

## CALIFORNIA COASTAL COMMISSION

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# LCP Update Guide

## Section 1. Public Access

One of the fundamental goals of the Coastal Act is to provide maximum public access to the coast. This includes protecting *existing* and providing *new* public access. The authority for this mandate partially derives from the California Constitution, which declares that “access to the navigable waters of this State shall be always attainable for the people thereof.” (Article 10, Section 4 of the California Constitution.) The Coastal Act also recognizes that the provision of public access needs to take into account public safety concerns and the protection of private property and natural resources from overuse.

LCPs are essential to reaching the goal of maximum public access. Coastal Act §30500 requires that each LCP contain a specific Coastal Access Component to “assure that maximum public access to the coastal and public recreation areas is provided.” In general, LCPs should provide policies and standards to assure that existing public access is protected, and that maximum public access to and along the shoreline is both planned for and provided with new development when warranted. Pursuant to Coastal Act §30531, LCPs should, to the maximum extent practicable, incorporate a public access inventory, including a map showing the specific locations of existing and proposed public access to the coast.

In light of continuing population growth that may increase demand to use California’s beaches and shoreline recreational resources, updated LCP Access Components need to reflect new information and changed conditions. Access components should also reflect new laws related to both the California Coastal Trail (CCT) and complete streets as described below.

### ***What should an updated public access component include?***

- ❑ Descriptions and maps of existing, required, suitable and planned access, including segments of the California Coastal Trail and the status and location of those subject to offers to dedicate easements or deed restrictions;
- ❑ Estimates of visitor and facilities use (see Section 2 - Recreation of this Guide);
- ❑ Estimates of unmet and future demand and identification of deficiencies by location and type of access;

***Review the principal Coastal Act policies concerning public access -- Sections 30210 through 30214 and 30500(a) and 30604(c), at:***  
[http://www.coastal.ca.gov/c\\_oastact.pdf](http://www.coastal.ca.gov/c_oastact.pdf)

- ❑ Assessments of any public safety or fragile resources concerns that may require additional access management measures;
- ❑ Identification of encroachments on, or disincentives to use of, public beaches or accessways (e.g. illegal no parking signs or barriers, private development or landscaping on beaches) and measures to remove or reduce them;
- ❑ Measures to ensure new access, through the regulatory program or other mechanisms;
- ❑ Measures to manage access and other activities on beaches in a manner that protects the public access;
- ❑ Measures to expand access through sufficient parking and alternative transportation;
- ❑ Identification of potential prescriptive rights and measures to ensure such rights are protected;
- ❑ Measures to site new development to not impede access and to be compatible with public access areas;
- ❑ Mitigation measures for unavoidable impacts of recreational beach loss from permitted development;
- ❑ Zoning ordinance provisions that provide for accessways and access facilities;
- ❑ Signing provisions.

Additional guidance on some of these topics is discussed later in this section. The Commission staff is currently updating, and expanding digital coastal access inventory data. You are welcome to contact staff regarding such information when updating your coastal access component.

### ***Where can I read some examples of updated access components?***

Some revised Public Access components are:

- ❑ **City of San Diego La Jolla Community Plan and Local Coastal Program Land Use Plan** (see especially pages 30 - 33 and Appendices/Access Inventories), at: <http://www.sandiego.gov/planning/community/profiles/pdf/cpljfullversion.pdf>
- ❑ **City of Newport Beach Coastal Land Use Plan Chapter 3 Public Access and Recreation**, at: [http://www.city.newport-beach.ca.us/PLN/LCP/Internet%20PDFs/CLUP\\_Part%203\\_Public%20Access%20and%20Recreation.pdf](http://www.city.newport-beach.ca.us/PLN/LCP/Internet%20PDFs/CLUP_Part%203_Public%20Access%20and%20Recreation.pdf)

For an example of a Commission Periodic LCP Review that included recommendations for updating an access component, see:

- **Los Angeles County’s Marina del Rey Periodic LCP Review**, Section 5, at: <http://www.coastal.ca.gov/recap/mdr/mdr-adopted-5-mm9.pdf>

To see suggestions for updating the LCP access ordinances, refer to Part II of the LCP Update Guide.

### ***What are some of the issues to address in an update of a Public Access component?***

The following highlights some new information that should be considered in updating the Access component of the LCP.

#### **◆ Implementing the California Coastal Trail**

Your updated LCP should provide for the California Coastal Trail (CCT) to span your entire jurisdiction (except where there is a more seaward location in another jurisdiction). Local, regional, state and federal agencies are all essential partners in ensuring that the CCT will eventually connect along the coast from Oregon to Mexico. Long envisioned as a statewide goal, the CCT has also been recognized by the federal government as California’s Millennium Legacy Trail. Underscoring the importance placed on the completion of the CCT, the State legislature in 2001 directed the Coastal Conservancy, in consultation with the Coastal Commission and State Parks, to further coordinate the development of the trail and prepare a report to the legislature. The resulting document is a key resource for consultation:

- **Completing the California Coastal Trail**, at: <http://www.coastal.ca.gov/access/coastal-trail-report.pdf>.

