

CALIFORNIA COASTAL COMMISSION

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December 14, 2021

TO: Coastal Commissioners and Interested Parties

FROM: John Ainsworth, Executive Director
Kate Huckelbridge, Deputy Director
Amanda Cousart, Environmental Scientist

SUBJECT: Addendum to Staff Report for Consistency Determination No. CD-0001-21, FHWA.

This addendum provides additions and revisions to the December 2, 2021 staff report.

I. CHANGES TO STAFF REPORT

The following are revisions to the text of the staff report and recommendation. Proposed deletions are marked with ~~strike through~~ text and additions are marked with underlined text.

a) Revised and additional text on page 2:

~~...three paved or improved parking lots~~ two paved and improved parking lots and one improved (already paved) lot along Highway 1. Improvements include ~~with~~ restrooms, bike racks, trash/recycling, and ADA access to the trail (at two of the lots).

b) Revised text in the last paragraph on page 4:

The motion to conditionally concur is on page ~~5~~ 6.

c) Additional text on page 9:

3. Closure Hours. The public shall have access to the North Coast Trail (MBSST Segment 5: Northern Reach), including all associated parking lots, without restriction of hours. If nuisance, vandalism or other problematic activities emerge as a problem associated with the presence of the trail, the activities can be documented, and FHWA could propose additional measures to address this issue, which would be the subject of any necessary, supplemental consistency review.

d) Revised text on the second to last paragraph on page 11:

...and a small portion of the proposed project alignment would extend through ~~private~~ RTC or

State Parks property at the southern end near Wilder Ranch.

e) Revised text in Section A., page 11 and 12:

The typical trail cross-section would be ~~20~~ 16 feet wide and would consist of: 12-foot-wide paved path with striping to separate northbound and southbound users; ~~6-foot-wide unpaved shoulder on the coastal side of the paved path~~; and 2-foot-wide unpaved shoulder on each side. ~~the inland side of the paved path~~. This trail width is ~~based on~~ narrower than that identified in the MBSST Network Master Plan.

f) Add and revise text on page 12, second paragraph:

~~6-7 r~~ Rest areas would be developed at strategic locations (scenic vista points) along the trail, approximately a half-mile to one mile apart depending on terrain and beach access locations. Rest areas would typically include a bench, bike rack, interpretive signs signage, and/or trash and recycling containers.

g) Additional and revised text on page 14:

...a thin sculpted anchored shotcrete ~~soil-nail~~ wall designed to provide wave protection where bedrock is not present.

h) Additional and revised text on page 16:

...install an anchored shotcrete ~~soil-nail~~ wall on the coast-facing side of the slope, built up to a height of approximately +25 ft NAVD88 (approximately 10 feet above the beach) to account for wave action.

i) Additional and revised text on page 21:

...through a reinforced soil slope with a thin sculpted anchored shotcrete ~~soil-nail~~ wall designed to provide wave protection where bedrock is not present.

j) Additional and revised text on page 21:

This alternative was selected by FHWA because it combines the positive aspects of the reinforced soil slope (which more closely mirrors the existing structure of the slope face) with toe protection and the soil nail structure to provide protection from wave runup. They selected the reinforced slope and anchored shotcrete ~~soil-nail~~ wall over alternate armoring designs because it minimizes the footprint on the beach and is likely more removable.

k) Revise the text on the first paragraph of page 28:

...railway, these proposals are ~~aspirational~~ still under consideration at this point in time.

l) Additional text on page 31, third full paragraph:

Thus, the project as proposed is not consistent with Section 30235 of the Coastal Act. For the Commission to adequately assess feasibility of one or more alternatives discussed above and conduct a comparative impact analysis with the preferred alternative, FHWA would need

to provide: 1) more information on the CPUC process, including analysis of CPUC standards related to rail crossings, a timeline and initial CPUC feedback regarding the feasibility of rail crossing relocation (or new crossings); 2) description and quantification of impacts to any wetlands and/or ESHA related to the trail alternatives; 3) a comparative analysis of visual impacts; 4) a detailed description of any slope stabilization work required; and 5) any available information on the status and timing of planning for future railway operations.

m) Additional text to Appendix A, page 73:

NCRT Coastal Consistency Determination, [Attachment I: Davenport Beach Nuisance Information](#). Santa Cruz County, CA (CA SCR T5(1)). Prepared by U.S. Department of Transportation Federal Highway Administration, Central Federal Lands Highway Division. Received February 16, 2021.

n) Response to correspondence

Coastal Commission staff received correspondence from numerous individuals and organizations. The main points of these comments, and responses to them, are as follows, although no changes to the staff report are proposed:

1. Comment: Many commenters raised concerns that an alternative alignment of the trail on the inland side of the railroad tracks would lessen coastal views, and limit access of persons with mobility challenges.

