

CALIFORNIA COASTAL COMMISSION

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Th11b

6-21-0278 (DESIMONE, SCHRAGER, JOKIPII, & OENE)

JUNE 2021

CORRESPONDENCE



June 4, 2021

Delivered via email

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

Re: Application No. 6-21-0278, 235, 241, 245, & 249 Pacific Avenue, Solana Beach

Dear Mr. Schwing,

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. We are writing now to implore the Coastal Commission to act in the strongest possible manner to protect the public's beaches in the city of Solana Beach. If the Commission grants a permit to build a seawall and upper bluff protection - in front of a new home with a deed restriction waiving the right to protection - additional mitigation and the strongest possible conditions must be applied.

Suggested corrections to the staff report

We appreciate all of the hard work staff has done for this very difficult situation. Clearly they are trying to reach a compromise that works for all parties involved. However, we would like to ensure the staff report accurately reflects the current situation.

245 Pacific Ave is at risk

As written, a section of the staff report may give the impression that 245 Pacific Ave is not currently at risk:

The applicants' geotechnical representative has demonstrated that the existing blufftop residential structures located at 235, 241, and 249 Pacific Avenue are in danger from erosion due to ongoing bluff collapse and exposure of the clean sand layer below the residences. (page 2)

It should be made abundantly clear that 245 is in danger from erosion and therefore will directly benefit from the construction of a seawall in front of the house. The staff report confirms this later on when it states that the seaward portion of 245 Pacific Ave is threatened:

While the slope stability analysis showed that the seaward portion of the home at 245 Pacific Avenue was threatened by erosion, the analysis did not indicate that the portion of the home inland of the 40 ft. bluff setback was at risk. (page 21)

The Coastal Commission, Commission staff, the applicants' geotechnical experts, and third-party geotechnical experts have concluded since 2010 that the property is unsafe, and Surfrider compiled these in our 2020 letter regarding a similar permit application¹.

All of 245 Pacific Ave is new development

The staff report appears to afford different portions of the new post-Coastal Act home at 245 Pacific Ave different rights to seawalls, depending on the relative location of that portion of the house:

The stability analysis does not indicate that the portion of the home landward of the 40 ft. bluff edge setback is currently at risk. Thus, the Commission is not required to approve shoreline armoring to protect the bluff top residence at 245 Pacific Avenue. (page 2)

As 245 Pacific Ave is a new home built after the effective date of the Coastal Act, the Commission would not be required to approve shoreline armoring to protect any portion of the home, regardless of its location relative to the bluff setback. We recommend stating that '*The Commission is not required to approve shoreline armoring to protect the bluff top residence at 245 Pacific Ave as it is a new home constructed after the effective date of the Coastal Act.*' or simply deleting this section entirely to avoid confusion.

Shoreline armoring damages the environment

We understand that staff use of the terminology 'least environmentally damaging feasible alternative' is a technical designation. However, we object to this language. How can armoring ever be considered the least environmentally damaging feasible alternative?

¹https://drive.google.com/file/d/1Gc9jiXKLSRL9GRaJBVL_sLOYWpY1Z1pw/view?usp=sharing

This is not the first project where the Commission has been faced with the decision on whether to leave a “gap” of unarmored bluff in Solana Beach for multi-property shoreline armoring requests where some of the homes had either waived their right to shoreline protection or could achieve an adequate level of stability without shoreline armoring. In these past applications, the Commission determined that approval of shoreline armoring fronting the “gap” property was the least environmentally damaging feasible alternative. (pages 2-3)

We should be honest about what’s at stake - this application is not a consideration of different environmental impacts; it is a prioritization of the protection of private property over the preservation of public lands. The Commission may be compelled to construct armoring to protect existing homes, but this is a financial and legal consideration, not an environmental one. Instead of stating ‘*approval of shoreline armoring fronting the “gap” property was the least environmentally damaging feasible alternative*’ the staff report should state something along the lines of ‘*approval of shoreline armoring fronting the “gap” property was necessary to protect the neighboring homes which predate the Coastal Act.*’

245 is not an existing home

The staff report incorrectly refers to 245 Pacific Ave as an existing home. Additionally, staff included the statement from the applicants that protection is not required for 245 Pacific Ave, despite their own geotechnical reports that state the opposite. We have added strikethroughs to the staff report text that we disagree with:

The proposed protection would be located on the City-owned public beach and bluff, the seawall below ~~an existing~~ single-family residence located at 245 Pacific Avenue, and the geogrid below three adjacent residences at 245, 241, and 235 Pacific Avenue, in the City of Solana Beach. ~~The applicants have stated that the protection is not required for the residence located immediately above the gap at 245 Pacific Avenue, but~~ It is needed to protect the residences on either side; 249 Pacific Avenue to the north, and 241 and 235 Pacific Avenue to the south. (page 20)

245 Pacific Ave should not be allowed to be referred to as ‘existing’ in any portion of the staff report. Likewise, the applicants’ incorrect statement that 245 is not currently at risk should be removed as that is demonstrably false.

Long-term consequences

As the Commission has rightfully pointed out in its two previous denials of seawalls in front of 245 Pacific Ave, we appear to be at an inflection point where we must confront the future of coastal development. All of our beaches are at risk while we continue to armor our coastline as a short-term band-aid for natural bluff retreat and sea level rise.

Our beaches are not being protected by the City or county

The staff report optimistically points to regional planning efforts as a way to restore our coastline:

...the prevention and eventual removal of seawalls in Solana Beach is more effectively approached through regional planning efforts than on a project-by-project basis.

Unfortunately, history has clearly shown that the City of Solana Beach is unwilling to act as directed by section 30007.5 of the Coastal Act:

'...conflicts be resolved in a manner which on balance is the most protective of significant coastal resources.'

Time and time again, the City has proven they will not stand up for the rights of the public, choosing instead to bow to the power and financial might of the blufftop private property owners. When the San Diego chapter of Surfrider contacted the City to request they investigate the current unsafe situation at 245 Pacific Ave, their response was that the City was not a party to the deed restriction and that the Coastal Commission has the sole permitting authority to address any related concerns.

The City has stated on the record, numerous times, that the deed restriction is 'silent' on enforcement, and since the deed restriction was a condition imposed by the Coastal Commission, it is not the City's responsibility to enforce it. This argument allows the City to grant CDPs for seawalls for properties like 245 Pacific Ave, because they claim the deed restriction is not relevant for their consideration.

This is why the Coastal Commission exists - to uphold the principles of the Coastal Act and protect the beach-going public when local jurisdictions are unwilling to do so. The many attempts to put a seawall in front of 245 Pacific Avenue highlight the weakness of deed restrictions. Ironically, one of the limiting conditions that staff suggests placing on the applicants is the recording of deed restrictions that will "put future property owners on notice of all standard and special conditions required by this permit." (page 4, Staff Report²)

² <https://documents.coastal.ca.gov/reports/2021/6/Th11b/Th11b-6-2021-report.pdf>

While we see that staff has taken measures to strengthen language in the deed restriction, the Commission needs to repair the weak points of deed restrictions by addressing the need for enforcement. Only this would serve the public's best interest as the City has consistently sided with the interests of the private property owners who will continue to destroy the public's beaches.

New development is not feasible west of Pacific Ave

The City's LUP is unrealistic concerning the effectiveness of sand replenishment as a solution to protect the beaches. Likewise, the only way to safely site development along the tops of the bluffs is to move the current development back from the bluff's edge. The bluffs for the length of the City are entirely developed already. The staff report accurately states the following about the City's LUP:

One of the main goals of the certified LUP is to limit bluff retention devices on the public bluffs and beach area through the appropriate siting of new development and by aggressively pursuing implementation of a comprehensive beach sand replenishment and retention program, as the best approach to buffer the shoreline from wave attack and reduce the need for bluff retention devices. (page 3)

Unfortunately, sand replenishment is a short-term solution for a long term problem. For the southern portion of the City, safely locating structures will mean removing portions of condominium associations that are teetering on the bluffs edge. For the northern portion of the city, the lots between the bluff and the first road are not large. Either homes will need to be smaller to move them back from the bluffs edge, or homes should be sited east of the first road. To implement such a policy, we cannot continue to allow homes to be redeveloped on the bluff's edge and perpetuate that development by protecting it with seawalls. It must be made crystal clear to bluff-top homeowners that there is an end date for these houses - either at the end of the home's economic life, or when a seawall is needed to protect a new home. Alternative options open to loopholes, as was offered to the applicants at 245 Pacific Avenue when they chose to redevelop in 1996, should not be given.

