

CALIFORNIA COASTAL COMMISSION

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Th16a

A-6-ENC-13-0210 (Lindstrom)

November 5, 2020

CORRESPONDENCE



October 30, 2020

Delivered via email

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

Re: Item Th16 a, Application A-6-ENC-13-0210, 132 Neptune Avenue, Encinitas

Dear Chair Padilla and District Director Schwing,

The Surfrider Foundation San Diego County Chapter recognizes beaches as a public resource held in the public trust. For over a decade, the San Diego Chapter has reviewed and commented on coastal construction projects in San Diego County that directly impact the public's beaches. We have been providing comment to the Coastal Commission on the proposed Lindstrom project for almost five years. We also supported the Coastal Commission in an amicus brief to the California Fourth District Court of Appeal to defend the conditions imposed by the Coastal Commission on the Lindstrom project.

We want to take a moment to highlight how important the vigorous defense of conditions like these are for protecting our coastline; especially with our future of sea level rise. The conditions that have been defended include an additive setback calculation methodology for calculating bluff erosion in which both the long-term erosion rate and the potential for bluff failure are taken into account. As the California Court of Appeal put it, "A layman does not need special geotechnical training to understand the self-evident concept that for a structure to "be reasonably safe from failure and erosion over its lifetime", the combined effect of expected erosion and bluff instability must be considered."¹. This approach is important for ensuring that the house is safe from bluff failure even in 75 years, at the end of its presumed economic life. The Lindstrom project was additionally conditioned with a waiver prohibiting any future seawalls or other protective armoring of the bluff or beach, as well as with managed retreat conditions.

By upholding all of these conditions, the California Court of Appeal reaffirmed the

¹ James Lindstrom et al v. the California Coastal Commission, *Opinion Summary*, 28, 2019

Coastal Commissions right to impose these important conditions. The court indeed confirmed that “the Commission has the authority to impose special conditions even though they are not expressly required by the City's LCP, as long as they are not inconsistent with the LCP or the Coastal Act and are otherwise reasonable.”²

We support staff’s recommendation to approve this project with conditions, and we support the rewording of special condition 3(b) regarding removal of the development authorized by the permit in the situation of extreme hazards. This adds specificity and ties the provision directly to bluff failure.

We urge the Coastal Commission to use this important precedent to continue to place the strongest conditions on any new blufftop development in San Diego County. This will ensure that we prioritize the public’s right to access our beaches, not the protection of private property at the expense of the public.

Sincerely,

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

Laura Walsh
Policy Manager
San Diego County Chapter, Surfrider Foundation

² James Lindstrom et al v. the California Coastal Commission, Opinion Summary, 50, 2019