



April 5, 2024

Delivered via email

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

Re: F14a - De Novo Hearing, 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 supported both the Commission-initiated appeal and subsequent finding of Substantial Issue in December 2022, and are pleased to see improved coastal protections in this de novo hearing. However, we continue to have concerns re: the bluff setback rate calculated for this development.

We support much of the Staff's recommendation, including the language Special Condition #1 that requires the development's design to facilitate removal or relocation in the event of future endangerment. We also appreciate the extra assurances in Special Condition #5 that require the applicant to submit a Removal Plan for Future Development *prior to the issuance of a Coastal Development Permit*. Furthermore, we especially support the strong language in Special Condition #3 to prohibit any future shoreline bluff or shoreline protective devices.

However, we are still concerned whether the 62 foot blufftop setback will be sufficient to ensure that the proposed development "will have no adverse effect on the stability of the bluff, will not endanger life or property, and that any proposed structure or facility is expected to be reasonably safe from failure and erosion over its lifetime without having to propose any shore or bluff stabilization to protect the structure in the future" during a 75 year period, as required by Section 30.34.020 (D) of the City of Encinitas' approved LCP.

In our previous comment letter supporting Staff's recommendation of a Substantial Issue finding, we referenced a 2015 United States Army Corp of Engineers (USACE)

study¹, conducted under national scientific standards for a 50-year Encinitas-Solana Beach Coastal Storm Damage Reduction Project (i.e. sand replenishment project), that estimated an average retreat rate of 1 ft/year for the *exact same stretch of bluffs in Encinitas*.

Based on the USACE study and the additive approach required by Section 30.34.020 (D) of the City of Encinitas' approved LCP,² a newly constructed home at 216 Neptune Ave. would require a bluff setback distance of *well over 75 feet* in order to ensure a factor of safety of 1.5 over a 75 year lifespan. As we have referenced the 2015, site-specific USACE study in previous letters, we are unsure why the Commission's geologist continues to reference less specific studies that do not fully account for future sea level rise. The USACE study is highly credible, recent and site-specific; and it survived the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and Coastal Commission review as being the basis to justify a 50-year project as represented to Congress. Calculations for bluff setbacks should rely on the best and most recent science available, and should be consistent and clear.

Thank you for the opportunity to provide comments on this project. Surfrider recommends that the Coastal Commission find Substantial Issue with this project.

Sincerely,

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

² Section 30.34.020(D) of the City's IP requires a setback be calculated by adding the bluff retreat expected over a time period of 75 years to the calculation of where the 1.5 factor of safety would be located today.