

CALIFORNIA COASTAL COMMISSION

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WED # 8 a

June 25, 2001

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 10-13, 2001 meeting

It has been two years since the Commission reviewed the Public Access Action Plan, the agency's first comprehensive review of the Access Program and blueprint for its future. 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 yearly 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, noteworthy progress has been made primarily due to the additional staff included in the Governor's FY 1998/1999 budget. This staff person has reviewed and analyzed hundreds of the OTD files, scanned and electronically transmitted them to various accepting entities, and developed basic GIS maps to spatially locate the OTDs. **This extra attention to the OTD program has resulted in 92 OTDs being accepted over the last 12 months, bringing the statewide acceptance rate up from 36.5% to 53%.**
- Second, with respect to the California Coastal Trail, the Coastal Conservancy is administering the \$5 million allocated from the park bond act passed in 2000. They have initiated a planning process to develop a Statewide California Coastal Trail plan, as well as funding several projects which implement segments of the CCT. Also, there is continuing



legislative support for the trail. Both a resolution declaring the CCT as a statewide trail priority and a bill that directs the Conservancy, in consultation with the Coastal Commission and the State Department of Parks and Recreation, to prepare a CCT implementation plan, are currently pending in the California legislature.

- Third, regarding prescriptive rights, last year's passage of the Governor's budget included another position for the Commission's program for the specific purpose of developing a strategy to identify and protect public prescriptive rights to the coast. A new employee was hired in August of last year and has initiated the program.

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 (June 2000-June 2001) 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

The Commission and the Conservancy have intensified 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. The Commission has improved its system to transmit these files and other pertinent information to the Conservancy and the Conservancy hired a new staff member in the spring of 2001 to specifically deal with expiring OTDs. Over the last year, the Conservancy accepted three OTDs and later this month six more are scheduled for acceptance.

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. To assist local land trusts with the OTD process, the Conservancy continues to fund a position in the County planning department to coordinate OTD acceptance/opening. This investment has paid off as Coastwalk recently accepted 38 OTDs, the majority of which would have expired in the next two years. This action brings the acceptance rate in Mendocino up from 3% to 31%. The Commission has also been working with the Department of Parks and Recreation staff and they have committed to accepting an additional 21 OTDs in Mendocino. When that that process is completed, sometime in the next few months, the acceptance rate for Mendocino County will be 46%, which will bring the County from having one of the lowest acceptance rates to a rate commensurate with the statewide average.



2. OTDs expiring in the next 24 months

Pursuant to the terms of the Commission/Conservancy M.O.U., Commission staff tracks all OTDs expiring in the upcoming 24 months. Currently, there are 110 OTDs in this category, and the Commission and Conservancy staff have identified accepting agencies for about half of these OTDs. While both staffs continue to work to find suitable accepting agencies, Conservancy staff is concurrently preparing to take these OTDs to their Board for action to assure that no OTDs are lost due to expiration deadlines.

3. Commission/Conservancy grants

Local government

Through their respective local government grant programs, both the Commission and Conservancy are encouraging local governments to direct attention to outstanding OTDs. One of the primary methods employed has been to condition 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. In addition, the Conservancy has conditioned grants to the County of Santa Cruz and the City of Pismo Beach to require specific OTD acceptance actions.

Over the last year, both the cities of Pismo Beach and San Diego as well as the County of Santa Cruz have complied with the grant conditions. The City of Pismo Beach accepted all 18 outstanding OTDs, the City of San Diego accepted 9 of 16 OTDs and the County of Santa Cruz accepted 5 of 32 OTDs. Additional action is anticipated by the remaining jurisdictions prior to the expiration of their grant programs.

Nonprofits

Several new nonprofit groups entered the OTD arena over the last year including: the Westport Village Society accepted 3 OTDs (including one vertical) in Westport; the McKinleyville Land Trust accepted two OTDs in McKinleyville (including one vertical), Coastwalk accepted 38 OTDs in Mendocino County (including two verticals); the Land Trust of Santa Cruz County accepted one OTD in Davenport (a vertical); Access for All accepted two OTDs in Malibu; and the Agua Hedionda Lagoon Foundation accepted one OTD in Carlsbad. The status of the opening of these easements is discussed below.

