goes back to 2018, when 235, 241, and 245 applied for a CUP from the city. Pages 2-4 of the City's staff report states the following:

The original structure at 245 Pacific Avenue was constructed in the mid to late 1950's and is located at the north end of the project site. A CCC permit was issued in 1996 for the construction of a new home (CCC CDP 6- 96-21). A condition of the CCC permit included a deed restriction waiving future rights to shoreline protection. As shown in Table 1 on the next page, the existing factor of safety onsite is 0.99 which indicates that the existing structure is

in imminent risk of failure. The proposed project is also subject to a CCC permit and the CCC would have to consider 1996 conditions of approval when the permit is before them.

TABLE 1 - FACTOR OF SAFETY		
Site Address & Distance to bluff edge	Existing: Static and Seismic Factor of Safety	With Project: Static and Seismic Factor of Safety
235 Pacific Avenue 11.5 feet	1.22 / 0.95	1.76 / 1.31
241 Pacific Avenue 8 feet	1.13 / 0.91	1.51 / 1.31
245 Pacific Avenue 23 feet	0.99 / 0.80	1.44 / 1.12

The 2019 Exhibits³ for this permit application elaborated on what portions of 245 Pacific Ave are at risk:

Similar to the neighboring properties, the bluff at 245 Pacific Ave. has in recent decades experienced lower bluff notching and block failures, exposure of the clean sand lens, and progressive sub-aerial erosion of the upper bluff (Ref. 2). The slope stability analysis provided by TerraCosta (2010) (Ref. 2) indicates a high risk of slope instability, with minimum factors of safety of 0.99 and 0.80 for the static and seismic conditions, respectively. In contrast to the neighboring sites, where the existing houses are located closer to the bluff edge, the house at 245 Pacific Ave. (constructed in 1996) is currently 22 to 28 feet inland of the bluff edge. The critical failure planes with the minimum factors of safety daylight only 7 to 8 feet landward of the bluff edge, indicating that the most likely bluff failure would still leave the new bluff edge some 14 to 21 feet from the principal structure. Thus, the degree of risk to the house at 245 Pacific Ave. may be less than at the neighboring properties. However, we also note that the calculated factors of safety remain very low (1.06 static/0.83 seismic) along a modeled failure plane daylighting approximately 20 feet inland of the bluff edge (Ref. 2), suggesting that the bluff at the seaward edge of the house remains vulnerable to a large slope failure event, with a factor of safety well below the 1.2 (static) threshold often used by the Commission in assessing slope stability hazards. TerraCosta (2012) (Ref. 3) reports that the failure plane corresponding to a 1.2 factor of safety daylights approximately 40 feet inland of the bluff edge.

In summary, though the most likely slope failure at this site would not appear to threaten the principal structure at 245 Pacific Ave., we conclude that the

³ <https://www.coastal.ca.gov/meetings/agenda/#/2019/3> 20b exhibits

seaward portions of the house are presently at risk from a larger slope failure, and that a series of smaller failures could place the seaward edge of the house at risk within the next several years. At this juncture, we do not see any evidence that the more landward portions of the house (greater than 40 feet from the bluff edge) face imminent danger from erosion or slope instability. (emphasis added)

Likewise, in the 2019 permit application heard by the Coastal Commission for 231, 235, and 245 Pacific Ave, the applicants repeatedly stated that the home at 245 Pacific Ave is at risk, as represented on page 28 of the staff report:

At the subject site, an ~10 ft. thick clean sand layer is exposed across a 74 ft. long section of the bluff. The slope stability analysis performed by the applicants' engineer indicates that further collapse of the upper bluff would threaten the structures at the top of the bluff. Slope static/pseudostatic stability analyses for the bluff at 235 Pacific, 241 Pacific, and 245 Pacific demonstrate a factor of safety of 1.22/0.95, 1.12/0.90, and 0.99/0.80, respectively. These factors of safety alone may not necessitate shoreline protection. However, when taken in combination with the exposure of the clean sand layer, the Commission senior engineer and geologist agree that the applicants' geotechnical analysis conclusion that each of the three residences are at risk..(emphasis added)

The above citations are in **direct contradiction** to what the applicants now state on page 9 of the staff report for this new permit application:

The applicants have stated that the protection is not required for the residence located immediately above the gap at 245 Pacific Avenue, but is needed to protect the two residences on either side; 249 Pacific Avenue to the north, and 241 Pacific Avenue to the south.

It is suspicious at best that 245 Pacific Ave is somehow no longer threatened two years after this permit process began and more than six years since the Commission first requested that threatened portions be removed from the residence. The applicants should not be able to have it both ways; if 245 is somehow not threatened but 249 Pacific Ave is now the threatened property, then the applicants have changed, and thus the permitting process should go through the city again. However, no credible expert or fact finder would believe that 245 Pacific Avenue is not currently threatened, and we should rely on the findings in the previous geotechnical reports stating that 245 Pacific Ave is in imminent danger of collapse.

