



December 9, 2022

Delivered via email

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

Re: W17b - Appeal No. A-6-ENC-22-0059 (Newman, Encinitas)

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. We agree with the grounds for appeal brought forth by Chair Brownsey and Vice Chair Hart, and also support the Staff Report's determination that Substantial Issue should be found.

We reviewed the CDP, and concurred with the Staff Report's findings that the bluff setback rate was not qualified using the additive approach required in Section 30.34.020 (D) of the City of Encinitas' approved LCP. Therefore, this development has NOT been determined to have a factor of safety of 1.5 over a 75 year lifespan as required in Encinitas' LCP.

In addition to the other discrepancies pointed out in the Staff Report, it's worth noting that GeoSoils, Inc. used a flawed bluff retreat rate in their report and failed to account for sea level rise. They calculated an extremely low-end retreat rate of only 1.4 to 7 feet over 75 years, which is notably lower than both actual observed, and scientifically estimated, retreat rates along the Encinitas bluffs. For example, a 2015 Army Corp of Engineers study¹, conducted under national scientific standards for a 50-year Encinitas-Solana Beach Coastal Storm Damage Reduction Project, estimated an average retreat rate of 1 ft/year for the *exact same stretch of bluffs in Encinitas*.

We also concur that the City of Encinitas failed to memorialize conditions that the

¹<https://www.spl.usace.army.mil/Missions/Civil-Works/Projects-Studies/Solana-Encinitas-Shoreline-Study/>

proposed structure would not be entitled to future shoreline or bluff protective devices; additionally, removal/relocation of any portion of the proposed structure that becomes threatened by future erosion/bluff instability should have been memorialized as well. As stated in the Staff Report, the City's LCP Section 30.34.020(d) prohibits new development from requiring any future shoreline protection.

Lastly, the project was approved with a basement in contradiction to Section 30.34.020(B)(1) of the City's IP, which requires that new construction is designed to be removable in the event of endangerment. A basement built deep into an eroding coastal bluff is not realistically removable and would create permanent, adverse impacts to the bluff itself. Also, the basement would serve as a de facto seawall if exposed over time due to erosion. Commission Staff is showing consistency on this point, as evidenced by their recommendation to prohibit a similar basement in Encinitas as a special condition for Item W18a, application No. A-6-ENC-20-0022 (Hanlon, Encinitas).

Thank you for the opportunity to provide comments on this project. Surfrider recommends that the Coastal Commission find Substantial Issue with 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 Coordinator
San Diego County Chapter, Surfrider Foundation