Additional legislation in 2007 instructed each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas to cooperate with the Coastal Conservancy with respect to planning and making lands available for completion of the trail. This direction includes such activities as construction of trail links, placement of signs and management of the trail. Moreover, local transportation planning agencies whose jurisdiction includes a portion of the CCT, or property designated for the trail, are required by the legislation to coordinate with the Conservancy, the Commission and Caltrans regarding development of the trail. Those transportation planning agencies also are to include provisions for the CCT in their regional plans:

- **Regional Transportation Plan Guidelines**, pp. 24, 111 and 215, at: [http://www.catc.ca.gov/programs/rtp/2010\\_RTP\\_Guidelines.pdf](http://www.catc.ca.gov/programs/rtp/2010_RTP_Guidelines.pdf)

#### ***Definition of the California Coastal Trail***

*A continuous public right-of-way along the California coastline; a trail designed to foster appreciation and stewardship of the scenic and natural resources of the coast through hiking and other complementary modes of non-motorized transportation.*

Note as well that Coastal Act §30609.5 provides for permanent protection of any state owned land that may have been designated as part of the CCT. It also provides for permanent protection of state owned lands located between the sea and the first public road for public recreational purposes. An example of a suggested LCP policy promoting this approach is:

- **County of San Mateo LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)**, Suggested Modification No. 53, page 80, at: <http://documents.coastal.ca.gov/reports/2009/12/Th18a-12-2009.pdf>

*Ensure that transportation agencies, including Caltrans, San Mateo County Transportation Authority, San Mateo County Public Works, etc., coordinate their actions to provide for the California Coastal Trail (CCT) along the San Mateo County coastline. In particular, no highway, County road or street right-of-way will be transferred out of public ownership unless it has first been evaluated for its utility as part of the CCT or other public access, and is found to have no reasonable potential for such use. Transfer of public roads or rights-of-way out of public ownership that may provide such public access shall require a coastal development permit appealable to the Coastal Commission. The sale or transfer of state lands between the first public road and the sea with an existing or potential public accessway to or from the sea, or that the Commission or County has formally designated as part of the California Coastal Trail, shall comply with Coastal Act section 30609.5.*

If the CCT, or planning for the CCT, remains incomplete in your jurisdiction, an LCP update is an opportunity to add policies generally describing the CCT and a planning and implementation process to guide its completion. The primary siting criteria for the CCT is that it should be located within sight, sound, or at least the scent, of the sea wherever feasible. An example of a suggested suite of LCP policies that promote the CCT is:

- **County of San Mateo LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)**, Suggested Modification No. 48, page 72, at: <http://documents.coastal.ca.gov/reports/2009/12/Th18a-12-2009.pdf>

In addition to incorporating these basic policies, an LCP update is also an opportunity to review existing access provisions to determine if any should be revised to mention or take the CCT into account. Once a CCT plan or a phase of a CCT plan is complete for your jurisdiction, you should amend your LCP's access component to include these details.

Several CCT planning exercises have commenced. These efforts typically examine opportunities and constraints, evaluate alternatives and then offer both alignment and design recommendations along with implementation strategies. Existing accessways can be inventoried and evaluated, and recommendations to make necessary improvements and create additional links to result in a complete trail system can be presented. For example:

- **Strategic Plan for the California Coastal Trail in Mendocino County**, at:  
[http://mendocinolandtrust.org/?Coastal\\_Trail:Strategic\\_Plan](http://mendocinolandtrust.org/?Coastal_Trail:Strategic_Plan)

Some of the physical siting issues facing the CCT include:

- Coexisting with railroad lines;
- Not disrupting agricultural and other rural lands; and
- Spanning coastal waterways.

