



**California Coastal Commission**

# **Public Access**



# **Action Plan**

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# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b> .....	<b>i</b>
<b>CHAPTER I. CALIFORNIA'S COASTAL ACCESS PROGRAM AND THIS ACTION PLAN</b> .....	<b>1</b>
A. INTRODUCTION .....	1
B. BACKGROUND .....	4
1. State Coastal Access Program .....	5
2. Federal Coastal Zone Management Program .....	6
3. State Planning and Program Enhancements .....	6
C. COASTAL ACCESS PARTNERSHIPS .....	7
1. California Coastal Commission .....	7
2. State Coastal Conservancy .....	8
3. California State Lands Commission .....	11
4. California Department of Parks and Recreation .....	12
<b>CHAPTER II. THREE TOP PRIORITIES FOR THE COMMISSION'S ACCESS PROGRAM</b> .....	<b>13</b>
A. FULL IMPLEMENTATION OF THE OFFER TO DEDICATE (OTD) PUBLIC ACCESS EASEMENT PROGRAM .....	13
1. Vertical OTDs .....	18
2. Outstanding OTDs .....	19
3. Accepted OTDs .....	27
4. LCP Modifications for OTDs .....	28
B. COMPLETION OF THE CALIFORNIA COASTAL TRAIL .....	30
C. THREATS TO PRESCRIPTIVE RIGHTS .....	38
<b>CHAPTER III. OTHER PRIORITY ISSUE AREAS</b> .....	<b>42</b>
A. ARMORING THE COAST .....	42
B. PUBLIC INFORMATION .....	47
C. CUMULATIVE IMPACTS .....	50
1. Encroachments .....	50
2. Temporary Events .....	52
3. Beach Curfews .....	54
4. Managing competition among users .....	55
5. Railroad Crossings .....	56
D. TRANSPORTATION .....	57
1. Traffic Congestion .....	57
2. Inadequate Parking .....	58
a. Joint Use Parking .....	58
b. Exclusionary parking .....	60
c. The Impact of Parking Fees .....	60
E. WATER QUALITY AND BEACH CLOSURES .....	62
<b>CHAPTER IV. IMPLEMENTING STATE ACCESS POLICIES AT THE LOCAL LEVEL: LOCAL COASTAL PROGRAMS</b> .....	<b>66</b>
A. INTRODUCTION .....	66
B. ASSESSMENT OF LCP STRUCTURE, CONTENT AND OPERATIONAL EFFECTIVENESS .....	67
C. LCP AND PRIORITY ISSUE AREAS .....	72
D. EFFECTS OF RECENT TAKINGS CASES .....	73
<b>CHAPTER V. INVENTORY OF EXISTING ACCESS CONDITIONS ALONG THE CALIFORNIA COAST</b> .....	<b>74</b>
A. INTRODUCTION .....	74
B. STATEWIDE OVERVIEW .....	74
C. COUNTY BY COUNTY INVENTORY .....	75
<b>APPENDIX: FULL SUMMARY OF RECOMMENDATIONS</b> .....	<b>92</b>

# Public Access Action Plan

## Executive Summary

**T**his Public Access Action Plan was prepared by the California Coastal Commission pursuant to direction and funding under former Governor Wilson’s “Coastal Initiative” in 1998. A comprehensive evaluation of the coastal access situation in California, as well as the Commission’s roles and responsibilities, this Plan identifies a number of key issues and makes recommendations for addressing problem areas. The Plan also includes a broad overview of not only the Commission’s public access program, but also its inter-workings with other government agencies and nonprofit groups (Chapter I).

The Commission is one of several agencies in California charged with protecting and providing public coastal access. Amendments to the Coastal Act in 1979, for example, created a Joint Access Program between the Commission and the State Coastal Conservancy. That mandate established a unique partnership that gives the Conservancy authorities to fund, acquire, develop and manage access sites in concert with the Commission’s authorities to plan and regulate development that affects coastal access. Several other key players complement the Commission’s public access program, including the State Lands Commission, which owns substantial coastal properties, and the Department of Parks and Recreation, the largest single provider of public recreation along California’s coast. At the local level, California’s coastal program is structured so that state Coastal Act policies designed to protect and enhance public access are implemented through Local Coastal Programs (LCPs). It is through this partnership that the Commission and coastal cities and counties make decisions every day that affect the public’s access to the coast. Also, an important relationship has developed in recent years between the Commission and the nonprofit land trust community, which has facilitated the opening of many new accessways to the coast.

### THE ACCESS PROGRAM’S THREE TOP PRIORITIES

As for the key issues that affect the public’s ability to use and enjoy the coast for recreation, Chapter II of this Plan identifies three priority areas of concern for the Commission’s public access program. These are summarized below, along with some of the recommended actions for addressing the problem areas.



## **1. The Offer to Dedicate (OTD) Public Access Easement Program**

Over the years, the Commission has required “OTDs” as mitigation of the individual and cumulative impacts of private development upon public access. An OTD is an offer from a private landowner to allow for a future open accessway across his or her property. Turning such an offer into a useable public accessway is one of the Commission’s highest priorities and one of its greatest challenges. This is primarily because the Commission does not have the authority to directly accept or operate these easements. Thus, in order to fully mitigate the access impacts of previously-approved development, the Commission must locate an accepting agency to open specific sites. To date, only 36% of the OTDs required by the Commission have been accepted and many are nearing their expiration dates. Should OTDs expire, the opportunity to open these areas to the public is lost, probably forever. It therefore is critical to locate accepting agencies as soon as possible.

The complete OTD process involves three necessary steps. First, the OTD must be accepted by an agency and/or a qualified nonprofit land trust, willing to take on the operation, maintenance, and liability for the easement area. Second, physical improvements (e.g. stairs, signs, etc.) must be constructed in order to make the area useable. Third, the easement must be opened to the public and maintained in perpetuity. This Plan contains several recommendations to ensure full implementation of this critical Commission program, including:

- Creating an intensive outreach program focused on educating state/local governments and nonprofits land trusts about the OTD program
- Prioritizing the outstanding OTDs by expiration date
- Mapping the high priority OTDs to more fully demonstrate the value of these easements
- Expanding liability protection to reduce the costs associated with litigation for those agencies willing to accept and operate OTDs
- Updating Local Coastal Programs (LCPs) to ensure that the OTD program is fully implemented at the local level

## **2. The California Coastal Trail**

The California Coastal Trail is envisioned as a continuous passage along the entire length of the State’s shoreline. It is intended not only to provide a trail system for a variety of coastal users (i.e. pedestrians, bicyclists, and the mobility impaired), but also to connect to other existing coastal and inland trail networks. This laudable work-in-progress, however, is only 65% complete after 25 years of effort. Heightened statewide recognition of the trail and secure financial support is needed to span the hundreds of existing gaps. Several recommendations are proposed, including:

- Securing legislative recognition of the trail as a statewide priority and dedicating funding for its completion
- Creating and adopting an official trail logo
- Identifying specific gaps and strategies for bridging them



- Improving coordination with Caltrans to construct trail segments within highway right-of-ways as conditions allow
- Updating LCPs to incorporate coastal trail implementation policies and standards

### **3. Prescriptive Rights**

In various places within the coastal zone, the public has historically used private property to get from the road to the shoreline, to traverse informal trails, or to simply enjoy the coast by such activities as picnicking at a headland or inland meadow. The Coastal Act mandates that development not interfere with the public's right of access to the sea where acquired through use. In some areas, development proposals and non-permitted encroachments such as fencing and signing threaten continued use of these historically-used areas. Recommendations to address this issue include:

- Identifying all known historic trails, public use areas, etc.
- Prioritizing those areas and initiating prescriptive rights studies to document the level of public use.
- Working in concert with the Attorney General's Office to ensure that any access rights that the public may have acquired are preserved.

## **Other Priority Issue Areas**

Chapter III of this Plan identifies several other important access issues for the Commission; they are summarized below, along with recommendations for addressing each of them.

### **4. Shoreline Armoring**

The installation of seawalls, revetments and other shoreline armoring to protect existing development from wave hazards has caused a number of negative impacts, including loss of sandy beaches and interference with public access. Recommendations to address these issues include:

- Developing and implementing statewide policies to protect beaches, public access, and recreational use against adverse impacts associated with building protective structures along the coast.
- Working with federal and state programs to reduce or eliminate public financial assistance to property owners who build or rebuild in known hazard zones.

### **5. Public Information**

Around the State, public information regarding the availability of coastal public access facilities is inadequate. Visitors are often confused about which local roads lead to the coast, where to park, the physical nature of the beach/shoreline, etc. Recommendations to address this problem include:

- Providing additional directional and informational signs along roadways and accessways.



- Preparing and distributing regional coastal guides and maps.

## **6. Cumulative Impacts**

A variety of actions are causing adverse cumulative impacts upon the public's ability to get to and use the coast. Examples of these actions include: installation of structures that encroach on beaches and easements; placement of private signs that restrict or inhibit public use; elimination of on-street public parking through such actions as curb cuts for driveways, red zones and installation of no-parking signs; commitment of public beaches to temporary commercial events; as well as local imposition of beach curfews restricting hours and location of public use. Several recommended actions are identified to address these problems, including:

- Identifying and removing or canceling non-permitted encroachments, signs, and programs that are inconsistent with Coastal Act policies.
- Developing Beach Management Plans, particularly in urban areas, to comprehensively manage the wide range of activities that occur on any given beach.

## **7. Inadequate Parking**

For many areas of the coast, especially in southern California, parking demand exceeds supply. In addition, the imposition of exclusionary parking programs in residential neighborhoods next to coastal areas is reducing the amount of parking available for visitors. Recommendations to address these issues include:

- Locating additional parking areas and promoting alternatives such as increased use of transit services and additional bike paths and light rail.
- Preparing preferential parking guidelines to enhance protection of the general public's access rights.

## **8. Water Quality**

Polluted coastal waters impact a wide variety of shoreline uses. As the quality of the water declines, so too does the quality of the beach recreational experience. Recommendations to address this problem include:

- Supporting implementation of state and national water quality programs.

## **IMPROVING LCP ACCESS COMPONENTS**

In Chapter IV, this Plan generally summarizes concerns regarding the implementation of Coastal Act policies through LCPs. Many LCP Access Components were adopted years ago and need to be updated to reflect current access conditions, changed circumstances, and emerging trends. A major area of concern is that a large number of these Components do not fully reflect Coastal Act policies nor do they contain adequate measures (such as zoning ordinances) to implement those



policies. In addition, experience with LCP implementation over the years is also revealing a number of areas where Access Components could be improved. These include ensuring that access findings are required as part of the coastal development permit process; all potential types of access are addressed; lead departments for implementing access policies are identified; and access exemptions or restrictions are carefully defined. This chapter also briefly notes the effect that takings cases over the last decade have had on the regulation of development that negatively affects public access. Recommendations to address these issues include:

- Pursuing Periodic Reviews and comprehensive updates of LCPs that address identified weaknesses and various issues discussed throughout this report.
- Developing a model Access Component for local governments.
- Creating more detailed methodologies for establishing the nature and extent of the access impacts of development and for linking those to required mitigations.

## **STATEWIDE OVERVIEW OF EXISTING ACCESS CONDITIONS**

This Plan concludes with an inventory of access conditions along the California coast (Chapter V). The county-by-county descriptions provide a broad overview of access needs and opportunities which is intended to serve as important background information to future actions of the Commission and its public access program partners. A general characterization of the north, central, and south coasts is provided, along with a summary of each county's geographic conditions, progress in implementing the California Coastal Trail, and major access issues.

## **IMPLEMENTATION OF THE PUBLIC ACCESS PLAN**

**This Plan is intended to serve as a framework for guiding future California Coastal Commission and State Coastal Conservancy actions to promote public access. It outlines the general coastal access issues of the State and includes recommendations to address them. Many of the recommended actions cannot be instituted without additional funding. Therefore, the Commission must seek additional personnel and other resources for the Commission's coastal access program and its state and local partners, in order to meet California's growing demands for public access.**







# Chapter I.

## California's Coastal Access Program and This Action Plan

### A. INTRODUCTION

The California Coast is a place of magnificent vistas and seemingly endless beauty. It seems to define who we are and what this State is all about. Anyone, no matter who he is and how much or how little he has, can partake of this beauty. The California coast belongs to us all. It sustains a remarkable variety and abundance of life. It fires the imagination, inspires creative expression, and offers sanctuary to body and soul. Countless residents and visitors have forged an enduring and enriching bond with this bountiful and tantalizing reach of geography. When the coast is threatened, as it has been many times, citizens have effectively rallied to its defense. In 1972 California voters approved, against powerful opposition, a citizen's initiative that established our strong and effective coastal protection law. This is a populist law, brought into being by citizen activism and involvement. It is thanks to such public initiative, support, and activism that California has become a world leader in coastal conservation. But we must not take today's coast for granted. If future generations are to enjoy it, we must be ever vigilant in protecting it. This essential protection can be achieved by a variety of avenues, including initiatives such as this Public Access Action Plan.

#### *The Value of California's Coast*

Every year, many millions of people are drawn to the 1100-mile long California coast to enjoy its myriad opportunities for recreation and refreshment. In the classic image, families and friends relax around picnic baskets on a sandy beach, watching children build sand castles at the waters edge, surfers bob offshore, sailboats breeze by, and shorebirds race up and down the wet sand, just ahead of incoming waves. The long sandy beaches provide ample opportunity for such relaxation, as well as for strolling, jogging, body surfing, boogie boarding, kayaking and many other activities. But the coast offers many other attractions. Trails along windswept headlands and



blufftops offer views of passing whales, seal lions on wave-swept rocks, birds overheard. Circuitous pathways lead through woods and across meadows to cove beaches known mainly by nearby residents but open to everyone. In coastal towns and urbanized areas, street end stairways lead to sandy shores. Fishermen on shore and in boats partake of the ocean's bounty while scuba divers explore wonders below the water. Whether it's a warm summer day with glassy ocean waters or a turbulent winter day with pounding surf, people come to the coast, at all times of the day and night, to relax, unwind, and enjoy some time with nature.

### ***Economic Value of the Coast***

In recognition of the value of California's coast, the Public Research Institute of San Francisco State University, published "*The Economic Value of California's Beaches*" in 1997. This is one of the few studies to quantify the value of our coast. The study's major findings include:

- Residents and tourists together made more than 566 million visits to California's coast in 1995.
- Visitors to California's coastal areas contributed over \$10 billion directly to California's economy, and when spending by these visitors and its multiplier effects are taken into account the figure increases to \$27 billion.
- Coastal-related recreation spending (and its multiplier effects) represented almost 3% of total economic activity in California in 1995.
- Coastal-related recreation spending allowed for the creation of more than 500,000 jobs, constituting over 3.5% of statewide employment.

The report estimated that state residents account for 481 million visitor days at the coast, while out-of-state tourists account for 85 million visitor days. A survey of California households found that the average family went to the coast 15 day trips per year. On a typical day trip, a family spent around \$55 (gas, food, parking, equipment rental, etc.). The average family also took about 4 overnight trips to the coast. These two-day trips cost them around \$245. Adding the resident day expenses to tourist day expenses results in a total spending by California coastal visitors of \$10 billion per year. These figures clearly demonstrate the substantial contribution California's coast makes to the state's economy.

The study also measured the intrinsic value of the coast to Californians. This was done by asking state residents how much they would be willing to pay in additional taxes each year if the revenues were specifically earmarked for preserving state beaches. Overall, they would be willing to commit \$900 million annually to support maintenance and restoration of beaches.



Other findings of the report include:

- Beaches play an important role in reducing damage to coastal property from storms.
- Many of California’s beaches are eroding, thus decreasing their value and increasing damage to coastal property from ocean storms.
- California spends less on preservation of its beaches than other states with long ocean coasts.

### ***State Population Growth and Changing Demands***

Eighty percent of California’s 34 million residents live within one hour’s drive of the coast. In the next 10 years, the population is projected to grow to 39 million and by the year 2040 it is expected to nearly double to 60 million, according to estimates by the State Department of Finance. About half of those 60 million will be Hispanic. There is also a projected increase in other ethnic groups as well, such as Asians, Pacific Islanders, and Filipinos. These population increases will change the ethnic landscape of the state, and Caucasians will become a minority group. As the State’s population grows and its ethnic diversity increases, recreational needs also grow and change. Overall more recreational facilities are needed, such as group picnic areas and surf fishing opportunities.

Changing recreational trends also pose new demands to the coast’s open spaces. The popularity of sailboarding, for example, has brought crowds to formerly quiet, windswept beach parks which used to be relatively empty; this rise in the popularity of windsurfing has also increased the need for support facilities. Skateboarding and paragliding activities require increasing attention, up and down the coast. To guide planning for new parks, trails, and other facilities, the State needs to support new research that shows how the changing demographics and recreational interests may affect changes in recreational demand. Some of that demand is for new accessways to along the coast. This plan addresses those two needs primarily through the Offer to Dedicate Public Access Easement program and the California Coastal Trail discussion.

### ***Coastal Initiative***

Former Governor Wilson’s 1997–1998 budget contained a “Coastal Initiative” which included long-needed funding to complete a comprehensive Action Plan for the Commission’s public access program. This coastal initiative was mirrored in the Commission’s 1997 Strategic Plan that included a goal to “improve shoreline access opportunities for the public” and outlined several actions to attain that objective.



Also in 1998, the Assembly Democratic Caucus released its *State of the Coast and Ocean* report. The summary states that the Pacific coast and ocean resources provide tremendous economic opportunity and contribute enormously to the quality of life of all Californians. The State's coastal and ocean-based economy is estimated to exceed \$27.5 billion. Coastal tourism is an important component of this economy. The Assembly report goes on to warn that California is losing coastal public access opportunities. This is due in large part to outstanding and unopened public access easements (OTDs) that the Commission has required. Four recommendations identified by the Assembly to address the loss of public access include:

- a. provide funding to the Conservancy to enable them to accept the OTDs,
- b. provide funding to the Commission so they can complete periodic reviews of the LCPs to evaluate the effectiveness of the LCP Access Programs,
- c. adopt criteria to limit the Commission's ability to transfer or relinquish easements that are needed to protect the public trust, and
- d. provide assistance to local governments and nonprofit organizations for recovery of costs associated with defense of frivolous lawsuits aimed at keeping new accessways from being formed and opened.

### ***This Public Access Action Plan***

Since spring of 1998, the Commission's access staff has completed a variety of research tasks in order to evaluate the status of public access along California's coast. Included in the process were a series of meetings with our district staff, Coastal Conservancy staff, and representatives from state agencies and local governments to determine both regional and statewide access needs. Those meetings resulted in identification of the following coastal access issues for California and guided the selection of three priority areas in need of immediate attention.

## **B. BACKGROUND**

### **CALIFORNIA COASTAL ACT**

The California Coastal Act requires that public access to and along the shoreline be maximized. This legislative mandate of 1976 is consistent with the provisions of Article X Section 4 of the California Constitution which states:

No individual, partnership, or corporation claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this state shall be permitted to



exclude the right of way to such water whenever it is required for any public purpose and the Legislature shall enact such law as will give the most **liberal** construction to this provision so that access to the navigable waters of this state shall always be attainable for the people thereof. (emphasis added)

The access policies of the Coastal Act were enacted by the Legislature to advance the goals in Article X. Specifically The access policies of Section 30210 of the Coastal Act provide that:

In carrying out the requirement of Section 4 of Article X of the California Constitution, **maximum** access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety, and the need to protect public rights, rights of private property owners, and natural resource areas from over use. (emphasis added)

Additional provisions of Chapter 3 of the Coastal Act (Sections 30211–30214) set forth requirements for the provision of public access which must be met in order for the Commission to approve a project: development shall not interfere with the public’s right of access to the sea where acquired through use or legislative authorization; public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects; public facilities shall be distributed throughout an area to prevent overcrowding or overuse; and lower cost visitor and recreational facilities shall be protected, encouraged, and provided. As required by section 30010, this review is performed by the Commission in accordance with all applicable state and federal constitutional constraints.

Further, Section 30001.5(c) of the Coastal Act declares that one of the basic goals of the state for the coastal zone is to:

Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

## 1. State Coastal Access Program

In 1979, the Coastal Act was amended (Sections 30530–34) to require that a specific Public Access Program be prepared and implemented by the Commission to maximize public access to and along the coastline. This program includes: a coastal access inventory; a list identifying lands held or operated for the purpose of public access; a list of known offers to dedicate public

**Coastal Access** in general terms refers to the ability of the public to reach, use or view the shoreline of coastal waters or nearby inland recreation areas and



access easements, accepted dedications and any other legally binding actions taken that provide opportunities for any type of public use of or access along the coast; and a map showing the precise location of the listings. In addition, the program shall make recommendations to guide the state, local, and federal agencies in the identification, development, and management of public accessways.

In order to further amplify Coastal Act policies regarding access, the Commission adopted Statewide Interpretive Guidelines in 1981. These guidelines underscore the need for public access, and explain that the burdens created by new private development must be mitigated to provide some public benefit. The guidelines also define lateral (parallel to the shoreline) and vertical (perpendicular to the shore) access and suggest appropriate accessway widths, intervals and activities. These guidelines are advisory rather than regulatory; the Commission considers the facts of each application and the actual physical situation of each development to determine potential access impacts and the design and location of any required mitigation.

## **2. Federal Coastal Zone Management Program**

The Coastal Zone Management Act (CZMA) of 1972, as amended declares in Section 1452(2)(E) that it is national policy:

... to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and aesthetic values as well as the needs for compatible economic development, which programs should at least provide for ... public access to the coastal for recreation purposes...

The CZMA further requires that each state prepare a coastal management program that includes a planning process for the protection of, and access to, public beaches and other public areas of, environmental, recreational, historical, aesthetic, ecological or cultural value. The federally-approved California Coastal Management Program meets this requirement. Thus, the Commission's public access program is responsible for carrying out both state and national access policies.

## **3. State Planning and Program Enhancements**

Because of the growing concern over the ability of state coastal management programs to address the impacts of cumulative growth and development, the U.S. Congress identified cumulative impacts as a priority area for improving coastal management programs nation-wide. Section 309 of the 1990 Amendments to the CZMA provided funding to states to enhance their programs in



nine resource areas, among them cumulative and secondary impacts and public access. In 1992, the Commission adopted a multi-year strategy to implement program improvements in three of the nine areas, primarily through improvements to its planning program including public access. This Section 309 Enhancement Program has resulted numerous improvements to the Commission's policies and programs. Several reports have been produced which have focused in large part on public access, including:

- *ReCAP (Regional Cumulative Assessment Project) Pilot Project for Monterey Bay Region, 1995*
- *Beach Management: Issues and Solutions, 1996*
- *Live Oak Access Strategy, An Analysis of Coastal Access Issues and Options for the Live Oak Beach Area (Santa Cruz County), 1997*
- *ReCAP for the Santa Monica Mountains/Malibu area, 1998*

The public access information gathered in those four reports is used in this report, as applicable. Pertinent ReCAP recommendations are also included.

## C. COASTAL ACCESS PARTNERSHIPS

The California Coastal Management Program provides for a number of State agencies to have continuing jurisdiction over particular parts of, or activities in, the coastal zone. Implementation of the Coastal Act policies by those agencies, particularly the State Coastal Conservancy, complements the work of the Commission and local governments. The following generally describes the roles and responsibilities of the primary agencies involved in California's coastal zone management program: the Commission and the Conservancy. It also describes the roles of two State agencies, the State Lands Commission and the Department of Parks and Recreation, who play a particularly important role in providing public access along California's coast.

The coastal zone is the geographic area subject to the Coastal Act requirements. The land portion of the zone extends the length of the State, from the mean high tide line inland generally 1000 yards, or in significant resource areas, up to five miles inland.

### 1. California Coastal Commission

The Commission implements the Coastal Act through its planning programs and regulatory powers. Under the Act, local governments are required to develop Local Coastal Programs





(LCPs) that include land use policies and implementing zoning ordinances consistent with the policies of the Coastal Act. The Coastal Act specifically requires that LCPs include an Access Component, which details the manner and location in which access is going to be protected and provided. Once developed, these plans are reviewed and certified by the Commission. After an LCP is certified, most state permitting authority under the Coastal Act is delegated to the local government with the Commission retaining permit jurisdiction over tidal, submerged and public trust lands, and an appeal authority from local decisions in limited defined geographic areas and for major public works and energy facilities. As of October 1998, 70% of local governments along the coast had receive Commission approval of their LCPs and taken over coastal development permit authority. This means that 87% of the total land area in the coastal zone is covered by an LCP.

