

**The Trettin Company**  
Community & Government Relations / Project Development

April 27, 2020

TO: Betty Yee, Chair  
California State Lands Commission

FROM: Bob Trettin, Principal  
The Trettin Company

RE: CSLC Agenda; 4/29/20  
Items #42(Baker), #43(Barr), #47(Garber), #51(O'Neal), #53(Perell)

---

I am writing in my capacity as a representative of the five property owners at 211-231 Pacific Avenue, Solana Beach, to express support and request the Commission's approval of the leases addressed in the five referenced agenda items.

A representative of the Surfrider Foundation has recently written the Commission to object to these leases (letter dated 4/23/29 from Jennifer Savage), and presumably all similar leases for coastal bluff support measures along the California coastline. While we can all agree that our beaches should be protected and enhanced for the benefit of all residents, the arguments provided by this Surfrider representative were either factually inaccurate or extremely one-sided.

Section 30235 of the California Coastal Act states the following:

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.*

Until and unless the California legislature changes this section of the Coastal Act and Public Resources Code seawalls are legally permitted .... legally permitted as much as marinas, coastal businesses and other private uses of State Lands property for which leases are provided.

The homes along Pacific Avenue in Solana Beach are sited on narrow lots atop +/-80-foot high coastal bluffs. These bluffs have eroded to a point that a layer of clean sands has been exposed above the lower sandstone bluffs. Once exposed, this clean sand lens tends to fail quickly, resulting in further failure of upslope terrace sands. When these bluffs experience failure, hundreds of tons of bluff materials can fall as far as 30-feet to 40-feet seaward of the toe of the coastal bluff, posing a significant threat to the public. Seawalls do not provide a false sense of safety ... they provide safety. They make larger areas of the beach safely useable. Virtually all public agencies overseeing coastal areas, other than the Coastal Commission, agree that seawalls protect the public and public infrastructure. These benefits of seawalls have been repeatedly enumerated by almost every coastal city and county, and by the State Lands Commission.

560 N. Coast Highway 101, Suite 5; Encinitas, California 92024  
Ph: (858) 603-1741 e-mail: [trettincompany@gmail.com](mailto:trettincompany@gmail.com)



The Surfrider letter highlighted and underlined their contention that "The mitigation fees associated with the related Coastal Development Permits in no way compensate for the current and coming public loss of sandy beach". At present, however, the owners of the leases addressed in Agenda items #42,43,47,51 and 53, in addition to the lease payments provided to the CSLC over the past 10 years, have paid hundreds of thousands of dollars in beach recreation fees and sand mitigation fees. The sand mitigation fee is approximately \$15 for every cubic yard of beach-quality sand prevented from reaching the beach as result of seawall construction. When the property owners for these agenda items first permitted the seawalls, they were subject to the State Lands leases because the Mean High Tide Line extended to the toe of the coastal bluffs and the seawalls were therefore determined to be on State property. At present, the Mean High Tide Line is now sited seaward of the existing seawalls. Ten years from now, the owners of these properties will be required to amend their Coastal permits and pay significantly more in mitigation fees for the right to retain these protective measures and continue protecting their homes, public infrastructure and those who use our beaches.

Further, when the Beach Sand Restoration Project being administered by the San Diego Association of Governments (SANDAG) is fully funded and implemented for areas of the San Diego County coastline, sandy beaches will be expanded, and the existing seawalls will still be present, protecting all beach-goers who congregate below the coastal bluffs.

Surfriders suggests that the best way to protect the public and the homes is to simply move the homes farther to the east, away from the coastal bluff. Unfortunately, when these residences become threatened, there is nowhere they can be relocated. The eastern walls of many homes in the area are already 5'-10' from the public street.

If property owners are not allowed to protect their homes, this would presumably constitute a "taking" of private property and the owners would be compensated. At that point, the question becomes "who pays to protect public infrastructure such as the city street and utilities?". At other areas along the beach in this area, government has paid to protect Highway 101 by the placement of rip-rap. And, government has again paid to protect beach parking via the construction of seawalls. Is Surfriders suggesting that government pick-up the tab for the "taking" of hundreds of millions of dollars representing the worth of residential structures just in Solana Beach .... and then someday reconstruct coastal bluff protection for miles to protect threatened public infrastructure? And what of the annual loss of tens of millions of dollars in property taxes?