The Rails to Trails Conservancy website contains examples of trails on railroad rights-of-way, both active and abandoned:

- **Rails to Trails Conservancy Trail Building Toolbox**, at:  
<http://www.railstotrails.org/ourwork/trailbuilding/toolbox/index.html>

The following is a compilation of CCT options for rural areas, including some creek crossings:

- **Designing the California Coastal Trail along the Gaviota Coast, Rural Trail Design Options**, at:  
<http://longrange.sbcountyplanning.org/planareas/gaviota/documents/GavPAC%20Materials/GavPAC%20Meeting%2046/Trails%20Council%20Rural%20Trail%20Design%20Options%2001-31-12.pdf>

For significant water crossings, the best CCT option is usually incorporating a bike and pedestrian facility on the highway bridge, separated from motor vehicle traffic; for example:

- **Coastal Permit No. 1-09-027 (Caltrans/Greenwood Creek Bridge Replacement/Mendocino County)**, at:  
<http://documents.coastal.ca.gov/reports/2009/10/W18e-10-2009.pdf>

This example illustrates that while one of the general alignment principles is to minimize the CCT's proximity to motor vehicles, of necessity the State and local governments' highway system rights of way sometimes provide the only public lands where the trail can be located given other obstacles (e.g., extremely steep canyons, highly sensitive habitats, seasonally flooded lowlands, breached river mouth sand bars, military bases, and tightly built-up developed areas). In addition, the bicycle

strand of the CCT is sometimes best accommodated somewhere within highway rights of way. Each coastal highway project, particularly those along Highways One and 101, is expected to examine how all modes of travel will be accommodated (the Complete Streets concept) and whether any gaps or connections in the CCT in the vicinity need to be addressed. In approving highway projects, the Commission, for example, has required incorporation of trails alongside the highway, shoulder improvements to benefit cyclists and sidewalks on bridges. An example of a suggested LCP policy promoting this approach is:

- **County of San Mateo LCP Amendment No. SMC-MAJ-1-07 (Midcoast LCP Update)**, Suggested Modifications No. 37, p. 46 and No. 53, p.79, at:  
<http://documents.coastal.ca.gov/reports/2009/12/Th18a-12-2009.pdf>

#### ◆ **Expanding Non-Automotive Transportation**

LCPs should include provisions to maximize public access to the coast through a variety of alternative transportation modes, as called for in Coastal Act §30252. Such alternatives are increasingly needed to address roadway congestion as well as climate change due to impacts of greenhouse gases.

#### **Complete Streets Requirements**

Any revision to the Circulation Element of the General Plan must comply with the Complete Streets legislation adopted in 2008. Complete Streets entails accommodating all users – e.g., pedestrians, bicyclists, transit riders, elderly and the disabled. These provisions can be incorporated into the LCP. Guidelines and references for Complete Streets can be found at:

- **Update to the General Plan Guidelines: Complete Streets and the Circulation Element**, at:  
[http://opr.ca.gov/docs/Update\\_GP\\_Guidelines\\_Complete\\_Streets.pdf](http://opr.ca.gov/docs/Update_GP_Guidelines_Complete_Streets.pdf)

#### **Beach Shuttles**

LCP Policies should encourage expanded transit opportunities. These can be implemented through measures such as route or schedule changes, different transit stop locations, connections from hotels and motels and/or revisions to carry-on policies to better serve beachgoers. Policies to require and fund beach shuttles as mitigation for impacts of new development can be considered. This LCP amendment describes a beach shuttle program:

- **City of Capitola Major Amendment Number 1-07 (Capitola Village Parking)**, at:  
<http://documents.coastal.ca.gov/reports/2009/3/Th9a-3-2009.pdf>

### **Bicycle planning**

LCP policies and development standards can also encourage bicycling.

To learn of different ways to accommodate bicycle travel, read:

- **Highway Design Manual** Bikeway Planning and Design Chapter 1000, at: <http://www.dot.ca.gov/hq/oppd/hdm/pdf/chp1000.pdf>

At coastal destinations, bicycle parking should be provided. For recommendations for types of bicycle racks to install and where to site them, see:

- Association of Pedestrian and Bicycle Professionals, **Bicycle Parking Guidelines** (Spring 2002), at: [http://www.apbp.org/resource/resmgr/publications/bicycle\\_parking\\_guidelines.pdf](http://www.apbp.org/resource/resmgr/publications/bicycle_parking_guidelines.pdf)

Bicycle Transportation Plans, required in order to be eligible for Bicycle Transportation Account Funding, also can be incorporated into your LCP; see:

- **Bicycle Transportation Plans Requirements**, at: <http://www.dot.ca.gov/hq/LocalPrograms/bta/BTPProcessFinal.htm>

The *Highway Capacity Manual* has now been updated to add methodologies for measuring bicycling and pedestrian levels of service:

- Transportation Research Board **The California Highway Capacity Manual** (2010), availability information at: <http://books.trbbookstore.org/hcm10.aspx>

### **◆ Preventing Loss of Public Access**

LCP updates should evaluate whether incremental actions since LCP certification may reduce public access and, as discussed in the following sections, include measures to prevent any reduction in public access. In most cases these actions (even those not involving physical structures) will require issuance of coastal development permits because they constitute “development” as defined in Coastal Act §30106 (“...change in the intensity of use of water, or of access thereto;...”). (See Part II of this Guide for some additional information about how this can be addressed in permit requirements.)

