



**April 5, 2024**

Delivered via email

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

**Re: F15a - Permit No. 6-16-0340-EDD (Moss, 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 comment on this dispute resolution hearing. We concur with Staff's recommendation and urge you to UPHOLD the Executive Director's determination to reject the proposed amendment to CDP 6-16-0340.

After reading the Staff Report and Exhibits, the original CDP approved in 2016, *and* surveying the public beach in front of the property in question, Surfrider agrees with both the Executive Director and San Diego Coast District Staff that the applicant completed unpermitted development in violation of Special Condition #3 of their CDP. Furthermore, the unpermitted grading and installation of retaining walls *seaward of the identified bluff edge* are in clear violation of Carlsbad's certified LCP and Chapter 3 of the Coastal Act, as detailed in the Staff Report for this item.

Surfrider is thankful for the Staff's detailed and thoughtful analysis of the Coastal Act violations carried out by the applicant. These violations, the resulting stop order issued by the City, and the subsequent request for after-the-fact authorization follows a pattern that we are very familiar with seeing in San Diego County, if not along the entire California coast. This pattern is likely as old as the Coastal Act itself: a beachfront or blufftop homeowner agrees to the special conditions in their CDP, subsequently violates those conditions and is caught red-handed, then denies the violations *while at the same time* requesting a CDP amendment and/or after-the-fact approval for them.

In this particular case and as detailed by Staff, additional Coastal Act violations exist at

this property, including unpermitted private staircase construction and unpermitted addition of riprap on the public beach, both of which were installed without a CDP. As defenders of public beaches and public beach access, Surfrider is especially offended by unpermitted coastal armoring on the public beach that has been allowed to remain, unaddressed, for 40 years.

In conclusion, we urge the Commission to reject this CDP amendment. Granting after-the-fact approval to unpermitted development that stands in stark violation of the applicant's CDP - not to mention Carlsbad's LCP and Chapter 3 of the Coastal Act - would amount to rewarding the applicant for illegal behavior. Such an action would send a dangerous message to coastal homeowners across the state, who would then be motivated to engage in similar illegal shenanigans under the assumption that the conditions in their CDPs aren't worth the paper they're printed on. To avoid such a precedent, please do not give an inch. This is clearly a case for the Enforcement Division.

Thank you for the opportunity to comment on this item, and thank you for your invaluable work in protecting our coast for all to enjoy.

Sincerely,

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