



Apr 4, 2025

Delivered via email

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

**Re: w20a-4-09-2025 - Permit No. 6-21-0375 (Joseph Steinberg, Encinitas/Solana Beach)**

Honorable Commissioners,

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. Thank you for the opportunity to comment on this dispute resolution hearing. We generally support Staff's recommendation. However, we would like to propose strengthening Special Condition #11: Surf Monitoring Plan.

We are in partial agreement with Staff's recommendation for conditions on the after the fact approval of unpermitted work associated with emergency permits. We agree with Staff's recommendation to impose a fee to be deposited in the Beach Sand Mitigation Fund. We agree with the fee for mitigation of failing to procure a permit and depositing that mitigation in a fund for the Cardiff Living Shoreline Project. However, we hope either or both of Staff or the Commission will reconsider the decision to not impose the public recreation fee. We believe this project must be assessed a public recreation fee for several reasons:

1. Continued passive erosion<sup>1</sup> will impede access to the State Beach. Passive erosion is one of the primary impacts requiring a public reaction fee<sup>2</sup>.
2. The State Beach is accessed in front of the seawall.
3. The bedrock platform is overtopped under many conditions impeding access.

## **1 Continued passive erosion will impede access to the State Beach. Passive erosion is one of the primary impacts requiring a public reaction fee.**

The southern portion of the seawall has been experiencing passive erosion since at least 2002. Passive erosion is one of the primary impacts that require mitigation with a public recreation fee. The photos below show direct evidence of passive erosion occurring at the seawall.

This passive erosion commenced almost immediately after seawall construction and prior to the construction of the erodible fill. This photo from about 2001 shows approximately 60" of 5 ft of erosion prior to the construction of the erodible fill. Note the block falls in the immediate vicinity.

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<sup>1</sup> Passive erosion is defined in for example the California Coastal Commission Sea Level Rise Policy Guidance Final Adopted Science Update | November 7, 2018 at page 123 [https://documents.coastal.ca.gov/assets/slr/guidance/2018/7\\_Ch7\\_2018AdoptedSLRGuidanceUpdate.pdf](https://documents.coastal.ca.gov/assets/slr/guidance/2018/7_Ch7_2018AdoptedSLRGuidanceUpdate.pdf) *"Most significantly, hard structures form barriers that impede the ability of natural beaches and habitats to migrate inland over time. If they are unable to move inland, public recreational beaches, wetlands, and other habitats will be lost as sea level continues to rise. This process is commonly referred to as "passive erosion," which is the narrowing of beaches due to the fact that the back of the beach on an eroding shoreline has been fixed in place (Flick et al. 2012)."*

<sup>2</sup>See for example, the May 2017 Staff Report for the Solana Beach Public Recreation Fee LUP Amendment at page 21 <https://documents.coastal.ca.gov/reports/2017/5/th17d/th17d-5-2017-report.pdf>. *"As shown in Figure 1, in subsequent mitigation periods, mitigation shall include the direct shoreline protection device encroachment and all beach area that would have otherwise been available to the public through passive erosion had the shoreline armoring not been constructed."*

## Steinberg Seawall at South Cardiff State Beach 60” Passive Erosion since 1988



**Passive Erosion at Steinberg Seawall as observed in approximately 2001**

The below photos from 2005 and 2025 showing continued erosion and block falls.



**Passive Erosion at Steinberg Seawall as observed in 2005. Note the presence of eroded blocks and an already constructed fill and return wall.**



**Passive Erosion at Steinberg Seawall as observed in March 2025. Note the continued erosion of the adjacent area to the south of the seawall. Also note the presence of wave driven cobble immediately shoreward of the seawall.**

## 2 The State Beach is accessed in front of the seawall.

The area in front of the seawall is a primary access to the State Beach at medium to high tides and will progressively become the only access with rising sea level and continued erosion of the shore platform. See for example this photo below from January 2022



**Beach access along bedrock platform at Steinberg Seawall as observed in January 2022. This access connects the southern portion of the State Beach to its parking lot and pedestrian access from South Coast Highway 101.**

## 3 The bedrock platform is overtopped under many conditions impeding access.

Even under current sea levels, waves periodically overtop elevated bedrock platform and flood areas in front of the seawall in public easements and below the property line as well as to the property line.





**Flooding of beach access to South Cardiff State Beach and front of Steinberg Seawall as observed on November 15, 2024.**



**Flooding of beach access to South Cardiff State Beach and front of Steinberg Seawall as observed on December 23, 2022.**

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**Flooding of beach access to South Cardiff State Beach and front of Steinberg Seawall as observed on January 18, 2019.**

Thank you for the opportunity to comment on this permit amendment. In summary we urge an imposition of a public recreation fee to mitigate the impacts of passive erosion caused by the continued presence of the seawall and its supporting erodible infill.

Sincerely,

Kristin Brinner & Jim Jaffee  
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