Coastal Access Account

The Coastal Access Account, funded by the Commission's permit fees and administered by the Conservancy, is being used for a variety of projects that enhance public access to the coastline. These projects include acquisitions, upgrading facilities (e.g. major improvements to Cabrillo Beach Park in San Pedro were funded and constructed over the last year) and also facilitating nonprofit acceptance and opening of OTDs. This year one new accessway, in Carlsbad along Agua Hedionda Lagoon, was opened with funds from this account.



4. OTD Acceptance/Opening Status

Over the last 12 months, 92 additional OTDs have been accepted. This brings the Commission's overall acceptance rate to 53%, up significantly from the rate of 36% for the last several years. Of the 92 OTDs (now public access easements), 12 are vertical. Of these twelve, six are currently open to the public through various means. Three OTDs were required to protect historic public use trails and those areas are now managed by two land trusts. Westport Village Society operates the bluff top area in Westport of Mendocino County and the Land Trust of Santa Cruz County operates the bluff top trails in Davenport as well as the trails around Antonelli's pond in the City of Santa Cruz. Three verticals were developed and are being operated by hotel developers in the City of Pismo Beach and now the City (who accepted the OTDs) is developing signage to ensure the general public is aware that these beach access stairways are open for general public use. Of the six vertical OTDs that are not yet open, one is located in McKinleyville and was accepted by the McKinleyville Land Trust; two in Mendocino County were accepted by Coastwalk and Santa Cruz County accepted three OTDs. All six of these are being held until additional access opportunities can make these vertical easements more useful.

As noted above, one new lateral OTD was developed and opened on March 20 of this year by the Agua Hedionda Lagoon Foundation. The easement is located along Agua Hedionda Lagoon in the City of Carlsbad (see photo below). This 260 ft. long sandy beach pathway connects to an existing developed vertical also required by the Commission. The Foundation intends to continue accepting OTDs along the Lagoon and eventually implement the LCP policy of a continuous



The Conservancy granted San Mateo County funds to evaluate and prepare development plans for the five OTDs they had previously accepted. Public meetings were recently held and the process for opening these areas is underway.

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. Nonetheless, the State Lands Commission continues to accept lateral OTDs in the Malibu area (120 accepted to date, 25 pending for the next year) 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 this past year cooperatively developed a joint budget proposal and work plan to seek additional resources.

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.

Over the past year, Commission staff identified all OTDs that are directly adjacent to State Park lands, and transmitted those 55 OTDs to the Department staff for review. Recently DPR staff has determined that 21 of 25 OTDs in Mendocino and one OTD in San Diego meet their criteria for acceptance and they are processing the acceptance paperwork. Commission staff will continue to work with DPR staff on the remaining OTD file reviews.

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.

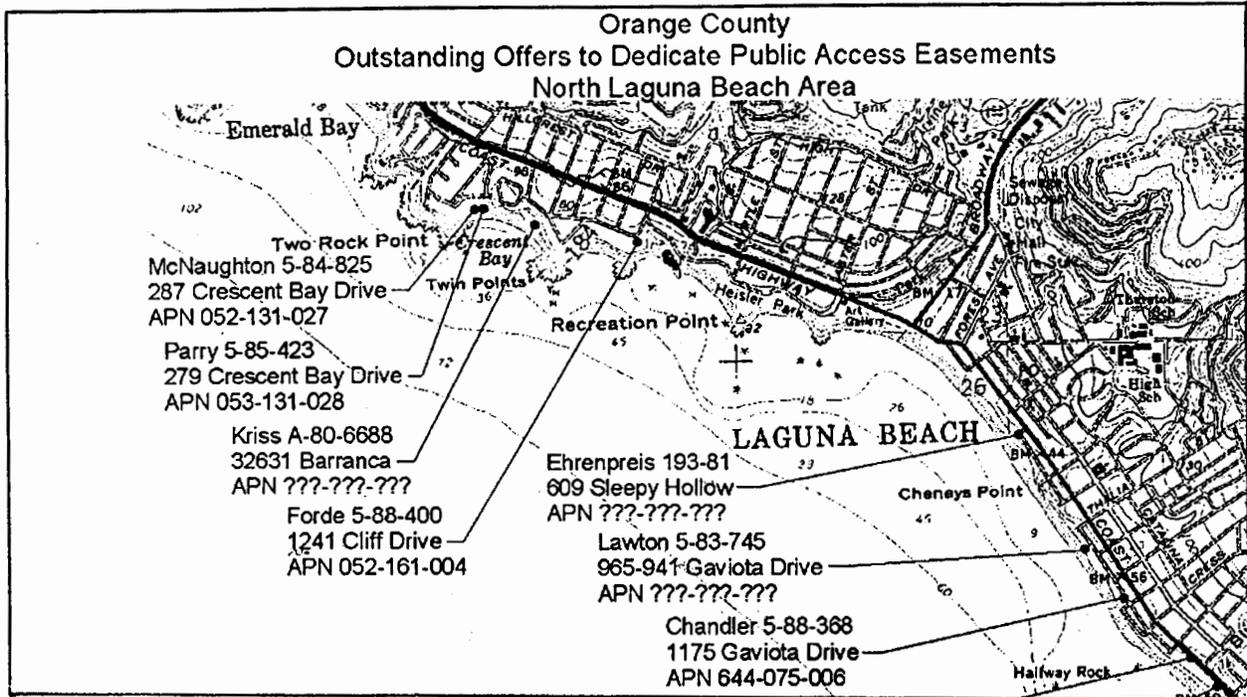
Both the Coastal Conservancy and the Santa Monica Mountains Conservancy must submit their OTD acceptances to the Department of General Services (DGS) for review and approval. Processing time by DGS varies depending upon a number of issues. As OTD deadlines are critical, Commission staff continues to work on this issue to streamline the process. A new proposal has just emerged suggesting that the Public Works Board may also need to review the OTD acceptances. If so, this will add another layer of review and may further slow the process. Again, Commission staff is working with both Conservancy staffs to resolve this issue.