### **Encroachments on Public Access**

Most structural development on beaches, even structures such as decks, boardwalks or parking lots, limits the use of the beach. Your LCP should include policies that regulate structural development on public beaches and access sites to development and potentially provide for limited structures that are coastal dependent, or otherwise important or essential

for public recreation or public safety, and which are sited and designed to minimize encroachment. You should consider whether similar policies limiting encroachments are appropriate on upper sandy beach areas that are privately-owned, especially where there may be potential prescriptive rights. This is particularly important where the ambulatory boundary between public and private land is not clearly specified and thus where private development may chill rightful public access along the shoreline.

Examples of LCP policies addressing this topic are found in:

- **City of Newport Beach Coastal Land Use Plan, Chapter 3 Public Access and Recreation**, at: [http://www.city.newport-beach.ca.us/PLN/LCP/Internet%20PDFs/CLUP\\_Part%203\\_Public%20Access%20and%20Recreation.pdf](http://www.city.newport-beach.ca.us/PLN/LCP/Internet%20PDFs/CLUP_Part%203_Public%20Access%20and%20Recreation.pdf)

*3.1.1-4. Identify and remove all unauthorized structures, including signs and fences, which inhibit public access.*

*3.1.3-2. Continue to restrict the nature and extent of improvements that may be installed over public rights of way on the oceanside of beachfront residences and to preserve the City's right to utilize oceanfront street easements for public projects.*

### **Temporary Events on Beaches**

Temporary events staged on beaches also limit use by the general public, especially when they would commit large areas to special, commercial events on most summer weekends. Your LCP should address such topics as the type, location, and intensity of such events, including scheduling, transportation to the event, how the location of the event will affect public use, signage, mitigation measures, and clean-up. Examples of Commission decisions concerning temporary events are:

- **Coastal Permit Appeal A-5-MNB-07-178 (Association of Volleyball Professionals Tournament in Manhattan Beach)**, at: <http://documents.coastal.ca.gov/reports/2007/6/Th16a-6-2007.pdf>
- **Coastal Permit 3-03-0334 (Monte Foundation, fireworks at Seacliff State Beach)**, at: <http://www.coastal.ca.gov/sc/3-03-034.pdf>.

The Commission has adopted the following Guidelines:

- **Guidelines for the Exclusion of Temporary Events (May 12, 1993)**, at: [http://www.coastal.ca.gov/la/docs/temp\\_events\\_guidelines.pdf](http://www.coastal.ca.gov/la/docs/temp_events_guidelines.pdf)



An example of an LCP ordinance regarding temporary events is:

- **Carmel-by-the-Sea Implementation Plan**, Section 17.52.10 (I), at: <http://ci.carmel.ca.us/indexplanning.html>.

### **Beach and Accessway Closures**

Some public agencies have considered closing beaches or parking lots for financial, safety or other reasons over time periods ranging from nights, to certain days, certain seasons or even longer. Your LCP should have provisions that enable an objective evaluation of whether the closures are justified; for example, are there unsubstantiated concerns about nighttime criminal activity or have there been several documented incidents? LCPs should generally have provisions to ensure that all existing public accessways remain open to the general public without restrictions or interference. LCP policies addressing closures should provide that closures that could affect access are tailored so as to not interfere with the public's ability to get to and along the shoreline, particularly those areas below mean high tide line. If some closure can be justified, public access can still be protected by limiting the time and extent of the closure and ensuring that the amount and type of other nearby access is maintained or correspondingly enhanced as mitigation. The Commission has not approved any request to close public beaches to the public on a continuing basis, but it has sometimes approved the nighttime closure of public beach parking lots at certain hours as long as nearby street parking is still available.

Examples of Commission actions are:

- Excerpt of Commission adopted suggested modifications for **City of Laguna Beach LCP Amendment No LGB-MAJ-1-10 (Land Use Element Update)**, acted on December 12, 2011, at: <http://documents.coastal.ca.gov/reports/2011/12/W9c-12-2011.pdf>

***Action 4.3.6:** A public beach closure/curfew cannot apply to the area of Coastal Commission original jurisdiction (State tidelands, submerged lands and public trust lands) including but not necessarily limited to the area seaward of the mean high tide line. Public access to the water's edge and at least 20 feet inland of the wet sand of all beaches shall be permitted at all times. Closure to public use of any portion of the beach inland of the mean high tide line is not encouraged and requires a coastal development permit which must maintain the public's right to gain access to State tidelands. Measures that limit public use of the beach shall be limited to those necessary to address documented public safety events that cause a risk or hazard to the general public and shall be the minimum necessary to*

*address the potential risk or hazard to the general public. The need for continuation of safety measures that limit public access shall be reassessed on a periodic basis to assure maximum public access is provided. (Ongoing implementation – short-to-long-term.)*

- **Coastal Permit Appeal A-6-COR-06-86 (City of Coronado curfews at Bay View Park)**, at:  
<http://documents.coastal.ca.gov/reports/2006/11/T11e-11-2006.pdf>.