The Commission continues to set statewide policy on a variety of issues affecting public access in the coastal zone. This is accomplished through its regulatory and planning process, including special hearings which are held on topical issues of statewide significance. Example of each 2 issues include temporary events, beach curfews, and park fees discussed later in the cumulative impacts chapter of this report.

## **2. State Coastal Conservancy**

The Conservancy was established to help implement the mandates of the Coastal Act, in conjunction with the work of the Commission. The Conservancy undertakes projects using its unique array of broad and flexible powers, such as its authority to acquire land, fund design and construction of public access projects, provide technical and financial assistance to local agencies and nonprofit land trusts, accept interests in land when an agency is unwilling or unable to do so, and manage fees required by the Commission. Over the years the Conservancy has spent over \$33 million to construct over 230 projects resulting in public access enhancements, including piers, boardwalks, pathways, stairways, and support facilities such as parking lots and restroom facilities.

### **Joint Access Program**

Both the Conservancy and Commission have strong mandates to protect the rights of the public to reach and enjoy the coast. In order to implement these mandates and to maximize the powers set forth in the Coastal Act and the Conservancy Act

An OTD is an offer by a landowner to grant a public access easement across their property for future public recreational use. The OTD simply offers this area; several subsequent steps must be taken to turn the easement into a useable public accessway.



of 1976, the Legislature created the Joint Access Program in 1979. This Program is a successful, working partnership between the Commission and the Conservancy. The Commission implements the public access mandates through its regulatory and planning programs. Both the Commission and local governments certified LCPs may impose conditions as appropriate to mitigate public access impacts from development projects receiving coastal permits. The most common tool used to mitigate such impacts is the Offer to Dedicate (OTD) public access easements to discussed in more detail in the next chapter, the Commission is responsible for inventorying and prioritizing outstanding OTDs and for administering outreach programs to encourage local governments and nonprofit land trusts to accept and open these OTDs. The Conservancy, for its part, works in partnership with local governments, other state agencies, and nonprofit land trusts to acquire, develop, and manage public access facilities. To this end, the Conservancy provides these organizations with both funding and technical assistance.

The main difference between the two agencies is that the Commission has regulatory powers and the Conservancy has acquisition powers. The clear legislative intent was to ensure there was no conflict between the agency that regulates land, the Commission, and the agency that acquires land, the Conservancy.

The current central focus of the Joint Access Program is implementation of the OTD program. The Commission's primary role in this program is to maintain the Access Inventory, complete the required technical mapping, review the legal documents for recordation, and work with the accepting agencies to ensure that the easement remains open for general public use. The Conservancy's primary role is to provide technical and grant assistance to both local governments and nonprofit land trusts. Commission and Conservancy staff jointly initiate and participate in outreach programs to explain the OTD program, identify priority OTDs, locate accepting agencies and condition grant funding to local governments based upon acceptance of OTDs.

While this Plan focuses on the 812 OTDs that have yet to be accepted, it is important to keep in mind that new OTDs are being recorded every year. Thus, the recommendations detailed later in the Plan pertain not only to the existing recorded OTDs, but to future OTDs as well.

### ***Joint Access Program-Publications Assistance to the Public and Local Agencies***

Over the last 20 years, the Joint Access Program has grown and evolved, with many accomplishments along the way. Between 1979 and 1982 there was strong legislative support for the Joint Access Program. An infusion of funds to hire access staff resulted in the development of four technical assistance booklets. The booklets provided guidance for the Commission and local governments, and assistance for citizen groups and nonprofit land trusts. These four booklets were jointly produced by the Commission and the Conservancy and all were adopted by the Commission:



***Coastal Access: Standards and Recommendations.*** This report focuses on the physical aspects of coastal access such as accessways, trails, support facilities, and hostels. It also defines standards for accessway widths, as well as the minimum distance allowed between them. The need to identify both management agencies and innovative funding techniques is also discussed.

***Designing Accessways — Coastal Access Standards Element of the California Recreation Plan.*** This report discusses the critical factors in accessway design (such as shoreline erosion and facilities for the disabled), as well as design guidelines (such as trails, stairways, boardwalks).

***Innovative Management and Funding Techniques for Coastal Accessways.*** This report identifies various alternative approaches that could result in the opening of new public accessways. Options include various funding techniques, use of the nonprofit sector/the private sector and the possible creation of a nonprofit corporation specifically designed to oversee the opening and operation of statewide coastal access facilities.

***The Affordable Coast: A Citizen Action Guide to California Coastal Accessway Management.*** This guide details how nonprofit land trusts can manage coastal accessways.

It is important to note that while all four documents were written at the beginning of the Joint Access Program over 20 years ago, they generally are still relevant today. In reviewing both permits and LCPs, the Commission continues to be concerned with the appropriate size, type, and location of accessways, taking into account such factors as erosion and special user needs. Clearly funding and management agencies are also still needed to accept, open and operate accessways.

In addition, since 1980, the Commission and the Conservancy have jointly published an Annual Access Report. Submitted yearly to the legislature, these reports detail the activities completed by each agency to further California's public access goals.

The Commission also created, the State's first Access Inventory in the early 1980's. This is a listing of all public access sites along the coast and all properties that have been legally restricted to protect/provide public access. From this Inventory, Commission staff created the first *California Coastal Access Guide*, first published in 1981. Now in its 5<sup>th</sup> edition, over 100,000 copies of this popular guide have been sold.

Furthermore, the Joint Access Program, received a federal grant in 1997 to produce two new technical assistance documents. Because of the impending deadlines associated with the Offer to Dedicate (OTD) public access easement program, NOAA funded the production of *Limitations on Liability for Nonprofit Managers* and *Happy Trails to You — How to Accept and Manage*



*Offers to Dedicate Access Easements.* The two booklets, jointly produced by the Commission and the Conservancy, are designed to encourage acceptance and opening of public access easements. Primarily targeted to the nonprofit community, they are useful for government agencies as well.

### 3. California State Lands Commission

As a major coastal property owner, the State Lands Commission is an important partner to the Joint Access Program. The Lands Commission has jurisdiction and management authority over all ungranted tide and submerged lands and the beds of navigable rivers, sloughs and lakes (Public Resources Code Section 6301). These properties, whether administered by the Lands Commission directly or through a statutorily directed local agency trustee, are the public trust lands of the State of California. The public trust is a sovereign public property right held by the State or a local agency trustee for the benefit of all the people. Public trust properties are used for commerce, navigation, fisheries, water-oriented recreation, open space, ecological preservation,

#### **What is the Public Trust**

To understand the importance of protecting and maximizing public access, it is critical to know the extent of the public's ownership interest along the coast. By virtue of its admission into the Union, California became the owner of all tidelands and submerged lands and all lands lying beneath inland nontidal navigable waters (a.k.a. sovereign or public trust lands). Tidelands and submerged lands are those lands waterward of the intersection of the elevation of mean high tide and the shore; because the mean high tide line moves as the beach accretes or erodes, the location of the boundary of these public lands moves in response to changes in the mean high tide line. Tide and submerged lands are held in the State's sovereign capacity and are subject to the Common Law Public Trust Doctrine. The use of these lands is limited to public trust uses, such as navigation, fisheries, commerce, public access, water-oriented recreation, open space, and environmental protection. The protection of these public areas and the assurance of access to them is founded in the Common Law and the California Constitution and lies at the heart of Coastal Act policies requiring both the implementation of a public access program and the minimization of impacts to access through the regulation of development.

or for other recognized public trust purposes. The Lands Commission manages the State's property interest (often times through leasing) where the State has ownership of the land. The Lands Commission also has oversight authority where public trust properties have been



legislatively granted to a local entity. As discussed later in this report, the Lands Commission, being the property manager of the States's Coastal Waters and other waterways, plays a major role in protecting access, particularly by accepting lateral offers to dedicate public access easements along the beach.

#### **4. California Department of Parks and Recreation**

The California Department of Parks and Recreation administers about 260 miles, roughly 23%, of the coastline for public recreation activities. They are thus the main single-entity provider of public recreational facilities along the coast. The Commission and the Department of Parks and Recreation cooperatively work on projects to improve public access to the coast. Examples include identification of appropriate lands for Department of Parks and Recreation acquisition, completion of coastal trail segments, and coordination of state/local access issues.



# Chapter II.

## Three Top Priorities for the Commission's Access Program

### A. FULL IMPLEMENTATION OF THE OFFER TO DEDICATE (OTD) PUBLIC ACCESS EASEMENT PROGRAM

The Coastal Act mandates that all projects be consistent with the public access policies. To comply with this mandate, the Commission routinely conditions projects to conform to the access requirements. A typical condition is an Offer to Dedicate (OTD) a public access easement. The purpose of requiring a public access easement is to mitigate a project's specific impacts on public access or to mitigate for the project's contribution to cumulative impacts of new coastal development upon public access. For instance, placement of a shoreline structure on a beach results in both a loss of recreational beach area and impedes lateral access. Thus, the Commission often requires an OTD to help mitigate this public access impact by providing an alternate area that would permanently be available for use. One of the main tasks of the Access Program is to ensure that the OTD program is fully implemented.

#### *What is an Offer to Dedicate?*

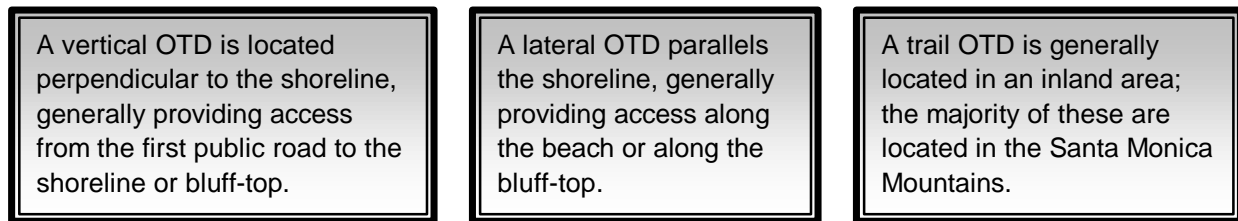
Offers to Dedicate public access easements, or OTDs, are recorded legal documents that are required by the Commission to mitigate for a permitted projects impacts on public access. These OTDs offer easement interests in private land to a government agency or nonprofit organization. The interest offered runs with the land, meaning that subsequent owners of the parcel are legally bound to the recorded "offer" to provide for future public access. The land interest usually consists of an easement, or right-of-way, to a public beach or along the shore or blufftop. The OTDs that are perpendicular to the ocean are called vertical OTDs and those that run parallel to the shore are called lateral OTDs. Inland easements, such as those in the Santa Monica



Mountains, are called trail OTDs. Typically, a vertical OTD is 10 ft. wide, a lateral OTD is at least 25 ft. wide or the width of the beach, and a trail OTD is 25 ft. in width.

OTDs are only **offers** of easements however. The interest belongs to the property owner until the offer is accepted by a government agency or a nonprofit organization. Typically the term of the offers is 21 years from the date of recording. The Coastal Act requires that the easement not be opened for public use until there is an accepting agency that will assume responsibility for liability and maintenance of the access segment (Section 30212 of the Coastal Act). The responsibility of the accepting agency is to manage the easement area to provide safe public access as well as to protect private property rights. Once an OTD is accepted, the accepting entity obtains title to the easement. The easement then remains in the public domain in perpetuity; it can not revert back to private ownership. The easement can, however, transfer from one public agency to another, or to a nonprofit organization. (Fee title of the entire parcel, however, remains with the property owner.)

The OTD program was developed as a mitigation tool. The Commission, or the local government, imposes the OTD through the regulatory process, and the government agency (local, state, federal) and/or nonprofit group accepts and operates the OTD sometimes with financial and technical assistance from the Conservancy. Both the Commission and the Conservancy, through the joint access program, work with the government agencies (generally the local government) and nonprofits to accept the OTDs. It generally takes many years from recording to opening the area to the public. The following chart depicts the steps necessary to complete the process.



***OTD Accomplishments***

Success in the OTD program has been achieved in a variety of ways. For example three counties, San Mateo, San Luis Obispo, and Santa Barbara, have accepted virtually all their OTDs. Nonprofit groups have been encouraged to participate in the OTD program and two Mendocino groups have accepted and opened OTDs. Special funding to provide money to operate OTDs has been secured through special legislation. Increased immunity protection from liability over opening and operating public accessways has also been secured through special legislation. Extensive mapping of OTDs, for one area — the Santa Monica Mountains — was achieved through the ReCAP project. Despite these achievements over the last five years, a tremendous

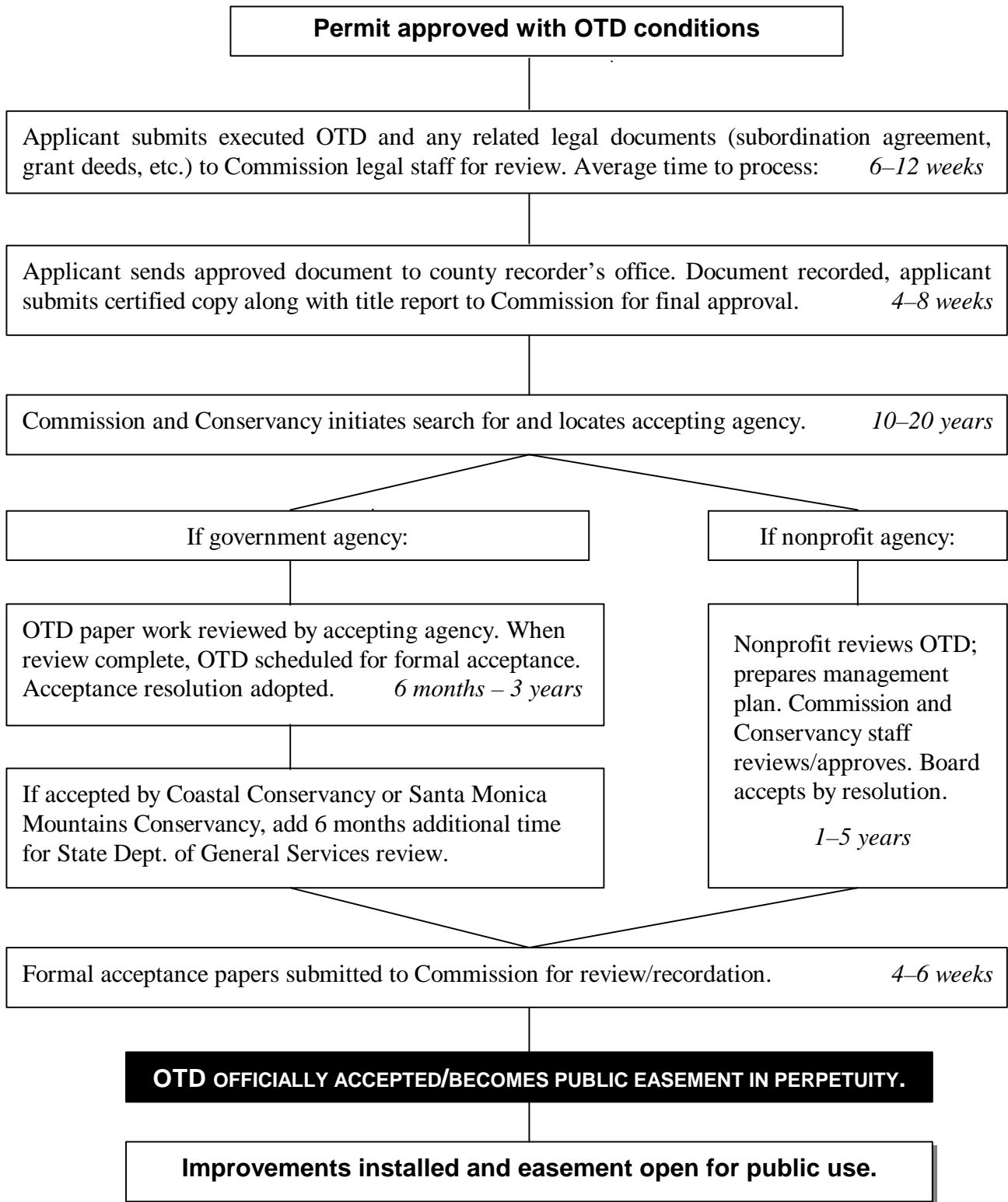


amount of work remains. Timelines are short and action must be taken very soon to ensure all OTDs become useable accessways.





**Figure 1: OTD Acceptance Procedure**



### *Status of the OTD Program*

To date, there are a total of 1288 OTDs recorded statewide. These 1288 OTDs are divided into three categories: lateral, vertical, and trail, and are discussed in more detail below. Only 464 or 36% have been accepted. The remaining 812 OTDs must be accepted before the expiration date, or the opportunity to use these easement areas for public use will be lost, probably forever. The OTDs are generally available for 21 years from the date they were recorded. From 2001 through 2005, on average 70 OTDs per year will reach their expiration date. How to ensure acceptance and opening of these OTDs has been a long-standing issue for both the Commission and the Conservancy. Over the past 18 months significant progress has been made, including almost total acceptance in three counties, creation of the Coastal Access Account (which provides funds for construction and maintenance of the OTD areas), the Conservancy has committed to accepting OTDs in danger of expiring, and nonprofits have increased their role in accepting and operating OTDs. Through the recommendations included in the Plan, the OTD acceptance rate should substantially increase.

**Figure 2: Overall Public Access OTD Acceptance**

	Accepted	Outstanding	Expired	Totals
Del Norte	1	17	0	18
Humboldt	6	29	1	36
Mendocino	7	120	0	127
Sonoma	1	14	0	15
Marin	10	24	7	41
San Francisco	0	1	0	1
San Mateo	2	14	0	16
Santa Cruz	4	34	2	40
Monterey	4	29	0	33
San Luis Obispo	131	37	0	168
Santa Barbara	68	29	1	98
Ventura	6	10	0	16
Los Angeles	184	296	0	480
Orange	6	90	0	96
San Diego	34	68	1	103
<b>Statewide</b>	<b>464</b>	<b>812</b>	<b>12</b>	<b>1,288</b>

*Source: California Coastal Commission Access Inventory 3/99*



## 1. Vertical OTDs

Vertical OTDs are the highest priority category of OTD. They provide access perpendicular to the ocean, generally from the first public road (i.e., Pacific Coast Highway, Highway One) to the shoreline. When accepted and developed, it is the vertical OTDs that will provide new trails/new stairways/new walkways, etc. between existing development so that the public can actually reach the beach or shoreline. If these OTDs expire, the opportunity to open these new trails would be lost forever.

Staff reviewed the 82 outstanding verticals in order to determine which are the highest priority. A comprehensive evaluation of each permit and legal file was completed, plus a field visit. The 82 outstanding vertical OTDs are located in the following counties and cities:

**Figure 3: Vertical Public Access OTD Expiring by County and Year**

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2017	Totals
Del Norte			1	2		1											4
Humboldt	1	1		2		1											5
Mendocino	5		2	3	2	1	1			2			2	2	1		21
Sonoma																	0
Marin	1		1	1						1				1			5
San Francisco																	0
San Mateo			1			1		1	1							1	5
Santa Cruz	5	1										1					7
Monterey	1					2	3	1							1		8
San Luis Obispo		1		3	1	1	1										7
Santa Barbara					1								1				2
Ventura																	0
Los Angeles			1	3	1	2	1		1	1							10
Orange				1	1	2		2			1						7
San Diego												1					1
<b>Statewide</b>	<b>13</b>	<b>3</b>	<b>6</b>	<b>15</b>	<b>6</b>	<b>11</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>82</b>

*Source: California Coastal Commission Access Inventory 3/99*



**Figure 4: Outstanding Vertical Public Access OTDs by County and City**

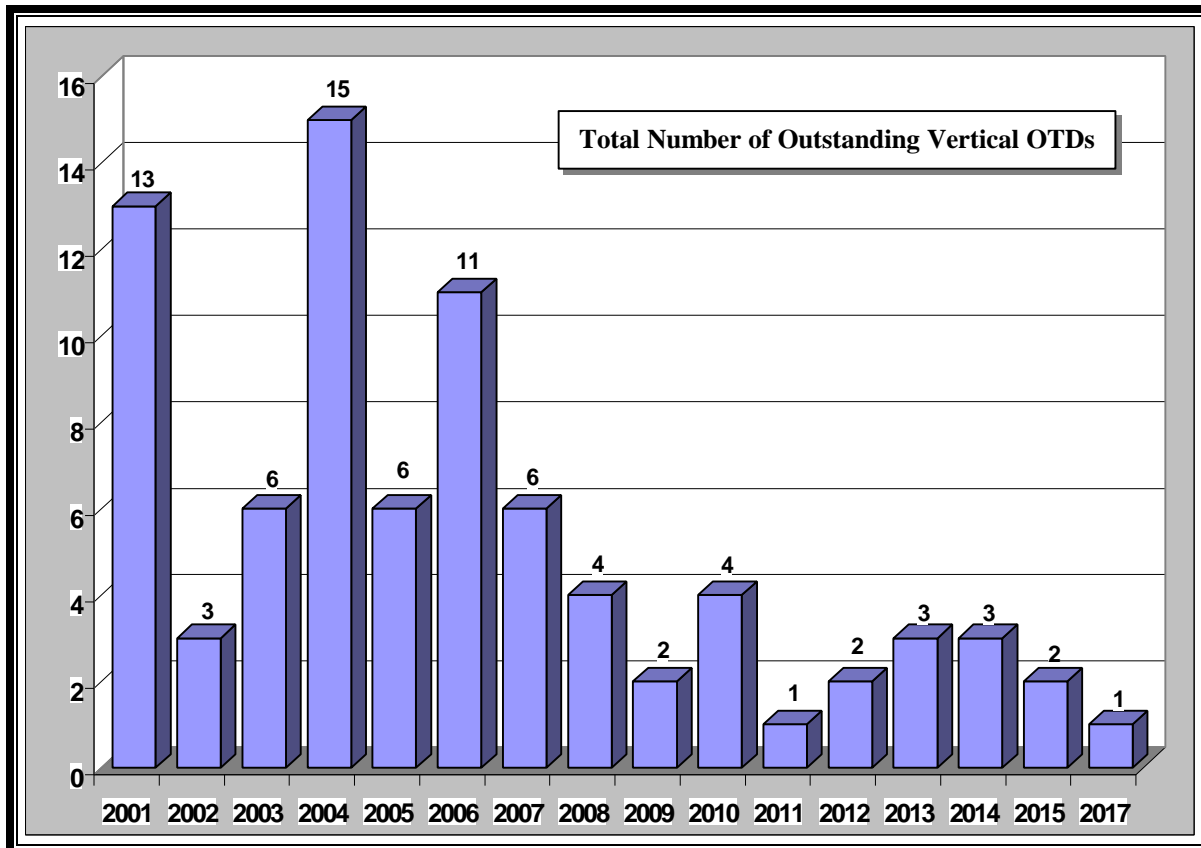
Jurisdiction	Number Accepted	Number Outstanding	Number in County jurisdiction	Number in City jurisdiction
<b>Del Norte</b>	0	4	Klamath 2 Smith River 2	0
<b>Humboldt</b>	4	5	North Spit 3 McKinleyville 1	City of Eureka 1
<b>Mendocino</b>	5	20	19 spread along about 100 miles from Westport to Gualala	1 spans County and City of Ft. Bragg
<b>Sonoma</b>	0	0		
<b>Marin</b>	1	4	Pt. Reyes National Seashore 2 Inverness 2	0
<b>San Francisco</b>	0	0		
<b>San Mateo</b>	0	5	Moss Beach 1 Pescadero 1	City of Pacifica 2 City of Half Moon Bay 1
<b>Santa Cruz County</b>	1	6	Davenport 1 Live Oak 1 South County 3	City of Santa Cruz 1
<b>Monterey</b>	2	7	Del Monte Forest 2 Big Sur 4	City of Monterey 1
<b>San Luis Obispo</b>	4	6	San Simeon Acres 2 Los Osos 1	City of Pismo Beach 2 City of Grover Beach 1
<b>Santa Barbara</b>	2	2	Gaviota 1	Carpinteria 1
<b>Ventura</b>	2	0		
<b>Los Angeles</b>	5	9	Santa Catalina Island 1	City of Malibu 8
<b>Orange</b>	2	7	0	City of Newport Beach 3 City Laguna Beach 1 City of San Clemente 3
<b>San Diego</b>	7	2	0	City of Carlsbad 1 City of Del Mar 1

Staff review found every one of these vertical OTDs to be a high priority to accept. They promise to provide varying access opportunities and range greatly in the cost to construct. A few do not directly connect either to the shoreline or a public road, but acceptance would permanently protect that easement, so that future opportunities to secure the intervening land would eventually create a useable public accessway. If all 82 OTDs were accepted and opened, on average there would be a new accessway every 14 miles along the coast. The order of priority for acceptance, is the expiration date. The first group of OTDs to expire will do so in 2001, a total of 13 OTDs. These 13 are located in five counties: Humboldt (1), Mendocino (5), Marin (1), Santa Cruz (5), and Monterey (1). As is demonstrated in Figure 1, since it often takes over a year to complete the



acceptance process, it is critical to identify the accepting agency and begin the process now. One of the highest priority tasks for the access program is to work with these five counties to ensure the OTDs are accepted prior to expiration.