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.

Over the last two years, Commission staff has completed hand drawn maps, both on a regional basis and on assessor parcel maps, for about 135 OTDs. We have recently upgraded our information by preparing GIS maps showing outstanding OTDs on USGS quads, that spatially



display the OTDs within a community context (see below). However, the Commission continues to need technical mapping completed for each OTD in order to be able to fully describe these OTDs to potential accepting agencies. 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 the Commission Technical Service's staff is taking the lead on. They are active participants in a statewide committee, the California Mapping Coordinating 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 hope that 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 has compiled a list of known encroachments and has made themselves available to the Commission's enforcement staff to address unpermitted access impediments.

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.

There have not been any changes to the bill authored by Senator McPherson, SB 243, passed and signed into law in October 1999. It amended Section 846.1 of the Civil Code, and expanded 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. No claims have been submitted to this account.

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. A future step may include signing of these laterals, to ensure that it is clear just which areas of the beach are 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. Last year, both the Conservancy and the Resources Agency 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. Progress is ongoing for eventual construction of those projects as well as new planning efforts in the County of San Luis Obispo and the City of Pismo Beach to evaluate where access improvements are needed. Also noted above, the Conservancy granted to San Mateo county funds to evaluate and develop plans to open the five OTDs they have accepted.

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. In addition, the Commission's RECAP staff recently finalized Periodic Review recommendations for San Luis Obispo County LCP, including recommendations to improve the County's OTD program by updating their ordinances to ensure that all required OTDs area actually recorded and by encouraging the use of direct dedications whenever possible to ensure access mitigation is implemented in a timely manner.

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.



Through a federal designation process the California Coastal Trail became the State's Millennium Legacy Trail in September 1999. To further bolster the trail's status, there is a pending resolution in the California legislature which, if passed, would acknowledge the CCT as a statewide trail priority. Additionally, a bill is pending that would, if passed, direct the Conservancy in cooperation with the Commission and State Parks to develop and implement a CCT plan.

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 is administering this bond money and they are currently developing a CCT Statewide Plan, in coordination with both Commission and State Parks staff, as well as through a \$600,000 grant to the nonprofit group Coastwalk. In order to facilitate the next steps for completion of the CCT plan, the staffs have formed a task force to identify needs, establish priorities and develop a work program. Other CCT projects funded by the Conservancy include a grant to the City of Pacifica (\$300,000), Trust for Public Land (\$250,000 for Mori Point), City of Pismo Beach (\$200,000 Dinosaur Caves), Port of Los Angeles (\$300,000), and the City of San Clemente (\$59,000) for a total of almost \$2 million.

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.

Last year the Conservancy Board declined to use the existing Joint Access Program logo and directed their staff to search for a new logo which more clearly illustrates the CCT. Therefore one of the tasks of the CCT Planning Task Force is to find such a CCT trail logo. Commission staff has identified a professional design firm willing to offer pro bono time and create various options for a possible new design. These would then be further evaluated by the CCT task force and submitted for approval, hopefully within then the next year.

