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# W7b

June 7, 2022

**TO:** Coastal Commissioners and Interested Parties

**FROM:** John Ainsworth, Executive Director
Cassidy Teufel, Senior Environmental Scientist
Wesley Horn, Environmental Scientist

**SUBJECT:** Addendum to Staff Report for Consistency Certification No. CC-0005-21, SANDAG.

This addendum hereby incorporates into the staff recommendation for agenda item W7b (CC-0005-21) and into the pertinent Coastal Commission findings otherwise set forth in the May 26, 2022 staff report, the following changes or additions to the findings that were not completed prior to the publication of the staff report. In responding to comments received, Commission staff also hereby revises the staff report and, thereby, its proposed Commission findings, consistent with the responses provided herein.

## I. CHANGES TO STAFF REPORT

The following are revisions to the text of the staff report and recommendation. Proposed deletions are marked with ~~strikethrough~~ text and additions are marked with <u>underlined</u> text.

a) Revied text in the second full paragraph on page 10:

> …SANDAG is currently in the process of planning to relocate the tracks consistent with the regional transportation plan; however, given the magnitude and complexity of that effort and outstanding funding needs for final design, environmental review, and construction, implementation of the relocation ~~would likely~~<u>may</u> extend beyond the target date of 2035.

b) Additional text in the first full paragraph on page 13:

> ...Because of this, SANDAG has stated that it is unable to identify the specific locations and designs of the access and recreation improvements that it would ultimately include in its capital improvement project. <u>SANDAG also proposes to work with the City of Del Mar (City) and North County Transit District (NCTD) to develop and enter into Memoranda of Agreement (MOAs) and/or Memoranda of Understanding (MOUs) to establish roles and responsibilities regarding long-term maintenance and upkeep of the stabilization infrastructure and coastal access and recreation improvements as well as use of City and NCTD rights-of-way for their construction and use.</u>

c) Additional text in the second full paragraph on page 13:

However, to help expedite and streamline construction of that capital improvement project, these findings include a Coastal Act consistency analysis of several of the conceptual designs that have been developed. While some of the more complex concepts (such as the ADA-compliant ramp system) are not yet advanced or refined enough to allow for a full analysis, some of the other concepts have been more completely developed or are simple enough for the Commission to evaluate at this time. These are more fully described in Appendix B and include an enhancement and expansion of an existing informal blufftop trail on the landward side of the tracks between Seagrove Park and 4th Street, an at-grade pedestrian rail crossing near the end of 7th Street or 11th Street, and improvement of an existing informal beach access trail near the end of 11th Street. The simplest of these beach accessway concepts would be similar to beach access trails common within by State Parks units throughout the Southern California counties of Santa Barbra, Ventura, Los Angeles, Orange and San Diego.

d) Additional text in the first paragraph on page 39:

...Because of this, SANDAG has stated that it is unable to identify the specific locations and designs of the access and recreation improvements that it would ultimately include in its capital improvement project. SANDAG also proposes to work with the City of Del Mar (City) and North County Transit District (NCTD) to develop and enter into Memoranda of Agreement (MOAs) and/or Memoranda of Understanding (MOUs) to establish roles and responsibilities regarding long-term maintenance and upkeep of the stabilization infrastructure and coastal access and recreation improvements as well as use of City and NCTD rights-of-way for their construction and use.

e) Additional text between the first full paragraph and the conclusion on page 56:

**Public Trust**

Under the public trust doctrine, the State's tidelands, submerged lands, and navigable lakes, rivers, and streams are held in trust by the State for the benefit of the public. On the coast, the public trust is generally located on current tidelands – lands covered and uncovered by the ebb and flow of the tides. Because public trust lands are generally delineated by the mean high tide line, the boundary between public tidelands and upland properties moves over time as beaches and shorelines naturally shift with storms, sand movement, and other factors. However, as sea levels rise, the ambulatory boundary between public trust lands and private uplands is expected to move mostly landward. If unhindered, natural shoreline processes are expected to facilitate the landward migration of shoreline habitats such as beaches, dunes, and wetlands. But if this moving water line instead encounters fixed structures such as shoreline protective devices, the tidelands normally accessible to the public will be inundated with deeper and deeper water as sea levels rise, a process commonly called "coastal squeeze." The various beaches, wetlands, and other areas that constitute public trust lands support habitat preservation, public access, and coastal recreational activities like surfing, beach-going, birdwatching, and fishing, and these public trust-consistent interests could be lost or impaired if coastal armoring stops natural shoreline processes.

