

**CALIFORNIA COASTAL COMMISSION**

455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5202  
FAX (415) 904-5400



January 5, 2022

Hasan Ikhata  
Executive Director  
San Diego Association of Governments  
401 B Street, Suite 800  
San Diego, CA 92101

Re: **Effects of Del Mar Bluffs Projects on Coastal Access and Recreation**

Dear Mr. Ikhata:

On August 12, 2021, California Coastal Commission (Commission) staff received documents and information from the San Diego Association of Governments (SANDAG) in support of Consistency Certification (CC) application no. CC-0005-21. This CC was submitted on behalf of SANDAG for the Del Mar Bluffs Stabilization 5 and 6 Project and also the follow-up authorization for the Del Mar Bluffs Emergency Repair Project at MP 245.2. The project consists of a continuation of the previous phases of bluff stabilization improvements and includes additional bluff stabilization measures, bluff toe protection measures, drainage improvements and access road improvements along a 1.6-mile section of the rail corridor. These improvements are intended to be the minimum necessary to preserve trackbed support and maintain the viability for passenger and freight rail operations until the tracks can be relocated off of the bluffs. In addition, Commission staff are aware of a proposal by North County Transit District (NCTD) to install security fencing along the length of the railroad right-of-way on the Del Mar bluffs, both landward and seaward of the railroad tracks, to limit access within the right-of-way due to safety concerns expressed by NCTD.

We appreciate the consideration and effort that SANDAG has put into refining the design of the proposed bluff stabilization improvements to minimize impacts to coastal resources; however, these stabilization and fencing projects collectively have the potential to result in significant adverse impacts to coastal access and recreation. The proposed stabilization measures would occupy a portion of the publicly available sandy beach that could otherwise be used for public recreation. They would also prevent the natural erosion processes that nourish beaches and impede the landward migration of the beach in response to sea level rise and coastal storms. They would interfere with public access to tidelands by impeding the ambulatory nature of the mean high tide line (the boundary between public and private lands). Lastly, the proposed improvements and/or fencing would significantly disrupt or eliminate pedestrian access on existing, informal access trails along the bluffs and down onto the beach that have been heavily used by the public for decades to traverse the blufftop, enjoy scenic coastal views and access the beach and ocean. Together, these projects could have very significant impacts to existing and

historic public coastal access and recreation.<sup>1</sup> This is especially concerning because, even under the accelerated timeline for relocating the tracks off of the bluffs by 2035, the soonest that the railroad improvements could be removed and the area returned to passive access and recreation would be upwards of fifteen years, and more likely closer to thirty years if the rail corridor is not relocated until 2050, which is a more realistic timeframe for relocation based on recent conversations with SANDAG.

For any project under the purview of the Commission, the standard of review is the Chapter Three Policies of the Coastal Act. Sections 30211 and 30221 require new development to not interfere with public access and recreation, while Section 30210 requires the provision of maximum public access. Other policies, including Sections 30212 and 30214, recognize the need to consider public safety, topography, site geography, natural resources, and private residences when providing public access. Taken together, these policies illustrate the need for comprehensive planning and a robust mitigation approach in order to address site-specific issues while also maintaining and enhancing public access and recreation.

Previous Commission approvals for work along the bluffs have identified these complex public access and recreation concerns in light of the need to protect the railroad. In its approval of the Del Mar Bluffs Stabilization 4 Project (CC-0004-18), the Commission found that public access planning and coordination with other agencies and the public to identify appropriate access improvements was the best way to provide maximum, long-term public access. SANDAG agreed with this approach and committed to organize and participate in the development of a plan for long-term public access improvements in Del Mar that would be submitted concurrently with the improvements considered in the Del Mar Bluffs Stabilization 6 Project. This plan, identified as Coastal Connections Conceptual Planning Study (Study), is currently underway but is not expected to be complete until the summer of 2022. Any funding necessary for the implementation of public access improvements identified by the Study would be determined at a later date.

As of the date of this letter, the Del Mar Bluffs Stabilization 5 and 6 project and the fencing project are progressing independently of one another and independent of the Study. Continuing to proceed in this manner is disjointed and inefficient. It will not result in maximum public access and could result in significant adverse impacts to coastal access and recreation that will last for decades. Additionally, it precludes the ability of SANDAG and Commission staff to consider and evaluate holistic solutions and mitigation approaches to these impacts. Please let me know if you concur that the stabilization and fencing proposals are integrated and should be considered together in order to analyze and mitigate for their cumulative, interrelated impacts. If so, I request that you help ensure that SANDAG and the Commission can review these proposals together. Your assistance in ensuring that our agencies can appropriately review these related projects is also crucial given that NCTD has requested expedited consideration of its petition to the Surface Transportation Board for an order that rail maintenance and upgrade activities are not subject to the Coastal Zone Management Act's federal consistency review and the Coastal Act's permitting requirements. We have worked successfully with SANDAG for many years to ensure

---

<sup>1</sup> The projects would also have impacts to other coastal resources, including visual and biological resources, although the focus of this letter is on access and recreation issues.

that important transportation projects can proceed in a manner that is consistent with the Coastal Act, and we request your assistance in helping ensure that this collaboration will continue.

Commission staff understand the significant engineering and regulatory requirements that the railroad must meet. This situation creates significant challenges, but it also presents significant opportunities for SANDAG and the Commission to work together to leverage available resources and momentum to create a synergistic and lasting system of access and recreation for the public. Thus, Commission staff encourage SANDAG to look for holistic opportunities to address the issues with the Del Mar Bluffs Stabilization 5 and 6 project, the fencing project, and public access and recreation. Commission staff also encourage SANDAG to incorporate the findings of the Study and also to incorporate input from other studies, agencies, and the public regarding public access and recreation. Finally, considering the magnitude of these efforts, Commission staff would like to offer its full assistance and resources to help develop a cohesive plan that maximizes public access and recreation, consistent with the Coastal Act.

We would like to sincerely thank SANDAG for its hard work and coordination on this and on past projects. We look forward to continued coordination and discussing the ways we can work together to improve public access and recreation in the area of the Del Mar Bluffs.

Sincerely,



John (Jack) Ainsworth,  
Executive Director