Response: Staff are strongly supportive of design features of this project that increase accessibility for all members of the public, and do not believe that any of trail alignment alternatives would limit ADA access. Staff did not support or preclude a specific realignment or design alternative, but rather noted that there was insufficient information at the time of the report to determine if the proposed shoreline armoring device was the least environmentally damaging alternative. It is possible that an inland alternative could lessen coastal views as well as result in other coastal resource impacts. However, staff did not have enough information to assess the significance of this impact for any alternative alignment or balance it against other coastal impacts.

2. Comment: A member of the public also raised concerns that CPUC policy precludes new crossings, thus making alternatives other than a coastal alignment (as proposed) infeasible.

Response: As a part of their project design, FHWA/RTC worked through the CPUC process to close several existing crossings and received authorization to construct the trail over a new formal crossing at the path leading from the Davenport parking lot to the trail. However, according to CPUC guidance, new railroad crossings, while discouraged, are not prohibited. While staff recognize that it would be challenging to work through the CPUC process again, it was not attempted during the design of the project alternatives, and thus, the potential outcome of this process is unknown. Additionally, CPUC guidance (rule 3.8) contains application for the relocation of existing crossings, which could be considered in this case if another alternative was determined to be less environmentally

damaging. It is important that all alignment options are thoroughly considered in order to balance consideration of any alternatives' environmental impacts.

3. Comment: A member of the public commented that the report indicated a willingness to reverse long-standing Coastal Commission actions supporting new rail service.

Response: The future status of the rail is unknown, and staff's recommendation does not preclude future operation of the rail in this area, nor does it preclude decommissioning of the rail. Pages 18, 26, 29, and 30 of the report acknowledge that this is a designated active railway that is currently not in use. If plans to operate the rail are proposed in the future, the Commission will conduct the appropriate regulatory review at that time.

4. Comment: Several members of the public offered comment in support of closure hours at the proposed Davenport Parking lot and one comment suggested that information on law enforcement activities present near the project area (related to trash, graffiti, fires, and camping) was not acknowledged in the report.

Response: Staff is aware of the concerns related to nuisance activities at Davenport Beach and some of the history of attempts to deal with these activities. Several components of the project, such as trash receptacles, modest lighting, and bathroom facilities, may help alleviate these issues without the need to inhibit public access to the beach, trail and/or parking lot. Furthermore, it is not clear that a nighttime closure is necessary or would address the underlying issue. For example, staff has not seen a specific argument as to why a night-time closure of the Davenport parking lot or portions of the trail would eliminate the nuisance issues. In addition, as stated on page 48 of the staff report, the Commission previously authorized nighttime parking closures within the City of Davenport that relied on this parking area remaining open 24 hours to ensure maximum public access to the coast. However, if nuisance activities continue to be a concern after the improvements are implemented, staff will work with FHWA and RTC to review potential solutions, including limited closures of the parking lot and/or trail, and bring any development proposals in front of the Commission at a future time, as appropriate. Please refer to Section E (page 48) for a discussion of this proposal's conformance with the Coastal Act's Public Access policies.

The Commission has previously considered implementation of curfews and restricted operation hours for beaches, parking lots and trails. Below are examples where the Commission has considered closure hours:

- Santa Cruz Co. (A-3-SCO-95-001): denied proposal to close stairway from 10 p.m.- 6 a.m. at Oceanview Drive, consistent with existing curfew at adjacent Manresa State Beach.
- Santa Cruz County CDP #'s 00-0464 and 11-1106: proposed expansion of nighttime parking restriction in Davenport. Approved by county, in part, due to presence of unrestricted blufftop parking that conformed with applicable public access, recreation and visitor serving policies of the General Plan/LCP land use plan and section 30200 of the Coastal Act.