The need for coastal bluff protection along urbanized areas in California represents an exceedingly small percentage of the many hundreds of miles of our state's coastline.

It is also important to note that the need for seawalls was created by the loss of beach sands. Seawalls were not the cause of this beach sand loss. In areas like Solana Beach and Encinitas, the loss of beach sand was a direct result of government actions: allowing sand mining of river channels for the production of the concrete that built our roads and cities; and, the construction of the Oceanside Jetty that blocked the natural southerly movement of beach sands in this littoral cell. Studies have documented that the erosion rate of the coastal bluffs was barely measurable many decades in the past ... but that erosion rate is now estimated at almost ½ a foot per year. Seawalls did not cause this ... seawalls became necessary because of this.

The implementation of "nature-based adaptation strategies" to address sea level rise, as expressed by the Surfrider representative in her April 23<sup>rd</sup> letter to the Commission, might seem like a laudable concept if it was not your private property that will be taken away and lost forever. There are damaging consequences to what Surfrider is proposing. These are real people with families and mortgages on the properties that Surfrider would like to see destroyed.

And, finally, I know that the engineers and contractors who are involved in seawall design and construction would take great exception to the Surfrider representative's statement that seawalls offer "only temporary protection". With normal maintenance, the coastal bluff protection afforded by seawalls can easily match or exceed the 75-year projected life of the residence being protected (along with the associated benefits of protecting infrastructure and the public). Seawalls for which I processed permits and which were constructed as far back as 1991 are still functioning as designed with little or no maintenance being required.

In closing, I want to thank State Lands staff for the professional assistance they provided in my preparation and processing of the lease applications for the five properties represented in these current agenda items. Again, on behalf of my clients, I ask that you approve the leases in Docket Items 42,43,47, 51 and 53 of the Commission's April 29, 2020 agenda.

Respectfully submitted,



Bob Trettin, Principal  
The Trettin Company

cc: Jennifer Lucchesi, Executive Officer  
California State Lands Commission

O'Neal; 211 Pacific Avenue; Lease #8182.1  
Perell; 251 Pacific Avenue; Lease #8186.1  
Baker; 219 Pacific Avenue; Lease #8183.1  
Barr; 225 Pacific Avenue; Lease #8187.1  
Garber; 231 Pacific Avenue; Lease #8188.1





April 23, 2020

Chair Betty Yee  
California State Lands Commission  
100 Howe Ave # 100S  
Sacramento CA 95825

CC: Executive Officer Jennifer Lucchesi

*Submitted via email: [CSLC.CommissionMeetings@slc.ca.gov](mailto:CSLC.CommissionMeetings@slc.ca.gov)*

**SUBJECT: 4/29/2020: Items 42, 43, 47, 51, 53**

Dear Chair Yee,

The Surfrider Foundation (Surfrider) requests that the State Lands Commission April 29, 2020 Agenda Items 42, 43, 47, 51 and 53 be removed from the consent calendar and placed for discussion on the regular calendar. We expect staff will address the five lease requests together in a single presentation and we support that approach.

Beach access and coastal preservation make up a significant portion of Surfrider's campaigns. We are dedicated to equitable beach access for all residents of and visitors to California; saving our sandy beaches is critical to achieving that goal. Without sandy beaches, most recreational opportunities evaporate, leaving California's coast to only those wealthy enough to buy property along it. The biggest threat to California's beaches – and therefore to equitable public access – is the hard armoring of our coast in the form of seawalls, rock revetments, concrete bluff fill, rip rap, etc. On behalf of the public to whom the coast belongs, we therefore object to the automatic renewal of the leases described in the agenda items above.

While the City of Solana Beach and the California Coastal Commission have approved related permits in the past, those approvals do not restrict the State Lands Commission's ability to deny the leases now. As noted in the staff report, seawalls and seacave/notch fills result in adverse effects including impacting public access, increasing beach erosion and decreasing natural sand supply. The mitigation fees associated with the related Coastal Development Permits in no way compensate for the current and coming public loss of sandy beach.