The Coastal Act is an exercise of the Legislature's public trust authority and responsibility and, as such, aligns with and implements aspects of the public trust doctrine, including through its emphasis on public access and ocean-related recreation. Among other public access provisions, the Coastal Act recognizes the public's constitutional right of access to tidelands and other navigable waters pursuant to Section 4 of Article X of the California Constitution. Pursuant to the Coastal Act and public trust doctrine, the Coastal Commission has an obligation to consider and protect public trust resources, uses, and needs. Decisions made by the Coastal Commission that may impact the potential for coastal squeeze to occur—such as this one—will directly influence whether public trust lands, resources, and waters, and their public benefits, can persist over time as sea levels rise.

The prior findings related to coastal hazards and public access comprehensively analyze the need for the project, the lack of less damaging alternatives, the impacts on public access, and the mitigation needed in order to address the project's impacts related to the loss of beach that will be caused by the armoring. This analysis addresses the project's impacts on public trust resources and uses, which relate to access and recreation in this case. By conditioning the project to only allow armoring for the time period when the railroad tracks are still present, the Commission will help ensure that the armoring will not have permanent impacts on natural shoreline processes, including that it will not permanently impair nourishment of the beach through natural erosion or prevent the public trust boundary from naturally moving over time. In addition, for the temporary impacts to public access that the project causes, the conditions require the provision of public access improvements. These will provide the public with safe and improved access to public trust lands on the beach, as well as opportunities for access and recreation on trails that will have views of public trust lands and resources on and adjacent to the ocean. As conditioned, the project is consistent with the Coastal Act's access provisions as well as the public trust principles embodied in the Coastal Act.

f) Additional text in the first full paragraph on page 85:

Because of this, SANDAG has stated that it is unable to identify the specific locations and designs of the access and recreation improvements that it would ultimately include in its capital improvement project. SANDAG also proposes to work with the City of Del Mar (City) and North County Transit District (NCTD) to develop and enter into Memoranda of Agreement (MOAs) and/or Memoranda of Understanding (MOUs) to establish roles and responsibilities regarding long-term maintenance and upkeep of the stabilization infrastructure and coastal access and recreation improvements as well as use of City and NCTD rights-of-way for their construction and use.

g) Additional text in the third full paragraph on page 86:

Similar to the rail crossing, several alternative design concepts for a beach accessway are currently under development as part of the ongoing Coastal Connections Study. Additional planning, design, and environmental review is proposed to be carried out by SANDAG to further refine and finalize these alternatives. Although SANDAG is waiting for the completion of the Coastal Connections Study to select which alternative to include as part of its proposed capital improvement project, the most fully developed draft is included in Exhibit 10 and is comprised of an eight-foot-wide decomposed granite path tied into a landing on a section of existing seawall. Because it is a fairly simple design and has been developed sufficiently to allow for an evaluation of potential effects to coastal resources, it is included as

part of these findings. The simplest of these beach accessway concepts would be similar to beach access trails common within by State Parks units throughout the Southern California counties of Santa Barbra, Ventura, Los Angeles, Orange and San Diego.

## II. RESPONSE TO CORRESPONDENCE

Coastal Commission staff received correspondence from the Surfrider Foundation, California State Parks, and numerous individuals. The main points of these comments, and responses to them, are as follows:

1. Comment: The location and alignment of the proposed seawalls at the toe of the bluffs would make the beach area impassible by walking during high tide.

   Response: The ocean within this stretch of the beach currently reaches the bluff toe during high tides and storm events. Installing seawalls in this area will prevent the bluffs from eroding and new beach forming, thereby exacerbating the current lack of beach access at higher tides over time. That is why there are recommended conditions requiring access components as mitigation for this loss of public access. The required vertical accessway, in particular, will help address access and safety issues related to lack of access at higher tides. Due to the steepness of the coastal bluff in the Del Mar area, the two existing informal vertical trails are the only means of traversing between the beach and the blufftop along the entire 1.6 mile stretch between Powerhouse Park to the north and Torrey Pines State Park to the south. Completely losing vertical access in this area would create a dangerous situation if any members of the public recreating on the beach or surfing are caught off guard by rising water levels. In such an instance they could be trapped against the bluff face with the nearest route of escape being over a mile away. The beach accessway included within SANDAG's proposed capital improvement project and required through Condition 2 would enhance and improve the existing informal vertical accessway at either 7th or 11th Street so that it can more safety provide access for a wider range of the public. This would also help provide an egress route from the beach during periods of high water.

2. Comment: The location and alignment of the proposed seawalls would make the existing informal vertical accessways at 11th Street and 7th Street unusable.