- City of Santa Cruz (A-3-STC-07-057): appeal of 10 p.m. to 5 a.m. parking restriction. The Commission approved a more limited 12 a.m. to 5 a.m. closure with additional signage requirements.
- City of Long Beach (5-93-232, 5-93-232-A, 5-00-050-A1/A-5-LOB-00-434-A1): various proposals to extend beach curfew and change periods of closure of existing beach parking lots. The Commission required 24-hour beach use and allowed some lot/boat ramp closures.
- City of Laguna Beach (CDP 10-12 and Ordinance No. 1521): all beaches and parks closed from 1 a.m. to 5 a.m., with exception for access to and use of wet sand and 20 feet of dry sand while undertaking active recreation (e.g. jogging, walking driving) and fishing.
- City of Huntington Beach (5-07-127-EDD/ amendment to P-79-5948/ A-80-6590/ 5-81-401A): Commission upheld Executive Director's rejection of the amendment request to close bayfront accessway from sunset to sunrise.
- City of Carlsbad (6-92-132 (R)): Coastal Commission denied proposed closure of timelock gates from 10 p.m. to 5 a.m. as it would impact access to the beach.
- City of San Diego (6-89-314): Coastal Commission denied extension of closure hours during the summer.
- City of Carlsbad and Oceanside (6-85-404, 6-88-374, A6-OCN-93-200): approved timelock gates/closures between residences.
- City of San Diego (6-02-90): proposal to extend closure of 3 parking lots in mission bay from 2-4 a.m. to 10 p.m.-4 a.m. Coastal Commission allowed 10 p.m. closure with requirement to allow exit only after 10 p.m. and limited time frame to 2 years.

Reports of enforcement activities are mentioned specifically on page 42 and 48 of the report. Additionally, the report regarding nuisance activities mentioned by the commenter was included in the consistency determination materials submitted for this project and cited in the appendix of the staff report. The specific attachment has been hyperlinked in the appendix (see revision m). Additionally, all materials for the NCRT EIR are publicly available.

5. Comment: A member of the public disagreed with the staff's analysis that a reduction in number of available spaces at the Panther/Yellowbank parking lot was in keeping with Coastal Act public access policies and noted that parking along Highway 1 was not an acceptable alternative due to public safety concerns.

Response: Overflow parking along Highway 1 is only one of the considerations that went into making this determination. A benefit of the trail project is that it adjoins the Cotoni Coast Daries (BLM) property, which is also proposing additional parking improvements, as noted by the commenter. As noted on page 39 of the report, the lot could not feasibly accommodate more spaces at this location as it would: (1) not conform with the safety standards of the American Association of State Highway and Transportation Officials, (2) lose ADA access capabilities, and (3) result in significant additional environmental

impacts. Furthermore, trail users can access the area without parking along Highway 1 as they would be able to use the trail itself as a transit corridor, alleviating demand for parking in one specific area.

6. Comment: FHWA and RTC commented that the staff report (pages 19 and 32) does not provide project-specific detail regarding the coastal resource impacts that the proposed bluff armoring would have. The composition of the fill slope was also the subject of a separate comment received on Monday, December 13, 2021. FHWA and RTC also noted that the Davenport parking lot would not be constructed if the northern section of the trail (near Davenport Beach) is not built.

Response: Much of the discussion of the impacts of armoring on pages 19 and 32 provides context for understanding Coastal Act Section 30253, which generally disallows armoring that will impact natural shoreline processes. It is not necessary to find that a project will have specific impacts, other than that it will substantially alter natural landforms, in order for it to violate Section 30253. However, in this case the proposed armoring component would have a variety of impacts, although the precise extent is not known. In addition to its visual impacts (discussed on page 70 of the staff report), the proposed armoring here would prevent continued erosion of the bluff face and prevent eventual landward movement of the high tide line as sea level rises, if the armoring remained. As noted by FHWA/RTC, the embankment consists of fill material that was placed in that location approximately 100 years ago. Although the precise content of that material, its erosion potential, and the percentage of fine material that would be available to nourish the beach is not known, the continued presence of the beach at the base of the fill demonstrates that it is providing some benefit. By its design, the armoring is also intended to prevent the natural erosion of the bluff, thereby necessarily altering the bluff's landform over time.

Additionally, FHWA/RTC's comment regarding the Davenport parking lot is noted. Conditional concurrence, as recommended, would still allow for construction of the Davenport parking lot if FHWA chose to move forward with that aspect of the project, although it has indicated that it does not plan to do so.