The staff report outlines how seawalls destroy the beach and provide a short-lived if false promise of safety to the property:

“The combination of these projected conditions increases the likelihood of future damage to the seawall and seacave/notch fill that could jeopardize the residence atop the bluff. As discussed in the Safeguarding California Plan: 2018 Update (California Natural Resources Agency 2018), armoring structures along the coast, while intended to safeguard upland properties, offers only temporary protection, eventually leaving homes and property at risk. The seawall and seacave/notch fill may become vulnerable to more frequent inundation during high tides, king tides, and storms, as well as from storm runoff... The seawall has the potential to exacerbate the impacts of sea-level rise and increased storm and wave activity on State sovereign land. Without sand replenishment, the beach area seaward of the seawall would be subject to width reduction and loss from erosion, scour, and coastal squeeze.”

The cost to the public – the forfeiture of our beach – is explicitly acknowledged. Surfrider disagrees that the measures required by the City of Solana Beach, the California Coastal Commission and within the proposed lease adequately compensate for the recreational and economic sacrifices the public is being asked to make on behalf of private property owners.

We do acknowledge that public safety from bluff collapse is a valid concern – but refute the idea that seawalls provide a solution. Instead of presenting the options as either armoring the bluffs or risking human life, why not start with preserving both the beach and human life as the primary goals, both of which could be met through relocating private property structures away from the bluff edge?

We agree with the California Coastal Commission staff, which included in a 2017 Staff Report<sup>1</sup> regarding an amendment to the Solana Beach Land Use Plan, that retention devices should not be confused for a public safety solution and instead contribute to narrowing and hazardous beach conditions:

“Staff is recommending elimination of these mitigation offsets or reductions for bluff retention devices whose primary purpose is the protection of private property, and that Appendix C be updated accordingly. **The Commission does not agree that bluff retention devices provide any quantifiable public safety benefit, and therefore, reductions to the required recreation mitigation based on the theory that bluff retention devices reduce the number of beach fatalities is not appropriate.** Bluff retention devices could have the opposite effect by creating a more narrow concrete backed beach that that doesn’t allow beach users to escape from high tides or large waves resulting in increased hazardous conditions for users.” (Staff Recommendation on City of Solana Beach Major Amendment AMENDMENT LCP-6-SOL-16-0020-1 for Commission Meeting of May 11, 2017)

The lease renewal period in consideration is ten years. With sea level rise set to exponentially increase, we do not have another ten years to default on planning for this reality. A sea level rise vulnerability assessment conducted in the neighboring city of Del Mar found that the city’s

---

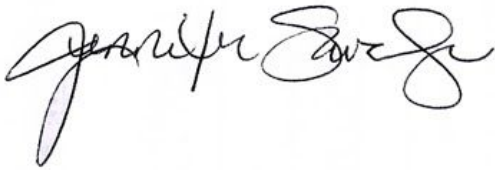
<sup>1</sup> <https://documents.coastal.ca.gov/reports/2017/5/th17d/th17d-5-2017-report.pdf>

dry beaches could completely disappear in winter within this time frame and it is very realistic to compare this to the future of Solana Beach beaches. Given current planning realities, the mitigation fees set aside for this project will be utilized for beach nourishment projects, which not only have many negative externalities to beaches but which are becoming an increasingly less viable option as sea levels rise.

The State Lands Commission is poised to be the first state agency to adopt "Making California's Coast Resilient to Sea Level Rise: Principle for Aligned State Action." Within those principles, agencies are instructed to "Protect and enhance public trust natural and cultural resources, such as beaches..." to "ensure that adaptation projects do not shift hazards and impacts elsewhere along the coast or shoreline," "Streamline permitting for high-need coastal restoration projects" and to "take action to prevent impacts from SLR to public access as feasible, toward the continued protection and enhancement of public coastal access for all."

To truly embrace those principles, state agencies must reject the reliance on hard armoring of our coast and instead embrace the long-term, nature-based adaptation strategies that will preserve our coast, protect the public trust and usher us closer to the truly equitable beach access we're all striving hard to achieve.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Savage". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Savage".

Jennifer Savage  
California Policy Manager  
Surfrider Foundation

June 3, 2016

**Delivered via email**

To: Eric Stevens  
California Coastal Commission  
7575 Metropolitan Drive Ste 103  
San Diego, CA 92108-4402

**Re: Item W22b, Application 6-15-1717, Mark and Felicia Barr**

Dear Mr. Stevens,

The Surfrider Foundation San Diego County Chapter recognizes beaches as a public resource held in the public trust. Surfrider Foundation is an organization representing 250,000 surfers and beach-goers worldwide that value the protection and enjoyment of oceans, waves and beaches. For the past decade, San Diego Chapter has reviewed and commented on coastal construction projects and policy in San Diego County. We appreciate the opportunity to provide comments to the California Coastal Commission about these important issues.