Similar policies were adopted in the City of Huntington Beach Amendment HNB-MAJ-1-10 (Downtown Specific Plan Update), but it also incorporated provisions that allowed limited closures for beach maintenance after approval of a coastal development permit:

- **City of Huntington Beach LCP Amendment 1-10 (Downtown Specific Plan Update)**, Section 3.3.7.15 Public Access (A), at:  
<http://documents.coastal.ca.gov/reports/2011/6/W9b-6-2011.pdf>.

Also in this amendment the Commission addressed potential closure of public piers, including for certain maintenance:

*Add new subsection 3.3.6.14 on page 3-94 as follows:*

*Any public pier curfew/closure that applies to any portion of the pier which is over State tidelands and within the Coastal Commission area of original jurisdiction requires a coastal development permit. Closure to the public of any portion of the pier inland of the mean high tide line is not encouraged and requires a coastal development permit which must maintain the public's right to gain access to State tidelands. Any inland closure shall provide for continued public access to any portion of the pier over State tidelands and requires an approved coastal development permit.*

*Measures that limit public use of the pier shall be limited to those necessary to address documented public safety events that cause a risk or hazard to the general public and shall be the minimum necessary to address the risk or hazard to the general public. The need for continuation of safety measures that limit public access shall be reassessed on a periodic basis to assure maximum public access is provided. Limited duration closures for periodic maintenance (not to exceed one year) are permissible when approved pursuant to a coastal development permit. Limited duration closures due to public safety concerns arising from severe storm events shall be permitted only for*

*the duration of the storm event and as necessary to effect repairs. An emergency coastal development permit shall be processed with the California Coastal Commission in such cases as soon as the situation permits.*

The Commission has provided some guidance for local governments to address beach curfews and State Park closures:

- **Guidance on Actions Limiting Public Access to Beaches and State Waters (Beach Curfews)**, (June 23, 1994), at: [http://www.coastal.ca.gov/la/docs/Guidance\\_on\\_Beach\\_Curfews\\_June94.pdf](http://www.coastal.ca.gov/la/docs/Guidance_on_Beach_Curfews_June94.pdf)
- **RE: Joint Oversight Hearing on State Park Closures** (October 21, 2011), at <http://www.coastal.ca.gov/la/docs/parks-hearing-letter-ed.pdf>

### **Street Abandonments**

Public Access opportunities available through onstreet parking or pedestrian access can be adversely affected when local governments vacate or abandon streets or alleys in the coastal zone. LCP policies and criteria for review of such proposals should be based on the Coastal Act Chapter 3 coastal access policies, not just on whether the road is needed for motor vehicle transportation. If such abandonments are permitted, mitigation to ensure the maintenance of public access should be provided for where necessary such as allowing only partial abandonment of the road, requiring replacement public parking, creating public access easements, or deeding part of the road to a public recreational agency.

An example of Commission action is:

- **Coastal Permit Appeal A-5-VEN-05-259 (City of Los Angeles vacation of a public right-of-way)**, at: <http://documents.coastal.ca.gov/reports/2006/4/T10b-4-2006.pdf>.

Examples of policies addressing road abandonment are in:

- **Carmel-by-the Sea General Plan/Coastal Land Use Plan**, page 4-8, at: [http://ci.carmel.ca.us/tasks/sites/carmel/assets/File/general\\_plan/Coastal\\_Access.pdf](http://ci.carmel.ca.us/tasks/sites/carmel/assets/File/general_plan/Coastal_Access.pdf)

***P4-8** Abandonment or transfer of any public roadway or real property lying between the first public road and the sea shall not occur without reserving the right of public access over such real property unless an alternate route is made available to the public granting equal or greater public access to the Pacific Ocean in the same immediate vicinity. All impacts to public access shall be fully mitigated. (LUP)*

- **City of Huntington Beach LCP Amendment 1-10 (Downtown Specific Plan Update)**, Section 3.3.7.15 Public Access (A), at: <http://documents.coastal.ca.gov/reports/2011/6/W9b-6-2011.pdf>

### **Retaining Public Access**

Part of an access component update can compare current opportunities for access to your original access inventory to ensure that there has been no reduction of access opportunities. For example, Commission staff reviewed trail segments in one county for a periodic review and found two closed trail segments and another one blocked by a fence. You may also receive an application for removal of an existing accessway or requirement to provide one. Your LCP should have the policy basis to address either the case of a closure that has not been permitted or a permit application for closure. LCPs should generally not allow a reduction in access previously required by an exercised coastal permit and any such proposal must be reviewed through a coastal permit amendment process. In general, existing accessways should remain open, as this LCP policy example provides:

- **Carmel Area Land Use Plan**, policy 5.3.2.1, at: [http://www.co.monterey.ca.us/planning/docs/plans/Carmel\\_Area\\_LUP\\_complete.PDF](http://www.co.monterey.ca.us/planning/docs/plans/Carmel_Area_LUP_complete.PDF)

*5.3.2.1 Existing major access areas shall be permanently protected for long-term public use...*

There may be some very limited circumstances where changes are proposed to existing public access that could be approved. Your LCP could specify the circumstances where such changes may be considered -- for example, if a path is eroding and presents a public safety hazard -- along with requirements to ensure that the accessway is concurrently resited or replaced with a more functional one.

### **Gated Roads**

Gates to prevent vehicles or pedestrians from entering private roads or subdivisions can impact public access and recreation by blocking access to adjacent public trails and recreational areas. You should consider LCP designations and ordinances that discourage private roads and gates in new subdivisions and include standards to protect public access, including criteria for when gates may be considered. For example, gates could be considered under the following types of situations:

- If the private road has not been subject to any public use and does not provide a linkage between any existing or future public recreational area;

- If the area has no substantial evidence of prescriptive rights that would be affected;
- If the road has not been used historically and could not provide a critical trail link in the future;
- If the road does not provide an essential escape route during time of high fire hazard.

An example of Commission action to deny a private vehicular gate is:

- **Coastal Development Permit 5-07-385-A (Piedmont Cove Homeowners Assoc.), at:**  
<http://documents.coastal.ca.gov/reports/2008/7/W7a-7-2008.pdf>

Examples of policies addressing this topic are found in:

- **City of Newport Beach Coastal Land Use Plan, at:**  
[http://www.city.newportbeach.ca.us/PLN/LCP/Internet%20PDFs/CLUP\\_Part%203\\_Public%20Access%20and%20Recreation.pdf](http://www.city.newportbeach.ca.us/PLN/LCP/Internet%20PDFs/CLUP_Part%203_Public%20Access%20and%20Recreation.pdf)

*3.1.5-1. Prohibit new development that incorporate gates, guardhouses, barriers or other structures designed to regulate or restrict access where they would inhibit public access to and along the shoreline and to beaches, coastal parks, trails, or coastal bluffs.*

*3.1.5-2. Prohibit new private streets, or the conversion of public streets to private streets, where such a conversion would inhibit public access to and along the shoreline and to beaches, coastal parks, trails, or coastal bluffs.*

### **Parking Restrictions**

It is important that any LUP update that proposes to revise parking standards reflect Coastal Act requirements for protecting public access. While revised parking standards can sometimes be consistent with smart growth goals, limitations on the ability to park near beaches, pathways and other public sites can reduce public access to these recreation sites for all but those living in the immediate vicinity. Examples of such limitations are time limits, passes or space allocation to residents or businesses, or space removal. Such limitations could raise issues with conformity with Coastal Act access and recreation policies.

If your LUP update proposes to modify parking policies and standards, it is essential that public access issues connected with the proposal are comprehensively analyzed and documented as part of the update, and public access impacts avoided. This was underscored in a June 13, 2013 Commission action that denied a proposal by the City of Los Angeles to establish an overnight parking district in the community of Venice. The Commission found that given the lack of an adequate study of parking

conditions in Venice, the Commission could not determine the impacts of parking restrictions on recreation and public access to the beach in order to find the project consistent with the Coastal Act. Previous Commission denial in 2010 of a prior proposal for the proposed overnight parking restriction is:

- **Coastal Permit Nos. A-5-VEN-08-344 and CDP 08-11 (City of Los Angeles, Dept. of Transportation)**, at: <http://documents.coastal.ca.gov/reports/2010/9/W25c-9-2010.pdf>

This prior request was denied because public access would be reduced and alternatives exist to address the perceived problem of a proliferation of camper vans overnight.

