

CALIFORNIA COASTAL COMMISSION

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June 21, 2000

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Tami Grove, Deputy Director
Linda Locklin, Access Program Manager

RE: Public Access Action Plan – Status Report
For Commission review and comment at the July 11-14, 2000 meeting

Staff presented the Public Access Action Plan, the first comprehensive review of the agency's Access Program, to the Commission for review and comment at its July 1999 meeting. The Plan identified several priority issue areas and included 39 recommendations to address these issues. The Commission accepted the Plan as presented and encouraged staff to seek the resources necessary to continue and advance its implementation.

The purpose of this status report is to inform the Commission on progress made to date on the 39 recommendations and to provide an opportunity for both Commission and public input. The Public Access Action Plan identified three top priority issue areas: 1) implementation of the OTD program, 2) completion of the California Coastal Trail, and 3) protection of prescriptive rights. While significant work still needs to be done to address these issues, important progress has been made over the last year. The following summarizes what has been accomplished:

- First, for the OTD program, last year's State Budget included an additional employee for the Access Program; the new employee was hired in September. Over the last 10 months, this analyst has completed a comprehensive review of the all the southern California access OTDs, a total of about 135. This is the first time that the Commission staff had the time and opportunity to conduct such a complete review of these files. With this information, we are working with local governments' staffs in the San Diego area to encourage their acceptance of the OTDs.
- Second, with respect to the California Coastal Trail, the recently passed parks bond act provides \$5 million specifically for the trail. While costs to complete the trail will far exceed



this amount, this money is nevertheless significant in that the value of the trail as a statewide resource has been recognized by the voters of California. In addition, both Governor Davis and the White House Millennium Council have officially recognized the trail and it has now been designated as California's Millennium Legacy Trail. This designation means that for first time both the State and Federal governments have formally recognized the importance of this trail. We anticipate funding opportunities to increase due to this heightened status being given to the trail.

- Third, regarding prescriptive rights, successful passage of the Governor's proposed budget this year will add another access position to the Commission's staff for the specific purpose of beginning a strategy to identify and protect public prescriptive rights to the coast. Hopeful that the budget will pass, we have prepared a job description, announced the possible opening of the position and conducted initial interviews so that we can begin the hiring process and initiate priority studies as soon as possible.

The Executive Summary of the June 1999 Public Access Action Plan is attached for your reference.

Copies of the entire Public Access Action Plan will be provided at the public hearing.



Following is a summary of the progress made to date by the Access Program staff over the last year to implement the 39 recommendations contained within the June 1999 Public Access Action Plan.

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.

Interagency

Over the year, the Commission and the Conservancy have taken steps to intensify their inter-agency coordination with respect to the OTDs. This coordination was formalized through the December 1999 Memorandum of Understanding (M.O.U.) that defines the roles and responsibilities of each agency for implementing the OTD program. This M.O.U. requires an annual work program to be developed in October of each year. One of the key elements of the M.O.U. is the commitment by the Conservancy staff to process and submit to their Board for possible acceptance all OTDs within 24 months of expiration. In accordance with the timelines in this M.O.U., the Commission staff has delivered this year's cycle of OTD files to the Conservancy. As four OTDs are set to expire this year (in October and November), Conservancy staff is preparing these four for Board review and possible acceptance at their August meeting. (It also should be noted that 3 additional OTDs are set to expire this year; these OTDs are in Malibu and are being processed by the State Lands Commission. See more discussion below.)

Outreach

1. Mendocino County

Mendocino County is one of the target areas for OTD acceptance, given the high number of outstanding OTDs (including a proportionally higher percentage of vertical OTDs), the difficulty the county has had to date with accepting OTDs, and the need for additional public access opportunities along that stretch of the coast. While several local nonprofit land trusts have accepted and opened OTDs (and will continue to do so), dozens of OTDs are set to expire over the next few years. This volume is too great for these local land trusts to handle. Thus, to address this issue, the Board of Directors for Coastwalk have authorized their staff to review the 37 outstanding OTDs set to expire through 2002. (These 37 OTDs do not include any OTDs being pursued by other local land trusts.) Both the Commission and Conservancy staff are assisting in this effort by: reviewing/completing all the OTD files, investigating legal issues, and



conducting site inspections in order to facilitate acceptance of these OTDs. Coastwalk anticipates that their acceptance process will take about six months to complete.