**Figure 5: Outstanding Vertical Public Access OTDs Expiring by Year**



Source: California Coastal Commission Access Inventory 3/99

**Recommendations to Implement the OTD Program**

In order to fully implement the OTD program for both existing and future OTDs, the Commission and the Conservancy should mount a concerted education and technical assistance campaign aimed at fully implementing the OTD program as soon as possible. The recommendations to accomplish this are described below and are divided into the three aspects of the OTD program. The first section identifies issues for the outstanding OTDs, the second section identifies issues with already accepted OTDs, and the third section describes ways that LCPs should be modified to better implement the OTD program.



## 2. Outstanding OTDs

**RECOMMENDATION 1. The Commission and Conservancy should initiate an intensive inter-agency coordination and community outreach program to solicit interest in OTDs access opportunities and locate accepting agencies.**

By law, OTDs can only be accepted and opened by government agencies or qualifying nonprofit groups (such as land trusts, community foundations, etc.); but, first, such agencies or groups must be interested in doing so. Thus, the Commission and Conservancy should mount an intensive campaign to educate governmental entities and nonprofit land trusts about the value and potential of available OTDs. This outreach should also include information about the tools available to help implement the program. Over the last several years, two important tools have been developed to address two of the major concerns expressed by potential accessway operators: fear of liability and lack of funding for on-going operations and maintenance costs. To address these two issues, the Commission successfully initiated legislative changes. A new law increased liability protection for operators of public accessways by allowing for reimbursement of attorneys fees in successfully litigated challenges over personal injury claims. Another new law provides an annual funding source for operations and maintenance costs. Called the Coastal Access Account, all permit fees required by the Commission are directed into this account; about \$600,000 per year are expected to be generated. These funds, administered by the Conservancy, augment their funds which are generally only available for initial construction. Additionally, past experience indicates that conducting workshops with interested state and local agencies, as well as with nonprofit groups, can be especially helpful. At the State level, the Department of Parks and Recreation and the State Lands Commission are particularly important players to help facilitate the preservation and opening of OTD access easements because of their common mandates to protect and promote the public's ability to access the coast.

Commission and Conservancy staff should inform government entities and nonprofit land trusts of OTD availability through such means as: provision of relevant materials including OTD data, maps, guides to accepting OTDs, liability and insurance information; meetings with public officials and private organizations; appearances at public meetings; interdepartmental (e.g. parks, planning, and public works departments) workshops for local governments and state interagency workshops; articles in relevant publications; letters and op-ed pieces in local newspapers, speaking engagement and training sessions.



**RECOMMENDATION 2. The Commission and the State Lands Commission should develop a strategy to assist with OTD acceptance and implementation.**

The State Lands Commission initiated an intensive OTD acceptance program in 1996. Since that time, the Lands Commission has accepted 95 lateral OTDs in Malibu. They intend to complete accepting the Los Angeles County lateral OTDs, and then direct their focus on other outstanding lateral OTDs statewide. As the OTDs have been accepted and the Lands Commission is responsible for the public easement, management issues have arisen. Often the lateral OTD was imposed by the Commission to mitigate the impact from placement of a seawall. Over time some landowners propose to expand the seawall seaward. Such expansion would have additional adverse effects upon public access. The landowners desire to increase shoreline protection for the home is often in conflict with the easement language to permanently protect the remaining beach area for public use. By creating an inter-agency task force to coordinate the review and processing of such requests, considerable time could be saved by both the two State agencies and by the landowner. Issues relating to the location of recorded public easement, allowable uses of the easement, as well as the restrictions on adjacent new development (generally expanding seawalls) could be addressed. Specific tasks to be included in the strategy include mutually agreeing to procedures that the Coastal and State Lands Commissions will follow to identify and respond to new development proposals that affect OTDs and already accepted easement areas, and improving and streamlining OTD documentation required from project applicants.

**RECOMMENDATION 3. The Commission and the Department of Parks and Recreation (DPR) should develop a strategy to ensure that all OTDs that provide access to DPR lands or are otherwise suitable for DPR management are accepted by DPR.**

The Commission has always recognized DPR as one of the priority state agencies to accept OTDs. The Coastal Access Standards and Recommendations, 1981, stated that those accessways which would complement DPR's operation of a functioning state park, should be offered to DPR. To date only two OTDs, located in Malibu, have been accepted by DPR. They have, however, not been opened. More research needs to be completed to determine the best approach to opening these easements.

In order to encourage additional acceptances, the Commission needs to complete a comprehensive evaluation of the OTDs to determine which are capable of providing new or expanded access to DPR lands. With the recent computerization of the Access Inventory database, staff now has the technical capability to identify those OTDs and work with DPR to encourage acceptance. By creating a joint staff task force, working both with headquarters and district DPR staff, additional OTD acceptance could result.



Specific tasks to be included in the strategy include: identifying all OTDs adjacent to, or providing access to, DPR property; meeting with DPR management and affected district staff to explain the OTD program and the opportunities represented by the available OTDs; and providing the additional assistance that may be required to facilitate DPR's acceptance of any appropriate OTDs.

**RECOMMENDATION 4. The Commission should pursue means to exempt or accelerate the Department of General Services review, where such review is required, when state agencies accept OTDs.**

Currently, state law requires review by the Department of General Services when most state agencies (i.e. Coastal Conservancy, Santa Monica Mountains Conservancy) acquire interests in land. This includes acceptance of an OTD. While this oversight is intended to ensure that the state's interest is protected, it also adds another layer of review that includes a significant amount of processing time. In the past, the review and processing period for OTDs by General Services, after they have been accepted by either the Coastal Conservancy and the Santa Monica Mountains Conservancy, has been six to eighteen months. Because of an historic lack of resources available to the Access Program there is a backlog of OTDs. Now, faced with expiration, the Commission must pursue all means to accelerate the acceptance process. Working with the Department of General Services to streamline their process, or even exempt these OTDs, is an **essential** component of this strategy. Given that about 70 OTDs will reach their expiration dates each year from 2001 through 2007, this additional General Services processing time could result in the expiration of some of the OTDs.

In light of the fact that each OTD document has already been extensively reviewed (including legal reviews) by both the Commission staff as well as the staff of the accepting State agency, review by a third State agency (Department of General Services) appears to be duplicative. In recognition of this unnecessary duplication, an exemption from General Services review has been granted to some State agencies. Both the State Lands Commission and the California Department of Parks and Recreation already have such an exemption (See Section 15853(c) of the Government Code, Property Acquisition Law.) Expanding this exemption to the other two State agencies most likely to continue to accept OTDs, the Coastal Conservancy and the Santa Monica Mountains Conservancy, would significantly reduce the processing time. This is especially important given the M.O.U. between the Commission and the Coastal Conservancy which provides for the Conservancy to accept any OTDs in danger of expiring. As expiration dates near and if there are no accepting agencies stepping forward, the Conservancy anticipates increasing their acceptance rate. Therefore, the Conservancy will need all available time to review the OTDs and process the paperwork to beat the expiration deadline.





**RECOMMENDATION 5. The Commission should identify the priority OTDs and then map them individually and also produce regional maps identifying those OTDs in context within a community/city/county area.**

A critical piece of information that is needed to fully analyze all OTDs is a good map. Because the vertical OTDs are often only 10 ft. wide and are generally impossible to locate in the field as most of the parcel, plus many adjacent ones, are completely developed (homes, fences, landscaping), a clear and precise map is needed in order to evaluate the usefulness of the OTD. Most Commission permit files do not contain precise enough maps to be able to easily identify the location of the OTD when in the field. These files identify the OTD by a variety of means including: address, assessor's parcel, a metes and bounds description used by surveyors, or hand drawn maps. Regardless, however the OTD is described or depicted in our files, it needs to be translated onto both a parcel map (see Figure 6) and color aerial in order to supply enough detailed information to attract an interested accepting entity.

In some cases, there are numerous OTDs in one neighborhood and by mapping them together, the Commission staff and accepting entities are able to understand the entire extent of access possibilities (see Figure 7). Staff experience has shown that mapping the OTD on a parcel map requires 4 hours of staff time and to overlay it onto a color aerial requires an additional 12 hours. To map the 82 vertical OTDs will require over 8 months of one staff person's time. To complete neighborhood maps showing the array of OTDs will take additional time.

Given the high priority of the vertical OTDs, they should be mapped first, in order of expiration. The second priority is to map the non-vertical OTDs (i.e., lateral, trail) as staffing allows. The order of mapping will be determined by geographic priority. A secondary issue to the OTD mapping is the need for access to parcel layer data. This issue is more fully explained below.

**RECOMMENDATION 6. The Commission should support a strategy to develop publicly available land ownership data for the coastal zone, suitable for use with GIS.**

Digital parcel layers are a critical tool necessary to complete priority mapping tasks. As evidenced by the expansive mapping products created by the ReCAP staff for the Malibu area, parcel layer data provides the foundation to spatially represent significant information such as OTDs, publicly owned lands, public trails, etc. However, there are several major obstacles to obtaining access to digital parcel data. First, most counties have not digitized their parcel information. This is due to a variety of factors including inadequate staffing, financial resources, and technical ability. Second, for the counties that do have digital parcel



data, most charge a fee for the information. For example, Los Angeles County charges \$2/parcel. This fee is generally considered recovery cost by the local agency but is prohibitive when one considers purchasing the thousands of parcels within the coastal zone. The Commission does not have adequate funds to purchase these digitized parcel layers. Additionally even when purchased, use restrictions are imposed by the local government, in that generally they can not be distributed to a third party, thus, preventing shared use among state agencies and the public. In discussion with other state agencies such as the Conservancy, the State Lands Commission, and the Department of Parks and Recreation, staff has identified excessive cost and inability to share data layers as major obstacles to carrying out essential program mandates. A statewide solution is needed. As the counties generate and update this data, the State needs to work directly with each county. Sufficient funds need to be supplied to each county to cover the cost of providing state agencies access to the current digital parcel data. Several state departments, particularly Stephen T. Teale (TEALE) Data Center and the Resources Agency's California Environmental Resource Evaluation System (CERES), have been discussing this issue for years. A consortium of GIS professionals, the California Geographic Information Association, has also joined in this discussion. All are seeking practical solutions. While the Commission can not financially contribute to a solution, they can support a statewide initiative to resolve this problem. Therefore, in cooperation with existing state efforts, the Commission should urge that a long-term solution providing access to digital parcel data is identified and implemented.

**RECOMMENDATION 7. The Commission should identify and take steps to cause the removal of physical encroachments into areas that are subject to OTDs.**

Given that most of the OTDs were recorded 15 or more years ago, many of them have been encroached upon by landscaping, fences, etc. Field checking the OTDs using the above-described maps significantly helps in determining if encroachments exist and, if they do, whether or not they are in conflict with the terms of the recorded document. If non-permitted encroachments are identified, appropriate enforcement procedures need to be initiated. Attention also needs to be given to preventing the inadvertent allowance of projects (such as seawalls) in the future that would encroach upon existing OTDs. Tasks to be performed include: conduct field inspection of each outstanding vertical OTD; conduct field inspection of high priority outstanding lateral, trail OTD; collect evidence of suspected encroachments; analyze terms of OTD and initiate appropriate enforcement action; distribute relevant OTD database information to other agencies that may be involved with projects at or near OTD sites (such as local governments, Caltrans, the State Lands Commission, etc.) to ensure they are aware of the OTD.



**RECOMMENDATION 8. The Commission should support legislation to increase state reimbursement of attorney fees and set criteria under which reimbursement is made for access related liability lawsuits, in order to facilitate acceptance and operation of coastal public access easements by government entities and nonprofit land trusts.**

Due to a perceived liability problem associated with opening and operating public accessways, and at the Commission's request, AB 2291 Knox was introduced and passed in 1996. This bill added Section 846.1 to the Civil Code. Basically, it provides that when the owner (government entity or nonprofit) of an accessway prevails in a lawsuit brought over personal injury, the owner can submit a claim for reimbursement of attorney's fees. The State Board of Control can pay up to \$25,000 per claim and a yearly total of \$100,000. The nonprofit community, who are at the most financial risk if lawsuits arise, enthusiastically embraced this change in the law. To date, no lawsuits of this type have been files; thus there have not been any claims to the Board.

Although the bill provided important relief with respect to personal injury suits, legislation is needed to provide support for other access-related litigation. For example, we can anticipate that in the process of opening access easements, lawsuits will arise for a variety of reasons: landowner/neighbors do not want the public near their homes so they file a lawsuit challenging the validity of the OTD, the environmental impacts of the accessway, etc. An example of the situation is in Mendocino where the Mendocino Land Trust accepted, constructed and opened an OTD adjacent to Mendocino Bay. Shortly after the opening the landowner sued the Land Trust, citing CEQA inconsistencies (Brittingham v. CCC and Mendocino Land Trust). While the Land Trust eventually prevailed, considerable sums of money were needed to present their defense.

Typically land trusts, and even government agencies, do not have sufficient funds to defend a lawsuit challenging the use of a public easement. To reduce this potential burden, which could inhibit a land trust's ability or interest in operating a public accessway, the law needs to be modified. It needs to include lawsuits of any type filed over accessways. Also, the amount per case and the total amount available per year needs to be increased. If this had been law when the Brittingham case was filed, the Land Trust could have received reimbursement for most of their defense costs.

Since these OTDs were created by the state, for the general population of the entire state, it is reasonable that the state take the lead in paying litigation costs for the defense. It is not reasonable to expect a nonprofit organization, or sometimes even a local government, to pay to litigate just to open an accessway. Since we can anticipate that the most problematic cases will be before or during immediate opening of the easement, the state should be able to deliver an OTD, free of any legal entanglements, to the accepting agency.



### 3. Accepted OTDs

**RECOMMENDATION 9.** The Commission and the Conservancy should work with agencies who have accepted OTDs to ensure that the OTDs are opened and signed for public use.

Once an OTD has been accepted, it does not automatically become an open useable accessway. In some cases, additional facilities are needed, such as construction of a stairway, before the easement can be used. In other cases public access signs must be installed. Additionally, not only must an agency step forward to construct the needed improvements, but it also must agree to operate and maintain the easement area.

**Vertical OTDs.** The Commission staff inventoried the 31 vertical OTDs that have been accepted over the years. Only 11 (or 35%) of those verticals have been opened for public use. The Commission and the Conservancy need to meet with the accepting agencies and develop a strategy (i.e., technical assistance, funding, etc.) to open each one, if feasible, to the public.

**Lateral OTDs.** Hundreds of lateral OTDs have been accepted. Many of these laterals are located on a sandy beach, contiguous with and indistinguishable from, adjacent public beach areas. Thus, the public is freely and openly using these OTD areas. Some, however, are located in areas where public use of the sandy beach and/or shoreline is highly contested by



Malibu



the upland landowners. Therefore, it is not unusual on some Malibu beaches, for instance, for the public to be confronted by “private beach”, “no trespassing” signs placed on the sandy area itself. At intervals along most of these contested beach areas, lateral OTDs have been accepted. In order to protect the public rights gained through the OTD process, the Commission needs to work with the accepting agencies to identify those lateral OTDs which should be signed to allow for public use. Such a signing program will reduce conflicts between landowners and beach visitors, as the public areas subject to OTDs will be clearly delineated.

#### **4. LCP Modifications for OTDs**

**RECOMMENDATION 10. The Commission should work with local governments to update their OTD requirements in their certified LCP.**

*Assist OTD acceptance efforts in conjunction with LCP completion and update grants.*

The Commission recently approved four local assistance grants to fund LCP work programs. A condition of the grants requires these local governments to develop a strategy within their Access Component to provide for acceptance of OTDs within the planning areas covered by the grants. The four jurisdictions and the number of outstanding OTDs include: City of Trinidad (2 OTDs), City of Monterey (2 OTDs), Los Angeles County (90 OTDs), and City of Newport Beach (13 OTDs). The Commission should assist in the completion of this strategy by completing the following tasks: identify and prioritize the outstanding OTDs for the 4 jurisdictions; provide legal documents for each OTD; map the OTDs in need of detailed information in order to encourage acceptance; and, provide the additional assistance that may be required to facilitate the local government’s (or nonprofit) acceptance of outstanding OTDs.

*Include an OTD acceptance and implementation process in LCPs/Amendments.*

All LCPs are required to contain an Access Component. Most have specific policies requiring new access in connection with new development and the most common mechanism is an OTD. In addition, some LCPs identify and discuss the Commission required OTDs that have already been recorded. Thus, in many LCPs, the most common form of access mitigation is the OTD.

In researching for the Action Plan, staff completed a review of the majority of the LCP Access Components. While most LCPs use OTDs as a mitigation tool, only four LCPs contain a specific policy directing the jurisdiction to accept the OTDs (Marin, Sonoma, Santa Cruz, and Ventura). Such a policy is a good start but is not enough to ensure that the



OTD will be accepted and actually opened for public use. For example, while Santa Cruz County adopted this acceptance policy in 1994, none of the 32 outstanding OTDs have been accepted over these last five years. This exemplifies why additional steps need to be added to LCPs. In addition to a policy requiring acceptance, policies need to designate the department in overall charge, the acceptance schedule, and the funding source for construction and operation. A plan to manage the OTD area (i.e., types and locations of signs, hours of operation, maintenance, etc.) should also be included. This can be done on an individual basis or similar OTDs (i.e., sandy beach laterals) can be addressed as a group. Lacking detailed policies that actually implement the goal of accepting and opening these easements to the public, the Commission has no assurance that the mitigation will ever be implemented. The Commission needs to proactively work with local jurisdictions to correct this problem by designing a model OTD implementation strategy for LCPs, including identifying responsible departments, establishing prioritization criteria, and setting timing mechanisms, and by identifying opportunities to amend LCPs to incorporate an implementation process tailored to each individual local government.

***In Local Coastal Programs, eliminate the use of OTDs and substitute a direct dedication program.***

Passage of the Coastal Act created the broad legal authority to require the protection and provision of public access to and along the coast. As the Commission was the only regulatory agency for the entire coastal zone for many years, an access mitigation program was developed which fit within the Commission's authority.

Unlike local governments, and many other state agencies, the Commission cannot, by statute, hold any interest in land. This means that acquiring public access had to be done in a form other than by direct dedication. Thus, the OTD program was created which utilized a two step process. The OTD was recorded by the property owner as an **offer** only. This offer is available for acceptance, much like a purchase option, until such time as a suitable agency accepts it and the dedicated easement vests in that agency. To ensure that the offer would actually become a public accessway within a reasonable time frame, the Commission adopted a 21-year limit for the offer. This meant that the Commission expected the offer would take no longer than 21 years to actually become mitigation for the project.

While this process has been adequate for the statutory limitations that the Commission has to work under, it is not the most suitable program for local governments. Because the OTD process was already in place and being used, this form of mitigation was mirrored into the LCPs. However all local governments can, and do, require direct land dedications from developers (i.e., often new subdivision streets, park areas, etc. are required to be directly dedicated to the local government for public ownership and use). It appears that it would be



appropriate to modify LCPs so that the OTD procedure is replaced by a direct dedication requirement. This change would result in far fewer steps for all parties involved and provide greater assurance that the mitigation would actually occur. Instead of the cumbersome OTD process, requiring recordation of complex legal documents, tracking of available OTDs, review by accepting departments, potentially losing the OTD due to expiration, eventually (many years later) opening the area to the public, the property owner could directly dedicate the easement to the local government at the time final permits are issued. Most of the time, the expense of preparing and tracking the OTD would be eliminated and the public would immediately own the area. The mitigation would be completed in a timely manner (except in cases where costly construction would delay the opening), and everyone involved would benefit.

This process would also eliminate the current situation where second or third generation owners of a parcel are surprised and unhappy to find out that their OTD is going to be accepted and opened. While the OTD is listed on the title report when property changes hands, staff has found that not all buyers pay particular attention to such items as an OTD. Thus, this creates another arena for delay, as current landowners need to be educated about the intent of the OTD they have inherited, and as sometimes litigation results. Thus, for all the reasons listed above, LCPs should substitute direct dedication for OTDs.

## **B. COMPLETION OF THE CALIFORNIA COASTAL TRAIL**

### *What is the California Coastal Trail?*

The California Coastal Trail is a work-in-progress with the goal of providing trail access to and along California's 1,100-mile long coast. When complete, the California Coastal Trail will be a continuous trail system along or near the coast, linking the Oregon border to the Mexican border. The vision is for a continuous system that connects parks, beaches, bicycle routes, hostels, and the state trails networks. Currently, about 65% of the California Coastal Trail is complete. Two counties, San Francisco and Del Norte, can boast of having successfully completed a continuous hiking trail from border to border.

The concept of a continuous hiking/bicycle/equestrian trail following the shoreline is not unique to California. For example, the state of Oregon, has completed a continuous 360-mile long Coast Trail, pursuant to the Oregon Recreation Trails Act of 1971. California's Coastal Trail already links to this trail.

Coastwalk, a nonprofit organization created in 1983, has one focus: completion of the California Coastal Trail. This group, the only one dedicated specifically to this cause, sponsors yearly hikes



along the coast; every year hundreds of walkers join them for several day sojourns. In 1996, eight hardy people spent four and a half months (6 days a week, at least 8 hours a day) walking the length of California. These public education efforts have dramatically increased awareness of the Trail.

The California Coastal Trail is a work in progress. When complete, it is intended to span the entire length of the State's shoreline. The trail system will accommodate a variety of users (pedestrian, bicyclists, mobility impaired, etc.) and will utilize alternate routes as available (beaches, blufftops, roadway shoulders, etc.)

### ***Background***

In 1975 the California Coastal Plan, Policy 145 specifically called for the establishment of a Coastal Trail System: "A hiking, bicycle, and equestrian trails system shall be established along or near the coast.... Ideally, the trails system should be continuous and located near the shoreline, but it may be necessary for some trail segments to be away from the oceanfront area to meet the objective of a continuous system."

Policy 145 is supported by two findings. First, the Commission found that there was a need to increase public accessibility to the coastal zone. A Coastal Trails system would facilitate this by including: coastal trails designed for hikers, bicyclists, and equestrian uses; waterways for rafting, canoeing, and kayaking; overnight shelters for hikers, bicyclists, and equestrians; trails linking population centers with recreation centers; and trails allowing people to enjoy the scenic qualities of the coastline.

Secondly, the Commission found that an increase in bicycle facilities should be strongly encouraged and enhanced in the coastal zone, as bicycling is considered to be an inexpensive, clean, alternative transportation and a form of popular recreation. In order to provide for safe and accessible bicycling throughout the state, the Commission found that high priority should be given to the construction of special bicycle lanes, the provision of bike storage racks at coastal destinations, and the modification of transit vehicles to accommodate bicycles.

Initially, the responsibility of carrying out this policy to establish a coastal trail system was mandated to the California Department of Parks and Recreation. However, with the creation of the Joint Access Program in 1979, the job of completing the trail was transferred to the Commission and Conservancy and both have been completing links in the trail as opportunities arise. Generally the Commission requires easements to facilitate completion, and the Conservancy finances construction of that easement area as well as acquisitions that join links.