Mitigation must reflect the costs to our beaches

The suggested mitigation for the proposed 245 Pacific Ave seawall grossly undervalues our beaches, perpetuating the inequities we are currently experiencing along our coastline. The staff report states:

The applicants will be required to submit a payment of \$54,631.10 into a

Shoreline Account established by the City of Solana Beach to mitigate for impacts to public access and recreation for the initial 20-year mitigation period for the proposed seawall. The applicants will also be required to submit a payment of \$10,272 into a Shoreline Account established by the City of Solana Beach to mitigate for impacts to sand supply for the initial 20-year mitigation period for the proposed seawall. The owner of the residence at 245 Pacific Avenue will also deposit \$140,000 into an interest-bearing account that shall be used for public access and public recreation improvements in Solana Beach or surrounding areas as a first priority and for sand replenishment as a secondary priority.

\$204,903 mitigation for a 20-year permit amounts to \$10,245/year, \$853.75/month, or \$28/day. Compare this to a nearby AirBnB on Pacific Ave that rents for over \$1,000/day. (<https://www.airbnb.com/rooms/25776525>, accessed May 29, 2021).

Refurbished Hi-Tech Hideaway bordering the ocean and simply magnificent

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Entire house hosted by Brenda

6 guests · 2 bedrooms · 4 beds · 2 baths



\$1,102 / night

★ 5.0 (59 reviews)

CHECK-IN
Add date

CHECKOUT
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Entire home

The proposed mitigation fees grossly undervalues the beach and bluff property that will be destroyed by the seawall's existence. In this case, it is reasonable to increase the required mitigation for a seawall that should never have been built to begin with. The certified LUP specifies that mitigation be charged for existing homes:

"...some amount of lower bluff protection has been and will continue to be unavoidable to protect existing structures in danger from erosion pursuant to

Section 30235 of the Coastal Act. (chapter 4, page 12, emphasis added)

However, the LCP is silent on how to calculate mitigation fees for new homes, such as 245 Pacific Ave. Therefore, the Commission is within its rights to increase the mitigation fees for such extraordinary circumstances.

We also object to this raise in fee being referred to as a 'donation' on page 2 of the staff report. Such language suggests altruism on behalf of the applicants as well as arbitration in calculating the cost owed to the public.

Strengthen special condition 4

Special condition 4 in the staff report states that over 50% redevelopment shall trigger removal of the seawall:

(a) Development that consists of alterations including (1) additions to an existing structure, (2) exterior or interior renovations, or (3) demolition or replacement of an existing home or other principal structure, or portions thereof, which results in:

i. Alteration (including demolition, renovation or replacement) of 50% or more of major structural components including exterior walls, floor structure, roof structure or foundation, or a 50% increase in gross floor area. Alterations under this definition are not additive between individual major structural components.

OR

ii. Alteration (including demolition, renovation or replacement) of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP. (Special Condition 4, page 14)

In the past, we have seen how the 50% redevelopment threshold is insufficient to temper coastal redevelopment. For example, at 475 Pacific Ave in Solana Beach, an existing home was redeveloped as follows:

- 48.5% of exterior walls
- 48.2% of roof
- 31.5% of foundation

- 15.7% of floor.

Here are several photographs of what was touted as sub-50% redevelopment:



2015 Existing home



2018 Construction photos



Redeveloped home, 2019

Redevelopment triggers should be strengthened to reflect that the 50% threshold is insufficient to prevent the unfair indefinite extension of an existing home's lifetime.

Require recordation of encroachment permit

We request that the Commission require an encroachment permit rather than leaving it to the discretion of the City. The City has continually ceded to the threat of legal action or financial might of private property owners. Require the homeowners to get an encroachment permit, so that if the City ever gets the political will to start protecting public property, the encroachment permit will be in place.