2. OTDs expiring in the next 24 months

Commission staff has identified all OTDs set to expire in the next 24 months and sorted them by local jurisdiction. As the OTDs expiring in the next six months are located in Southern California, Commission staff has focused attention in this area and has completed an intensive review of not only those OTDs expiring in the near term, but all the OTDs located in that particular jurisdiction. These areas include: Cities of Huntington Beach, Newport Beach, Laguna Beach, Dana Point, Capistrano Beach area of Orange County, San Clemente, Oceanside, Carlsbad, Encinitas, Solana Beach, Del Mar, San Diego, and Imperial Beach. Complete packages of the OTD files (totaling 135), plus hand drawn maps depicting the OTD on a parcel basis and in a regional setting, have been sent to each local jurisdiction, with a copy to the Conservancy. Follow-up meetings with each local government staff is on-going.

This is the first comprehensive review of the OTDs files for these jurisdictions and was completed due to the new position provided in the 1999/2000 Governor's budget. This staff analyst was hired in September 1999 with the primary task of ensuring that no OTDs expires. To accomplish this goal, one critical and time consuming task is the review, organization, and duplication of each OTD file.

3. Commission/Conservancy grants

Local government

Both the Commission and the Conservancy provide grants to local governments. Both agencies are using the grant program as an opportunity to encourage local government attention to outstanding OTDs by conditioning grants to include an OTD acceptance strategy.

The Commission's local assistance grant program has required the following jurisdictions to include an OTD acceptance strategy: Cities of Trinidad, Fort Bragg, County of Mendocino, Cities of Monterey, Pismo Beach, County of Los Angeles (Santa Monica mountains area), Cities of Solana Beach and San Diego. The Conservancy has conditioned grants to the County of Santa Cruz and the City of Pismo Beach to require specific OTD acceptance actions.

While none of the jurisdictions have yet acted to accept the OTDs through either agencies grant programs, we remain optimistic that acceptance will begin to occur in the near future as we approach the latter portion of the grants' lifecycles. Commission staff continues to work with the local jurisdictions required to develop an OTD acceptance strategy. As several of these jurisdictions have only a handful of the OTDs to consider, one option we have discussed with them is simply accepting those OTDs, rather than taking the time to develop a strategy that eventually results in acceptance. For the Conservancy, their grant conditions require acceptance before the funds are released. Presuming that the jurisdictions want to move forward with the



project for which they applied for grant money, then the mandatory acceptance of the OTDs can be expected to occur.

Nonprofits

The Coastal Access Account, funded by the Commission's permit fees and administered by the Conservancy, is being used to fund nonprofit acceptance and opening of OTDs. To date, these funds have been spent in Mendocino, Santa Cruz and Malibu, and have resulted in the opening of two new accessways which are described below in more detail.

4. OTD Acceptance/Opening Status

Over the last 12 months, seven additional OTDs (all sandy beach laterals located in Santa Barbara County) have been accepted. Given the high number of OTDs overall, this additional seven does not substantially change the statewide acceptance rate from last years figure of 36%; acceptance rate is now 36.5%.

Two OTDs (now easements) have been opened since last July. In December 1999, the Mendocino Land Trust opened a vertical trail known as *Cantus Cove*. This trail has long been used by the public, primarily by abalone divers. In April 2000, the Surfers' Environmental Alliance opened a lateral blufftop trail in Santa Cruz County. Known as the *Rockview Accessway*, the area provides great views of a prime surfing spot as well as a window to the Monterey Bay National Marine Sanctuary.

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

Both the Commission and State Lands Commission have documented the need for additional staff in order to adequately implement the OTD program. The State Lands Commission has been accepting lateral OTDs in the Malibu area (95 accepted to date) on an as-needed basis to prevent expiration. However, to meet the demands of the hundreds of OTDs set to expire in the upcoming years and to provide the Lands Commission with the necessary resources to meet their agency goal of OTD acceptance, additional staff is imperative. Therefore, both agency staffs are working cooperatively to pursue steps to get theses additional resources.