### ***Major Gaps in the California Coastal Trail***

The public is currently excluded from long stretches of coast, because they are in:

- Private ownership;
- Military ownership — for safety and security purpose the public is prohibited; or
- Unsafe natural conditions — no suitable trail option exists (i.e., steep and/or unstable bluffs, beach access inaccessible even at low tides, etc.).

Some of the major gaps in the California Coastal Trail include areas of Mendocino County, the Big Sur Coast in Monterey, San Luis Obispo County, northern Santa Barbara County and the Malibu coast in Los Angeles County. There are numerous smaller gaps in all but two counties: San Francisco and Del Norte have successfully completed continuous trails from border to border.

In June 1992, the State Coastal Conservancy and Coastwalk published *The California Coastal Trail: Missing Links & Completed Segments*. This document states that “in 1990, roughly half the state’s coast was in public ownership, with 730 miles of California Coastal Trail providing public access...”. The following goals were identified in the *Missing Links & Completed Segments* document: link existing trail segments to form a continuous trail system from the Oregon border to the border of Mexico; coordinate trail development and rights-of-way with Local Coastal Plans, local and state agencies, and local trail groups; promote uniform signing statewide and provide information to the public about the coastal trail; promote multiple uses; promote linkups with existing trails in the California state trails system; and promote barrier-free design and development. Tasks identified to implement the goals included: 1) make the coastal trail a funding priority- estimated cost of trail construction for the next decade is \$22 to \$24 million, 2) comprehensively incorporate the coastal trail into LCPs, 3) reserve sites and designate easements for future development, 4) create a detailed plan for completion of the coastal trail, including priority segments to be built, and 5) establish a centralized data center to coordinate trail implementation.

The following table shows the number of coastal miles in each county, the percentage of CCT completed, and the approximate length of gaps. These gaps need to be bridged through legislation, acquisition, easements or dedication, and physical construction in order to realize the goal of a continuous trail system.



**Figure 8: California Coastal Trail Status**

	<b>Miles of Coast</b>	<b>% of CCT Completed</b>	<b>Major Gaps In CCT</b>
<b>California</b>	<b>1,120</b>	<b>65% or 726 miles</b>	
Del Norte	48	100%	None
Humboldt	125	96%	15 miles Arcata/Humboldt Bay 5 miles False Cape — Cape Mendocino
Mendocino	140	36%	25 miles Usal Creek to Ten Mile River 20 miles Point Arena to Gualala
Sonoma	65	54%	6 miles Sea Ranch 3 miles Stewart's Point 2 miles Doran Beach to Estero Americano
Marin	71	91%	5 miles Estero Americano to Dillon Beach 1 mile Bolinas
San Francisco	8	100%	None
San Mateo	56	54%	1–3 miles Pacifica, south of Half Moon Bay, 20 miles between Pigeon Point to county line
Santa Cruz	41	51%	14 miles north coast 3 miles mid county
Monterey	125	72%	5 miles Del Monte Forest to Carmel 55 miles Big Sur coast
San Luis Obispo	92	37%	15 miles north coast 6 miles Cambria to Villa Creek 10 miles Point Buchon to Point San Luis
Santa Barbara	112	49%	55 miles north coast 1 mile Summerland, Sandyland, Rincon
Ventura	43	81%	1 mile Seacliff and north of Mandalay Co. Park 7 miles Mugu
Los Angeles	74	67%	17 miles Malibu coast 4 miles Palos Verdes 5 miles Port of Long Beach
Orange	44	79%	1.5 miles Seal Beach 7 miles South Laguna and Capistrano
San Diego	76	69%	20 miles north county 9 miles San Diego Bay



***Recommendations to Complete the California Coastal Trail***

**RECOMMENDATION 11. The Commission, the Conservancy, and the Department of Parks and Recreation should pursue official recognition of the California Coastal Trail as a priority State-wide trail system, by urging the legislature to pass legislation adopting this trail priority, by urging the Governor to designate the trail as the Millenium Legacy Trail, and to fund acquisition, construction, signing, maintenance, and overall management of the trail statewide.**

A primary impediment to the implementation of the California Coastal Trail is that there is no clear state mandate to develop a coastal trail. Although the legislative intent was set forth in the 1975 California Coastal Plan, development of the CCT was not clearly articulated or mandated in the Coastal Act. As the last 25 years have demonstrated, without a direct requirement to complete the trail, the concerted interagency effort needed to make the trail a reality will not happen. Recently the Commission has shown their support of the trail, by urging Governor Davis to designate the CCT as the Millenium Legacy Trail. This national program, sponsored by First Lady Hillary Clinton, will designate one trail in each state to be considered the Legacy Trail.

The Commission, the Conservancy, and the Department of Parks and Recreation have the greatest responsibility and ability to complete the CCT. The Commission, through its statewide planning authority, has the ability to develop a comprehensive plan for the entire coast. This plan would also take into account sensitive resource areas and ensure that trail segments avoid any impact to those resources. By partnering with local governments, through the LCP process, the individual segments can be identified and implemented through both the Commission's and local government's regulatory programs. The Conservancy acquires links (either easements or fee title), and through financial support helps public agencies and nonprofits construct segments. The Department of Parks and Recreation, which is responsible for 23% of the shoreline, has completed many links within their ownership; if funds were available, additional Department of Parks and Recreation trail links could be completed.

The CCT is a state program that needs to be funded. The Coastal Plan (policy 158.d) recognized that in order for the Coastal Trail to be implemented, adequate funding had to be secured. Its recommended action to establish a state grant program to ensure adequate funding to complete city/county segments of coastal trails is essential. Annual funds should be provided that will pay for acquisition, construction, signing, maintenance, and overall management. These funds should primarily be administered by the Conservancy, with a portion to go directly to State Parks for their areas of responsibility.



Funding options include:

- Federal Grants: TEA 21, Land and Water Conservation Fund
- General Fund appropriation
- Bond Acts
- Utilize Environmental License Plate Funds

Non funding options include:

- Creation of an Adopt-A-California Coastal Trail program patterned after the Caltrans Adopt-A-Highway program
- Expansion of tax incentives to landowners who voluntarily provide segments of the CCT across their property.

**RECOMMENDATION 12. The Commission, the Conservancy, and the Department of Parks of Recreation should agree upon and officially adopt a California Coastal Trail logo and coordinate a uniform signing program.**

The Commission and the Conservancy jointly adopted the Coastal Access logo in 1980, as part of the statewide logo, the “foot and hundreds of locations broadly educate the availability of coastal and Caltrans signed a Caltrans agreed to highway sign that uses phrase that generally provides a directional the logo by providing at street ends that lead this same logo. As developers are access amenities, they on their signs. Thus, at this point, the “foot and wave” logo is well used and recognizable by the general public as a symbol that means coastal access.



access program. This wave,” is posted at along the coast. To public about the access, the Commission MOU in 1980, in which install the standard brown the access logo with a says “coastal access” and arrow. The Conservancy contributed to the use of redwood signs, generally to the coast, that contain more and more coastal providing on-site public too have utilized the logo

As the coastal trail needs statewide recognition and signing, the official logo could be this “foot and wave” logo. The words “California Coastal Trail” would then be included.



Whether the logo is this one or another, the important point is that the two agencies mutually agree upon a logo. Once a logo is adopted, the Conservancy should begin a program to sign the trail segments. To encourage installation of the signs, they should be provided free of charge. Funds for the sign program need to be appropriated.

**RECOMMENDATION 13. The Commission, the Conservancy, and the Department of Parks and Recreation should identify, prioritize and seek to bridge the gaps in the California Coastal Trail.**

As discussed above, 65% of the CCT exists. The gaps in the trail comprise both major gaps, such as 55 miles of private and military land in northern Santa Barbara County, and minor gaps such as the Pajaro River crossing between Santa Cruz and Monterey Counties. A more detailed analysis of all gaps is necessary to identify concrete steps that need to be taken to link existing segments. In some cases the solution is funding to build a bridge or a stairway. In other cases it will require years of work and cooperative negotiation with affected landowners to complete certain sections of trail. Identification of over 450 miles of gaps is extremely time consuming. The Commission and the Conservancy should take the lead in identifying these gaps, on a county-by-county basis. Interagency cooperation should include the various local governments, as well as any affected state, federal and special districts. Beginning with the LCPs, the staffs can work to identify all the gaps in each county. Detailed information about those gaps, such as ownership, i.e., identifying publicly owned lands not currently open to the public, any recorded easements, any potential prescriptive rights, any pending development proposals that might result in an access dedication, any potential for voluntary dedication, potential for purchase of a trail segment, etc., must be developed. As data is gathered on the gaps and solutions identified, the Commission and Conservancy can work together with the appropriate agency to bridge the gap as the opportunity arises.

**RECOMMENDATION 14. The Commission should improve coordination with the California Department of Transportation (Caltrans) and seek changes to the State's transportation policies and procedures so that they promote siting and construction of the California Coastal Trail.**

In many sections of the coast, the nearest road paralleling the shoreline is Highway One/Pacific Coast Highway/ or Highway 101. In some areas, such as parts of Big Sur and Malibu, the only thoroughfare is along the highway: there is no beach nor any area for a separated path or trail. In those locations, the highway right-of-way provides the only option for a link in the CCT. However, Caltrans is not obligated to construct links in the CCT, rather their mandate is to provide automobile access. Nonetheless, an opportunity to utilize the shoulder and/or right-of-way of the highway for CCT purposes exists in many cases.



Frequently, the right-of-way is wide enough to allow a trail to be placed away from the pavement or on the face of stepped fill slope. Whenever possible, off-shoulder trail alignments should be pursued for both safety reasons and for improved quality of user experience. As Caltrans upgrades/repairs sections of the road that contain the only feasible location for the CCT, the Department should incorporate the trail segment into their project plans. Already Caltrans does this in many bridge replacement projects. If this program was extended to all sections, then substantial segments of the trail could be constructed.

Commission staff has extensive experience working with Caltrans projects, particularly in Big Sur, where Highway One routinely suffers major damage and requires extensive repairs. (For example, during the 1998 storm season, this 100-mile stretch of road had to be rebuilt in 37 places.) While Commission and Caltrans staff have been able to incorporate segments of the CCT into road construction plans through in-field negotiations and creative re-designs, a more structured approach is needed statewide. Needed changes include working with the Legislature to redefine “transportation purpose” to include construction of the CCT. Also needed is development of a strategy that provides for the purchase of rights-of-way for access purposes as a standard Caltrans policy. And policies are needed to insure that surplus roadway and rights-of-way with public access potential are not lost through sale or abandonment. With the support of Caltrans, the Commission should also develop a strategy with FEMA to enable use of emergency repairs funds to be available for highway repairs which include construction of CCT segments.

In order to ensure effective and timely coordination, the agencies should explore the possibility of expanding the Commission/Caltrans liaison program by locating Caltrans funded Commission employees in Commission offices. A model for such close cooperation is the recently initiated Coast Highway Management Plan (CHMP) process for the Big Sur Coast. This effort includes a Caltrans funded limited term position in the Commission’s Central Coast District office. The CHMP is expected to contain appropriate strategies for maintaining highway continuity, disposing of landslide debris, and replacement of antiquated bridges and failing roadway segments. All this in a way that protects coastal resources and provides for public access, including identification of a continuous CCT route along the entire Big Sur Coast, designation of suitable staging and trailhead sites, and coordination of CCT and shoreline access with the development of public parking facilities and scenic vista points.



**RECOMMENDATION 15. The Commission should ensure that LCPs include specific policies and appropriate implementing ordinances and maps to provide for the California Coastal Trail.**

As background research to this Action Plan, staff reviewed a majority of the State’s LCPs in order to identify policies which specifically address the CCT. Surprisingly only a few of the existing LCPs reference the CCT. Even in those cases, the policy language is very basic, stating simply that the CCT should be developed. Unfortunately situations also exist where the designated terminus of one jurisdiction’s CCT segment does not align with the designated terminus of the neighboring CCT segment.

LCPs need to define the location of the CCT, preferable through mapping. Standards for the design of the trail should be established, including a provision for relocation over time should physical features change (e.g. eroding bluffs). The LCP should then identify how the CCT will be implemented through acquisition, construction, and management programs. Acquiring access sites can be done using various techniques including obtaining easements, offers to dedicate, land transfers and direct land acquisitions. While many links of the CCT involved the construction of simple trails, other links may require construction of stairways, bridges, or boardwalks. Finally, a number of different management strategies can be pursued, including public/private partnerships. The Commission’s review of LCPs over the past year revealed several good example of such policies and programs that could be incorporated into a comprehensive CCT element for all jurisdictions.

## C. THREATS TO PRESCRIPTIVE RIGHTS

### *What is implied dedication/prescriptive rights?*

A right of access through use is, essentially, an easement over real property which comes into being without the explicit consent of the owner. The acquisition of such an easement by the public is referred to as an “implied dedication.” The doctrine of implied dedication was confirmed and explained by the California Supreme Court in *Gion v. City of Santa Cruz* (1970). The right acquired is also referred to as a public prescriptive easement, or easement by prescription. This term

Prescriptive rights refer to public rights that are acquired over private lands. These rights occur as the public uses the land for recreational purposes, such as a trail to the coast or picnicking along a bluff-top or beach area. If the use meets certain legal criteria, then these historically used areas must be kept open for public use in perpetuity.



recognizes the fact that the use must continue for the length of the “prescriptive period,” before an easement comes into being.

Section 30211 of the Coastal Act requires the Commission to protect public access when acquired through use. Because Commission staff reviews dozens of proposals that could potentially impact these historically used areas (most often trails to the coast), the Attorney General’s office prepared a manual to aid coastal staff in determining the level of public use that may have occurred on a piece of property and if that level was sufficient to constitute a prescriptive right. The document, *Implied Dedication and Prescriptive Rights Manual Relating to California Coastal Commission matters* (1989), has been used by both Commission and local government staff to research prescriptive rights issues.

The manual explains the rule that an owner may lose rights in real property if that property is used without consent for the prescriptive period. It discourages “absentee landlords” and prevents a landowner from a long-delayed assertion of rights. The rule establishes a statute of limitation, after which the owner cannot assert normal full ownership rights to terminate an adverse use. In California the prescriptive period is five years. For the public to obtain an easement by way of implied dedication, it must be shown that:

- The public has used the land for the prescriptive period of five years as if it were public land;
- Without asking or receiving permission from the owner;
- With the actual or presumed knowledge of the owner;
- Without significant objection or bona fide attempts by the fee owner to prevent or halt such use.

The Courts have recognized the strong public policy favoring access to the shoreline, and have been more willing to find implied dedication for that purpose than when dealing with inland properties. A further distinction between inland and coastal properties was drawn by the Legislature subsequent to the Gion decision when it enacted Civil Code section 1009 which may be summarized as follows:

- 1) If the lands are located more than 1000 yards from the Pacific Ocean and its bays and inlets, unless there has been a written, irrevocable offer of dedication or unless a governmental entity has improved, cleaned, or maintained the lands, the five years of continual public use must have occurred prior to March 4, 1972.
- 2) With regard to coastal properties presently being used by the public, the landowner has had the power (since March 4, 1972) to prevent future creation of public rights by implied





dedication by posting signs containing the language set forth in Civil Code section 1008, and renewing the same, if they are removed, at least once a year, by annually publishing such language, or by recording a notice of consent to public use (as provided in Civil Code section 813).

It is important to note that section 1009 explicitly states that it is not to have any effect on public prescriptive rights existing on the effective date of the Statute (March 4, 1972). Therefore, public use of property for the prescriptive period prior to the enactment of section 1009 or utilization of applicable procedures set forth in the section, may be sufficient to establish public rights in the property. The section does not abrogate any such vested public rights.

### ***Recommendations to Protect Prescriptive Rights***

**RECOMMENDATION 16. The Commission staff should compile and maintain a statewide inventory of all known trails to and along the coast that have historically been used by the public but that are not currently recorded as being in public ownership. These should then prioritize based upon current level of use, need for access in the area, and potential for future development. For the top priority sites, the Commission should initiate prescriptive rights studies and, where appropriate, commence proceedings to legally establish public prescriptive rights. Participation by local governments and citizen groups should be encouraged by providing training sessions and workshops.**

Over the years, Commission staff, in conjunction with local government staff and citizens, has documented dozens of informal trails to and along the coast. In many cases, the public rights established on those trails have been protected through project redesign, recordation of legal documents (i.e., OTD, Deed Restriction), and LCP policy language, rather than by a full implied dedication study and/or judicial proceeding. However, there are cases where it has been necessary to complete a full study in order to protect the public's rights. Generally conducted by the Attorney General's office, these studies take many months, often years to complete. Locating and identifying historic documents, photos and witnesses must be completed in order to show evidence of prescriptive rights. Courts carefully review the evidence, thus extreme care must be taken to ensure the evidence is accurate and extensive.

Often the Commission staff collects the initial evidence, in conjunction with staff review of a pending project. The level of detail required to show evidence of prescriptive rights requires Commission staff to spend many hours on the investigation, many more than may be available to review pending proposals. Generally, the length of time needed to conduct an investigation may far exceed the several weeks that staff has to review a pending project.



Given the importance of protecting these historic trails, and given the lead-time needed to collect the necessary information, it is essential that the Commission staff begin documentation on the most significant trails now. By conducting the investigation, over the next few years, the staff will be ready with sufficient information to protect these historic rights if and when a project is proposed on that property.

**RECOMMENDATION 17. The Commission should provide guidance to local governments on how they can improve their LCPs to better identify and protect areas where public access rights exist.**

At the local level, LCP policies and implementing ordinances throughout the state vary on established standards and procedures to protect areas of historic public use. For example, although many LUPs list locations with potential prescriptive rights, they do not include a policy to direct protection of historic public use at appropriate locations. Policies requiring the protection of prescriptive rights need to be incorporated into land use plans and implementing ordinances in order to site and design development in a manner that does not interfere with, or diminish, established prescriptive rights.



# Chapter III.

## Other Priority Issue Areas

### A. ARMORING THE COAST

The California coastline is dynamic and ever-changing. Coastal experts have long agreed that California is losing its beaches. Numerous articles have been written about sand loss and “sand rights”. Conferences continue to be held to discuss “The Battered Coast”. And research studies have investigated sand movement and how to replenish our vanishing beaches.

Our beaches are one of the most valued recreational resources of the state. Not only do people show their support for the coast by continuing to vote for coastal protection, but also by spending \$3.7 million/year as tourists enjoying the coast. Unfortunately, many beaches have also become the repository for miles of shoreline protection devices. The cumulative loss of this public resource from encroachment of shoreline armoring is an important coastal management issue. In addition to covering beach area that provides for recreation, shoreline armoring also can exacerbate beach loss by fixing the back beach and eliminating the influx of sediment from coastal bluffs. Shoreline armoring can also cause localized scour of the beach, both in front and at the end of protective devices. The net result is more obstacles to getting to the coast and less sandy beach for the public to enjoy.

The term shoreline armoring refers to hard protective structures such as vertical seawalls, revetments, riprap, and bulkheads.

The allure of the dynamic coastline draws people to the shore. For those that can afford it, they build homes adjacent to the coast so that they can take advantage of the pleasures associated with living near the ocean. The wide sandy beaches of summer are often narrowed by stormy waves in the winter. Shoreline devices are installed to protect private residential development from wave hazards. With the installation of shoreline protection devices, not only do the upland property owners lose their natural sandy protection but the public loses their recreational resource. The impact to the public is significant. Armoring causes the immediate loss of sandy beach by the



physical covering of the beach itself. It also reduces the supply of sand to the coast, again impacting public access by narrowing the width of the beach. Last, these seawalls often become rocky headlands that create a physical barricade that is impossible to pass, not only during the winter (when storm waves have significantly narrowed the beaches) but also during summer high tide conditions.

### *Cumulative Impacts of Armoring*

The Commission has long been aware of the individual impacts of seawall installation. As conditions allow, the Commission has required seawalls to be designed for the minimum physical impact upon the beach. (For example a 20-foot high revetment may extend 30 to 40 feet onto the beach while a narrower vertical wall encroaches far less.) The cumulative impacts from the placement of miles of rock revetments were not well documented until the Commission completed two in-depth analyses, through the Commission's Regional Cumulative Assessment Program (ReCAP), to determine cumulative beach loss, and thus access loss from shoreline armoring. In the Monterey Bay ReCap (1995), the Commission found that permit approvals for shoreline armoring resulted in the covering of five acres of sandy beach. This is in addition to the 20 acres of beach that had already been covered by seawalls and revetments prior to the Coastal Act. Thus, for just the Monterey Bay shoreline area alone, at least 25 acres of sand beach have been covered over by shoreline armoring (12 miles of the 83-mile long shoreline is currently armored). Projections show if this trend continues, 65 acres of sandy beach will eventually be covered by shoreline structures. This would also result in 35.7 miles of armoring, or 43% of the shoreline. Statewide it is estimated that 12%, or about 130 miles, of the coast has been armored. Clearly, shoreline armoring policies need to be dramatically altered if the beach area is to be saved for public recreational use.

In the Santa Monica Mountains/Malibu area ReCAP (1998), the Commission found armoring along 14.8 miles of the 27-mile scenic, and sometimes elusive, Malibu coastline. ReCAP also found that there have been significant impacts from the installation of seawalls to protect public property, specifically Pacific Coast Highway. Mitigation for the public impacts was rarely required and/or offered. The impact from this cumulative loss needs to be addressed.

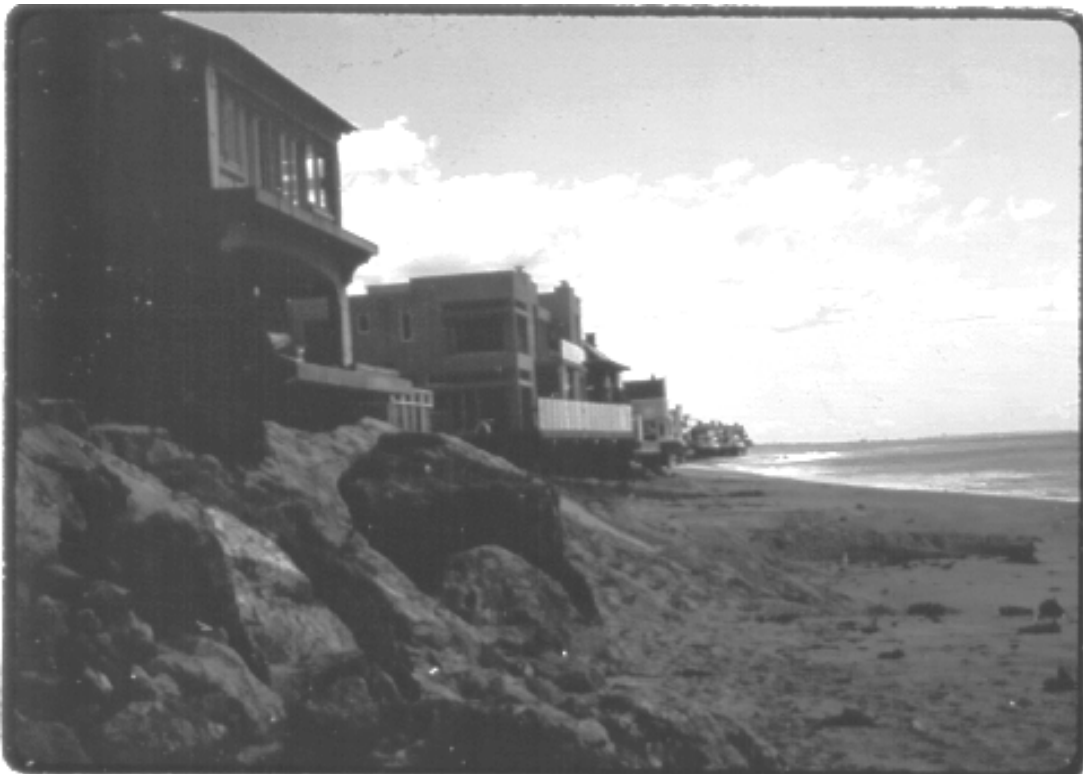
It is important to note that ReCAP only studied the acreage of beach covered by seawalls. It did not estimate the long term beach loss caused by these walls. Thus, the overall impacts to beaches and sand supply exceeds the acreage impacts quantified above.



***to Address the Impacts from Armoring the Coast***

**RECOMMENDATION 18.** The Commission should pursue legislation establishing policies to protect beaches, public access, and recreational use against adverse impacts associated with building protective structures along the coast. This policy should not only place a high priority on protection of public access to and along the shoreline but also provide guidance for protecting backshore property.