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 CCT planning effort that among other tasks will develop a strategy to bridge these gaps.

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.



Work continues via the inter-agency agreement between the Commission and Caltrans, which funds three staff positions at the Commission. One of the main tasks of these staff members 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 of these staff members is finalizing the first-ever detailed inventory of all the public access and recreation features along the Big Sur Coast as part of the Commission's contribution to the joint planning effort with Caltrans 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 Scenic Byway designation. The recreation and access inventory covers the Highway 1 corridor, from northern San Luis Obispo County to the Carmel River in Monterey County (about 76 miles). The inventory has revealed dozens of previously unmapped public trails, including segments of the Old Coast Trail that can someday once again be rejoined into a continuous whole—some part of which may involve pedestrian walkways on ridges or highway underpasses. The project has produced detailed trail maps, at a scale of 1"= 200'. All of the information will be entered in the CHMP GIS database and made available to future Commission and County planning efforts.

The other two staff members work on a variety of issues, including public access, that arise in the north and south parts of the state, primarily through permit and planning coordination with Caltrans.

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. For example the Commission's recent Periodic Review of San Luis Obispo County's implementation of its LCP analyzes issues related to the CCT. A number of recommendations are made to the County to establish a local planning process, develop criteria, and prepare an implementation strategy in support of the CCT. We expect that the recommendations developed by the ReCAP team will be helpful to other local jurisdictions facilitating the completion of the CCT through their LCP planning and implementation process.

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 Governor's budget for FY 2000/2001 included an additional staff position for the Access Program to address the issue of prescriptive rights. That person was hired last August and has developed a program for the agency to identify and prioritize historically used trails. As a result of this work, several prescriptive rights studies around the state have been initiated. Any area where development is proposed to block historic public use receives special attention. All of this work is being carried out in close coordination with the State Attorney General's Office. One of the most effective tools developed through this new program is use of the Internet. For example, the Commission's Web page has been expanded to include the Access Program's activities, including the Prescriptive Rights program.

California Coastal Commission Public Access Program Home Page



The Public Access Program

The first comprehensive review of the State's Coastal Access Program, the California Coastal Commission *Public Access Action Plan*, was published in June 1999. It identified the key issues that affect the public's ability to use and enjoy the coast for recreation, and determined its three top program priorities:

- The Offer to Dedicate (OTD) Public Access Easement Program;
- The California Coastal Trail;
- The Prescriptive Rights Program.

The Commission publishes the *California Coastal Access Guide* with information on more than 850 public access coastal areas.

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.

Last year the Commission hired a new employee who has re-established the Local Assistance Program, including production of an electronic newsletter. One issue of the newsletter this past year dealt with public rights and directed readers to the Access Program staff for additional



information. Additionally the San Luis Obispo LCP Periodic Review includes recommendations for the County to include a program for protection of prescriptive rights as part of a Comprehensive Access Element developed under the LCP.

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 Commission has lacked the necessary support to pursue legislation under this recommendation; however it has participated in the Resources Agency's development of draft policy on shoreline erosion. In addition, Commission staff continues to examine proposed shoreline protection projects to determine whether they could have adverse effects on local sand supplies and public access. In cases of possible adverse effects, Commission staff develop the supporting information necessary to apply conditions for lateral access easement dedications, sand supply mitigations, or other actions to mitigate for the impacts.

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. For example, included in Proposition 12 is \$3 million to the Conservancy to develop and implement a sand replenishment project. They are evaluating various options which would most benefit from the expenditure of the funds and have funded a pilot beach nourishment program at Surfers Beach in Ventura County. Commission staff is coordinating with the Conservancy on this project and lending technical expertise through various means such as the Beach Erosion and Coastal Hazards (BEACH) Task Force report. In related efforts, local governments in Carlsbad, San Clemente and Ventura are developing opportunistic sand nourishment programs and Commission staff is assisting in this effort.