The deed restriction accepted by the owners of 245 Pacific Ave stated the following (per the 2019 CC staff report, page 30):

The home at 245 Pacific Avenue is the northernmost of the three subject homes...when construction of the home was approved by the Commission, two options were provided to the landowner. The first option was to set the home back 40 feet from the bluff edge in a location that would have a higher likelihood to be safe for 75 years from bluff erosion. The second option was to set the home a minimum of 25 feet back from the bluff edge and waive all rights to construct any upper or lower bluff stabilization devices (other than filling of seacaves) to protect any portion of the residence located within the 40 ft. blufftop setback area, to utilize a foundation design that could be removed in the event of endangerment, and to record a deed restriction acknowledging that the portion of the home located closer than 40 ft. from the bluff edge would be removed if the bluff edge receded to within 10 ft. of the structure and that portion of the home was considered unsafe for occupancy. The landowner chose the second option and sited the home 25 feet back from the bluff edge. Thus, the Commission allowed the landowner to assume the risk of siting the home closer to the bluff edge, as long as the landowner agreed to waive the right to shoreline protection to protect the seaward portion of the home and to remove that portion of the home if it became unsafe for occupancy (Ref: Special Conditions of 6-96-021 in Exhibit 13) (Ref: CDP #6-96-021/Ratkowski).

The applicants' geotechnical engineers and the Commission's Geologist and Engineer have documented that 245 Pacific Ave is in danger, and therefore the deed restriction that the portion of the home that is unsafe should be removed should now be exercised. However, despite the fact that the owners of 245 Pacific Ave have previously stated their home is in danger, one might make the argument that the deed restriction stated that two conditions are required to trigger removal of the threatened portion of the home:

- if the bluff edge receded to within 10 ft. of the structure and
- that portion of the home was considered unsafe for occupancy

The applicants representing 245 Pacific Ave have stated in previous permit applications before the city and the Coastal Commission that an emergency exists, the bluffs below the home are in imminent danger of collapse, and a seawall is needed to protect 245 Pacific Ave. While we agree the home is threatened, we disagree on the solution - the deed restriction clearly states that the threatened portion of the home should be removed. We believe that despite the fact that the bluff's edge may not be within the prescribed 10 ft of the structure, an emergency does exist and the threatened portion should be removed. This solution is supported by findings in *Calbeach Advocates v. City of Solana Beach and Jonathan Corn, Real Party in Interest*. In this case, the courts found that an anticipation of a collapse does

not prevent the situation from being an emergency:

CalBeach further contends that even if the collapse of the bluff below Real Parties' property is an occurrence, it is not an unexpected occurrence. We agree the failure of the bluff below Real Parties' homes is not unexpected. However, the anticipation of a collapse does not prevent it from being an emergency. Section 21080, subdivision (b)(4) exempts not only projects that mitigate the effects of an emergency but also projects that prevent emergencies. In order to design a project to prevent an emergency, the designer must anticipate the emergency. If we accept CalBeach's contention that all emergencies must be unexpected, then projects can never be designed to prevent emergencies...For that reason, we do not interpret section 21060.3 to require that emergencies be unexpected when the project's purpose is to prevent the emergency.⁴

The owners of 245 Pacific Ave have documented in the past that an emergency situation exists at their home and the bluffs are in danger of collapse. As the courts found in favor of Jonathan Corn, the anticipation of a collapse does not prevent it from being an emergency. Put another way, in order to abate an anticipated emergency, one needs to take action before the emergency occurs. Because an anticipated emergency exists at 245 Pacific Ave, the threatened portion of the home should be removed as prescribed by the deed restriction, even if the specific metric of the bluff edge receding to within 10 feet of the home has not yet been met. Coastal homeowners frequently apply this definition of an emergency to justify bypassing public hearings and permit processes to procure emergency permits. The same courtesy should be granted the general public when it comes to abating the emergency of a home sited above a cliff in danger of collapse.

Public property is being indefinitely taken to protect private property

It is important to remember that the bluffs in Solana Beach are public property either by deed or easement. Despite this fact, a majority of the bluffs in Solana Beach are already armored, and public property has been taken from the public for use by private property owners. As shown from the images captured by the California Coastal Records projects, starting at Tide Park at 475 Pacific Ave (approximately 1 mile north of 245 Pacific Ave), the addition of a seawall in front of 245 Pacific Ave would result in a continuous seawall fronting 33 properties

⁴ <https://caselaw.findlaw.com/ca-court-of-appeal/1195660.html> CALBEACH ADVOCATES, Plaintiff and Appellant, v. CITY OF SOLANA BEACH et al., Defendants and Respondents; Jonathan Corn et al., Real Parties in Interest and Respondents., 127 Cal. Rptr. 2d 1, 103 Cal. App. 4th 529 (Ct. App. 2002).

