



March 7, 2025

Delivered via email

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

Re: Th19a - Appeal No. A-6-CII-25-0001 (Massman, Carlsbad)

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 support this timely appeal in Carlsbad.

Surfrider appreciates the appeals submitted by Commissioners' Cummings and Hart for this project, and agrees with both the Commissioners and SD Coast District Staff re: the grounds for which this CDP was appealed. We ask that you find Substantial Issue. A de novo hearing is necessary to ensure Coastal Act compliance and ensure that the beach at Terramar, along with public access to it, are not negatively impacted.

We concur that the project cannot proceed without Commission review because portions of the project area are seaward of the MHTL. The fact that the applicant wishes to fill seacaves that have formed *behind* the staircase is clear evidence to that point. As local Terramar beachgoers, we witness firsthand that water levels can reach the base of the staircase at high tide. Lastly, the use of heavy construction machinery on public tidelands requires Coastal Commission approval regardless of whether the project area is seaward of the MHTL.

Our overarching concern is that the project relies excessively on coastal armoring to repair the failing staircase, tying into the existing Goetz seawall which is unpermitted and has negatively impacted the beach. Chapter 3 of the Coastal Act and Carlsbad's LCP only allow armoring "*when required*" under specific scenarios, i.e. to protect existing development. We agree with the appellants that this project fails to qualify for armoring under any of the allowable circumstances. This is doubly true because the project exploits the applicant's responsibility to maintain the staircase as a means to

repair their unpermitted seawall, as well as to enlarge it by extending the seawall across the entire footprint of the staircase.

As the appeal contends, Carlsbad's LCP also requires analysis of alternative solutions to armoring. Such an alternatives analysis did not occur. This oversight, along with an incorrect interpretation of when coastal armoring is allowable per Carlsbad's LCP, has led to a locally-approved project that relies excessively on armoring and artificial bluff infill to maintain an important beach access staircase. We disagree that additional seawalls are "*required*" in order to maintain public access to Terramar. There are numerous blufftop beach access staircases in Carlsbad and nearby Encinitas that rely on minimal to no armoring and/or bluff stabilization. Therefore, we know that less environmentally damaging staircase designs are possible.

Surfrider agrees with the additional grounds for appeal as well - failure to require an off-season construction timeline, and failure to require an additional lateral easement.

The beach and surfing resources at Terramar are precious, and have been endangered by the unpermitted Goetz seawall. In addition to worsening erosion of the beach at Terramar, the Goetz seawall causes wave refraction that negatively impacts surfing. Wave refraction off the seawall disrupts one of Carlsbad's best surfing waves during medium-high to high tides, narrowing the window of surfability at Terramar and contributing to overcrowding during the low to medium tide window. Expanding the Goetz seawall across the staircase area will block beach sand supply from bluff erosion, worsen beach sand loss, and create additional wave refraction.

Thank you for the opportunity to comment on this permit appeal. Please find Substantial Issue so that an appropriate solution to repairing this important public access staircase can be found, consistent with the policies of the Coastal Act and Carlsbad's LCP.

Sincerely,

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