   Response: It is not clear the extent to which the proposed seawalls would affect either of the existing informal vertical accessways at 11th Street and 7th Street. No grading or placement of fill will take place in the area of the existing informal vertical accessways and thus the accessways should remain largely unaffected. However, the construction of proposed seawalls and placement of rip-rap would occur at or adjacent to the existing terminus of these accessways, which may change the ease with which the public can enter and exit at the bottom of the accessways. However, the proposed access and recreation improvements would create a new, more stable and accessible accessway to the beach, thus making the beach more accessible overall than it currently is.

3. Comment: The project should include vertical accessways at both 11th and 7th Streets as mitigation:

Response: There is no established metric for coastal access and recreation that allows for a quantitative comparison of impacts to mitigation but that, based on Commission staff's analysis and professional judgement, SANDAG's commitment for the public access improvements included in the Capital Improvement Project is adequate and appropriate to offset impacts to access and recreation as a result of the project. Although vertical accessways in both locations would be beneficial, two accessways is more mitigation than is necessary to offset the project's impacts to beach access and recreation.

4. Comment: The public access and recreation mitigation, including the rail crossing, beach accessway, and blufftop trail must be constructed simultaneously with construction of the proposed seawalls.

   Response: Construction of the various project components, including the proposed seawalls, is anticipated to require a total of 36 months. Construction of the access and recreation improvements that are being included as mitigation are required to be initiated no later than 36 months from the beginning construction and completed within 60 months, pursuant to **Condition Two**. As such, the public access and recreation mitigation are anticipated to be constructed more or less simultaneously with construction of the proposed seawalls. SANDAG has further committed to starting construction on the access and recreation improvements as expeditiously as possible. While construction of the rail crossing requires approval from the California Public Utilities Commission (CPUC), a process that can take a year or more to complete, the proposed north-south blufftop trail is expected to be developed more immediately because it would not require the same level of regulatory review. SANDAG is expected to be able to move forward with this element of its proposed capital improvement project while seeking authorization from the CPUC for the rail crossing. Construction of the beach accessway is proposed to follow installation of the rail crossing so it would not have the effect of potentially exacerbating rail crossings by the public outside of formally established locations.

5. Comment: The project needs to ensure that public access benefits remain after the project is gone.

   Response: SANDAG proposes to work with the City of Del Mar (City) and North County Transit District (NCTD) to develop and enter into Memoranda of Agreement (MOAs) and/or Memoranda of Understanding (MOUs) to establish roles and responsibilities regarding long-term maintenance and upkeep of the stabilization infrastructure and coastal access and recreation improvements as well as use of City and NCTD rights-of-way for their construction and use. These agreements are anticipated to spell out long-term plans and responsibilities for maintaining the access improvements.

6. Comment: Risk assessment information justifying the location, extent, and needed timing of the project is missing. There are less environmentally damaging feasible alternatives including: reducing number and overall length of seawalls, replacing seawalls with upper bluff stabilization consisting of soldier piles, and phasing the installation of seawalls over time.

Response: SANDAG engineers evaluated the risks posed to maintaining train traffic along the bluffs. Many lower priority components have already been removed from the proposed project. The remaining higher priority elements are planned for construction as part of the proposed project. In this case, even lower priority areas pose a longer-term threat to public safety if not stabilized within 30 years. SANDAG worked for over two years to minimize impacts as much as possible and is only stabilizing sections of the bluff that are vulnerable to collapse within the next 30 years based on bluff stability analyses, the anticipated rate of bluff retreat (on average between 0.4 and 0.6 feet per year across the project area) and site-specific bluff erosion conditions.

The bluffs are also susceptible to episodic erosion and the precise locations and magnitudes of episodic failures cannot be easily determined. So although a given area may be assigned a priority ranking of medium or low, meaning it is not anticipated to be as immediately threatened by incremental erosion or bluff instability, removal of a proposed stabilization component would leave the railroad vulnerable to an episodic erosion event as demonstrated by the emergency repair of the wall at MP 245.2. The wall had been previously monitored in field observations, but those observations determined that it did not warrant stability evaluations or priority rankings. It wasn't until a site visit on February 26, 2021 that SANDAG staff noticed a crack in a retaining wall and wing wall had increased. The wall then failed two days later on February 28, 2021.

The seawalls and backfill serve dual purposes of protecting the toe of the bluff from erosion and wave overtopping, and also buttressing the slope. This design approach reduces the amount of grading and fill within the bluff face, reduces the amount of necessary upper bluff stabilization work and focuses on seawalls that can be removed once the rail line is relocated. SANDAG analyzed a total of five alternatives: soil cement buttress, soil nail reinforcement, seawalls-only, upper bluff stabilization improvements only, and the no project alternative. None of the alternatives were found to address the issue of erosion and stability while minimizing impacts to coastal resources.