In the meantime, Commission staff continues to transmit the Malibu lateral OTD files to the Lands Commission for review and acceptance. This transmittal is prioritized by expiration date. Currently, the Lands Commission staff is reviewing the three OTDs set to expire in 2000 (September and November); they are scheduled for State Lands Commission acceptance later this month. Additionally, Commission staff is preparing the 11 Malibu OTDs set to expire in 2001 and will forward those files in the near future.



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.

In the fall of 1999, Commission staff identified all OTDs that are directly adjacent to State Park lands, a total of 55. Pursuant to discussions between the Commission and Department staff, State Parks has agreed to review these OTDs and determine their suitability for acceptance by the Department. Last month all 55 OTD files were sent to State Parks headquarters staff who is now working with their various district staff to assess the suitability of the OTDs for their park operations.

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.

This recommendation is aimed at facilitating more expeditious final document processing submitted by the Coastal Conservancy and the Santa Monica Mountains Conservancy to the Department of General Services (DGS). Over the last year, processing time with DGS for both agencies has improved considerably. Therefore, pursuit on an exemption is on-hold for now.

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

Pursuant to the Governor's 1999/2000 budget which authorized an additional Commission Access Program staff person to work on the OTD program, we have completed hand drawn maps both on a regional basis and on assessor parcel maps, for about 135 OTDs. While these hand drawn maps certainly provide more information about the OTDs than we previously had, they are not drawn to scale and thus their usefulness is limited. Therefore we need technical mapping completed for each OTD. While the Commission's Technical Services unit completes this mapping on an as-needed basis, the Access Program needs far exceed the workload capability of the Technical Services Unit staff. Therefore we will continue to seek additional technical staff as opportunities arise.

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

This is an on going issue that Commission Technical Service's staff is taking the lead on. They are active participants in a statewide committee, the California Mapping Coordination



Committee (CMCC). Comprised of Resource Agencies and other Boards, Departments, Offices and Commissions, the CMCC goal is to coordinate statewide mapping programs and to address issues common to many state agencies such as the development of statewide land ownership data. Given that this is a problem common to most statewide agencies, we are encouraged by the progress made to date by the Committee and expect that steps to resolve these various issues will be addressed through future Committee efforts.

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

Access Program staff is compiling a list of known encroachments. If the State budget is approved as proposed by the Governor, we intend to work with our anticipated new enforcement staff to begin efforts to remove unpermitted impediments to coastal access.

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.

Pursuant to a bill authored by Senator McPherson, SB 243, such legislation was passed and signed into law in October 1999. It amended Section 846.1 of the Civil Code, and expands the criteria under which reimbursement can be made. Previously, reimbursement was limited to personal injury claims, now the criteria includes an action seeking to restrict or prevent public use of an access area. In addition, the yearly claims amount was doubled to \$200,000.

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.

Both agencies continue to work on various fronts to implement this recommendation. As many of the OTDs are lateral sandy beach areas, no work is needed to "open" them. Monitoring, however, is needed to ensure that private landowners do not intimidate public use of these easement areas through such actions as installing private property signs. Identification of such signs is needed and will be completed as resources are available. A future step may include signing of these laterals, to ensure that it is clear just which areas of the beach area indeed public. As for the verticals, they generally do need physical construction to open. Particular attention needs to be paid to those accepted verticals to determine which ones are not yet opened and what actions need to be taken to ensure that they are in fact available to the public. Both the Conservancy and the Resources Agency recently funded design and construction costs for three



vertical OTD accessways, one in San Mateo County, one in San Luis Obispo County and one in Santa Barbara County.

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

Staff continues to look for opportunities to implement this recommendation as LCPs and amendments are submitted for review and approval. Furthermore, this issue will be addressed through the Periodic Review of LCPs as resources are made available.

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 Millennium Legacy Trail and by funding acquisition, construction, signing, maintenance, and overall management of the trail statewide.