The Coastal Act provides for the construction of shoreline armoring along the coast to protect existing structures and also requires the protection of (lateral) public access. As more and more property owners are allowed to construct and expand seawalls, the impacts to lateral access become greater. As ReCAP has shown, the cumulative impact of these devices to our public beach resource is tremendous. Given the significance of this issue, the State needs to develop a statewide strategy that deals not only with private structures, but public ones as well. Emphasis needs to be placed upon protecting public access, a priority public resource. The Commission should urge the legislature to pursue this issue, and develop and implement a statewide strategy.



Malibu



**RECOMMENDATION 19. The Commission should pursue legislation to establish and implement statewide policies that encourage the use of sand replenishment as a response to shoreline erosion.**

While not all areas of the coast are suitable for sand replenishment (in many areas the sand would be quickly washed away due to the particular beach environment), more study is needed to determine which areas would benefit from additional sand. For those areas where beach nourishment may be effective, the nourished beach will greatly enhance public access and the need for shoreline protection devices could greatly be reduced. Studies have shown that sand replenishment is a viable option in various areas, including parts of Ventura, Los Angeles, Orange and San Diego coasts. For portions of San Diego, where seawalls are needed and are the appropriate response to shoreline erosion, in combination with beach nourishment for the loss of recreational beach area, the Commission has adopted an in-lieu fee program to contribute to a regional sand replenishment program. However, implementation of the program has not yet occurred.

In Los Angeles, the County Department of Beaches and Harbors recently convened a Task Force to identify areas suitable for sand replenishment as well as sources of sand and money to implement the program. Over 40 agencies are participating in the project and the work is ongoing. Orange County has also begun preliminary steps to identify areas where sand replenishment is appropriate. BEACON is a shoreline program for much of Santa Barbara and Ventura. As regional programs are being developed they should be acknowledged and incorporated into the LCP.

**RECOMMENDATION 20. The Commission should ensure that LCPs include a regional approach for dealing with the impacts of erosion.**

Typically, impacts from erosion are reviewed on a case-by-case or parcel-by-parcel basis. The result is that as property erodes, the solutions considered are generally for the one particular property. A broader perspective is needed, to not only address the impacts on this one parcel, but with the community/region as a whole.

LCPs should include a regional approach to this issue. Areas of high erosion should be identified and a variety of solutions should be identified and analyzed. A regional sand replenishment program should be implemented where feasible. Where new seawalls are determined to be the best solution, then they should be designed in a uniform manner that is most protective of public lateral access. Also, areas with existing seawalls should be identified and methods to replace the individual walls with a uniform wall should be considered. As seawalls need repair and maintenance over time, the opportunity to construct a uniform wall that incorporates public access features (such as lateral public walkway on



top, vertical stairways, and protecting lateral beach access) should be developed through a regional review.

One city that has addressed the issue of replacing aging seawalls with a new uniform approach is Del Mar. They created an assessment district for the shoreline area. Moneys from the district have been used to remove old individual structures and replace them with a uniform wall for the community. This has reduced beach encroachment and thus restored recreational area for the public. The City of Del Mar's program should serve as a model for other urbanized cities with armored shorelines to follow.

Other opportunities to provide mitigation, such as use of "rolling" easements that move landward as the shoreline erodes and in lieu fees to provide for public access amenities, should also be included in LCPs.

**RECOMMENDATION 21. The Commission should coordinate with accepting agencies and property owners to ensure compliance with the terms of lateral OTD easements.**

As discussed in the OTD section, the OTD is mitigation for the impact of private development upon public access. In the case of a seawall, those impacts are clear: the seawall is placed on top of the beach area that was previously used for recreation. It also fixes the location of the back beach preventing landward movement of the beach as the shoreface (i.e. the ocean/beach interface) moves landward. The wall can also reduce bluff erosion and thus reduce the sand supply to the beach. It also can cause scour at either end of the wall, further reducing the quality of the beach and available beach sand. To mitigate this impact, the Commission generally requires the recording of an OTD from the toe of the seawall to the ambulatory mean high tide line. The intent is to permanently draw the line in the sand between public and private uses, and thus protect the remaining beach area for public use. It should be noted that the OTD does not create new beach area to mitigate the sand area lost by the new seawall coverage.

The State Lands Commission has taken the lead in accepting the lateral OTDs. To date 95 OTDs have been accepted along the Malibu coast. A few landowners have requested permission to place rock on the public access easement that was acquired through a recorded OTD. Once an OTD is accepted, however the terms of the easement do not allow structure to be built into the easement area. In cases where private property owners or public agencies are attempting to modify the provision or use of a dedicated easement, the Commission should coordinate with the accepting agency to ensure that the public's rights are protected.



## **Recommendations to Increase Public Information**

**RECOMMENDATION 22.** The Commission should recommend state and federal legislation and administrative actions that reduce or eliminate public financial assistance to property owners who build or rebuild in known hazard zones.

In the Monterey Bay ReCAP, the Commission found that some funding programs contribute to the incremental increase in reliance upon shoreline armoring for coastal properties. A federal agency that has a large impact on coastal hazard management in California is the Federal Emergency Management Agency (FEMA). This agency provides insurance for coastal properties and low-interest loans for emergency armoring and rebuilding following a disaster. FEMA assistance to private property owners who have built in areas of high coastal hazards provides a direct public subsidy to private development. Statewide, shoreline protection and repair of damaged structures has averaged over \$100 million annually. This represents a significant expenditure of public and private funds for shoreline development with little, if any, benefit to the general public.

The Commission should work with FEMA to study the effects of the FEMA hazard abatement program on shoreline armoring and development. If adverse effects are identified, the Commission should work with FEMA to identify ways to reduce subsidies in areas where shoreline structures should be reduced or removed. The two agencies should work together to direct funds to projects supported by Coastal Act policy. Also, since FEMA's policies affect development patterns for all coastal states, the Commission should work with NOAA to convene a federal workshop to foster dialogue with FEMA on this issue.

## **B. PUBLIC INFORMATION**

Because most people reach the coast by automobile, a key method by which the Commission educates the public about public accessways is through the use of highway signs. In a partnership with Caltrans that began in 1980, the Commission, with Conservancy assistance, has worked to place the coastal access sign logo at dozens of locations along the state highway right-of-way. These signs are designed to inform the motoring public where public accessways can be found from the main highway. From there, local governments often guide the public through a series of local signs, to the beach. However, many access opportunities remain unsigned and therefore unknown to the general public.

Many coastal residents and local government officials have indicated a desire to produce local and/or regional guides, along with an accompanying sign program. Detailed information of how to





get from the main road to the coast, plus where to park, what amenities are provided, and the physical characteristics of specific areas are needed. Often because of a lack of such information, coastal residents are impacted by visitors driving around looking for parking and/or the coast. Frustrated residents often turn to their local governments for help in resolving this. Unfortunately, local governments frequently respond by proposing the use of preferential parking, a solution that is generally unacceptable to the Commission, as it runs counter to maximizing access. A comprehensive program that educates visitors about the various options and how to locate them would help to alleviate this problem.



Malibu

**RECOMMENDATION 23. The Commission should update the Coastal Access Guide and, in cooperation with the Conservancy, should produce and distribute local/regional access guides which give detailed information about specific coastal regions at a nominal cost.**

Using the Coastal Access Guide framework, the Commission can produce a series of mini-guides. Because of the extensive mapping that has already been completed, and because it is well known that the beaches are difficult to find, the Commission and the Conservancy should develop a guide to the Malibu beaches as a pilot. Once the format is developed, and as staff and funds are available, other areas of the coast can be covered by these mini-guides.



**RECOMMENDATION 24. The Commission and the Conservancy, in cooperation with local governments, should develop a statewide coastal access signing program that provides such information as directional signing to the coast, identification of public facilities such as parking lots and restrooms, as well as information about the physical characteristics of the shoreline.**

In the *Live Oak Strategy, An Analysis of Coastal Access Issues and Options for the Live Oak Beach Area* (1997), the Commission staff found that this two mile long coastal area was heavily used by the public but that there was a tremendous lack of informational signage to direct the beach visitors to parking areas, restrooms, beach accessways, etc. The result is that coastal visitors drive around the residential neighborhood, attempting to locate the amenities they are seeking. Both visitors and residents get annoyed by this traffic congestion. Solutions to this problem identified in the report include an overall signing program, located both at main intersections and closer to the coast, that give the visitor enough information to find what they want with a minimum of hassle. As many coastal communities suffer from the same problems as Live Oak, the solutions suggested in the study can be applied in those areas as well.

**RECOMMENDATION 25. The Commission should support the Conservancy's production of comprehensive guides to facilities designed for people with disabilities along the California coast.**

According to the California Department of Rehabilitation, more than two million people in California are disabled. ADA, the American's With Disabilities Act, was enacted in 1990 to ensure that an individual with a disability be granted the same rights as a person without a disability including the right to physical environments. As the ADA requirements are being implemented, more and more disabled facilities are being constructed. Some of the disabled needs are being met in many State Park facilities, as well as in numerous city and county public facilities.

However, there is no comprehensive listing of all those facilities for the entire California coast. Thus the people who need these specially built facilities do not know where they can find them. Although the Commission's *California Coastal Access Guide*, 1997, includes information on access for the disabled, there is a need for more specific accessibility information. The State Coastal Conservancy's *A Wheelchair Rider's Guide: San Francisco Bay and Nearby Shorelines* (1990), provides such information but only for one region. It also needs to be updated and few copies remain. Another publication, *California Parks Access: A Complete Guide to the State and National Parks for Visitors with Limited Mobility*, is also out of print. Thus, there remains a lack of a comprehensive guide for the entire California coastline that specifically addresses the needs of disabled people. Both a



statewide guide, and regional guides, are needed to give users detailed information as to the specific facilities available at every coastal access site. The Conservancy has also identified this as a need and recently authorized funds to produce a new guide for Los Angeles and Orange Counties. The estimated cost of production is \$75,000. Assuming this guide is successful, the Commission should support/coordinate with the Conservancy to complete additional coastal guides and to place them on the web as well.

## C. CUMULATIVE IMPACTS

Over the years the Commission has documented a growing number of encroachments on public access to and along the coast. These include private encroachments into public lands; nonpermitted structures; misleading and nonpermitted signs and red curbing; temporary events; beach curfews; competition between beach users; and conflicts over railroad crossings. Taken separately, many of these encroachments may seem minor,

Cumulative impacts are defined as the combined effects of a series of development activities or natural effects. Although an individual project may not greatly affect the natural or human environment, the cumulative impacts created by many different projects over time may significantly alter these environments.

but cumulatively their impact is significant. One nonpermitted “no parking sign”, for example may have little effect on the public’s access to a street-end stairway that leads to the shore; but if an entire coastal neighborhood is posted, beach visitors may have considerable difficulty finding parking space for their cars.

### *Recommendations to Address Cumulative Impacts*

#### 1. Encroachments

**RECOMMENDATION 26.** The Commission, in consultation with local governments, the State Lands Commission, and other affected agencies, should identify and cause the removal of all illegal impediments to coastal public access, including physical encroachments such as fences and signs.

Encroachments into public areas are occurring at a variety of locations along the coast. Encroachments are private developments that are located on public land or within public rights-of-way. These encroachments interfere with the public’s ability to use public land.



Three general areas where encroachments occur are: street rights-of-way, OTD easement areas, and the beach itself.

**Public Right-of-Ways.** Many public streets are not paved or developed to the full extent of the public right-of-way. For example, the Live Oak area of Santa Cruz County has 15 vertical streets that are the primary location for visitor parking to access a two-mile long stretch of coast. The average street right-of-way is 49 ft. wide but the average paved width of the road is only 34 ft. In many cases this 15 ft. width of unpaved public right-of-way has been encroached upon by the homeowners with such developments as gardens, decks, patios, large boulders, private driveways, etc. Often they are also posted “no parking”. If these non-permitted encroachments were removed, significant new parking opportunities would be available.

In developed rights-of way, another activity that some landowners illegally perform is the painting of curbs red. The intent is to prevent any type of public parking, misleading the visitor into believing that a curb painted red means it is illegal to park there at all. Such activity, when done cumulatively, significantly impacts a visitor’s ability to park on public streets and then access coastal areas.

**OTD areas.** As discussed in the OTD section, many OTD easement areas have been encroached upon by landscaping and fencing. In order to protect the OTD and to facilitate acceptance and opening of the OTD, all non-permitted encroachments must be identified and removed.

**Beach Areas.** It is all too common, especially in southern California, for the beach user to be confronted with “no trespassing” or “private beach” signs. Installed by beachfront homeowners to maintain privacy, these signs lead to conflicts between visitors and residents. While some of these signs legitimately indicate the line between public and private property, by far the majority are at best misleading, or simply non-permitted.

In consultation with the State Lands Commission, the Commission should inventory these signs, determine which are non-permitted or misleading, and either remove or require revised wording. In addition some property owners have even constructed fences (pre-Coastal Act) which extend into the water that block access along state tidelands. A systematic survey of all beach-front structures should be conducted to identify any non-permitted encroachments. Identified structures should be prioritized and then removed in a timely manner.



## 2. Temporary Events

**RECOMMENDATION 27. The Commission should ensure that LCPs incorporate the Commission adopted (5/12/93) Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements in order to protect public access and recreational values and resources.**

Over the past several years, temporary events on California's beaches and adjacent areas have become a subject of substantial concern. The concerns relate to the nature and



Fence between Malibu Colony and Zuma County Beach

frequency of such events, and their impact on the general public's ability to get to and utilize coastal recreational lands during such events. Temporary events, such as volleyball tournaments, visual arts and music festivals, surfing contests, boat and auto races, farmers markets, etc., have a long-standing tradition and history in California's coastal communities. As the State's population grows and competition for limited coastal space intensifies and fiscally strapped local governments search for supplemental sources of revenue, conflicts among different coastal users and uses become more significant. Exacerbating the problem



is the fact that many event sponsors, whether for profit or charitable purposes, seek to charge entrance fees that, by their nature, result in the exclusion from the event site of non-paying members of the public. A recent proposal for 100% paid seating, on the beach, in the summer, for a volleyball tournament was denied by the Commission due to public access impacts.

While some temporary events raise substantial concerns about adverse impacts on coastal access, the majority of these events do not raise these concerns. In order to streamline the permit process for the vast majority of temporary events that do not raise access concerns, the Commission sought and received legislative approval to exclude such events from coastal permit requirements. Guidelines were adopted by the Commission in 1993 to identify those types of temporary events which have the potential for significant adverse effect on public access. Those temporary events requiring a coastal permit include those events which are held between Memorial Day weekend and Labor Day, occupy all or part of a sandy beach area, and charge a fee for admission (where no fee is currently charged). The Guidelines describe other categories of events which may or may not require a permit at the discretion of the Executive Director.

The Commission held a public workshop in 1997 to determine whether the guidelines were adequate, and if not, whether they should be changed. Subsequent to the hearing, Commission staff determined not to amend the guidelines. However, testimony at the hearing did suggest that the guidelines fail to address the cumulative impacts these kinds of events are having on public access to and recreational use of the shoreline. Concerns were raised about the number and size of events, impacts on public parking, noise, advertising, etc. The Commission heard from citizens that these concerns are not being adequately addressed at the local level and that there may be inadequate opportunities for the public to raise these concerns through a public hearing process.

The Coastal Act gives both the Commission and local governments the responsibility to implement coastal protection policies through the planning and regulatory processes established by the Act. The Commission believes that most of the concerns raised in connection with the impacts of temporary events can best be addressed at the local government level. Obviously in doing so, Coastal Act policies designed to protect coastal access need to be addressed. The Commission-adopted guidelines relative to temporary events only apply to areas where the Commission retains permit authority, including public trust lands and areas for which there is no certified LCP.

The Commission directed staff to contact its local government partners to request that they review local regulations affecting temporary events. The intent is to ensure that every LCP contains implementable land use policies that specifically address this issue. These policies



should, for example, deal with potential impacts on parking and traffic affecting public beach access, the recreational and free use of public beaches, and the cumulative affects of multiple events, especially during the high-use summer season. Coastal development permits should be required for those temporary events having the potential of significant adverse effects on coastal access.

### **3. Beach Curfews**

**RECOMMENDATION 28. The Commission should ensure that all LCPs address the need to balance public safety concerns with public rights of access to beaches and the ocean by incorporating the Commission adopted (7/12/94) Guidance on Beach Curfews.**

Both the Coastal Act and the California Constitution guarantee the rights of all citizens to access and use State tidelands. The Coastal Act requires the public access to the coast be maximized. Because of this mandate, the Commission has carefully monitored the imposition of local ordinances imposing beach curfews. The intent of these laws is to restrict use of the public beach by hour and/or location.

In the last several years, more local governments have proposed curfews for both beach areas and nearby parking lots. These curfews are generally in response to citizen complaints regarding criminal activities. While the Commission is certainly concerned about personal safety, they also need to protect the citizens at large and their rights to access the beach.

Accordingly, in order to balance personal safety with Constitutional rights, the Commission adopted a Beach Curfew Guidance document in June 1994. This Guidance document details the steps that the local government must take in order to meet the Commission's standards. First, there must be an identified and documented public safety hazard. Then, all alternatives to deal with the hazard must be identified and analyzed. Examples include the use of additional police officers, increased lighting, etc., instead of closing the area off to the public. Once it has been determined that there are no alternatives to resolve the criminal problem, then the area to be closed must be as small as possible. The curfew must be limited in duration, for one summer or one year. This temporary curfew often alters pattern enough to disperse the criminal activity.

The Commission considered a proposal by the City of Long Beach to impose a City wide beach curfew. The Commission determined that the facts before it indicated that the area of criminal activity was centered in one short location around the fire rings. In that case, the Commission limited the geographic area of the curfew to just the fire rings.



In regards to parking lot curfews, the Commission applies the same standards. An additional concern with parking lots, was to ensure that there was still sufficient parking in the area to supply the needs of nighttime beach users. Generally this means sufficient on street parking. The overriding concern is to ensure that parking lot curfews do not result in a “residents only” beach area during curfew hours. Local residents can walk to and use the beach but visitors still need to park their cars. The beach and parking lot curfews must treat all (law abiding) citizens the same.

#### 4. Managing competition among users

**RECOMMENDATION 29. The Commission should encourage local governments to include beach management plans in their LCPs when they are updated. Such plans should include elements dealing with such matters as encroachments, signs, temporary events, and beach curfews.**

Increasing use of shoreline areas can frequently lead to conflicts among users, particularly when an increase in use is combined with an increase in types of activities. New technologies often lead to new types of recreational activities, such as jet skiing or mountain-bike use on beaches. These emerging technologies, and future ones, often lead to conflicts with users of more “traditional” activities. For example, conflicts may occur when personal watercraft and swimmers share the same area. The extent and type of conflicts are highly dependent on the characteristics of a site and the density of users. Managing sites for conflicts becomes more important as use and types of activities increase.

While a certain amount of competing use is probably inevitable at most sites, conflicts can lead to public safety concerns and a loss of recreation quality and access opportunities. In these cases, conflicts need to be addressed. Established management techniques can be central to balancing public safety concerns and ensuring maximum access by minimizing conflicts among users. The primary goal for public beaches is to ensure all forms of appropriate activities within the constraints of the site. The desire for a specialized activity should not preclude general recreational use of the site. Managers must strike a balance between those specialized activities suitable to the site and more general recreation use.

To ensure that all their uses are properly managed, a beach management plan should be developed for major recreational sites where competition for use is an issue. For example, the City of Santa Cruz has developed a beach management plan for the City’s main beach area. This mile long stretch of sand is heavily used. Beach uses include passive recreation such as picnicking and walking and more active programs such as junior lifeguards. Active water uses include kayaking, surfing, swimming and fishing (both from shore and from boats). Paid professional sporting events are held on the beach as well. Commercial facilities





include the popular Santa Cruz Beach Boardwalk casino and rides (which draws 3,000,000 visitors per year), and the Santa Cruz Wharf, which has dozens of restaurants and shops and hundreds of parking spaces. In addition, the San Lorenzo River flows into Monterey Bay at this beach area. A beach berm naturally builds in the summer, creating a lagoon behind it. Because the water is warm and free of waves, it is a popular children's play area. However, due to both high levels of pollution in the water and upstream flooding, the City has often breached the bar so the water can drain into the bay. Thus, the issue of resource protection, for the wildlife that depends upon the river, as well as human health protection from polluted water, is also raised.

Because all of these activities are in such a concentrated area and because of the need to manage all these uses to maximize public use, minimize conflicts, and to protect natural resources, a beach management plan is an appropriate tool to accomplish this goal. It is important to remember that any action taken in a management plan must consider the effect of that plan regionally: for example, if one location restricts a certain activity, other beaches may become more crowded as users go to other sites, or sites for that activity may no longer be available. If sites are suitable for specialized activities, such as hang-gliding or horseback riding, those uses must be managed so as not to significantly impact other recreational uses. Priorities on use should be based on an assessment of types of uses, which uses are compatible with site constraints, and the extent of competing uses. Setting regional priorities and locations for different uses can help assure a diversity of opportunities in a region, while minimizing spillover and other unintended effects from management actions at a single beach. For example, if three beaches in an area are managed by different entities, and all prohibit a specific activity, the region-wide demand for that activity may not be met; a regional review of the problem can help to assess whether the activity can be accommodated at least at one of the beach areas.

## 5. Railroad Crossings

**RECOMMENDATION 30. The Commission should continue to work with local governments, entities that own and/or operate transit or transportation facilities, the railroad companies, and state/federal agencies to resolve conflicts arising from concerns about public safety and the public's need to cross railroad tracks and rights-of-way to access the coast in various locations.**

There has been a long standing conflict between the coastal transit/railroad lines which generally run the length of the coast, and the public practice of informally crossing over the tracks/lines to reach the coast. For decades people have crossed, at their own risk, and some injuries have occurred. Because of increased use, safety, and liability concerns, the issue of the public's right to cross continues to be raised. In areas such as Santa Barbara and more



recently in San Clemente where the majority of the beach goers must cross the tracks, this problem is a major issue.

Over time the Commission has reviewed several projects/plans dealing with this issue. In Surf, just north of Vandenberg, the issue was resolved when the County of Santa Barbara successfully pursued an at-grade crossing. A similar solution occurred during the planning for the Carpinteria Bluffs. However, not every informal pedestrian crossing warrants the expense of a formal crossing structure, nor would the railroad want such a solution. (If a crossing was located at every pedestrian pathway, the train would spend more time slowing down and stopping than moving passengers and freight.)

The Commission recognizes that this is an ongoing issue that is very difficult to resolve. The needs of the railroad are vastly different than the needs of the beach goers. At this time, staff can only offer general solutions, such as pursuing both below and above grade alternatives. Therefore, staff should continue to work on resolving these issues as opportunities arise.

## **D. TRANSPORTATION**

It is a well-known fact that most Californian's almost exclusively use private automobiles for transportation, whether to go to work or the beach. Pacific Coast Highway/Highway One itself is a major recreational asset offering scenic views of the coast. Because of this pattern of transportation, two of the biggest impediments to public access, especially in southern California, are the roadway congestion in coastal areas and the lack of parking once you have arrived at the coast. Given the fragile and limited nature of coastal resources, continuing to build ever-wider roads and pave even larger parking lots is not the most prudent course of action. The Coastal Act even requires that PCH/Highway One remain a two lane scenic road in rural areas. Creative approaches to addressing these transportation problems need to be identified. Impacts resulting from traffic congestion, inadequate parking, exclusionary parking and the adverse effects of parking fees are discussed below.

### ***Recommendations to Address Transportation Issues***

#### **1. Traffic Congestion**

**RECOMMENDATION 31.** The Commission should continue to encourage the development and use of alternative transportation modes to get to and from



**coastal recreation sites, including summer beach shuttle programs, bicycle paths, light-rail public transit, etc.**

Many coastal communities experience extreme traffic congestion, particularly in the summer. There has been, and will continue to be, a conflict between the residents and visitors vying for the same limited parking spaces and roadway systems. This tension has been recognized by the Commission and addressed when opportunities are available. One solution that both local governments and the Commission have employed from time to time is the use of beach shuttles. Generally free/reduced cost parking is provided at a remote location and then a free shuttle takes passengers to the beach. These shuttle programs have had various success rates. The main criticism identified with use of shuttles is the fact that the buses are subject to the same traffic congestion that the private automobile drivers are subject to. There appears to be little incentive for people to shift to public transit, when it does not save any time getting to or along the beach. One solution that the City of Santa Cruz utilizes with the operation of their free beach shuttle, is the exclusive use of one lane for the beach shuttle bus. This lane was created by eliminating a row of shoulder parking. The result was that people using the shuttle got free remote parking and quick shuttle service to the beach. Unfortunately, the ridership is not high. Improvements which could result in a more successful program include increased education about the program through flyers distributed at beach parking lots, radio announcements and advertising at major supermarkets.