The project has already eliminated approximately 770 linear feet of seawalls from the initial proposal that were designed to protect the railroad for greater than 50 years. The remaining seawalls in the project proposal are those that were determined to be the minimum necessary for a 30-year design life, consistent with SANDAG's planned relocation of the railroad. The removal of any more seawalls would leave the railroad vulnerable to failure based on bluff instability and episodic erosion, and would result in the immediate need for more substantial upper bluff stabilization work and the foreseeable need for larger seawalls in the future.

Replacing seawalls with additional solider piles within the upper bluff would not address the issue of erosion at the toe. If the bluff toe were left unprotected in the locations where seawalls are proposed, on-going bluff erosion and retreat would expose the soldier pile systems and require additional stabilization of the bluff. In the near term, additional tiebacks and lagging would be needed as the piles were progressively exposed; eventually, larger, more robust seawalls would be needed to prevent the undermining and failure of the soldier piles. Also, the seawalls have been designed to be more easily removed in the future once the railroad has been relocated, thus allowing the shoreline

and bluff to return to a more natural state. The installation of soldier piles in the upper bluff, on the other hand, are much more difficult to remove and could result in additional impacts to the upper bluff. Substituting more upper bluff soldier piles in lieu of seawalls would result in more development that would be more difficult to remove and destructive to the upper bluff face.

Postponing any seawalls through phasing would leave the railroad susceptible to the type of gradual and episodic erosion events discussed above. Further, phasing seawalls would only delay their installation for a short while. A bluff collapse similar to the February 2021 event would likely require major slope reconstruction and installation of a larger, more permanent seawall, and could happen at any time along most of the project segments. Even assuming average bluff retreat rates, it is likely that any seawalls that had been postponed would ultimately be required within the 30-year timeframe of the project. Finally, considering sea level rise and climate change, any future seawalls would need to be larger and more robust than those currently being proposed, and thus more difficult to remove and more damaging to coastal access and recreation resources.

7. Comment: The amount of mitigation for permanent impacts to wetlands should be increased.

   Response: Pursuant to **Condition Three** SANDAG is required to provide mitigation credits from the Resource Enhancement Mitigation Program (REMP) to mitigate for all permanent losses to wetland habitat at a ratio of 1:1. The Commission's typical mitigation ratio for permanent losses to wetlands is 4:1. In this instance, there is an existing wetlands mitigation bank that has already been established and wetlands have been successfully created prior to the permanent impacts from this project occurring. As such, because there is no temporal loss between the project's impacts to wetlands and the mitigation, and because there is no risk that mitigation will be unsuccessful (because it has already been accomplished in this case), a reduced mitigation ratio is appropriate. This approach is similar to other projects reviewed by the Commission as part of the North Coast Corridor Public Works Plan.

8. Comment: There are access and recreation mitigation opportunities at Torrey Pines State Beach that should be included in SANDAG's proposed mitigation.

   Response: Commission staff reached out several times to State Parks staff during the course of its review of the proposed project to invite coordination and to develop a better understanding of potential project effects to Torrey Pines State Beach. As described above, Commission staff's evaluation indicates that the amount of access mitigation proposed is sufficient to mitigate the project's impacts, so there is not a need for additional mitigation at Torrey Pines State Beach. However, SANDAG is currently in discussion with State Parks regarding the required right-of-entry permit which will provide opportunities for SANDAG and State Parks to address any additional anticipated adverse impacts to State Park resources at Torrey Pines State Beach. Commission staff will continue its ongoing coordination with SANDAG and State Parks staff to facilitate any necessary Coastal Act review of projects at Torrey Pines State Beach that SANDAG may pursue.

9. Comment: The project should include a formal notification procedure for SANDAG to update the public regarding the project, its progress and scheduling and which sections of the bluffs are being worked on over time.

   Response: SANDAG has expressed to Commission staff its commitment to ongoing outreach and engagement with the public and local community throughout the duration of project. In addition to providing regular updates to the City of Del Mar though its staff and City Council, SANDAG also maintains a Del Mar Bluffs project website on KeepSanDiegoMoving.com to provide information on construction activities, general scheduling, and noticing. Other public outreach efforts SANDAG proposes would include regular project E-blasts, social media posts, participation at community events, and updates to the city council. The public can also use the SANDAG website to sign onto mailing lists to directly receive project updates.