When adopted, the Commission revised findings for the most recent Commission action on this proposal will be linked here:

- **Coastal Permit Nos. 5-08-313 & A-5-VEN-08-343 (City of Los Angeles, Venice OPDs)**

Examples of LCP policies addressing this topic are found in:

- **City of Newport Beach Coastal Land Use Plan**, at: [http://www.city.newport-beach.ca.us/PLN/LCP/Internet%20PDFs/CLUP\\_Part%203\\_Public%20Access%20and%20Recreation.pdf](http://www.city.newport-beach.ca.us/PLN/LCP/Internet%20PDFs/CLUP_Part%203_Public%20Access%20and%20Recreation.pdf)

*3.1.6-1. Prohibit the establishment of new preferential parking districts in the coastal zone except where such restrictions would not have a direct impact to coastal access, including the ability to use public parking.*

- **Solana Beach Land Use Plan** “Coastal Recreation” chapter, at: [http://solanabeach.granicus.com/MetaViewer.php?view\\_id=5&clip\\_id=923&meta\\_id=104328](http://solanabeach.granicus.com/MetaViewer.php?view_id=5&clip_id=923&meta_id=104328)

*Policy 2.17 ... Public beaches and parks should maintain lower-cost parking fees (if any), and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increase in use fee for parking fees, which affect the intensity of use, will require a Coastal Development Permit.*

The amendment for the Huntington Beach Downtown Specific Plan Update also addressed parking limitations, See:

- **City of Huntington Beach LCP Amendment 1-10 (Downtown Specific Plan Update)**, Section 3.3.7.15 Public Access (B), at page 27: <http://documents.coastal.ca.gov/reports/2011/6/W9b-6-2011.pdf>. This amendment was effectively certified on 10/6/11,

at: <http://documents.coastal.ca.gov/reports/2011/10/Th6b-10-2011.pdf>

*B. The implementation of restrictions on public parking along public streets with the potential to impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where such parking restrictions are determined to be necessary due to demonstrated public safety need with no feasible alternative, they shall be subject to a coastal development permit in accordance with Chapter 245 of the HBZSO. An equivalent number of public parking spaces shall be provided as mitigation for impacts to coastal access and recreation. Replacement public parking spaces shall be located within the closest, feasible proximity to the spaces lost.*

#### **Parking and Admission Charges**

Imposing or raising parking or admission fees may deter some people from accessing recreational areas. An example of an LCP’s commitment to free beach parking is:

- **Carmel-by-the Sea General Plan/Coastal Land Use Plan**, page 4-12, at:  
[http://ci.carmel.ca.us/tasks/sites/carmel/assets/File/general\\_plan/Coastal\\_Access.pdf](http://ci.carmel.ca.us/tasks/sites/carmel/assets/File/general_plan/Coastal_Access.pdf)

*P4-43 ... Retain beach parking as a free resource to the public facilitating access for all.*

If new parking charges are anticipated, LCP policies should provide for evaluating whether any proposed fees are commensurate with expenses and not overly burdensome. Some mitigating techniques that could be applied to fee hike approvals include: offering free parking for an initial short period of time, offering free admission to bicyclists and pedestrians or providing transit service. An example of Commission action on a proposed fee increase is:

- **Coastal Development Permit 6-07-111 (State Parks, Carlsbad)**, at:  
<http://documents.coastal.ca.gov/reports/2008/5/Th7a-5-2008.pdf>

This permit lists the information needs to consider with regard to beach parking fees. Such data should be collected to support any LCP amendments that you may propose on this subject.

Another example from the City of Pacifica addresses the issues related to the public access and recreation impacts of implementing a parking fee program:

- **Coastal Development Permit No. 2-12-019 (City of Pacifica),** at: <http://documents.coastal.ca.gov/reports/2012/11/Th11a-11-2012.pdf>

### **Misleading Signs and Markings**

Development such as installation of “private beach,” “fire lane,” “no parking,” and “private parking” and other inaccurate signs, and painting red curbs in the public street right-of-way may adversely impact public access. The Commission has recently observed many instances of unauthorized placement of signs that mislead the public about where they may legally park in and adjacent to shoreline areas. Private parties post these inaccurate “No Parking” signs or ones dictating other restrictions that appear legitimate to the unsuspecting public, and often even to law enforcement personnel. LCP access components should prohibit installation of such development.

You can draft LCP policies that make such signs illegal and clarify that erection of signs pertaining to parking that are publically visible, or which might have an adverse effect on views inconsistent with your LUP policies that implement Coastal Act section 30251, is development requiring a coastal permit.

If this is an on-going problem in your jurisdiction, you can increase penalties for posting unpermitted, illegal signs. If warranted, you can develop a program to remove illegal signs, including, for example, a tip line or other communication method for people to report suspicious signs; procedures for your workers already in the field or other staff to be able to identify and remove illegal signs if the signs are on your property, or contact another government entity if it is on their property; or a protocol to warn suspect property owners about enforcement consequences of posting illegal signs. It is important that you make sure that you or another government entity have legal rights to the land before pursuing such measures. You could also develop a proactive program to inform the public where legal street parking exists, such as through signing, brochures, internet, etc. An example of a policy addressing this topic is found in:

- **City of San Diego La Jolla Community Plan and Local Coastal Program Land Use Plan,** at: <http://www.sandiego.gov/planning/community/profiles/pdf/cp/cpljfullversion.pdf>