Governor Davis nominated the California Coastal Trail as the State's Millennium Legacy Trail in September 1999. In October, First Lady Hillary Rodham Clinton and the Secretary of the Transportation Rodney Slater announced that the California Coastal Trail (CCT) had received this designation. Following this achievement, Coastwalk spearheaded a celebration on June 3, 2000. This event, co-sponsored by the Commission, Conservancy, and State Parks, was commemorated by a joint resolution of the Assembly and Senate proclaiming June 3, 2000 as California Coastal Trail Day. This designation is important as it is the first time the Trail has achieved state and national recognition; one of the many benefits expected from this designation is the opportunity to qualify for various types of funding.

In addition, Proposition 12, passed by the voters in March 2000, provides for \$5 million for implementation of the CCT. Clearly this money will not cover the costs to complete the CCT, however it is a significant statement by the voters of California as to the importance of the Trail. The Conservancy will administer this bond money; they are currently developing a Strategic Plan, in coordination with both Commission and State Parks staff, to determine the best use of the funds. In order to facilitate the next steps for completion of the CCT, the three staffs have initiated a process to identify needs, establish priorities and develop a work program. An initial step is to actually construct signs and then install them along portions of the completed trail. This sign program will inform the general public of not only where the Trail is but also of the fact that it is a statewide project.



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.

At a recent meeting between staff of the three agencies, it was agreed that the existing Commission/Conservancy joint Access Program logo will be used to mark the Coastal Trail:



To confirm this staff decision, the Conservancy will consider officially adopting the CCT logo at their next Board meeting later this month. No formal action is required by either the Commission or the Department of Parks and Recreation. In the near term, staff of the three agencies will develop a plan to create the signs and begin installing them along the trail. We anticipate that the pilot area for installation of the signs will be on State Park property.

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 described above, State Parks, the Conservancy and the Commission are actively working on a strategy to bridge these gaps. One option being explored is to follow the Bay Area Ridge Trail model which is being completed pursuant to a legislative mandate, with dedicated funding and



staff.

On a day to day basis, gaps are being bridged as opportunities arise, including several significant gaps that were recently bridged. In May of this year, the Conservancy Board authorized acquisition of two key coastal front properties in Mendocino County, the Westport Headlands and the Caspar Headlands, comprising about a mile of future coastal trail. Just this month, the nonprofit land trust, Peninsula Open Space Trust (POST), purchased a key parcel comprising about .5 miles of coastal frontage that connects to many miles of County and State owned land to the south and to the state owned Pigeon Point Lighthouse to the north. Additionally, the \$5 million from Proposition 12 is expected to help to leverage additional purchases of coastal trail links.

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.

Pursuant to an inter-agency agreement between the Commission and Caltrans, three new staff positions at the Commission have been funded by Caltrans over the past year. One of the main tasks of this additional staff is to address the common problems facing the two agencies and to develop creative solutions for various Caltrans projects consistent with the Coastal Act, particularly its public access mandates. One employee has been working on issues along the Big Sur Coast for the past year and has undertaken the initial steps needed to produce the Commission's contribution to the joint planning effort known as the Coast Highway Management Plan (CHMP). The CHMP is designed to protect the "intrinsic values" of the Big Sur Coast Highway, and provide for "recreational enhancements" as provided under the Federal designation. Such enhancements include completion of the approximately 100 mile long Big Sur Coast portion of the CCT. At present, pedestrians are often forced to walk on the rudimentary shoulder—or even on the edge of the pavement where there is no useful shoulder—along much of the route. Before WW II and the construction of the Big Sur Coast Highway, the old Coast Trail provided a continuous coastal access path between Carmel and Cambria. Commission staff is in the process of identifying and mapping an alignment for a revived Big Sur Coast Trail that will comprise a pathway entirely separated from highway traffic. Particular attention is being paid to determining which bridges will need to incorporate separated pedestrian walkways, where pedestrian undercrossings will be needed, where trailheads should be provided or improved, and where trail segments will need to be on a parallel track within the highway right of way. The CHMP will also cover other Scenic Byway-related access enhancement, such as overlooks and vista points, shoreline access parking, restrooms, interpretive displays, signage,



bicycle and pedestrian friendly guardrail/bridgerail alternatives and other roadside improvements. A second employee was recently hired to address highway-related issues in the North Coast area, including exploring opportunities for providing coastal access along the length of the North Coast highway corridor. The recruitment process for the third position in Southern California is expected to be completed in the near future.