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

One very important aspect of 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 made several precedential permit decisions to ensure that new development is sited and designed so that it does not require any future shoreline protection devices. Toward this same end, most LCPs have incorporated setback policies. However, a serious on-going issue that the Commission increasingly faces is requests for seawall devices to protect existing shoreline development. As discussed in detail in the Commission's Action Plan, these structures can have



dramatic effect on access. Older LCP policies were based upon a 30-50 project life span. Experience has shown that buildings are actually lasting much longer, demanding new approaches to this problem. Staff continues to address this issue, in part through new LCP submittals and LCP amendment proposals. Another issue that the Commission continues to express interest in developing improved planning techniques, such as the preparation of regional shoreline plans, developing planned retreat strategies, etc. to find better solutions to shoreline erosion. In fact, one of the San Luis Obispo County Periodic Review recommendations is for the County to develop Areawide Shoreline Management Plans for urban development enclaves. As resources allow, staff will look for further opportunities to further address these issues.

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

This remains 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 focus attention on 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 Coastal Hazards (BEACH) 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 has discussed with our publisher of the Coastal Access Guide, UC Press, options for future publications. While there is support in concept for these regional guides, UC Press is currently researching the cost of producing a number of them. In addition, the Commission's Technical Services staff has developed an in-house electronic version of the Guide and we are exploring potential opportunities for making the guide available through other means such as the Commission's Website. Also, Commission staff is working on producing an access map to the Orange County coast, being funded by a litigation settlement. We expect that map to be completed by the end of the year.

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, continue to explore the options of developing a comprehensive City wide signing program that includes the elements listed in this recommendation. Commission and Conservancy staff are working with the cities to help complete the program and will seek opportunities for expanding similar efforts around the State.

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

Over the year, Commission staff provided technical and editorial support to projects that are initial steps to implementing this recommendation. The Guides, which cover Los Angeles and Orange Counties, are in final production and should be available in the near future.

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 will require further attention. Commission staff maintains a working list of such encroachments as they are identified. Public Access Program staff has requested the Commission's enforcement staff work with them 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. 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. Another ongoing effort is the completion of a Beach Management Plan as a component of the City of Carmel's LCP that is expected to be submitted to the Commission by the end of the year.

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 continues to be very difficult to resolve. The City of San Clemente is striving to address this issue, as there are several existing informal 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 approved by the Commission this year, 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.

As one model, the Commission recently approved an innovative parking program that takes advantage of underutilized parking lots in 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 is monitoring this valet program and will 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 address this issue through both 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. For example, last year the Commission reviewed several preferential parking programs within the City of Santa Monica and most were modified 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 in 2000, the Director of the California Department of Parks and Recreation was able to implement significant reductions in State Park fees beginning last fall. These reductions applied to both day use and to camping fees. In some areas, day use fees were eliminated all together. Staff has observed that as the fees have been lowered, there has been a corresponding increase in the number of cars parked in the day use lots.

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 continues to work with our line staff to address water quality issues in permits, LCPs, and federal consistency reviews. The Water Quality unit staff is also working with the ReCAP team and other project staff to develop new LCP policies and mechanisms aimed at protecting and improving water quality in the coastal zone. For instance, specific measures were included in the Avila Beach town plan specifically to protect coastal water quality and ensure public access. The Water Quality program staff has also updated the Water Quality Procedural Guidance Manual and will soon have it available for local government staff. Moreover, staff continues to develop the Model Urban Runoff Program; three workshops were held this past year which together gave the 50 participants from over 20 Central Coast municipalities the necessary information to create local urban runoff programs in preparation for the State Phase II Stormwater requirements. As for Critical Coastal Area planning, the Commission has held four meetings with other state and regional agencies to develop a strategic plan for the identification and implementation of this planning effort.

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 work 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 second Water Quality Snapshot day, which helped to categorize the quality of water in 170 sections of creeks and rivers along the Central Coast. (This event was funded through a Whale Tail License Plate grant.) The Water Quality staff has also been in collaboration with the State Board and the Public Education Unit to expand Citizen Water Quality monitoring to other areas of the coast. In related efforts, other Commission staff also continue to work thorough watershed planning efforts in various communities to improve water quality and coastal resource protection.

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 Periodic Review of the San Luis Obispo County LCP contains several recommendations for improving existing implementation of access policies and ordinances. A key focus of these recommendations is the framework for the development of a Comprehensive Access component for each of the LCP's four Area Plans. The result of this effort should provide a strong foundation for developing a model LCP Access Component when staffing resources allow.

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 is still a critical issue and 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. Commission staff is tracking university and other outside studies that are being conducted on issues associated with beach use behaviors to see if their results may be beneficial to the agency's on-going planning and regulatory reviews.



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.



