December 6, 2024

Delivered via email

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

Re: Th20a: Appeal No. A-6-ENC-24-0046 (Bevand, 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.

As an appellant of this project, Surfrider agrees with the grounds for appeal and supports the Staff Report's determination that Substantial Issue must be found for the proposed new development at 312 Neptune Ave., Encinitas CA. . We concur with all of Staff's cited issues as to why this development does not conform with the City of Encinitas' LCP.

First, the existing home at this property currently benefits from the protection of a large seawall in front of 312, 354, 370, 378, 396, and 402 Neptune Ave. This seawall was constructed in 1993 and enlarged in 1995. However, new development shall not require protective devices per the Coastal Act:

> *30253 Minimization of adverse impacts*
> *New development shall do all of the following:*
> *(b) 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.*

The applicant's geotechnical analysis claims an annualized erosion rate of 0.22 ft/year, and that the seawall was not considered in the calculation of the erosion rate. However, this erosion rate does not align with the highly studied erosion rates

determined by the Army Corps of Engineers and certified by the Coastal Commission via a Federal Consistency Determination for the Solana Beach - Encinitas Storm Damage Protection project. Appendix B of the Army Corps Coastal Engineering Encinitas-Solana Beach Shoreline Final Study[1] provides details on retreat rates in different segments of the cities, and the subject site at 312 Neptune Ave Encinitas is on the border between reaches 3 and 4:

Table 2.2-1 Study Area Reaches

Reach	Range		Approx. Length (mi)
	From	To	
1	Encinitas City Limit	Beacon's Beach	1.1
2	Beacon's Beach	700 Block, Neptune Ave.	0.3
3	700 Block, Neptune Ave.	Stone Steps	0.5
4	Stone Steps	Moonlight Beach	0.5
5	Moonlight Beach	Swami's	1.0
6	Swami's	San Elijo Lagoon Entrance	1.1
7	San Elijo Lagoon	Table Tops	1.2
8	Table Tops	Fletcher Cove	0.8
9	Fletcher Cove	Solana Beach City Limit	0.8

The Army Corps study determined retreat rates, even in the absence of sea level rise, to be 5 times the rate proposed by the applicant's geotechnical consultant. The Army Corps found 1.2 ft/yr for Reach 3, and 1.0 ft/yr for Reach 4, which is at odds with the applicant's geotechnical consultant's estimate of 0.22 ft/year:

Table 5.2-6 Modeled Bluff Retreat Averaged Over 1000 Simulations Under Without SLR conditions

Reach	Cumulative Bluff Retreat Over 50 years (ft)	Annualized Bluff Retreat (ft/yr)	Geologically Averaged Bluff Retreat Rate (ft/yr)*
1	0.0	0.0	0.2
2	14.1	0.3	0.3 – 0.5
3	80.4	1.6	1.2
4	44.3	0.9	1.0
5	48.6	1.0	0.2 – 0.6
6	0.3	0.007	0.1 – 1.0
7	N/A	N/A	N/A
8	83.7	1.7	0.4 – 1.2
9	92.5	1.9	0.4 – 1.2

Appendix C describes Reaches 3 and 4 in more detail:

[1] https://www.spl.usace.army.mil/Portals/17/docs/projectsstudies/Encinitas_Solana/Appendices_A_D_(VolumeII).pdf

7.3.3 Reach 3

As with the observed marine erosion, the upper bluff along this reach has experienced significant failures in the last seven years, particularly north of North El Portal, where today much of the upper bluff has near-vertical scarps, with significant sections of the upper bluff exceeding 70 degrees inclination. The upper terrace deposits are unstable at this inclination, and significant bluff failures are anticipated to continue in order for the upper bluff to reequilibrate, even with the low seawalls now protecting a significant portion of this reach. Although seawalls have essentially eliminated all marine erosion north of North El Portal up to the northern end of Reach 3, a 400±-foot section of coastal bluff remains highly unstable, with additional upper-bluff failures expected to reduce the currently oversteepened inclination of this section of coastal bluff. The southern portion of Reach 3, although not having experienced the same level of upper-bluff failures as the northern portion, currently has extensive notching at the base of the sea cliff and in the absence of seawalls, the entire sea cliff along this remaining unprotected south portion of the reach is expected to fail, with corresponding and significant upper-bluff failures. <u>The rate of bluff-top retreat for Reach 3, where unprotected by coastal bluff stabilization, is estimated to be 1.2 ft per year,</u> recognizing that the upper slopes in this area are currently very steep and much of the lower sea cliff exhibits significant notching indicative of to the bluff top, with bluff-top retreat rates approaching sea-cliff retreat rates.