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

Staff continues to search for opportunities to implement this recommendation as LCPs, LCP amendments, and permit applications for relevant projects are submitted for Commission review and approval. In addition, a component of the San Luis Obispo ReCAP periodic review will analyze issues related to the CCT in the County. It is planned that completed segments will be mapped, and suggestions for appropriate signage included. Gaps will also be identified and recommendations for bridging those gaps will be included in the final report. We anticipate the process being developed by the ReCAP team will become a model for other LCPs, which, if adopted by local governments, would significantly facilitate the completion of the CCT.

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.

The current draft budget for FY 2000/2001 includes an additional staff position for the Access Program to address this issue. If that budget passes, the Commission will hire the new person as soon as possible to lead the agency's efforts in identifying and prioritizing historically used trails, and then initiating prescriptive rights studies. Any areas where development may be proposing to block historic public use will receive special attention. All of this work will be carried out in close coordination with the State Attorney General's Office.



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.

The Commission's Land Use Unit has hired a new employee to re-establish the Local Assistance Program. As part of an overall program to provide additional planning assistance to our local government partners, a local assistance newsletter is being produced. This will re-institute a newsletter that was produced many years ago but discontinued due to a lack of staff. Addressing the issue of public rights will be included in an upcoming issue and Access Program staff will lend assistance as needed.

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.

While this is a high priority policy area for the Commission, the staffing resources are not available to address it in a comprehensive fashion at this time.

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.

This recommendation is being pursued as opportunities arise. Included in Proposition 12 is \$3 million to the Conservancy to develop and implement a sand replenishment project. They are currently evaluating the various options which would most benefit from the expenditure of the funds. Commission staff is coordinating with the Conservancy on this project and lending technical expertise through various means such as the Beach Erosion and Response (BEAR) Task Force report.

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



One very important aspect of the dealing with erosion is the issue of pre-existing development which is located close to an eroding bluff edge and where a shoreline protective device is proposed. The Commission has recently made several permit decisions that confirm the policy that all new development must meet current bluff-top setbacks and not require any future shoreline protection devices. Several LCPs have incorporated such a policy and staff will continue to ensure that new LCPs will also incorporate these standards. There currently are no approaches for dealing with the impacts of erosion on a regional basis incorporated into LCPs, however. The ReCAP team will continue to explore the opportunities for doing so through the Periodic Review process.

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

This is a high priority recommendation that will be addressed as additional staffing allows. Also, as acceptance of the OTDs takes a higher priority than monitoring of already accepted easements, we expect to implement this recommendation sometime in the future.

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.

This is an on-going task to be implemented as opportunities arise. The problems associated with this issue were documented in both the previous ReCAP studies and in the work of the Beach Erosion and Response (BEAR) Task Force. This information should provide support for future efforts to implement this recommendation.

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.

Commission staff met with our publisher of the Coastal Access Guide, UC Press, in December of 1999, to discuss options for future publications. There is support for these regional guides and UC Press is currently researching the cost of producing a number of them. In addition, the Commission's Technical Services staff is exploring potential opportunities for making the guide



available through other means such as the Commission's website.

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.

Two cities, Half Moon Bay and Pismo Beach, are currently exploring the options of developing a comprehensive City wide signing program that includes the elements listed in this recommendation. Initial discussions with Commission and Conservancy staff are in progress.

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

Commission staff is providing technical and editorial support to this project. Guides are underway for Los Angeles and Orange Counties and should be completed by the end of the year.

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.

This is an on-going issue that needs attention. Commission staff maintains an on-going list of such encroachments as they are identified. With the hopeful addition of new enforcement staff in the near future, we expect to develop an effective strategy to address this on-going problem.

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.

As opportunities arise, Commission staff remains alert to encouraging local governments to



include provisions in LCPs to improve management of temporary events in order to protect public access opportunities. In addition, the Commission has held two workshops since the Guidelines were adopted. Based upon the testimony given at those workshops, the Commission has found that the existing guidance is operating effectively and requires no revisions.

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.

As opportunities arise, Commission staff will encourage local governments to include provisions in LCPs to address issues associated with beach curfews.

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.