*4.f. All red-curbings on the first street adjacent to the ocean should be reviewed for appropriateness and previous*



*authorization in order to assure that on-street parking is protected for beach visitors to the maximum extent feasible. Unauthorized red-curbings shall be removed.*

Another example is found in:

- **City of Malibu Land Use Plan**, at:  
<http://qcode.us/codes/malibu-coastal/>

*2.81 No signs shall be posted on a beachfront property or on public beach unless authorized by a coastal development permit. Signs which purport to identify the boundary between State tidelands and private property or which indicate that public access to State tidelands or public lateral access easement areas is restricted shall not be permitted.*

#### ◆ **Recreational Beach Valuation**

If implementation of your LCP policies could result in adverse impacts to sandy beaches or other accessible shorelines, the LCP should include measures to fully mitigate the impacts of development, including impacts to public recreation. In such cases, you should consider conducting a thorough evaluation of losses to recreational value. Your LCP can incorporate a formula to calculate loss and mitigation as part of permitting development on the beach. Examples of Commission decisions involving assessment and mitigation of recreational beach impacts from shoreline structures are:

- **Coastal Development Permit 3-02-024 (Ocean Harbor House seawall in the City of Monterey)**, at:  
<http://www.coastal.ca.gov/sc/Th13a-1-2005.pdf>.
- **Coastal Development Permit 6-04-156 (Las Brisas Condominium seawall in the City of Solana Beach)**, at:  
<http://www.coastal.ca.gov/sd/7-2005-F6b.pdf>.

Several coastal cities have been undertaking studies on this topic that could provide guidance. For more information see, for example:

- Philip G. King, **Economic and Fiscal Impact of Carlsbad Beaches** (2005)
- Philip G. King, **Economic Analysis of Beach Spending and the Recreational Benefits of Beaches in the City of San Clemente** (2001), at:  
<http://userwww.sfsu.edu/~pgking/sanclemente%20final%20report.pdf>.
- Philip G. King, **Economic Analysis of Beach Spending and the Recreational Benefits of Beaches in the City of Carpinteria**

(2001), at: <http://userwww.sfsu.edu/~pgking/carpenteria.pdf>.

- ❑ Daniel Lew and Douglas Larson, **Valuing Recreation and Amenities at San Diego County Beaches** (2005)
- ❑ Philip King and Douglas Symes, **The Potential Loss in GNP and GSP from a Failure to Maintain California's Beaches**, at: <http://userwww.sfsu.edu/~pgking/Econ%20Impact%20of%20Out%20of%20State%20and%20For%20tourism%20v7.pdf>.

#### ◆ **Comprehensive Beach Management**

Management measures can help address many issues concerning the beach, including access, recreation and wildlife preservation. Measures might include temporary closures for snowy plovers, limits on beach grooming, seasonal restrictions on sandbar breaching, and rules for various recreational events (e.g., volleyball tournaments). All of these activities are defined as development under the Coastal Act and require coastal permits. To avoid having to apply for or issue multiple permits and to address sometimes competing policy guidance (e.g. providing public access while protecting resources), you could prepare beach management plans. Your LCP can direct plan preparation and/or incorporate the plan itself.

The City of Santa Cruz offers an example of an LUP policy requiring such a plan:

*1.7.3 Prepare and implement a beach management plan for Main and Cowell Beaches including all properties, public and private, that addresses drainage onto the beach, litter control and beach maintenance, lagoon levels at Neary Lagoon, special events coordination, distribution of recreational uses, handicapped areas, and interpretive signs to ensure safe public access and protection of environmentally sensitive areas. Any future land division of properties including sandy beach shall contain use restrictions consistent with this plan. When a management plan is adopted by the Coastal Commission, it is the City's desire to work with the Coastal Commission to provide for long-term coastal development permits for appropriate elements of the management plan.*

The Commission staff has provided some guidance on preparing beach management plans:

- ❑ **Beach Management: Issues and Solutions** (December 1996), at: [http://www.coastal.ca.gov/la/lcpguide/Beach\\_Management\\_Issues\\_and\\_Solutions\\_Dec96.pdf](http://www.coastal.ca.gov/la/lcpguide/Beach_Management_Issues_and_Solutions_Dec96.pdf)

Examples of Commission actions are:

- **Coastal Development Permit 3-11-027 (City of Santa Cruz Beach Management Plan)**, at:  
<http://documents.coastal.ca.gov/reports/2011/6/Th10c-6-2011.pdf>
- **Coastal Development Permit 4-10-066 (City of Santa Barbara Waterfront Department)**, at:  
<http://documents.coastal.ca.gov/reports/2011/3/W22d-3-2011.pdf>.