**2. Inadequate Parking**

Demand for parking at beaches and other coastal areas far exceeds supply, especially in the central and southern parts of the coast. The older beach towns, in particular, were not designed for the high amount of beach parking that is needed to accommodate the current demand generated by both tourists and residents. Pre-existing development generally does not provide sufficient parking. Also, while new development proposals often provide parking, for various reasons this parking does not adequately address the increased need. Thus the parking problems are simply exasperated. Various solutions to resolve the demand problem exist and have been used at various locations. They include: construction of new parking structures, use of valet parking to increase the number of cars using one lot, shuttle programs, etc. Three alternatives that need further discussion by the Commission are: expansion of joint use parking, eliminating exclusionary parking programs, and reducing impacts from parking fees.

**a. Joint Use Parking**

**RECOMMENDATION 32. The Commission and the Conservancy, while generally discouraging the use of private automobiles, should identify areas where public beach**



**parking is insufficient and where private commercial lots are potentially available for use by beach visitors. Opportunities to create a regional parking management program which maximizes protection of coastal resources by using existing parking facilities to the maximum extent should be explored.**

As appropriate, the Commission has required joint use parking programs. This type of program requires that developers allow their commercial parking lots, which are being used only on weekdays, be open for weekend beach parking use. While the Commission has found this to be a useful technique, it is limited to the few developments that provide the unique set of circumstances which allow for a joint use parking program. Clearly there are hundreds of existing commercial parking lots that could qualify for joint use if a regional program could be created. An additional benefit of such a program would be that there would not be an increase in paved surfaces, thus the adverse impact created from runoff affecting water quality would be avoided.

For example, the Conservancy could help develop such a program in individual communities lacking sufficient weekend beach parking. A community parking management program could be developed and administered by a local agency. The commercial lot owners who participate in the program would receive revenue for the use of their lot. The public would be able to use those spaces for beach parking, thus congestion would be reduced in the area. Another benefit of utilizing joint parking would be eliminating the need for construction of new parking lots/structures.

**RECOMMENDATION 33. The Commission should require that all new development directly provide adequate parking.**

To supply the necessary parking spaces generated by new development proposals, the Commission generally requires on- site parking spaces or participation in an in lieu fee program. Construction of on- site spaces is provided at the time the building is occupied and is therefore the preferred alternative. Use of in lieu fees can often result in a delay of parking space construction, sometimes for several years, creating a parking deficit that can severely impact beach visitors. Therefore, the Commission should consider only approving new development projects that can clearly demonstrate that they are supplying the necessary parking spaces at the time of building occupancy.



**b. Exclusionary parking**

**RECOMMENDATION 34. The Commission staff should develop, for Commission review and adoption, a guidance document for dealing with preferential parking programs affecting public access for use by local government and neighborhood groups.**

Most beach parking lots, particularly in the central and southern part of the state, charge a fee for parking. These fees generally cost \$6, but do range from \$1 to \$15. Many people, when confronted with a fee lot, will choose to drive around to locate a free space nearby. Often this means driving in and around residential neighborhoods. The result is that the nearby neighborhood streets become congested with beach parking and then residents complain. A common response by local government officials is to propose a preferential parking program that favors parking by local residents. Such a program requires a coastal development

Preferential parking is a local government program that gives local residents priority use of on-street parking spaces. Visitors are either barred from using the spaces, or they are required to obtain a one day permit for a fee. Residents are issued special passes, generally for little or no cost. The intent of these programs is to favor local use of the street parking, and to discourage visitor use of these areas.

permit and the Commission has reviewed many such proposals over the years. Because the Coastal Act prioritizes public access over private residential use and because the streets are public, the Commission has commonly denied or modified these programs to protect general public access to the coast.

Because of the continuing pressure for preferential parking and the Coastal Act directive to protect public access, the Commission should continue to carefully review any preferential parking proposal. To assist both local government and Commission staff in determining acceptable criteria for such a program, guidance should be developed and incorporated in the LCPs.

**c. The Impact of Parking Fees**

**RECOMMENDATION 35. The Commission should support adequate general fund and other sources of public funding for the State Department of Parks and Recreation that will result in the reduction of day use parking fees.**

Most operators of beach parking lots charge a day use fee, particularly in central and southern California. Because of the large extent of their responsibility, the Department of



Parks and Recreation is the primary state agency responsible for providing and operating public beach facilities, including day use parking lots, for about 260 miles of the coast. In 1990, the Commission reviewed a request by the Department to expand fee collection sites. This request was a direct result of the Budget Act of 1990 which directed State Parks to increase revenues through fee collection. At that time, the Department estimated that only about 16% of their units were collecting day use fees; this 16% represents about 10 million day use visitors. Since 1990, the Department has added areas where fees are collected in an attempt to decrease the budget shortfalls. The Director of the Department sets these fees. The day use parking fees range from \$1 to \$6, depending upon the level of service provided. Many of the most heavily used parks in southern and central California charge \$6. The Department does have an alternate fee schedule to assist lower income, disabled and elderly people. These people can qualify for *annual* permits that range in price from \$3.50 to \$20. Additionally, the Department has annual passes available for a reduced cost for frequent beach users.

Because people tend to avoid fee lots if possible, they will search for any nearby free parking areas. Often this means that on- street parking (often in residential areas) is filled to capacity with cars that are serving beach goers. The result is that that the public lots, constructed with public money to service the needs of visitors (including restroom facilities, trash receptacles, showers, etc.) are can often be left virtually empty. Due to the added congestion from these visitors into residential neighborhoods, conflicts occur between the two groups. One resolution of this problem is to encourage the visitors to use the visitor lots.

The Department periodically prepares an evaluation of the state's outdoor recreation issues. The 1993 edition of the California Outdoor Recreation Plan is a plan for statewide outdoor recreation leadership and action for the next five years. The objective of the plan is to determine the outdoor recreation issues most critical in California and to explore the most appropriate actions by which public agencies might best address them. The Plan identifies the seven most critical issues facing parks and recreation agencies; one of those critical issues is limited funding. The Plan goes on to identify a variety of funding sources as well as funding substitutions. These include: government programs such as the federal Land and Water Conservation Fund, State and local bond acts, general fund appropriations, special districts, volunteers, fees, donations, land trusts and mitigation land banking.

If permanent additional funding is secured for the Department, a portion of those funds could offset current day use fees. A reduction in those fees should encourage the general public to use the day use lots and thus reduce the pressure on adjacent neighborhood streets.



It should be noted that hundreds of parking lots are owned and operated by other entities — primarily city and county governments. If the Commission is successful in reducing Department of Parks and Recreation fees (which are usually similar to adjacent non-DPR lots), then those adjacent lots will be affected. If and when this does occur, the Commission should work with these local entities to identify any problems and necessary solutions.

## E. WATER QUALITY AND BEACH CLOSURES

A day at the beach often includes contact with the water — either swimming, surfing or just walking barefoot along the wet sand. There is an increasing awareness by the general public of our state’s declining water quality. In the past, the high pollution levels were associated with specific events, such as sewage spills or treatment plant outfall pipes. In recent years, there has been a growing awareness that poor water quality is attributable to stormwater and non-point source pollution. This polluted runoff is the accumulation of street debris, oil leaking from cars, rubber by-products from thousands of cars using the roadways, dead animals, feces, fertilizers used for lawns, and other polluting items. Particularly during the first season rains, these chemicals and debris are washed into storm drains, creeks, and rivers, and then eventually find their way into our coastal waters. This polluted water threatens the health and safety of the people using and marine organisms living in our coastal waters. The contaminated waters can also carry micro-organisms that cause a wide range of diseases, including diarrhea, hepatitis, respiratory illness, and ear, nose, and throat problems. Other diseases that can be contracted by swimmers include salmonellosis, shigellosis, and infection caused by *E. coli*. In addition, microbial pathogens found in the waters can include giardiasis, amoebid dysentery, skin rashes and pink eye. For children, the elderly, and people with weakened immune systems, the consequences of the swimming-related illnesses can be even more severe. Clearly, as water pollution levels rise, the quality of the beach experience degrades.

### *Sources of Beach-water Pollution*

Most beach closings and advisories are based upon monitoring that detects elevated levels of bacteria. These bacteria indicate the presence of disease-causing organisms from human and animal wastes. These wastes typically enter coastal waters from: sewer overflows; sewage spills; overflows from sewage-treatment plants and sanitary sewers; stormwater runoff from urban, suburban, and rural areas; leaking septic systems; improperly disposed boating wastes; oil spills; and from wildlife fecal matter. According to the Natural Resources Defense Council (NRDC), approximately 69% of the beach closings and advisories nationwide in 1997 were due to high levels of bacteria. An estimated 13% of beach closings were in response to a known pollution event, and 18% were precautionary due to rain known to carry pollution into coastal waters.



### ***Water Quality Monitoring***

The Natural Resources Defense Council (NRDC) has been monitoring coastal water quality for the last eight years. They have undertaken a nationwide survey of beach closings and beach water monitoring programs. The NRDC concluded in 1998 that water pollution continues to degrade the quality and health of many parts of our nation's oceans. In addition, there remain significant stretches of coastline that are not monitored for swimmer safety.

As for California, the NRDC report states that California has some of the most popular beaches in the country. Up until last year, there was no a mandatory statewide testing program. Monitoring and closures were left up to local agencies and consequently standards and monitoring procedures varied widely throughout the state. In 1997, nine of the 15 coastal counties regularly monitored the beaches water for swimmer safety. Counties which did not monitor were: Del Norte, Humboldt, Mendocino, Sonoma, Marin and Ventura. For those counties that did monitor, they all had high levels of contaminated waters directly after rainfall.

### ***Recommendations to Address Water Quality Impacts***

**RECOMMENDATION 36.** The Commission should, in order to improve the quality of the coastal visitor's recreational experience and to promote public health and biological productivity of coastal waters, with all deliberate speed implement the State's Coastal Nonpoint Source Pollution Control Program. This can be accomplished in large part by applying the management measures identified in the 1999 document *California's Management Measures for Polluted Runoff (CAMMPR)* on a case by case basis in the coastal zone.





**Figure 9: 1997 Water Quality Monitoring for Swimmer Safety from NRDC**

<b>County</b>	<b>Monitoring Program</b>	<b>Total Number Of Days Beach Areas Are Closed And/Or Advisories Issued</b>
Del Norte	No	N/A
Humboldt	No	N/A
Mendocino	No	N/A
Sonoma	No	N/A
Marin	No	N/A
San Francisco	Yes	49 Days
San Mateo	Yes	141 Days
Santa Cruz	No	37 Days
Monterey	Yes	2 Days
San Luis Obispo	Yes	3 DAYS
Santa Barbara	Yes	238 Days + 1 Permanent
Ventura	No	No official figures but Surfrider Foundation has documented high levels of bacteria at several locations.
Los Angeles	Yes	39 Days + 3 Days Countywide after each significant rainfall.
Orange	Yes	319 Days + 6 Permanent Closures
San Diego	Yes	183 Days + 30 Permanent Closures

**RECOMMENDATION 37.** The Commission should pursue compliance with the California Coastal Act, Porter-Cologne Water Quality Control Act, Clean Water Act, Coastal Zone Act Reauthorization Amendments of 1990, and other applicable State, federal and local water quality protection laws. This can be accomplished in part through education programs and by working with the Regional Water Quality Control Board to achieve applicable standards.

Dry weather flows also significantly pollute the beach waters. Bodies of water collect at the terminus of storm drains and pool on the beach. These stagnant pools are generally highly contaminated, as they do not mix with coastal waters and are thus not diluted and therefore



present a high human risk factor. These pools attract young children because they are generally warm and not subject to wave action. Adults are also impacted by these polluted ponds as the ponds sometimes occupy a large beach area and there may not be any choice but to walk through them to reach the ocean. One solution to deal this pond pollution is to treat this water. It can be re-routed to the treatment plant to avoid ponding altogether or it can be treated on-site. For example, San Diego County plans to divert dry weather flows from 30 of the most significant coastal storm drains to sewage treatment facilities. The City of Coronado has installed a UV system at one of their major stormwater outfalls. This system not only eliminated the polluted pond, but also allowed for the removal of the chain link fence that had previously been constructed on the beach to prevent the public from contacting the contaminated water.

### ***Legislative Action***

In recognition of problems, in 1998 the California Legislature passed AB 411, “The Right to Know” Act which requires the State Department of Health Services to develop statewide beach water quality criteria and monitoring regulations. The statute went into effect in January 1999 and requires weekly monitoring from April to October at all beaches with more than 50,000 annual visitors or at beaches located in an area adjacent to a storm drain that flows during the summer. Beaches that fail to meet the state’s criteria will be posted with conspicuous warning signs to notify the public of health risks associated with swimming in these areas. The law also requires the establishment of a 24-hour hotline to let beach-goers know, on a daily basis, which beaches are polluted.

Another bill, AB 1186, was recently approved which gives the State Water Resources Control Board new resources to enforce compliance with the State’s General Industrial Stormwater Permit. AB1196 requires Regional Boards to spend 50% or more of fees collected from stormwater discharges on associated stormwater inspection and regulatory compliance issues. NRDC studies have shown massive non-compliance with this Statewide Stormwater permit in the past. For example, NRDC estimates that as many as 10,000 businesses in the Los Angeles areas have not even filed required preliminary notices of intent to comply with the General Industrial Permit.

While these two bills will improve the water quality situation, there will still be some unacceptable levels of pollution. Focusing on education about the status of pollution levels is important but still does not reduce the pollution to an acceptable level. Education does not solve the problem, it is only a part of the solution. Real reduction in pollution levels is needed.



# Chapter IV.

## Implementing State Access Policies at the Local Level: Local Coastal Programs

### A. INTRODUCTION

To facilitate the implementation of the Coastal Act's fundamental goals of protecting and maximizing public shoreline access, the law also requires that all Local Coastal Programs include a specific public Access Component (Section 30500). This component is intended to apply Coastal Act policies at the local level by describing public access goals, standards, programs, and other management objectives for each local government's jurisdiction. The Commission's regulations, at Section 13512, also require that the LCP Access Component detail the kinds and intensity of allowed uses, the means by which public service capacities (roads, water, sewer) will be reserved for recreational purposes, and specific geographic areas proposed for direct physical access to the shoreline. An implementation schedule for the entire component is also required. In addition, the regulations require local governments to incorporate procedures for submitting all legal documentation for public access and open space easements acquired through the coastal permit process to the Commission for review and approval (Section 13574).

Over the years, the Commission has provided general guidance on the necessary contents of the public Access Component to jurisdictions as they completed or updated their LCPs. In addition, in 1989 Commission staff prepared a sample ordinance to help guide local governments in the development of their Access Components. This general direction is summarized in Table 1.



**Figure 10. Previous Commission Guidelines for Public Access Components**

Land Use Plan Policies	Implementation Plan Regulations and Standards
<ul style="list-style-type: none"> <li>• Provide programs for the acquisition, maintenance and management of public shoreline access areas and accessways, including innovative partnerships with private and non-profit groups</li> <li>• Prevent encroachment by development into inappropriate shoreline areas (such policies should be compatible with other policies dealing with shoreline facilities, natural resources, new development, and recreational facilities)</li> <li>• Designate existing and proposed shoreline access features (including vertical and lateral beach/blufftop trails, parking areas, vista points, etc.) and identify by type and ownership</li> <li>• Protect areas where public prescriptive rights may exist</li> <li>• Develop alternative systems for access to shoreline areas (e.g. transit, trails, park-n-ride, bicycle routes)</li> </ul>	<ul style="list-style-type: none"> <li>• Designate public use areas in appropriate use districts and ordinances (e.g. recreation and access areas in PUD ordinance or access areas in commercial waterfront recreation district)</li> <li>• Apply special setback requirements in areas fronting on public access areas and accessways to minimize conflicts between uses and to allow for flexible site design to maximize access opportunities</li> <li>• Provide for the dedication of public access areas and accessways</li> <li>• Prevent beachfront encroachment, particularly onto public trust lands</li> <li>• Set requirements for findings which must be adopted to support either an action to require public access or to apply exemptions as allowed under the Coastal Act</li> <li>• Establish mechanisms to incorporate accessways required through the coastal permit process into the LCP and to ensure that they are developed/opened with appropriate improvements</li> </ul>

**B. ASSESSMENT OF LCP STRUCTURE, CONTENT, AND OPERATIONAL EFFECTIVENESS**

Over the past year, the Commission undertook its first focused review of the majority of the State’s certified LCP Access Components. The purpose was to evaluate the general strengths and weaknesses of the land use plan policies and the implementing ordinances. Not only were the LCPs evaluated for their conformance with the Coastal Act policies and regulatory requirements noted in the table above, but also for their operational effectiveness in terms of their overall content, structure and on-the-ground results, content, structure and on-the-ground results. While these Access Components were found to be consistent with the policies of the Coastal Act at the time of certification, the Commission’s review of appeals and LCP amendments and monitoring of



locally issued permits has provided evidence of problems with these previously certified Access Components. The discussion of problems in this section reflects these lessons learned to date from Access policy implementation.

This review revealed that there is wide range in how individual local jurisdictions treat coastal public access issues. Although approaches to access differ, there are several common problems evident throughout the State. In addition, many of the emerging issues discussed earlier in this Plan are noticeably absent from existing LCPs. A general discussion of these shortcomings follows, outlining the problems and issues that ought to be addressed in all Access Components.

### ***Recommendations to Improve the Design and Implementation of LCP Access Provisions***

**RECOMMENDATION 38.** The Commission should pursue all means available to conduct Periodic Reviews and prompt updates of LCPs, particularly their Access Components. As part of this effort, Commission staff should develop a model Access Component, complete with a newly revised sample ordinance. Separate improvements to Access Components also should be incorporated into the on-going processing of relevant LCP amendment requests.

#### **1. Outdated and Incomplete LCP Access Components**

Hampered by inadequate staffing and confronted with the workload of processing a large number of LCP amendment requests each year, the Commission has not been able to carry out its mandate to conduct Periodic Reviews of the performance of LCPs, many of which are now decades old. Moreover, local governments seldom have attempted, for various reasons, to update or overhaul their access policies and programs. This generally has resulted in outdated Access Components that do not reflect the current status of, and needs for, public access within local jurisdictions. Without current, robust plans in place, it is unlikely that many local governments are positioned to maximize opportunities for protecting and providing access. Moreover, the absence of the Commission's Periodic Review of LCPs has also hampered the transfer and cross-fertilization of elements of local programs that are proving to be successful tools for promoting public access.

In addition, a glaring, basic problem, is that there is no one comprehensive, stand-alone access element in some LCPs, but instead various policies are spread throughout them. This usually results in a failure to adequately focus on access issues during both planning and regulatory reviews. It also results in the inability to operate an effective, local access program that integrates land use plan (LUP) access policies with direct implementation mechanisms.

A related problem is that many of the LUP shoreline access maps and accessway inventories have not been updated since the certification of the original LUP and thus do not accurately reflect



current conditions. Access maps and inventories need to incorporate both physical and policy changes as well new developments in access demands or opportunities. The map and inventory updates also should identify locations for both existing and proposed accessways, including locations of recorded OTDs. Ideally, all known areas of public trust lands, whether or not the State has delegated authority over those lands to local governments, should also be delineated.

## **2. Inadequate reflection of Coastal Act policies**

One of the most fundamental weaknesses of LCP Access Components throughout the state is the lack of clear policy support and implementing ordinance language necessary to address the full range of public access requirements of the Coastal Act. While many reflect Coastal Act language and articulate admirable goals for providing public access, they lack the LUP policies necessary to carry out the state mandate at the local level. In addition, the zoning ordinance language that is essential to implement LUP access policies is frequently missing. As an example, many LCPs discuss the goals of protecting the public's right of access and may even list locations of potential prescriptive rights trails, but lack any policy to actually ensure that they, and other such yet-to-be-discovered trails, will be so designated and protected.

At a minimum, every public Access Component should contain the policies and accompanying zoning ordinances necessary to implement Coastal Act sections 30210 through 30214. In addition, the component should echo Coastal Act Section 30009 and confirm that the LCP access policies shall be given the most liberal construction possible so that public access to the shoreline is protected and provided consistent with the Coastal Act and California Constitution.

## **3. Few directives to provide explicit findings in the LCP development review process and to mitigate all access impacts through various means**

Very few jurisdictions have adequate policies and implementing ordinances requiring written findings of fact, analysis and conclusions addressing public access in support of their action on coastal development permits. In addition, some LCPs do not specify that permitted projects must be sited and designed to either avoid or mitigate all adverse individual and cumulative effects on the ability of the public to reach and use public tidelands and coastal resources. Further, most Access Components do not contain policies establishing various alternative mitigation strategies such as in-lieu fees or other accessway development programs. The establishment of such programs greatly expands the toolbox of options available to best tailor mitigation requirements to individual proposals.

## **4. Failure to address all types of access**



LCPs throughout the state fail to adequately address all potential types of public access (lateral, vertical, bluff top, trail, and recreational) in both their planning and regulatory components. While lateral and vertical access is frequently included in LUP policies, consideration for bluff top, trail, and general recreational access is typically omitted. Additional policies addressing each access type should be incorporated into all access planning elements and implementing ordinances. Further, potential opportunities for all access types should be shown on the LUP access map and described in the access inventory, along with identification of the California Coastal Trail (which also encompasses various types of access).

**Blufftop access** provides public access and coastal viewing along a coastal blufftop area.

**Vertical access** provides a public access connection between the first public road, trail, or public use area nearest the sea and the publicly owned tidelands or established lateral access.

**Trail access** provides public access along a coastal recreation path, including to and along lakes, rivers, streams, freshwater marshes, significant habitat and open space areas or similar resource areas, and which may also link inland recreational facilities to the shoreline.

**Recreational access** provides public access to coastal recreational resources through means other than those listed above, including but not limited to parking facilities, viewing platforms and blufftop parks.

Only a handful of LUPs and implementation plans identify criteria and/or standards for the siting, sizing, design, construction, and signing of all types of access. This is particularly true for the development of blufftop, trail and recreational accessways and facilities. For example, LUP policies should take into account the potential for bluff failures and provide a mechanism to adjust the trail inland (or other alternative measures) in the event of erosion advances. Such approaches are essential to ensure that access is permanently provided.

## 5. Specific delegation or integration of departmental responsibilities lacking

Many Access Components do not identify the local departments responsible for the implementation of access policies nor do they ensure that the necessary coordination occurs between departments. For example, some LCPs state that the local jurisdiction will accept OTDs, but no department is charged with doing so, nor with ensuring that the accessways are opened, managed, and maintained. Further, while many Access Components contain a policy directing the local jurisdiction to notify governmental agencies or nonprofit groups of available OTDs, they rarely identify a responsible department. Also, while policies often encourage coordination between local and state agencies on access activities, they typically neglect to identify a lead department for facilitating such necessary inter-departmental coordination.



Operationally, a significant shortcoming of most LCPs is that no mechanisms are put in place to ensure that all departmental activities comply with LCP policies and requirements. For example, some Public Works Departments have installed “no parking signs” or conducted maintenance activities that encroached upon access areas, without understanding how their actions impact access or conflict with LCP policies. In other cases, Community Development Departments have pursued projects that resulted in the loss or displacement of areas being used by the public to park and access the coast, again, in conflict with LCP policies.

## **6. Inadequate policy definition and treatment of permit exemptions or access restrictions**

Many Access Components lack clear policies and standards regarding potential exceptions to access requirements. Moreover, few delineate the issues that should be taken into account when managing or otherwise restricting access consistent with Coastal Act and LCP policies. The Coastal Act provides that new development will provide public access from the nearest public roadway to the shoreline and along the coast except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; where adequate access exists nearby; or, where agriculture would be adversely affected (Section 30212). Further the Act provides policy direction as to the facts and circumstances that should be taken into account when regulating the time, place, and manner of public access (Section 30214).

