



City of Carlsbad
Attn: Mr. Scott Chadwick, City Manager
1635 Faraday Ave.
Carlsbad, CA 92008
schadwick@carslbadca.gov

Dear City Manager Chadwick,

The Surfrider Foundation's San Diego Chapter (Surfrider San Diego) appreciates this opportunity to provide comments on the proposed amendment of the Land Use Plan (LUP) element of the Local Coastal Program (LCP) for Carlsbad.

Surfrider Foundation (Surfrider) is a nonprofit environmental organization that engages a vast volunteer network of ocean users to protect the ocean, waves, and beaches. Surfrider San Diego represents thousands of ocean recreation users — from surfing to seabird watching and beachgoing — as well as the coastal communities and economies that rely on them throughout the region.

Background

Surfrider is very pleased to see that the LUP considers science-based Sea Level Rise (SLR) predictions and incorporates realistic adaptation strategies. As is made clear in Carlsbad's Sea Level Rise Vulnerability Assessment (Vulnerability Assessment), local sea levels are rising. Recognizing the potential need for a range of adaptation options allows the city the best chance at minimizing threats to health, safety, and property. We appreciate the city's incorporation of language and findings from the Vulnerability Assessment in this LUP. We also applaud the city's development of policies regarding the potential future need to manage relocation of vulnerable assets and infrastructure. Lastly, we appreciate the LUP's recognition that there will be an ongoing need to update city policies and planning documents based on best science and evolving conditions.

Surfrider recognizes the extent to which the LUP adheres to and incorporates a breadth of Coastal Act policies that ensure the plan's long-term viability and its ability to protect coastal resources that exist in the public trust (i.e., the beach.) According to the Coastal Act, the LUP must be "**sufficiently detailed** to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and, where necessary, a listing of implementing actions" (Coastal Act Section 30108.5). To ensure "sufficient detail" is provided in the LCP, we outline our comments below with the understanding and expectation that some of these details may be further clarified by the LCP's implementation component.

Definition of existing development

We are highly concerned that the LUP attempts to change the definition of 'existing development' as defined by the Coastal Act.

LCP-7-P.20 directs the city to:

*Permit shoreline protective devices, pursuant to Coastal Act Section 30235, including revetments, breakwaters, groins, seawalls, bluff retaining walls, and other such construction that alters natural shoreline processes, only when all the following criteria are met...The protective device is required to serve coastal-dependent uses or protect public beaches in danger from erosion or protect existing principal structures. **"Existing" in the context of this policy refers to structures that existed prior to Coastal Commission certification of this policy** ([insert date after certification]).*

Existing development refers to the date the Coastal Act was enacted in 1976. This definition is consistent with Coastal Act Sections 30235 and 30253, as well as the Coastal Commission's SLR Policy Guidance Document (page 166):

"...going forward, the Commission recommends the rebuttable presumption that structures built after 1976 pursuant to a coastal development permit are not "existing" as that term was originally intended relative to applications for shoreline protective devices" (California Coastal Commission Sea Level Rise Policy Guidance)

Section 30235 of the Coastal Act defines existing development:

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. (Coastal Act Section 30235)

Section 30253 of the Coastal Act denies new development the right to future armoring:

New development shall...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. (Coastal Act Section 30253)

Structures that were built any time after 1976 are not entitled to seawalls and were, at the time of 1976, denied the future right to armor by the Coastal Act.

In addition, the definition of "redevelopment" needs to be established in the LUP.

Scenario-based planning

We appreciate policies in the plan that allow the city to monitor sea level rise impacts in Carlsbad, particularly policy LCP-7-P.34, which directs the city to “monitor sea level rise impacts to beaches, bluffs, natural resources, and shoreline and public trust migration” and LCP-7-P.7, which requires the city to update its Vulnerability Assessment, including sea level rise hazard maps, approximately every 10 years. Additionally we appreciate LCP-7-P.27, LCP-7-P.30, and LCP-7-P.28, which direct the city to seek funding opportunities for an SLR adaptation plan, prioritize development and implementation of adaptation plans for critical infrastructure, and implement a sea level rise hazard shoreline development standards as part of the Zoning Ordinance.