Again, as opportunities arise, Commission staff encourages local governments to include provisions in their LCPs to address beach management activities. For example, after coordination with Commission staff, the City of Santa Cruz included such a plan in their LCP. Additionally, the City of Pacific Grove recently completed their Shoreline Parks Management Plan and will be submitting it to the Commission as a part of their LCP implementation component.

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.

This is an on-going issue that is very difficult to resolve. The City of San Clemente continues to work to address this issue, as there are several existing City vertical accessways which cross over the railroad tracks. Various options are being explored such as limiting the number and location of vertical crossovers, and constructing bypasses such as overhead walkways and tunnels. Lessons learned from this City may be applicable to other jurisdictions.



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.

This is an on-going issue that the Commission addresses as opportunities arise. For instance, in the Avila Beach Specific Plan that the Commission recently approved, there are provisions for an in-lieu fee parking program to help pay for the costs of a shuttle program, increased public transit, and a bicycle trail link to the City of San Luis Obispo.

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.

The Commission recently approved an innovative parking program proposed by the City of Manhattan Beach. The downtown merchants developed a program to address the difficulty of finding parking for those wishing to shop/dine/recreate downtown. Noting that many commercial parking lots were empty on the weekend, e.g. bank parking lots, the city created a program that utilizes a valet system. For a fee, automobile drivers leave their cars with a valet, who then has the choice to park in various private lots. These private lot owners are compensated for the use of the lot, and issues such as liability are addressed by the private company operating the valet service.

Staff will be monitoring this valet program and determine whether the principals can be applied to other beach communities in need of additional parking.

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

The Commission continues to addresses this issue both through actions on various permit and LCP items.



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.

This is an issue that is addressed on a case by case basis, drawing from previous Commission direction and applied to the particulars of the situation. Most recently, the Commission reviewed several preferential parking programs within the City of Santa Monica. Several of these programs were modified by the Commission to ensure continued parking opportunities for the general public. Given the interest by many urban coastal cities to create these exclusionary parking zones, a guidance document would be beneficial and when staffing allows should be completed.

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.

Due to the passage of Propositions 12 and a surplus State budget, the Director of the California Department of Parks and Recreation, recently announced significant reductions in State Park fees. This reduction applies to both day use and to camping fees. In some areas, day use fees may be eliminated all together. Therefore, this recommendation is being implemented by the Department and should be completed within the next fiscal year.

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.

The Commission's Water Quality staff has been, and continues to, work with our line staff to address water quality issues in both permits and LCPs. The Water Quality unit staff is also working with the ReCAP and other project staff to develop new LCP policies and mechanisms aimed at protecting and improving water quality in the coastal zone. For instance, water quality management measures were drafted for inclusion in the Avila Beach town plan specifically to protect coastal water quality and ensure public access. The Water Quality program staff is also in



the process of updating the Water Quality Procedural Guidance Manual and continues to work with Commission analysts on numerous LCP amendments, permit items, and federal consistency reviews.

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.

The Water Quality unit staff is actively participating in numerous education programs related to coastal water quality issues. For instance, they have worked with the Commission's Public Education program to support and expand the Clean and Green Boating Campaign and the Dockwalkers program. The staff has also worked with the Monterey Bay National Marine Sanctuary, Central Coast Regional Water Board, and other nonprofits to complete the first Water Quality Snapshot day, which helped to categorize the quality of water in 130 sections of creeks and rivers along the Central Coast. The Water Quality staff has also been in collaboration with the Sanctuary, Regional Board and the Public Education Unit to support further coordination of Citizen Water Quality monitoring on the Central Coast.

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.

The Commission's ReCAP staff is currently working on the Periodic Review of the San Luis Obispo County LCP. As part of the cumulative impacts analysis, staff is researching the public access impacts and identifying appropriate mitigation. A segment of this work product will include a review of the County's access policies and ordinances, and will include suggestions to improve them. This work should provide a strong foundation for then developing a model LCP Access Component.



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.

This critical issue continues to be addressed by various members of the Commission staff through individual actions on LCPs, permits, and other items by the Commission. However, inadequate staffing and resources has prevented any comprehensive approach to this issue.





California Coastal Commission

Public Access



Action Plan

June 1999

ATTACHMENT

Public Access Action Plan

Executive Summary

This 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.