Encroachment Agreement. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicants have executed an Encroachment Agreement with the City, recognizing that the seawall is located on property owned by the City and is subject to removal by request of the City at any time, ~~or evidence that an Encroachment Agreement is not required by the City.~~ Within 90 days of the City's request for removal, the applicants shall submit an amendment to this CDP proposing removal of the

encroachment in its entirety. Permittees shall remove the encroachment within 90 days after the Commission issues the CDP amendment. (Special Condition 11, page 17, suggested strikethrough)

245 Pacific Ave is responsible for this situation

In 1990, the current owners of 245 Pacific Ave knowingly decided to build too close to the bluff’s edge. The Coastal Commission warned them this was a bad idea, and placed a deed restriction on the home to ensure that any future owners would be aware of this poor decision. The current owners of 245 Pacific Ave accepted this responsibility when they purchased the home. The neighboring properties could have opposed this restriction if they had the foresight to think of the longer-term consequences of the deed restriction. The current property owners should hold 245 Pacific Ave accountable, not the Coastal Commission and the people of California, whose land they are demanding to occupy.

Permit history in this area of Solana Beach

To demonstrate how neighbors can collude to build seawalls in front of new homes - even homes with deed restrictions that waived the right to protection - we include the permit history of the neighboring properties and the homes currently being considered here. Houses in bold indicate new homes (that post-date the Coastal Act), properties with deed restrictions, or other limits on protection.

Address	Permits / Property Status³
211 Pacific Ave	<u>1961</u> : original home constructed <u>1995</u> : Commission approved a remodel and construction of first, second, and third floor additions. The approved project resulted in a 1,944 sq. ft. addition to the existing 1,718 sq. ft. home (ref. CDP 6-95- 095/O’Neal) <u>2010</u> : 256 ft long 35 high seawall. Property not threatened but seawall built to avoid gap. (CDP 6-09-033)
215 Pacific Ave	<u>1995</u>: original home construction <u>1998</u> : first and second floor addition

³ Permit history for 211-231 Pacific Ave from CDP 6-15-1717 (Mark and Felicia Barr) and CDP 6-09-033-A1 (O’Neal et al.).
 Permit history for 235-249 Pacific Ave from CDP 6-18-0288 (DeSimone, Schragar, & Jokipii) and CDP 6-19-1291 (DeSimone, Schragar, & Oene)
 Permit history for 249-311 Pacific Ave from CDP 6-99-100

	<p>approved. The approved project resulted in a 1,355 sq. ft. addition to the existing 1,509 sq. ft. home (CDP 6-98-131/Glasgow)</p> <p><u>2010</u>: 256 ft long 35 high seawall.</p> <p>Property not threatened but seawall built to avoid gap. (CDP 6-09-033)</p>
219 Pacific Ave	<p><u>1984</u>: New home approved by the Commission in 1984 (ref. CDP# 6-84-062)</p> <p><u>2010</u>: 256 ft long 35 high seawall.</p> <p>Property not threatened but seawall built to avoid gap. (CDP 6-09-033)</p>
225 Pacific Ave	<p><u>1926</u>: original home constructed</p> <p><u>2010</u>: 256 ft long 35 high seawall.</p> <p>Property not threatened but seawall built to avoid gap. (CDP 6-09-033)</p> <p><u>2016</u>: Existing home demolished, new home constructed (CDP 6-15-1717)</p>
231 Pacific Ave	<p><u>1958</u>: original home constructed.</p> <p><u>1988</u>: Commission approved first and second floor additions. The approved project resulted in a 1,657 sq. ft. addition to the existing 1,674 sq. ft. home (ref. CDP 6-88-006/Victor).</p> <p><u>2010</u>: 256 ft long 35 high seawall.</p> <p>Property not threatened but seawall built to avoid gap. (CDP 6-09-033)</p>
235 Pacific Ave	No post-1977 permits
241 Pacific Ave	<p><u>1950s</u>: original home constructed</p> <p><u>1989</u>: Commission approved a remodel and a 2,040 sq. ft. second story addition to the residence, resulting in a total of 3,419 sq. ft. (CDP 6-89- 029/Haggerty).</p> <p><u>2008</u>: caissons installed and the bluff failed shortly thereafter exposing the caissons. (6-07-132/Hawkins)</p>
245 Pacific Ave	<p><u>1996</u>: demolition of existing home and construction of new home 25 ft from bluff's edge. Deed restriction waiving rights to shoreline protection. (CDP 6-96- 021/Ratkowski)</p>