LCPs should reflect these Coastal Act policies and provide a framework for location-specific analysis. In part, this means they should establish more detailed standards and criteria for determining what constitutes: an inconsistency with public safety or military needs; “adequate” access; and, access threats to fragile resources or agriculture. For example, early Commission guidance suggested that locating vertical access at certain distances in rural and urban areas would provide adequate access. While this is one criterion that should be factored into determining whether or not adequate access exists nearby, experience has shown that a number of other criteria also should be considered. These include the existence of necessary support facilities such as parking lots, in connection with stairs or walkways, as well as the overall capacity of individual accessways to service increasing numbers of people, or different types of user groups including the disabled.

Also, several LCP Access Components contain policies prohibiting public access at sites with fragile resources without an established procedure to substantiate the need or to provide other means of protection. At a minimum, policies should require identification of the specific resources needing protection and require an alternatives analysis that identifies opportunities for public access consistent with resource protection, such as the use of defined trails or boardwalks, interpretive signing or docent programs, evening or seasonal closures, rotating the locations of access openings, etc.





Related to this, is the need for LCPs to explicitly require the development of access management plans for appropriate locations. Despite Coastal Act policies to that effect, such plans are not adequately addressed in most Access Components. Management plans are particularly important in areas with sensitive habitats, agricultural resources, public hazards, or where the accessway is adjacent to residential neighborhoods or military security areas. Each plan should address such issues as any controls on time and intensity of use, standards for privacy buffers, and requirements for maintenance including litter control consistent with Coastal Act policies.

### C. LCP'S AND PRIORITY ISSUE AREAS

Several references have been made to LCPs through out this report in conjunction with the number of access issue areas previously discussed. It is critical that comprehensive Access Components also address each of these topic areas as recommended. In addition, the Commission's development of a model Access Component should also provide valuable guidance to local governments who want to improve their overall treatment of public access. Below is a listing of other LCP-related recommendations in this report:

**Figure 11. LCP Recommendations for Priority Issue Areas**

Issue Area	Recommendation #
• Offers to Dedicate	10
• California Coastal Trail	15
• Prescriptive Rights	17
• Shoreline Armoring	20
• Cumulative Impact Management	27,28,29
• LCP Updates and Improvements	38



## D. EFFECTS OF RECENT TAKINGS CASES

**RECOMMENDATION 39.** The Commission should develop improved guidance on the findings that must be made to support public access requirements placed on development approvals. A first step should be the creation of more detailed methodologies for not only establishing the nature and extent of individual and cumulative impacts of development but also for linking those impacts to required mitigations. Such guidance should be distributed to local governments through Local Assistance Notes, workshops, or other outreach efforts.

Since the late 1980s a series of Supreme Court cases regarding various “takings” issues has influenced how state and local governments implement their land use regulatory programs, particularly with respect to how conditions of permit approvals may be required to mitigate the negative impacts of individual developments. Two cases have particularly affected public access requirements. The first was *Nollan v. California Coastal Commission* (1987) 107 S.Ct. 3141 which requires establishment of a nexus between the impact of a development on public access and a condition, such as an access dedication, to remedy the impact. A description of the legitimate governmental interest furthered by the access condition is also required. The second case was *Dolan v. City of Tigard* (1994) 114 S.Ct. 2309, which requires the governing entity to establish not only a reasonable relationship between the impact and the required mitigation condition, but also a showing that there is a rough proportionality between the impact and the condition.

These cases have affected the manner in which the public access requirements of the Coastal Act are implemented. The fear of potential takings lawsuits has, in the opinion of many observers, had a chilling affect on both state and local government’s willingness to pursue access-related conditions, even in the face of known impacts. Articulating clear guidance on how to best analyze and demonstrate the access impacts of proposed projects, design appropriate mitigation conditions, and develop the necessary findings would greatly strengthen governing authorities’ confidence and ability to ensure that the Coastal Act’s access provisions are carried out to the maximum extent possible.



# Chapter V.

## Inventory of Existing Access Conditions Along the California Coast

### A. INTRODUCTION

**A**s background research to this Action Plan, Commission and Conservancy staff completed a general review of the physical access conditions in the state, on a county-by-county basis. This is not an exhaustive list of all access needs in each county, rather it is intended to highlight the most significant impediments to public access in each area. The intent of identifying these issues is to help guide improvements that will be completed over the next several years. These conditions will be considered, as appropriate, by the Commission in permit and planning items, and also by the Conservancy in project selection as well. Additionally local governments and other state agencies, such as Department of Parks and Recreation, can benefit from identification of these issues and assist in making the necessary improvements.

### B. STATEWIDE OVERVIEW

California's coast is a magnificent place that is coveted by both locals and tourists alike. With diversity ranging from wild and rugged cliffs to broad sandy beaches, the coast has attractions for everyone. For characterization purposes, this diversity can be grouped into three general geographic areas: the north, central and south coasts.

The North Coast is characterized by a rugged shoreline, with wind swept beaches, dramatic headlands, wild rivers and towering redwoods. Public access in this part of the coast is provided primarily by the numerous federal, state, and county parks found there. While there are significant



trail systems in this region, such as the 125-mile continuous coastal trail of Del Norte and Humboldt counties, there are also large gaps in trail access such as that found in a 90-mile stretch in Mendocino County. Major access needs in the North Coast include closure of such coastal trail gaps and protection of public access rights acquired through historic use.

The Central Coast offers extremely varied landscapes from the urban centers of San Francisco, Monterey and San Luis Obispo, to the large undeveloped rangelands found in between. Public access within the urban areas is generally open and encouraged, while many miles of private and/or military property in rural and semi-rural lands often block access. In this region, conflicts between local residents and visitors to the coast are often expressed through exclusionary actions such as preferential parking programs or the non-permitted installation of “no parking” or “no beach access” signs. In addition, the installation of seawalls in response to wave erosion at sites throughout Santa Cruz, Monterey, and San Luis Obispo counties, has dramatically affected lateral beach access, limited the overall area available for general beach recreation, and reduced natural supplies of sand. Conflicts between public access and protection of natural sites such as tidepools or elephant seal haul out areas, are also increasing in the central coast.

The South Coast is by far the most populous and the most visited. The California beach scene is typified in Malibu and Venice and tourists flock to these areas to get a look. While sandy beaches prevail in many areas in the Southland, in other regions, such as in parts of San Diego, the beaches have eroded away almost entirely, often because of the negative effects of human-made structures and interruptions in natural sand supplies. In several locales, access to the beach is impossible; for example, in parts of Orange County, exclusive gated communities totally circumvent access to the beach. In areas such as Malibu, residents discourage and intimidate visitor use through a variety of methods including use of “no parking” and “private beach signs” and private security patrols. By contrast, however, there are miles of coastline which have been protected by public purchase and are open to the public in this region year round, serving millions of visitors each year. Still, this access is increasingly impaired due to traffic congestion and its attendant problems. For example, in many areas, while hundreds of parking areas have been constructed, the public’s demand frequently exceeds the supply. Moreover, the increasing population’s desire to use and enjoy the coast represents ever-increasing problems with overcrowding and tensions between conflicting uses.

## C. COUNTY BY COUNTY INVENTORY

### DEL NORTE COUNTY:

**Description of Area.** The landscape of Del Norte County embodies some of California’s tallest redwood trees, many of which are preserved in state and national parks. Large rivers



such as the Smith in the north and the Klamath in the south are popular visitor destinations, especially amongst anglers. Between these river systems lie several lagoons, created by the mouths of former rivers where sandbars formed. The largest of these is Lake Earl, covering approximately 4,800 acres. Lake Earl is considered by the U.S. Fish and Wildlife Service to be “one of the most unique and valuable wetland complexes in California,” as it supports numerous habitat types, is an important resting and wintering area of the Pacific Flyway, and supports over 14 federally threatened, endangered, or candidate species of plants and animals. Various access points around Lake Earl provide unique opportunities for viewing wildlife.

**Status of CCT.** Virtually all of Del Norte County’s entire fifty-mile long coastline is accessible to the public. The longest continuous California Coastal Trail segment continues unbroken from the Del Norte County line south into Humboldt County. Scenic roads parallel the coastline allowing for overlooks and beach access in many areas of the County. Improved signage particularly on the Department of Parks and Recreation and Department of Fish and Game lands around Lake Earl would be beneficial.

**Major Issues.** Additional accessways are needed to serve both the Smith River and Lake Earl areas. Historic public trails at Lake Earl also need to be protected. Various improvements are needed in the Crescent City area, including dune boardwalks, pedestrian and bicycle pathways. Additional accessways are also needed at the Klamath River. Pedestrian crossing of the River is problematic, as over crossing is either via Highway 101 (located well inland), or across the mouth for the few times during drought periods when the river is not flowing.

## HUMBOLDT COUNTY:

**Description of Area.** In the northern portion of Humboldt County, steep cliffs and bluffs, the forests of Redwood National Park and commercial timberland dominate the landscape. From south of Trinidad to the Eel River, the coastal area consists mainly of low-lying fertile river deltas and bays; the more populated areas around the Mad River, Humboldt Bay and the Eel River are centers of dairying, fishing and timber processing. South of these areas, steep ridges rise several thousand feet from the ocean, especially in the Kings Range National Conservation Area, which extends from the Mattole River south to the Mendocino County border. These rugged coastal mountains with few roads and numerous hiking trails are part of California’s famous “Lost Coast.”

**Status of CCT.** While the California Coastal Trail continues largely unbroken from the Del Norte County line to Arcata Marsh, there remain several gaps in Humboldt County. A final routing of the coastal trail around Widow White Creek in McKinleyville needs to be agreed



upon and developed. The Conservancy is providing technical assistance and funding to help bridge this gap. Another significant break exists around the Humboldt Bay front. Additionally a five-mile gap exists between False Cape to Cape Mendocino, and in Petrolia there is no access over the Mattole River mouth to the Lost Coast area. However, both these areas are extremely difficult to bridge.

**Major Issues.** From Patrick's Point to the City of Trinidad, prescriptive rights claims over informal trails leading from the nearest public road to the sea have never been resolved and very few opportunities exist for the public to access the shoreline without trespassing. A proposal to abandon vehicular use of Scenic Drive south of Trinidad due to continual erosion, may provide an opportunity to convert the road into a spectacular access trail.

At the North Spit of Humboldt Bay, several offers to dedicate vertical accessways to the ocean from New Navy Base Road need to be accepted and developed for public access use. The Conservancy has taken the lead role in trying to resolve the various issues at the South Spit of Humboldt Bay. The area was recently cleared of non-permitted camping uses and associated debris that had degraded habitat values and inhibited legitimate public access use for several years. However, the spit remains closed to the public except for those who obtain a special pass while local, state, and federal agencies negotiate an agreement to purchase private property on the Spit and develop a management plan that provides for the protection of habitat and day use public access. The Conservancy funded the Humboldt Beach and Dunes Management Plan, which addresses both access and habitat issues for both the North and South spits. The Conservancy is also working with the Humboldt Bay National Wildlife Refuge staff is currently developing a plan to address resource/access conflicts, and to promote public access in this area.

Resources have been impacted from off road vehicle use at the Kings Range National Conservation Area in the southern most portion of the County which created a resource/public access conflict. This was recently resolved by BLM's decision to ban the vehicles.

## **MENDOCINO COUNTY:**

**Description of Area.** Mendocino's approximately one hundred thirty mile long coast is noted for its dramatically eroded sea cliffs and numerous small pocket beaches. Undeveloped terraces typically extend for miles along the coast between Highway One and the Pacific Ocean interrupted only occasionally by small towns and villages, and the deep ravines of creek, stream, and river inlets. The county's shoreline is extremely rugged, characterized by offshore sea stacks and abundant tidepool areas; waters are popular for



diving. Sandy beaches are usually found at the mouths of freshwater stream channels. Access is often steep and difficult due to intervening private property ownership.

**Status of CCT.** There are many significant gaps in the California Coastal Trail in Mendocino County, and in many areas Highway One provides the only through coastal access for much of the one hundred thirty miles of coast. A twenty-five mile gap exists between Usal Creek and Ten Mile River and another gap of twenty miles between Pt. Arena and Gualala in southern Mendocino County exists.

**Major Issues.** In spite of being a major visitor destination spot, the Mendocino County coastline is one of the least accessible in the state. In addition, Mendocino County has about 50% of all the vertical OTDs statewide. Of the 36 recorded verticals, only 5 have been accepted and 2 opened. Acceptance and opening of these verticals is a high priority. To facilitate this, the Conservancy has helped the County fund a planner whose role is to help implement the OTD program primarily through the use of nonprofit land trusts.

While the far north of the County is protected for public use within the Sinkyone Wilderness State Park, there is a lack of public access in the Westport area. Access priorities in Westport include accepting and opening OTDs and headland acquisition.

From Ten Mile River south to Ft. Bragg, both vertical connections from Highway One to MacKerricher State Park and lateral improvements to the State Parks 10-mile coastal trail project and the Haul Road are needed. The Ft. Bragg shoreline is dominated by an industrial log processing plant. The Conservancy is actively pursuing acquisition of the only undeveloped shoreline area within the city of Ft. Bragg, Glass Beach. The Conservancy is also in the process of funding acquisition for the privately owned portions of Caspar Beach , a heavily used and highly scenic area. There is also an interest in public acquisition of the Caspar bluffs area.

The town of Mendocino, an extremely popular visitor destination point, provides significant public access opportunities through the Mendocino Headlands State Park, Big River, and the Mendocino Bay Viewpoint, an OTD owned and operated by the Mendocino Land Trust.

Many gaps in public access opportunities exist between the Town of Mendocino and Elk. From south of Elk to Manchester Beach State Park, about 10 miles, is another area without public access. South of Pt. Arena, several coves are accessed from informal trails; prescriptive rights may exist in these areas. Historic trails also provide access to Buckhorn Cove; these rights need to be permanently protected. In Albion, boating access to the river is only via private land and a fee is charged. Free access is also needed. The Albion



Headlands need to be acquired in order to permanently protect the trails which provide highly scenic views.

## **SONOMA COUNTY:**

**Description of Area.** The Sonoma coast is characterized by a landscape with steep cliffs, wave-cut marine terraces and occasional small towns. The northern third of the coast is mostly private land with limited public access, including the ten-mile long Sea Ranch development. The southern third of the coast is almost exclusively State Beach; the Sonoma Coast State beaches comprise over a dozen sandy coves between Goat Rock and Bodega Bay.

**Status of CCT.** Gaps in the coastal trail include the southern six miles of Sea Ranch, three miles at Stewart's Point, and two miles from Doran Beach to Estero Americano at the southern border. Erosion is occurring at the Sea Ranch public access and the blufftop trails, and may need to be relocated landward as bluff erosion continues.

**Major Issues.** Although the area north of Salt Point State Park is privately owned, the area is heavily used by scuba divers. A prescriptive rights investigation is needed to determine the extent of public use. Public access to the shoreline is precluded at the Timber Cove Lodge area, well known for good abalone diving. A vertical access easement held by the County at Bodega Harbor is a high priority to be developed and opened.

In Bodega Harbor, coastal access signs are needed at both the Tides Restaurant and Lucas Wharf. While both places are open to the public, lack of informational signs discourage the public from using the area.

## **MARIN COUNTY:**

**Description of Area.** Steep headlands form the Marin County coast, with grassy ridges and forested ravines dividing the numerous coastal bluffs. The coastline extends for over seventy miles with a major portion of the coast protected within the Pt. Reyes National Seashore.

**Status of CCT.** Coastal access is available in most of the county with the exception of two significant areas. The first area is the land between Estero Americano and Dillon Beach. This portion of coastline is mostly grazing lands in private ownership, and constitutes a five-mile gap in the California Coastal Trail. Essentially the Coastal Trail needs to connect in Sonoma County from Doran Beach across the Estero Americano through to Dillon Beach. The other significant gap area is the east shore of Tomales Bay and south of Bolinas Overlook to Bolinas Beach. A connecting trail should be built between Tomales Bay State





Park trail and Point Reyes National Seashore to eliminate walking on Pierce Point Road. This would ideally connect to a trail that is needed from Drakes Boulevard to Point Reyes hill to eliminate walking on Mount Vision Road. The CCT from Upper Pierce Ranch to Tomales Bay State Park also needs to be properly signed.

**Major Issues.** North of Dillon Beach, there is a potential for large-scale housing project and public access to this remote area needs to be both protected and provided. The coastal town of Bolinas needs to be signed at the intersection with Highway One, as the general public is not aware that coastal access is available through the town. Signs have been required by the Commission but have been quickly removed.

## **SAN FRANCISCO COUNTY:**

**Description of Area.** San Francisco's oceanfront shoreline is about nine miles long and is all in public ownership. Most of the coastline is sandy beach, backed by dunes or cliffs. Due to the shoreline's proximity to urban San Francisco, the coastal area is heavily used by locals and tourists alike.

**Status of CCT.** The entire oceanfront is public and has been developed with many public amenities. The Coastal Trail is complete through the county. Bluff top trails and magnificent views are available from the cliffs just south of the Golden Gate Bridge. Public walkways, restrooms, and dune restoration areas have been installed along the Great Highway.

## **SAN MATEO COUNTY:**

**Description of Area.** The San Mateo coastline, approximately fifty-five miles long, is characterized by small coastal cities in the north, the main City of Half Moon Bay in the central, and a very rural nature in the south. At the northern county border, spectacular sea cliffs rise up, especially in the Daly City and Devil Slide area. The landscape changes from the urban landscape of Daly City and Pacifica to a predominantly agriculture landscape north of Half Moon Bay. Agricultural fields, pasture, and rolling hills characterize the south county coast from Half Moon Bay to the Santa Cruz County line. The central landscape is characterized by a long stretch of beach in Half Moon Bay, which transitions southward to tall steep cliffs and towering bluffs, and again changes to low cliffs and pocket beaches at the southern end of the county. At the southern county line, Ano Nuevo is an area of great dunes, which is protected as a State Reserve for the hundreds of Elephant Seals that come to breed here every winter.

**Status of CCT.** The Coastal Trail in many parts of the San Mateo County must follow Highway One due to either geological constraints (generally in the north) or private



property (primarily large agricultural holdings in the south). A segment of the Coastal Trail in the Devils Slide area in the northern portion of the county, which links Pacifica and Montara should be constructed in association with a future Caltrans tunnel project. Also, a potential blufftop Coastal Trail segment at Vallemar Bluffs known as “The Strand” could provide scenic access to the Fitzgerald Marine Reserve, but it is threatened by erosion and existing and potential new development. The Coastside Trail, constructed primarily with Coastal Conservancy funds, begins at Pillar Point Harbor and runs almost to the southern boundary of Half Moon Bay. The trail should be extended to the south, particularly on the state owned Cowell Ranch located just south of the City limit. A very popular hiking, bicycling, and equestrian route, this six mile long trail provides the only alternative to using the busy and congested Highway One corridor to reach points either north or south.

**Major Issues.** Existing beach facilities need renovation in Daly City and Pacifica. The Pedro Point Headlands are located just south of urban core of San Francisco. Acquisition efforts, initiated by the Conservancy, need to continue in order to protect this large undeveloped land for permanent open space. A vertical stairway needs improvements at the southern end of Montara State Beach. Private encroachments in Montara into the street-end rights-of-way and potential vista points along the bluffs are another physical access issue in this small community north of Half Moon Bay.

In the Half Moon Bay area, new highway signage informs the public about the Coastside Trail, an important link to the California Coastal Trail. While much of the south coast is operated by the Dept. of Parks and Recreation, continuous lateral access for the southern 30 miles is often limited to the highway shoulder, given the large privately owned ranch lands that do not allow for public access.

## **SANTA CRUZ COUNTY:**

**Description of Area.** The County of Santa Cruz, with its forty-two mile long coastline, is characterized by rural residential and agriculture in the northern and southern portions of the county and an urban/residential environment in the central portion of the county. The prominent urban areas, which consist of residential neighborhoods with the exception of the Santa Cruz Beach Boardwalk/Wharf area, include the City of Santa Cruz, City of Capitola, and the county’s Live Oak and Mid County areas. The shoreline consists of many beaches, which range from small pocket beaches in the north to long sandy expanses in the south. Heaviest beach use is found in the urban areas, particularly at the Beach Boardwalk (called the Main Beach), the Live Oak beaches and Capitola Beach.

**Status of CCT.** The northern 14 miles of Santa Cruz lacks a defined coastal trail. This rural area, primarily owned by public and nonprofit agencies with the recent purchase of seven



shoreline miles, is very popular with both residents and visitors, as the pocket beaches provide seclusion and shelter from the prevailing wind and the few wide open beaches support both windsurfing and surfing activities. The area lacks sufficient defined parking areas, identified trails to the beach, restrooms, handicapped access and signage. A master plan for this area addresses these resource/access issues and should be updated and should include the new lands which were recently purchased. At the extreme northern end of the County, highway armoring and Caltrans maintenance stockpiling prevents lateral access opportunities, both on the blufftop (highway shoulder) or on the beach below. Some type of lateral access needs to be incorporated into Caltrans's ongoing project.

**Major Issues.** The City of Santa Cruz's four and a half-mile long coastline is renowned for its recreational opportunities; chief among these is surfing. Public roads follow most of the length of the coastline providing direct access to the shoreline. The shoreline consists of a mixture of blufftop trails with ocean overlooks and small pocket beaches. Shoreline management for the West Cliff Drive area must balance bicyclist and pedestrian use of the shoreline trail while also exploring means to mitigate for the loss of sandy beach due to increased erosion and shoreline protection. The most heavily used beach in the City is the Main beach fronting the Santa Cruz Beach Boardwalk. The predominant physical access issues for this urban area, are parking, ancillary beach facilities, resource/access conflicts, recreational beach management and beach area plan updates.

The Live Oak beaches, between the Cities of Santa Cruz and Capitola, are almost completely armored, limiting available beach space for the over 1 million coastal visitors attracted to this area annually. In addition, parking and restroom facilities are insufficient in the Live Oak area to accommodate the influx of coastal visitors into what are essentially residential neighborhoods. With only two small public parking lots, most beach area visitor parking is found on residential streets abutting the coastline; on-street parking is the only option for the highly used beaches extending from Schwann Lagoon to Moran Lake. On-street parking, however, is difficult in Live Oak due to preferential parking, private development encroachments onto public street right-of-ways, unimproved street edges, and a prevalence of 'no parking' signs (including those posted by Santa Cruz County *and* those posted by individual residents). The Pleasure Point surfing area is particularly constrained for parking. Plans are underway to address both shoreline erosion and public access needs and the Conservancy is providing partial funding for a continuous bluff-top recreational path in this area.

Capitola City Beach and Village are densely populated by visitors in the summer and almost every weekend throughout the entire year. The main physical access issues in the Village area are beach overuse, traffic congestion and parking supply. Neighborhood parking programs and remote shuttle parking were created to help manage heavy traffic. Upcoast



and downcoast of the City Beach shoreline protective structures along the bluffs have physically narrowed the beaches and caused increased shoreline erosion. The blufftop lateral access is threatened by erosion and by the lack of public ownership.

The southern 12 miles of the county are dominated by a continuous wide sandy beach. Public access needs are generally served by four state park facilities which provide day use parking, restrooms, camping and vertical access. Inappropriately located beachfront residential subdivisions are regularly threatened by erosion and installation of seawalls impact lateral access. In addition, historic use of the beach area seaward of these homes needs to be permanently protected. A trail connection is needed at the County line, across Watsonville Slough to connect to the Pajaro River Bridge.

## **MONTEREY COUNTY:**

**Description of Area.** The county of Monterey extends approximately one hundred twenty-five miles starting at the Pajaro River, includes Elkhorn Slough, and continues southward for 12 miles of sandy beaches and the magnificent marina dune system. The Monterey Peninsula contains rocky ledges with tidepools and pocket beaches. As the coastline continues southward for another hundred miles, the terrain becomes extremely rugged and steep throughout the Big Sur coast, therefore an extreme challenge to provide public access.