None of these policies guarantee the creation of an SLR Adaptation Plan. Surfrider strongly recommends including a commitment to creating an SLR Adaptation plan to serve as a long-range planning guide to addressing future sea-level rise and its effects on storm surge, coastal flooding, and erosion. The Adaptation Plan should include a framework for the City to manage risks and take actions based on specific scenarios and monitoring of sea-level rise and its effects. A multi-phased adaptation strategy will save the city millions of dollars, as outlined in “[Comparing Sea Level Rise Adaptation Strategies in San Diego](#),” the benefit-cost analysis in which Carlsbad participated in 2017. Scenario-based planning helps avoid unplanned reactions to disasters, protecting the beach as a public trust resource.

Mitigation of impacts from seawalls

We appreciate that the LUP demonstrates the need to mitigate the use of new shoreline protective devices, particularly in LCP-7-P.23, which:

Require(s) that new shoreline protective devices, when permitted pursuant to Policy LCP-7-P.20, are sited and designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and to avoid impacts to other coastal resources and public access to the maximum extent feasible. If such impacts cannot be avoided, they shall be mitigated through options such as providing equivalent new public access or recreational facilities or undertaking restoration of nearby beach habitat. Mitigation of impacts to coastal resources and public coastal access shall ensure equitable public access to and benefits from coastal resources.

We encourage the city to establish a process for ensuring that this mitigation is accounted for, especially when new public access or recreational facility opportunities may not be readily available. The City of Solana Beach has implemented Sand Mitigation Fees and Public Recreation Fees.

Flood maps and flood preparation

We support the creation of flood overlay zones, but request that the City of Carlsbad incorporate local sea level rise projections into flood planning, since The Federal Emergency Management Agency (FEMA) maps fail to account for sea level rise. The city should update LCP-7-P.39 below as indicated to include sea level rise:

*LCP-7-P.39: Comply with the Federal Emergency Management Agency (FEMA) requirements to identify and regulate flood hazard areas. Cooperate with FEMA on shoreline flooding hazards and other mapping efforts, **supplementing this data with the most recent local sea level rise projections.***

Geologic setbacks

Geologic setbacks are mentioned in Chapter 7 and consider erosion, including erosion due to sea level rise. LCP-7-P .14B states:

*The geologic setback is the location on the blufftop inland of which stability can be reasonably assured for the anticipated duration of the development without need for shoreline protective devices. **The geologic setback line shall account for the erosion, including erosion due to sea level rise, anticipated during the duration of the development.***

Surfrider maintains that a coastal bluff setback should be calculated by incorporating 1) A 1.5 factor of safety (the industry standard for new development) or greater, **and** 2) erosion — including erosion caused by sea level rise. This will ensure that the setback assures safety from landsliding or block failure as well as from long-term bluff retreat. Methods for calculating a proper setback with these inputs are described in “*Establishing development setbacks from coastal bluffs,*”¹ a 2003 memorandum to the Coastal Commission completed by a staff geologist.

Land use and sea level rise

Surfrider would like to remind the City of Carlsbad that sea levels are rising and opportunities for relocation are likely to only become more limited. We join other stakeholder groups in requesting that Planning Area F be considered for use as a public park, given the inconsistency of land-use designations for this area in Carlsbad’s approved LCP and the proposed General Plan. Carlsbad’s original LCP states:

“As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.” (Carlsbad Local Coastal Program)

Because this need has not been sufficiently documented; and in the context of accelerating sea level rise, inconsistencies across city planning documents, and potential impacts to recreational beach use, we urge the city to work with the community to resolve the confusion around the competing land use designations for this coastal area.

¹ <https://www.coastal.ca.gov/W-11.5-2mm3.pdf>

Conclusion

In closing, we acknowledge the thoughtful work that has been done in Carlsbad to put forth a Land Use Plan that takes meaningful steps to include the best science on sea level rise in the planning process. We strongly urge the City to remove the proposed re-definition of 'existing development'. The City should also clarify how scenario-based planning will be achieved, either in this plan or through the implementation plan.

Sincerely,

A handwritten signature in black ink that reads "Laura Walsh". The signature is written in a cursive style with a large, sweeping initial "L" and a long, horizontal flourish at the end.

Laura Walsh
Policy Manager
San Diego Chapter, Surfrider Foundation