249 Pacific Ave	<p><u>1958</u>: Original home constructed</p> <p><u>1999</u>: 352-foot long, 35-foot high seawall build below 249-311 Pacific Avenue (CDP #6-99-100/Presnell et. al.)</p> <p><u>2014</u>: 24 ft. long, 35 ft. high seawall extension (CDP #6-13-0437 /Presnell/Graves LLC)</p>
255 Pacific Ave	<p><u>1974</u>: new home constructed</p> <p><u>1992</u>: 1 and 2 story seaward addition. Conditioned that Commission consider removal of threatened portions of home as preferred and practical alternative to protection (CDP 6-91-309)</p> <p><u>1999</u>: 352-foot long, 35-foot high seawall build below 249-311 Pacific Avenue (CDP #6-99-100/Presnell et. al.)</p>
261 Pacific Ave	<p><u>1984</u>: demolition of existing home and construction of new home built 27 ft from bluff's edge. (CDP 6-84-168)</p> <p><u>1998</u>: permit to fill 30 ft wide, 12 foot high, 7 ft deep sea cave</p> <p><u>1999</u>: 352-foot long, 35-foot high seawall build below 249-311 Pacific Avenue (CDP #6-99-100/Presnell et. al.)</p>
265 Pacific Ave	<p><u>1995</u>: New home constructed 25 ft from bluffs edge. Deed restriction waiving right for shoreline protection (CDP 6-95-23)</p> <p><u>1999</u>: 352-foot long, 35-foot high seawall build below 249-311 Pacific Avenue(CDP #6-99-100/Presnell et. al.)</p>
269 Pacific Ave	<p><u>1994</u>: First and second story addition (CDP 6-94-33)</p> <p><u>1999</u>: 352-foot long, 35-foot high seawall build below 249-311 Pacific Avenue(CDP #6-99-100/Presnell et. al.)</p>
301 Pacific Ave	<p><u>1989</u>: First and second story addition conditioned that removal of threatened portion of home preferable to seawalls (CDP 6-29-288)</p> <p><u>1998</u>: 45 ft wide, 16 ft high, 13 ft deep sea</p>

	cave filled 1999: 352-foot long, 35-foot high seawall build below 249-311 Pacific Avenue(CDP #6-99-100/Presnell et. al.)
309 Pacific Ave	1990: New second story on one story home. Permit conditioned that removal of threatened portions of home preferable to building a seawall 1998: 38 ft wide, 12 ft high, 15 ft deep seacave filled 1999: 352-foot long, 35-foot high seawall build below 249-311 Pacific Avenue(CDP #6-99-100/Presnell et. al.)
311 Pacific Ave	1999: 352-foot long, 35-foot high seawall build below 249-311 Pacific Avenue(CDP #6-99-100/Presnell et. al.)

There is now a continuous seawall from 475 Pacific Ave to 245 Pacific Ave. There is a gap at 245 Pacific Ave, and then another seawall continues from 241-211 Pacific Ave. Filling in the gap at 245 Pacific will result in a continuous seawall from 475 to 211 Pacific Ave, amounting to armoring over ¼ mile long, in front of 21 houses. This represents the majority of the homes in the northern half of the cities. As such, the seawall should be treated as one structure, and seawall removal and potential removal of threatened portions of homes should be subject to consideration whenever any home behind the seawall wants to make a change that requires a CDP.

As we are arriving at the eventuality of a continuous seawall, we suggest that the entire seawall should be re-evaluated to determine where viable gaps can be reopened, by removing portions of the seawall. A prime possibility is the portion of the seawall in front of 255, 261, and 265 Pacific Ave. None of these homes should have a seawall in front of them, as they are either new homes or were redeveloped with the condition to waive a seawall. The same could be said for 215, 219, and 225 Pacific Ave. These are new homes constructed in the 80s and 90s.

Here are two opportunities to re-open 100-foot portions of the bluffs to give the beach back to its rightful owners, the public. For example, if a 100-foot gap was opened, centered in front of 261 Pacific Ave, there would still be 25 feet of sea wall in front of 255 and 265 Pacific Ave to maintain protection of its neighbors at 249 and 265 Pacific Ave, who still have not redeveloped or accepted deed restrictions waiving the rights to a seawall. The same could be said for 215, 219, and 225 Pacific Ave and its neighbors.