7.3.4 Reach 4

Reach 4 is nearly identical to the south portion of Reach 3, south of North El Portal, with significant notching and a significant potential for sea-cliff type failures immediately triggering upper-bluff type failures. Nonetheless, Reaches 3 and 4 have been subdivided, with slightly less bluff-top retreat estimated over the next 50 years due primarily to the lack of extensive lower sea-cliff failures in Reach 4 and the associated more stable upper-bluff slopes, which will provide a modest lag in estimated bluff-top retreat compared to the rate of marine erosion. <u>The estimated rate of bluff-top retreat for the next 50 years in the absence of any stabilization measures is 1 foot per year, with the rate of sea-cliff retreat being 1.1 ft per year.</u>

It seems unlikely that the applicant's geotechnical consultant calculated the retreat rate in the absence of the seawall when compared to the determination made above in the expert information provided by the Army Corps of Engineering.

Second, we find the new 312 Neptune Ave development to be inconsistent with the city of Encinitas' Local Coastal Program, including but not limited to this Land Use Plan policy on page LU-50:

Coastal Bluffs: The coastal bluffs are part of the dynamic land-ocean interface that is continually changing. Changes in the patterns of weather, severe storms, and even man-made factors can accelerate the weathering processes that effect the coastline. In recent years, a number of homes and other improvements have been damaged due to bluff failure and there is no indication that these bluffs will become inactive in the near future. For this reason, future intensification of development near the bluff edges is discouraged under the land use policy.

LU-50

Replacement of an existing one-story 2,017-square foot duplex with a new two-story, 2,665-square foot single-family residence with conversion of a portion of the existing basement into 568-square foot ADU squarely falls under the category of '*intensification of development near the bluff edges,*' and per the Encinitas LCP should be discouraged.

Third, we find this development to be inconsistent with the city's Implementing Ordinances, including but not limited to this prohibition:

> *§ 30.34.020. Coastal Bluff Overlay Zone*
> *B.1. With the following exceptions, no principal structure, accessory structure, facility or improvement shall be constructed, placed or installed within 40 feet of the top edge of the coastal bluff. Exceptions are as follows:*
>
> a. *Principal and accessory structures closer than 40 feet but not closer than 25 feet from the top edge of the coastal bluff, as reviewed and approved pursuant to subsection C, Development Processing and Approval, of this section. This exception to allow a minimum setback of no less than 25 feet shall be limited to additions or expansions to existing principal structures which are already located seaward of the 40-foot coastal blufftop setback, provided the proposed addition or expansion is located no further seaward than the existing principal structure, is set back a minimum of 25 feet from the coastal blufftop*

> *edge and the applicant agrees to remove the proposed addition or expansion, either in part or entirely, should it become threatened in the future. Any new construction shall be specifically designed and constructed such that it could be removed in the event of endangerment and the property owner shall agree to participate in any comprehensive plan adopted by the City to address coastal bluff recession and shoreline erosion problems in the City.*

Converting a basement to an ADU is inconsistent with the policy that requires the development to be removable in the future in event of endangerment.

For these reasons, along with the additional LCP inconsistencies pointed out in the Staff Report, we support finding Substantial Issue with the city of Encinitas' Planning Department's approval of this new development at 312 Neptune Ave. Thank you for the opportunity to comment.

Sincerely,

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San Diego County Chapter, Surfrider Foundation

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