(<https://www.californiacoastline.org/>, most recent images from 2013). Only 5 properties between Tide Beach Park and Fletcher Cove Beach park will be unarmored, resulting in armoring of almost the entire northern half of the city of Solana Beach.



Going south from Tide Park (475 Pacific Ave) to 235 Pacific Ave and beyond

The proposal to completely seal the armoring of our northern beach's bluffs is effectively and indefinitely surrendering the publicly-owned bluffs and beach to private blufftop homeowners. We acknowledge that there is a condition that redevelopment of 235, 241, or 249 Pacific Ave would trigger expiration of the CDP for

245 Pacific Ave's seawall. However, once there is a contiguous mile-long wall, is it realistic that redevelopment of any one of those properties would result in the removal of the seawall in front of the redeveloped property? Of course not. Approval of this permit would prove the opposite.

Applicants are stating that a 1-home gap in the seawall imperils the homes to either side of the gap, and that there is no engineering solution that allows for such a gap. So under what scenario will redevelopment of any of these homes trigger seawall removal? When 2 neighboring homes redevelop? Or will it take 3 or 4 neighboring homes to break open the continuous seawall? It is guaranteed that neighbors' response to a proposed reopening of the continuous seawall would turn to the approval of this permit to claim that it is not feasible to have a break in a seawall.

We are now presented with a scenario where we, the citizens of Solana Beach and California, have surrendered this stretch of our beaches until potentially all 33 homes have redeveloped above the 50% threshold to recover our beaches. We can be sure that this will not happen for many generations, if at all.

The Public Recreation Impact Mitigation Fee must be recalculated

The city's certified LUP was amended to include a public recreation impact mitigation fee to account for the loss of space on the beach where it is being occupied by private seawalls. Appendix C⁵ of the certified LUP states the following:

Based on 19 LiDAR datasets collected between 1998 and 2015, the usable beach area in Solana Beach is presently calculated at 15.2 acres. The City shall determine if the beach area has changed every ten years and incorporate any changes as an amendment to the LUP.

The average annual beach attendance in Solana Beach is estimated to be 134,817 adults per year....The attendance estimate is based on attendance counts undertaken by the City between July 2008 and July 2009 and expansion factors to account for the likelihood that some user groups were underrepresented in the original attendance counts due to the time of day that the original population counts were conducted. Every ten years, the City shall adjust the attendance based on available population growth estimates or through an updated attendance survey. (emphasis added)

An accurate calculation of the public recreation impact mitigation depends on

⁵ <http://solana-beach.hdso.net/LCPLUP/LCPLUP-COMplete.pdf>

updated beach attendance and beach width information. In Solana Beach, beach attendance information is overdue for an update. Notably, beach attendance has likely increased in the 12 years since the survey was originally performed. Summers are getting hotter, and people are looking for outdoor recreational activities to escape the heat. As such, the current public recreation impact mitigation fee likely undervalues public beach space in light of increased beach attendance. We fully support charging a public recreation impact mitigation fee, but request that the fee be adjusted once the city updates its attendance information. This year in particular, with COVID-19 restrictions limiting recreational activities to spaces like beaches, has likely seen increased attendance at the beach and the presence of seawalls has reduced the area of usable beach. The fee must also be applied to the principal structure benefitting from the seawall — the property owner at 245.

The 50% redevelopment threshold is ineffective

To add insult to injury, we have seen time and time again in Solana Beach that pre-Coastal Act homes can be essentially converted to new homes, while staying below the 50% threshold that would potentially trigger seawall removal. Clever homeowners and contractors have figured out how to ‘renovate’ homes up to 49.99%, thus staying below the 50% threshold that triggers ‘redevelopment’. For example, 475 Pacific Ave (Mansukhani) in Solana Beach was recently ‘renovated’ as follows (from the 2/22/2017 City of Solana Beach Staff Report)⁶:

Table 3 – Project Comparison to Bluff Top Redevelopment Thresholds				
Structural Component	Existing	Proposed or Modified	Percent Change / Difference	LUP Threshold Exceeded?
Exterior Walls	578'-2"	279'-6.5"	48.35%	No
Floor Area	5,666 SF	5,455.4 SF	3.7%	No
Floor Structure	2346 SF	283.8 SF	12%	No
Roof Structure	3,843 SF	1,840.1 SF	47.9%	No
Foundation	3,293.7 SF	1,135.4 SF	34.5 %	No