We have grave concerns about any approval for the demolition of an existing structure and construction of a new residence on the bluff tops of Solana Beach. Section 30253 of the California Coastal Act is unequivocal in prohibiting new development that requires protective devices:

**New development shall do all of the following:**

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (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....**

By looking at the staff report itself, we see no logic to support this proposed redevelopment. Page 2 of the staff report states that there is not sufficient space on the existing lot to move redevelopment behind the Geologic Setback Line (GSL):

“...the certified LUP specifies **new development shall be set back from the bluff edge a sufficient distance to ensure that it will not be in danger from erosion and that it will ensure stability for its projected 75 year economic life...**In this particular case, the subject lot is only approximately 80 feet deep, and the geologic studies performed on the site determined, when considering the long-term erosion rate and 1.5 factor of safety, that the GSL is approximately 75 ft. inland of the bluff edge and therefore **there is not**

**sufficient area on the site to build a home that would assure stability with a 1.5 factor of safety for 75 years without relying either on the existing seawall, or new bluff or shoreline protection measures.”**

The Solana Beach Local Coastal Program Land Use Plan (LCP/LUP) is equally unequivocal in forbidding new development seaward of the GSL:

**Policy 4.14: ...Complete demolition and reconstruction or Bluff Top Redevelopment is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP.**

**Policy 4.17: New development shall be set back a safe distance from the bluff edge, with a reasonable margin of safety, to eliminate the need for bluff retention devices to protect the new improvements. All new development, including additions to existing structures, on bluff property shall be landward of the Geologic Setback Line (GSL) as set forth in Policy 4.25....**

The staff reports continues to support our position that no redevelopment be allowed in such a geologically unstable location:

**“As evidenced by the seawall fronting the subject site, the existing home is clearly in a hazardous location and could not be sited in its current location without shoreline armoring. While the new home will be located further landward than the existing home and accessory structure, it will still be located in a hazardous location. Due to the size of the lot, there is not sufficient area on the site for the proposed development to meet the 1.5 factor of safety for 75 years. In this case, the Commission could deny the permit and allow the existing use of the property to continue.”**

The applicants are depending on an existing sea wall in order to ensure that their new home will not be threatened by natural bluff erosion. While the seawall is needed for the other residences it must not be weighed for this development in considering whether to approve under Section 30253. This is also clearly prohibited in the LCP/LUP:

**Policy 4.18: A legally permitted bluff retention device shall not be factored into setback calculations....**

We do concur with staff that the use of caissons to support structures should not be allowed because:

**“...caissons may become exposed in the future if the existing seawall is ever removed and if the bluff erodes more quickly than expected. Exposed caissons essentially function as an upper bluff wall, limiting bluff retreat and impairing the visual quality of the**



natural landform of the bluff.”

That said, conditionally approving this project with the requirement that caissons not be used in the construction of a new home is not an acceptable solution. We again point to section 30253 of the Coastal Act and Policy 4.18 of the LCP/LUP, that new development cannot require protective devices. That is definitively the case in this situation. Any new development on this site assumes the continued maintenance of the existing seawall.

In summary, policies 4.14, 4.17, and 4.18 of the LCP/LUP, as well as Section 30253 of the Coastal Act are clear: reconstruction of a bluff top residence is not permitted unless the redevelopment is landward of the GLS, and that existing seawalls cannot be factored into setback calculations. The staff report appears to ignore all of these provisions in its conditional approval for redevelopment. We urge you to deny this application and avoid setting a dangerous precedent in Solana Beach. This is the type of situation you, the Commission, were trying to prevent when the definition of “redevelopment” was so finely tuned during the LUP and LUPA process in Solana Beach. Allowing redevelopment on this site is counter to all of that work, and potentially sets a very bad precedent. At the very least, this decision should be made at a local hearing, such as the July meeting in San Diego.

Sincerely,

Jim Jaffee  
Co-chair of the Beach Preservation Committee  
San Diego County Chapter of the Surfrider Foundation  
Resident of Solana Beach

Kristin Brinner  
Co-chair of the Beach Preservation Committee  
San Diego County Chapter of the Surfrider Foundation  
Resident of Solana Beach

Julia Chunn-Heer  
Policy Manager  
San Diego County Chapter of the Surfrider Foundation