**Status of CCT.** The California Coastal Trail has several minor gaps in the north part of the County including the Pajaro River and Salinas River crossings and Sand City. The Big Sur coast portion of the Coastal Trail must follow Highway One for approximately 55 miles from Point Sur to the County line. This major gap is not only significant due to the extensive mileage but also given the scenic beauty of the Big Sur coast. Hiking along Highway One in Big Sur is dangerous and does not allow the walker to fully enjoy the splendor of this area.

**Major Issues.** Within the City of Monterey, historic rights to the Del Monte Dunes area need to be protected. Also, acquisition efforts begun by the Conservancy need to continue. Along the Cannery Row shoreline, additional lateral and vertical connections need to be constructed along this urbanized shoreline.

The heavily used City of Carmel beach contains many public amenities, but an additional stairway is needed to facilitate access and prevent erosion; the Conservancy has funded this project. Additionally, an access management plan should be developed to address the Carmel Point area; the highly scenic and heavily used County road is too narrow to accommodate cars, pedestrians and bicyclists. Both Monastery Beach and the area east of Point Lobos, lack sufficient parking.



The Big Sur coast draws hundreds of thousands of visitors per year. Rugged terrain and private ownership prevents access to significant portions of the shoreline. Particularly long stretch of beach that is privately owned and not open to the public includes the three miles from the Little Sur River to Pt. Sur Lighthouse.

## **SAN LUIS OBISPO COUNTY:**

**Description of Area.** Half of the approximately ninety-six mile long coastline in San Luis Obispo County is under private ownership or otherwise not open to the public.

Approximately thirty-four miles of trails and shoreline are provided by state and county parks and beaches. The north county begins with the rugged southern end of the Big Sur, tapering to rolling marine terraces, then wide sandy beaches, Morro Bay, and finally the extensive dune fields of Pismo/Nipomo Dunes.

**Status of CCT.** At the northern end of the County, the private Hearst Ranch stretches for fifteen miles. While public use is permitted seaward of the Highway, it is not guaranteed in perpetuity. A six-mile gap in the Coastal Trail occurs near the small town of Harmony. Another gap in the Coastal Trail exists from Avila Beach to Pirates Cove. Another significant Coastal Trail gap is located between Montana de Oro State Park and Rattlesnake Canyon, which encompasses approximately ten miles, is located on land controlled by PG&E. Another trail gap is between Avila Beach and Pismo Beach; private land and topography make bridging this area difficult.

**Major Issues.** From Pt. Piedras Blancas south through San Simeon, a major resource/access issue exists. Elephant seals frequent the beaches found along this stretch of coastline. Thousands of tourists are also using these beaches, drawn first to the nearby Hearst Castle, then to the beaches and the elephant seals. As there is limited management or protection (for the animals) to keep tourists from trying to get an exciting photo opportunity; visitors are disturbing these animals as well as risking their own safety.

Lateral beach access is lacking on the north side of Pico Creek and south end of San Simeon Acres. In Cambria, lateral access has been limited via a “pass system” at the private East/West Ranch. In Cayucos, the main issue is impacts from seawall installation. After the 1982-83 winter storms as many as 24 seawalls were constructed. Some of those seawalls encroach upon State Parks property and should be removed.

While the City of Pismo Beach has adequate accessways leading to public beaches, the problem is finding access points. Aside from Pismo State Beach, which is heavily used and is easy to find, the rest of the accessways are relatively obscure. The result is traffic congestion on neighborhood streets as visitors drive around looking for the beach accessway and



respective parking. The City's LCP includes a blufftop coastal access trail system along the northern Pismo Beach bluffs, to be built as properties develop. This system remains incomplete due to lack of development proposals as well as natural impediments (e.g., arroyos).

Dinosaur Caves is one of the last undeveloped headlands in Pismo Beach and the City is seeking funds for public acquisition. At Shell Beach, significant tidepools are being degraded by over-use, thus management of the area is needed.

In 1986 San Luis Obispo County became the first county to accept almost all their OTDs. The County is developing a plan to open these easements with Conservancy funding.

## **SANTA BARBARA:**

**Description of Area.** Santa Barbara's coast extends approximately one hundred ten miles from steep bluffs and pocket beaches in the north to wide, sandy beaches in the south. The coastal ranges begin just south of Point Conception. As a result of these mountains, the coastline becomes steep with great cliffs and crags. The southern section is a dense urban beachfront running from Gaviota and Santa Barbara east to Carpinteria.

**Status of CCT.** Major California Coastal Trail gaps in the county begin in the north coast due to the presence of Vandenberg Air Force Base (approximately thirty-five miles with limited access to nine miles), and Hollister and Bixby Ranches (approximately twenty miles). Lack of access to almost the entire north coast area results in tremendous loss to the public in the form of denied lateral access, fishing and surfing opportunities.

**Major Issues.** Along the Gaviota Coast, access is impacted by the lack of formal trails, parking and signs, and risks associated with crossing the railroad tracks. Major developments have been approved in this area, and when constructed, will provide needed access improvements. At UCSB, access has been adversely impacted due to inadequate signing, parking, and a damaged stairway leading down the bluffs to the beach. Along the southern coast, there is a lack of signing and parking facilities for: Summerland, Padaro Lane, Rincon, and Carpinteria Bluffs. The Conservancy recently provided a local land trust substantial funding to help acquire the Carpinteria Bluffs.

## **VENTURA COUNTY:**

**Description of Area.** Ventura County's forty-three mile long coastline offers sandy beaches ranging from narrow strips in the north and south to wide expanses in the central coast. The north County is popular for surfing, at Surfers Point in San Buenaventura, and at County



line in the south. The lagoon at the southern end at Point Mugu is preserved as a bird sanctuary.

**Status of CCT.** In the northern portion of the County where Highway 101 parallels the shoreline, access impediments include lack of parking (La Conchita and Mussel Shoals), lack of signing, and locked gate communities. Access has been further restricted by added rip-rap and no-parking signs placed by Caltrans. There are gaps in the California Coastal Trail (constituting 10 miles total), north of Mandalay County Park, at Seacliff due to private residences, and at Mugu Lagoon (approximately seven miles) because of the Pacific Missile Test Center.

**Major Issues.** In the City of Ventura, access at Surfer's Point Park has been severely impacted/restricted due to erosion of the bike path and parking lot over the last several years. Many miles of rip-rap along the coast significantly impedes public access both to and along the shoreline.

## LOS ANGELES COUNTY:

**Description of Area.** A little over half the approximately seventy-five mile long Los Angeles County coastline is in public ownership. Public use of the beaches has increased dramatically with the increase in population. The City of Malibu extends for twenty-seven miles from Ventura County to the Pacific Palisades. It is characterized by pocket beaches and private shoreline development that precludes significant public use of the area. The Santa Monica Mountains rise up from the Malibu shoreline, and provide a rugged wilderness escape from the urbanized Los Angeles area. The southern part of the County, Santa Monica to Long Beach, has wide-open beaches, with adequate amenities such as restrooms, large parking lots, a 20-mile long beach bike path, picnic facilities, and several recreational and fishing piers.

**Status of CCT.** Fifty miles (67%) of Los Angeles County contain the California Coastal Trail. Gaps in the Trail include approximately seventeen miles along the Malibu Coast, some five miles at Portuguese Bend due to private development and another six miles at the Port of Long Beach/Los Angeles which comprises the largest container terminal on the West coast and includes the naval shipyard.

**Major Issues.** The biggest issue in Malibu is lack of public access to the beaches: intervening private development, locked gates, use of private security guards, use of misleading and/or non-permitted signs, lack of signing, lack of parking. Nineteen public vertical easements remain closed, as well as two large county bluff-top/beach parcels. Similar issues arise in the Santa Monica Mountains area, where an extensive wilderness trail system needs



to be completed, partially utilizing outstanding OTDs. The greatest number of outstanding OTDs statewide are located within this county. All these existing/potential public areas need to be opened. In addition, the State owned Malibu Bluffs State Parks is inappropriately being used as community ball fields.

In the Santa Monica area, parking is the main issue. Seven small public parking lots interspersed between dense residential development serve the northern portion of Santa Monica State Beach. These lots, however, are underutilized as there are severe design problems. They are hard to see because of intervening development, are not adequately signed, and ingress/egress is difficult due to the high speed of the traffic. Traffic congestion is a major issue in the 15-mile stretch from Santa Monica to Redondo Beach.

High fee collection at most beach parking facilities discourage the public from using them, especially when free areas exist nearby. Conflicts arise, as visitors choose to use free areas, such as nearby neighborhood streets or use the inland shoulder of Pacific Coast Highway, which creates safety issues as visitors cross the busy highway to get to the beach.

The entire Long Beach shoreline is public and accessible at shoreline parks, street ends and the Belmont Pier. Long Beach has an excellent signage program and all street end accessways are signed. The Coastal Conservancy has significantly enhanced access by funding such projects as the Long Beach Bicycle Trail, the Long Beach Boardwalk and Bluff Park Stairs. The major hindrance to beach access is the lack of adequate parking facilities to serve the large demand. Inadequate parking facilities are especially serious in the Belmont Shore and Alamitos Peninsula areas, the area around the pier being in most need of increased public parking opportunities. These very popular visitor serving commercial areas have little to no off-street parking and there is competition between beachgoers and commercial patrons and employees for limited parking spaces.

### **Santa Catalina Island:**

Public access to the coves is constrained; it is unclear where public has a legal right to be. Information indicating where public access is available and where boats can be docked is needed.

## **ORANGE COUNTY:**

**Description of Area.** High cliffs, wide beaches and sandy coves are characteristic of the forty-two mile long shoreline of Orange County. Along the Seal Beach coastline and portions of Newport Beach, low-lying plains and wetlands back the broad sandy beach. On the inland side of PCH, south of Anaheim Bay, lies the 1,200-acre Bolsa Chica Ecological





Reserve and wetlands. Much of the rest of the Orange County coastline is comprised of uplifted marine terraces which form cliffs at the water's edge, providing numerous coves for swimming and diving. Windsurfing is a popular activity in Seal Beach while surfing is popular in Huntington Beach and at San Clemente State Beach. Huntington Beach, Newport Beach and Dana Point also have recreational harbors, the latter two offering commercial boating opportunities.

Much of the Orange County coast is publicly owned and accessible to the public. The inaccessible stretches of Orange County include the Anaheim Bay/U.S. Naval Weapons Station in Seal Beach, several private residential communities in and adjacent to Laguna Beach (Irvine Cove, Blue Lagoon, Three Arch Bay and Emerald Bay) and San Clemente (Cypress Point, Cypress Shores and Cotton Point). Additionally, there are private islands in Newport Beach and a few private residential communities. Another impediment to beach access in San Clemente is the rail road tracks which runs along the entire two mile coastline with only five legal crossings.

**Status of CCT.** Approximately thirty-five miles (79%) of the Orange County coastline are part of the California Coastal Trail system. In the northern part of Orange County at Anaheim Bay, a one and a half-mile stretch of coast is not accessible because of the Naval Weapons Station. A bike lane provides the only lateral access here. In central and south county coast seven miles are not accessible to the public including several private and locked gate communities.

**Major Issues.** Signage is the priority need for public access in Orange County especially along the central and southern coast, Seal Beach, San Clemente, and Dana Point, where the nature of the topography (high bluffs) often make it difficult to see the shoreline and find accessways to the beach. Seal Beach lacks adequate signage for the Main Street visitor-serving area, a popular visitor destination which terminates at the municipal pier. In Dana Point, if directional signage along PCH were improved, general public use of the beaches could be significantly enhanced. Currently public beach areas and accessways are being used predominantly by the local residents although many of them were funded by the state or the county. In San Clemente, where blufftop development and complicated street patterns make it difficult for the public to find all but the major beach access points, beach signage is especially poor for those trying to find San Clemente City Beach.

Parking is another pressing need in Orange County because of the lack of parking facilities to adequately serve the many visitors that frequent the public beaches. Like many southern California beach communities with older commercial and residential development there is inadequate parking facilities. Therefore beachgoers often compete with commercial patrons and residents and their guests for limited on-street street parking. Although this is a



significant problem throughout the county, it is especially so in Newport Beach, Laguna Beach and San Clemente. These are where densely developed shoreline areas; narrow residential streets and relatively few beach parking lots concentrated in one or two areas preclude public parking near many public accessways.

Other issues include: access improvements at Bolsa Chica State Beach; continued expansion of the public access mitigation program for the Newport Beach encroachments; construction of the required Hostel in Crystal Cove State Park; an overpass at PCH to reach Dana Point; improved vertical access over Southern Pacific Railroad and provision for a lateral trail along the shoreline in San Clemente (being pursued by the Conservancy).

## **SAN DIEGO COUNTY:**

**Description of Area.** San Diego County's approximately eighty mile long coastline is varied resulting in a variety of different access opportunities. In North County the beaches are, for the most part, backed by steep eroding coastal bluffs ranging in elevation from a few feet to more than one hundred feet above sea level. Some of the largest remaining coastal wetlands in southern California are found in northern San Diego County. Relatively wide, accessible beaches which are not backed by coastal bluffs are formed at the mouths of Buena Vista Lagoon, Aqua Hedionda Lagoon and Batiquitos Lagoon.

The Oceanside littoral cell which stretches south from Dana Point to La Jolla is an eroding shoreline. The beaches were severely impacted during the winter of 1982/83 and have never fully recovered.

The City of San Diego contains some of the most highly-used beaches by tourists, such as La Jolla Shores, Pacific Beach, Mission Beach and Ocean Beach. The La Jolla coastline south of La Jolla Cove includes a number of pocket beaches with offshore reefs and rocky headlands. San Diego County contains several harbors with marina and other recreational support facilities. Oceanside has the only marina in North County. In the City of San Diego there is Mission Bay Park which is a large and popular aquatic park containing recreational resort and marina facilities, sport fishing, retail, restaurants and public park facilities to support picnicking, boating, fishing and swimming activity. San Diego Bay within the San Diego Unified Port District contains many public access opportunities, marinas and parkland. There is one marina currently located in South Bay, the Chula Vista Marina, with another marina in National City currently in development.

**Status of CCT.** At least fifty miles or 62.5% of San Diego's coast are accessible by the public. Major gaps in the coastal trail include about 20 miles at Camp Pendleton (a Marine



Corps Base), Point Loma (a military reservation), naval shipyards and portions of the Port of San Diego.

**Major Issues.** Due to the extensive erosion, there is a regional beach nourishment effort underway through efforts of all the coastal communities of San Diego County to replenish the County's beaches due to their recognized importance to the local, regional and state economy. There is an ongoing conflict between the desire to protect property due to erosion, and the need to assure sandy beach area is available for general public use.

For most of the coastal communities of San Diego, traffic congestion, poor circulation, and lack of adequate parking is a significant problem. Solutions to this problem of overcrowding include increased transit services, a beach shuttle system, utilization of existing commercial parking lots that are not being used on weekends, and construction of additional parking lots.

The County has several lagoons, which have the potential to, or already to some degree do, provide public access trails. Improvements are needed at Aqua Hedionda Lagoon and Batiquitos Lagoon has an improved North Shore trail that is becoming a Regional destination and should be developed as such. Improvements are planned at San Dieguito Lagoon as part of a wetlands restoration program. Both the San Elijo Ecological Reserve and the Tijuana River NERR have accessible interpretive trail systems.

In Del Mar and Encinitas, as in many other coastal cities, crossing of the railroad tracks to reach the beach is a safety issue that needs to be addressed. In Solana Beach, the problem is being addressed by a grade separation project.

At Torrey Pines City Beach, Black's Beach is large and heavily used area. Despite the access down the bluff face being extremely hazardous, hundreds of people use the informal stairways and trails, risking physical safety as well as causing erosion. A long term solution to this problem is needed.

The La Jolla Cove area is extremely popular due to the highly scenic setting and the calm waters in the cove. It receives thousands of annual visitors and an additional stairway has been funded by the Conservancy to accommodate the demand and to protect the bluff face from continued erosion. San Diego Bay accommodates a wide variety of boating uses, from military ships to weekend sailboats. The Conservancy has provided funds to the Port of San Diego to construct a handicapped accessible dock for small dinghies. This will eliminate the current practice of these small boats being hauled up onto the mud-flats and beach at Tidelands Park. The tidepools at Pt. Loma Reserve are heavily used and protection of this



resource is underway through a program developed by the military which regulates numbers and use location.



**APPENDIX: FULL SUMMARY OF RECOMMENDATIONS**

	PAGE
RECOMMENDATION 1. The Commission and Conservancy should initiate an intensive inter-agency coordination and community outreach program to solicit interest in OTDs access opportunities and locate accepting agencies.	21
RECOMMENDATION 2. The Commission and the State Lands Commission should develop a strategy to assist with OTD acceptance and implementation.	20
RECOMMENDATION 3. The Commission and the Department of Parks and Recreation (DPR) should develop a strategy to ensure that all OTDs that provide access to DPR lands or are otherwise suitable for DPR management are accepted by DPR.	22
RECOMMENDATION 4. The Commission should pursue means to exempt or accelerate the Department of General Services review, where such review is required, when state agencies accept OTDs.	23
RECOMMENDATION 5. The Commission should identify the priority OTDs and then map them individually and also produce regional maps identifying those OTDs in context within a community/city/county area.	24
RECOMMENDATION 6. The Commission should support a strategy to develop publically available land ownership data for the coastal zone, suitable for use with GIS.	24
RECOMMENDATION 7. The Commission should identify and take steps to cause the removal of physical encroachments into areas that are subject to OTDs.	25
RECOMMENDATION 8. The Commission should support legislation to increase state reimbursement of attorney fees and set criteria under which reimbursement is made for access related liability lawsuits, in order to facilitate acceptance and operation of coastal public access easements by government entities and nonprofit land trusts.	26
RECOMMENDATION 9. The Commission and the Conservancy should work with agencies who have accepted OTDs to ensure that the OTDs are opened and signed for public use.	27
RECOMMENDATION 10. The Commission should work with local governments to update their OTD requirements in their certified LCP.	28



- RECOMMENDATION 11. The Commission, the Conservancy, and the Department of Parks and Recreation should pursue official recognition of the California Coastal Trail as a priority State-wide trail system, by urging the legislature to pass legislation adopting this trail priority, by urging the Governor to designate the trail as the Millenium Legacy Trail, and to fund acquisition, construction, signing, maintenance, and overall management of the trail statewide. 34
- RECOMMENDATION 12. The Commission, the Conservancy, and the Department of Parks of Recreation should agree upon and officially adopt a California Coastal Trail logo and coordinate a uniform signing program. 35
- RECOMMENDATION 13. The Commission, the Conservancy, and the Department of Parks and Recreation should identify, prioritize and seek to bridge the gaps in the California Coastal Trail. 36
- RECOMMENDATION 14. The Commission should improve coordination with the California Department of Transportation (Caltrans) and seek changes to the State’s transportation policies and procedures so that they promote siting and construction of the California Coastal Trail. 36
- RECOMMENDATION 15. The Commission should ensure that LCPs include specific policies and appropriate implementing ordinances and maps to provide for the California Coastal Trail. 38
- RECOMMENDATION 16. The Commission staff should compile and maintain a statewide inventory of all known trails to and along the coast that have historically been used by the public but that are not currently recorded as being in public ownership and then prioritize them based upon current level of use, need for access in the area, and potential for future development. For the top priority sites the Commission should initiate prescriptive rights studies and where appropriate commence proceedings to legally establish public prescriptive rights. Participation by local governments and citizen groups should be encouraged by providing training sessions and workshops. 40
- RECOMMENDATION 17. The Commission should provide guidance to local governments on how they can improve their LCPs to better identify and protect areas where public access rights exist. 41



- RECOMMENDATION 18. The Commission should pursue legislation establishing policies to protect beaches, public access, and recreational use against adverse impacts associated with building protective structures along the coast. This policy should place a high priority on protection of public access to and along the shoreline and provide guidance for protecting backshore property. 44
- RECOMMENDATION 19. The Commission should pursue legislation to establish and implement statewide policies that encourage the use of sand replenishment as a response to shoreline erosion. 45
- RECOMMENDATION 20. The Commission should ensure that LCPs include a regional approach for dealing with the impacts of erosion. 45
- RECOMMENDATION 21. The Commission should coordinate with accepting agencies and property owners to ensure compliance with the terms of lateral OTD easements. 46
- RECOMMENDATION 22. The Commission should recommend state and federal legislation and administrative actions that eliminate public financial assistance to property owners who build in or rebuild in known hazard zones. 47
- RECOMMENDATION 23. The Commission should update the Coastal Access Guide and, in cooperation with the Conservancy, should produce and distribute local/regional access guides which give detailed information about specific coastal regions at a nominal cost. 48
- RECOMMENDATION 24. The Commission and the Conservancy, in cooperation with local governments, should develop a statewide coastal access signing program that provides such information as directional signing to the coast, identification of public facilities such as parking lots and restrooms, as well as information about the physical characteristics of the shoreline. 49
- RECOMMENDATION 25. The Commission should support the Conservancy’s production of comprehensive guides to facilities designed for people with disabilities along the California coast. 49
- RECOMMENDATION 26. The Commission, in consultation with local governments, the State Lands Commission, and other affected agencies, should identify and cause the removal of all illegal impediments to coastal public access, including physical encroachments such as fences and signs. 50



- RECOMMENDATION 27. The Commission should ensure that LCPs incorporate the Commission adopted (5/12/93) Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements in order to protect public access and recreational values and resources. 52
- RECOMMENDATION 28. The Commission should ensure that all LCPs address the need to balance public safety concerns with public rights of access to beaches and the ocean by incorporating the Commission adopted (7/12/94) Guidance on Beach Curfews. 54
- RECOMMENDATION 29. The Commission should encourage local governments to include beach management plans in their LCPs when they are updated. Such plans should include elements dealing with such matters as encroachments, signs, temporary events, and beach curfews. 55
- RECOMMENDATION 30. The Commission should continue to work with local governments, entities that own and/or operate transit or transportation facilities, the railroad companies, and state/federal agencies to resolve conflicts arising from concerns about public safety and the public's need to cross railroad tracks and rights-of-way to access the coast in various locations. 56
- RECOMMENDATION 31. The Commission should continue to encourage the development and use of alternative transportation modes to get to and from coastal recreation sites, including summer beach shuttle programs, bicycle paths, light-rail, public transit, etc. 57
- RECOMMENDATION 32. The Commission and the Conservancy, while generally discouraging the use of private automobiles, should identify areas where public beach parking is insufficient and where private commercial lots are potentially available for use by beach visitors. Opportunities to create a regional parking management program which maximizes protection of coastal resources by using existing parking facilities to the maximum extent should be explored. 58
- RECOMMENDATION 33. The Commission should require that all new development directly provide adequate parking. 59
- RECOMMENDATION 34. The Commission staff should develop, for Commission review and adoption, a guidance document for dealing with preferential parking programs affecting public access. for use by local government and neighborhood groups. 60





RECOMMENDATION 35. The Commission should support adequate general fund and other sources of public funding for the State Department of Parks and Recreation that will result in the reduction of day use parking fees. 60

RECOMMENDATION 36. The Commission should, in order to improve the quality of the coastal visitor’s recreational experience and to promote public health and biological productivity of coastal waters, with all deliberate speed implement the State’s Coastal Nonpoint Source Pollution Control Program. This can be accomplished in large part by applying the management measures identified in the 1999 document *California’s Management Measures for Polluted Runoff (CAMMPR)* on a case by case basis in the coastal zone. 63

RECOMMENDATION 37. The Commission should pursue compliance with the California Coastal Act, Porter-Cologne Water Quality Control Act, Clean Water Act, Coastal Zone Act Reauthorization Amendments of 1990, and other applicable State, federal and local water quality protection laws. This can be accomplished in part through education programs and by working with the Regional Water Quality Control Board to achieve applicable standards. 64

RECOMMENDATION 38. The Commission should pursue all means available to conduct Periodic Reviews and prompt updates of LCPs, particularly their Access Components. As part of this effort, Commission staff should develop a model Access Component, complete with a newly revised sample ordinance. Separate improvements to Access Components also should be incorporated into the on-going processing of relevant LCP amendment requests. 68

RECOMMENDATION 39. The Commission should develop improved guidance on the findings that must be made to support public access requirements placed on development approvals. A first step should be the creation of more detailed methodologies for not only establishing the nature and extent of individual and cumulative impacts of development but also for linking those impacts to required mitigations. Such guidance should be distributed to local governments through Local Assistance Notes, workshops, or other outreach efforts. 73