Homes outlined in red indicate homes with a deed restriction waiving the right to a seawall or removal of threatened portions of home. Approximate seawall location indicated in blue, with potential location for 100 gap

Neverending story

In the past, the Coastal Commission has justified permitting large swaths of seawalls (for example, the 1999 permit for 241-311 Pacific Ave) by stating they are taking a comprehensive look at shoreline armoring, rather than granting armoring on a house-by-house basis. This argument was used to justify the 1999 construction of a

seawall in front of both 261 and 265 Pacific Ave, even though those homes had accepted deed restrictions waiving their rights to seawalls. It also allowed the seawall to remain in front of 255 Pacific Ave, even though that home was completely demolished and rebuilt in 2016. It is again being used to justify a seawall to protect 245 Pacific Ave, despite their seawall waiver deed restriction. It is clear the result of this 'comprehensive approach' has resulted in the surrender of the public's property solely for the protection of private property. Clearly this approach is failing the public, and must be reevaluated.

We now need to look for ways to slowly chip away at the armoring that is destroying our bluffs and beaches, and that starts with not approving seawalls for homes that have waived their rights to seawalls. It should continue by removing seawalls from in front of homes that never should have gotten a seawall in the first place.

If we are going to be serious about prioritizing the protection of our public beaches, we must start by removing armoring and restoring our bluffs to their natural unarmored state.

Good intentions gone wrong

The permit and development history of this stretch of Solana Beach demonstrate how the good intentions of the Coastal Commission of the past have failed. The Commission has relied on tools like deed restrictions, redevelopment restrictions, and mitigation fees to condition permits for blufftop homes and armoring projects. We now see how all of these options have been unraveled.

The City of Solana Beach is unwilling to enforce deed restrictions, and neighbors can work together to protect new homes by claiming threats to existing neighboring homes. Redevelopment restrictions are also not effective; homes like 475 Pacific Ave have shown that existing homes can get a seawall as allowed by the Coastal Act, redevelop up to 49%, and essentially have a brand new bluff-top home with a fully permitted seawall. Mitigation fees are also not going to be sufficient. We are already doing horrible damage to the visual beauty of our coastal bluffs. And, with sea level rise, our beaches will slowly disappear over the next 30-50 years as fixing the back of the beach will prevent the erosion of the bluffs to maintain natural width of the beach. How can we put a price on the loss of our beaches? There are almost 40 million residents in the state of California, and the beaches belong to every one of us. When our beaches are all gone, how can we possibly pay for that loss?

Few remaining options

Given that the current tools have proved ineffective at preventing reckless coastal development, we are left with fewer options. Blufftop property owners must be put on

notice that their homes have an expiration date. Perhaps the life of the structure should be tied to the life of the seawall, ensuring that the seawalls cannot exist in perpetuity. Redevelopment should be limited further to ensure that economic life of existing homes cannot be indefinitely extended. We have also seen how property owners' geotechnical experts can cook their calculations to their advantage. Projected bluff top retreat is always underestimated when it comes to calculating setbacks, but always overemphasized when needed to justify the construction of armoring. One option here would be to tie setback calculations into state-wide SLR information to take away subjectivity when determining retreat rates and setbacks. Our beaches are at a tipping point, and the Coastal Commission should act now in a manner most protective of our precious coastal resources.

The need for personal responsibility

We all accept a certain amount of risk that is inherent in a natural setting. We don't sue the National Parks when there is a rockslide in Yosemite; we don't sue the Coast Guard if a storm sinks our ship and they aren't able to rescue us; we don't sue the state of California when there is an earthquake and our home is destroyed. These are all known risks we accept for living where we do. It has been a known fact that the coastline of California has been eroding for the last 11,000 years. People who choose to buy or build a house on an eroding blufftop should accept responsibility for their choice, and should not expect the public to bail them out by allowing them to indefinitely occupy our public lands. We ask the Commission not to give applicants any options for increasing their risk or the public's, to focus on enforcement of known violations, to think more creatively about how to restore the public's beach, and to continue to apply measurable and enforceable conditions for this work.

Sincerely,

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

Laura Walsh
Policy Manager
San Diego County Chapter, Surfrider Foundation