Almost half of the exterior walls and the roof and a third of the home’s foundation were replaced as part of this ‘renovation’. In reality, the entire home was completely gutted, and anyone walking by the property would logically infer that the

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[https://solanabeach.govoffice3.com/vertical/Sites/%7B840804C2-F869-4904-9AE3-720581350CE7%7D/uploads/Item_B.1_Report_\(click_here\)_02-22-17.PDF](https://solanabeach.govoffice3.com/vertical/Sites/%7B840804C2-F869-4904-9AE3-720581350CE7%7D/uploads/Item_B.1_Report_(click_here)_02-22-17.PDF)

construction was in fact a brand-new home being built. Pictures taken in February 2018 of the Mansukhani 'remodel' show how, in essence, a new home can be built even when staying below the 50% threshold.



February 2018 construction, 475 Pacific Ave

Such conveniently adjusted 'renovation' and 'redevelopment' allows these homeowners to keep their seawalls in front of what is an essentially new home. The 50% redevelopment threshold is not effective in preventing homeowners from abusing the pre-Coastal privileges granted to them.



*Pre-Coastal home at 475 Pacific Ave,
September 2015*



*Less than 50% redevelopment,
475 Pacific Ave, March 2019*

So here is where we stand today. Pre-Coastal Act homes can be 'renovated' to essentially a new home while still staying below the 50% redevelopment threshold that would trigger seawall removal. Deed restrictions, if approved on the basis of arguments such as the one presented by the applicants, are ineffective in preventing

reckless development that then, contrary to the intent of the Coastal Act, receives a seawall. By fixing the back of a naturally eroding bluff with seawalls, compounded by the accelerating rate of sea level rise, the public's beaches in Solana Beach will surely be completely lost in the not-so-distant future.

Beaches in Solana Beach will disappear

One of the things we love about Solana Beach is our beaches, and we look forward to bringing our children to the beaches as they grow up. In January 2019, the King Tides showed us what our future looks like, and it was not promising. Waves crashed against the armored bluffs, with no hope for the bluffs to retreat to create new beach space as the backs of the bluffs are artificially fixed in place. While this was a high tide event, this demonstrates what our beaches will look like on a daily basis under many sea level rise scenarios. Pictured below are two popular beach access points in the city.



Looking north from Tide Park Beach Access



Looking south from Tide Park Beach Access



Looking north from Rockpiles



Looking south from Rockpiles

We include these comments describing the ineffectiveness of deed restrictions and the perilous state of our armored beaches in light of rising sea levels, to support our contention that we are in an extraordinary circumstance. We are at an inflection point, and how we act now sends important signals for how we should prioritize the public's right to access our beaches, not prioritizing the protection of private property over public. Now is the time for the Coastal Commission to take a stand against a reckless pattern of coastal development, especially in light of sea level rise. Now is the time to act in a way that is most protective of coastal resources, as instructed by the Coastal Act section 30007.5:

...that in carrying out the provisions of this division...conflicts be resolved in a manner which on balance is the most protective of significant coastal resources.

Local Coastal Program (LCP) updates, intended to provide guidance for better management of our coasts amidst sea level rise, are currently being held up by privileged coastal homeowners who will accept deed restrictions on shoreline protection, only to invent new opportunities to daisy-chain the entire bluff with seawalls. The Coastal Commission can guide a currently delayed LCP amendment process now by making permit decisions that stand up for the principles of the Coastal Act. Anything less than that will not only be a disservice to past decision making, but it will also obstruct future regulation of reckless coastal development by further confusing the LCP process.

Stronger conditions are required

Section 30253 of the Coastal Act states the following:

New development shall do all of the following...Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Approval of this CDP would be in direct opposition to this statute. If approved, we urge the commission to place stronger conditions on this CDP, such as:

- 1) Immediately removing the portions of the home at 245 Pacific that are now threatened by erosion. This requirement is explicitly stated in the deed restriction accepted by the owners of 245 Pacific Ave, and thus it should now be enforced.
- 2) Requiring applicants to agree in the future to remove portions of their home threatened by erosion, when the adjacent properties are no longer in need of protection or are at the end of life.
- 3) Adding and enforcing higher mitigation fees, given the extraordinary circumstances for this property. Providing a new home with a seawall despite section 30253 of the Coastal Act even when a deed restriction forbids exactly that activity should come with a high cost.
- 4) If a permit for a seawall is granted, the public recreation impact mitigation fee should be reassessed once the city updates its beach attendance information.

We understand that this is an argument largely based on principle - principles grounded in the California Constitution and the Coastal Act - but we cannot look at these situations in isolation. The broader implications must be considered. We cannot stand silent as our beaches are dying a death by a thousand cuts.

Sincerely,

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

Laura Walsh
Policy Manager
San Diego County Chapter, Surfrider Foundation