

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE (415) 904-5200
 FAX (415) 904-5400
 TDD (415) 597-5885



Public Access

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

Review the principal Coastal Act policies concerning public access at Sections 30210 through 30214 and 30500(a) and 30604(c). These statutes can be found at:
<http://www.coastal.ca.gov/coa/statc.pdf>

LCPs are essential to reaching the goal of maximum public access. Coastal Act Section (§) 30500 requires that each LCP contain a specific Coastal Access Component to “assure that maximum public access to the coastal and public recreation areas is provided”. In general, LCPs should provide policies and standards to assure that existing public access is protected, and that maximum public access to and along the shoreline is both planned for and provided with new development when warranted. Pursuant to Coastal Act §30531, LCPs should, to the maximum extent practicable, incorporate a public access inventory, including a map showing the specific locations of existing and proposed public access to the coast. In light of continuing population growth and demand to use California’s beaches and shoreline recreational resources, it is imperative that local governments update LCP Access Components to reflect new information and changed conditions.

➤ ***Overview: What should an updated public access component include?***

Ensure that your maps, policies and ordinances reflect new information and changed conditions, such as:

- Updated inventories and maps of existing and planned access, including the status and location of offers to dedicate easements, deed restrictions, and other sites suitable and needed for new public access;
- Current estimates of visitor and facilities use (see Recreation discussion also);
- Revised assessments of unmet demand and future demand, particularly where there is currently insufficient access, overcrowding or exclusion of the public;
- Updated assessments of any public safety concerns or fragile resources that may require additional access management measures;

- Updated measures to reduce any newly identified impediments to public access;
 - Identification of any new encroachments on public beaches or accessways (e.g. illegal no parking signs or illegal barriers, private accessory development or landscaping on beaches) and updated requirements to remove them;
 - Identification and protection of potential prescriptive rights;
 - Implementation of the California Coastal Trail (CCT) by adding new policies and ordinance provisions to provide for the trail, and maps locating existing and planned segments of the trail;
 - New mitigation for unavoidable impacts of recreational beach loss from permitted development;
 - Updated zoning ordinances to provide for access needs, including ensuring that residential zone districts allow public recreational use corridors, easements, etc.
- ***Where can I read some examples of recently updated access components?***

Some recently revised Public Access components are:

- City of San Diego La Jolla LUP segment at <http://www.sandiego.gov/planning/community/profiles/pdf/cp/cpljfullversion.pdf> (see pages 26 - 33 and Appendices/Access Inventories);
- City of Newport Beach LUP at <http://www.city.newport-beach.ca.us/Pln/LCP/LCP.htm> (Chapter 3).

- ***What are some specific issues that should be addressed in an LCP Update?***

The following highlights new information that should be considered in updating the Access Component:

◆ **Implementing the California Coastal Trail**

Completing a California Coastal Trail (CCT) has been a longstanding vision in California. In 2001 the legislature directed the State Coastal Conservancy, in consultation with the Coastal Commission and State Parks, to coordinate the development of the trail. Coastal Act §30609.5(a) provides for the protection of any public land that may have been designated as part of the CCT. An updated LCP Access Component is the appropriate vehicle for planning for and designating the CCT. For guidance in incorporating CCT provisions in the LCP, review the report *Completing the California Coastal Trail*, January 2003, at: <http://www.coastal.ca.gov/access/coastal-trail-report.pdf>.

Definition of the California Coastal Trail

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

The Malibu LCP provides a good example of standards by which the CCT should be designed and implemented. Each LCP should contain comparable standards to designate the CCT and ensure that it is developed.

- City Of Malibu LUP policies pages 27-29 LUP at <http://www.coastal.ca.gov/ventura/malibu-lup-final.pdf>, and;
- City of Malibu Zoning Ordinance provisions pages 191-208 at <http://www.coastal.ca.gov/ventura/malibu-lip-final.pdf>.

◆ **Temporary events that can affect public access**

Certain temporary events have the potential to impact public coastal access (and other resources) and require coastal permits. Your LCP should address such topics as the type, location, and intensity of such events, including scheduling, transportation to the event, how the location of the event will affect public use, signage, mitigation measures, and clean-up. The Commission has adopted guidelines addressing the potential regulation of temporary events:

- Regulation of Temporary Events, Letter from P.Douglas to Planning Directors, January 23, 1998 with Guidelines for the Exclusion of Temporary Events, May12, 1993 as attachment to letter.

The Commission also has responded through individual permit actions and LCP amendments to the growing number of special and annual summer events that would commit large areas of public beaches to special, commercial events on most summer weekends.

Check out a couple of recent Commission decision concerning beach volleyball and other events:

- <http://documents.coastal.ca.gov/reports/2006/4/T8f-4-2006.pdf>;
- <http://www.coastal.ca.gov/lb/A-5-MNB-03-075-6mm3.pdf>;
- <http://www.coastal.ca.gov/sc/3-03-034.pdf>.

The City of Carmel by the Sea LCP includes an ordinance regarding temporary events. See the Carmel Implementation Plan §17.52.10 (I) at: <http://ci.carmel.ca.us/indexplanning.html>.

◆ **Protecting and managing public parking**

The Commission has reviewed an increasing number of proposals to implement residential preferred parking restrictions that can adversely impact public access. Generally, the Commission has not favored such proposals if they impact access by the general beach-going public, including beach use and access during non-peak times such as evening/overnight use, or where the parking area in question involves any beach parking. LCPs should be amended to include updated parking inventories, including identification of existing restrictions, supply and

demand analyses, and standards to address potential conflicts between various parking user groups.

◆ **Including Provisions to Expand Alternative Transportation**

Access Components should include provisions to maximize public access through expanded transit as called for in Coastal Act §30252. Such alternatives are increasingly needed to address roadway congestion as well as climate change due to greenhouse gases.

You might also consider including bicycling. Read Chapter 1000 of the Highway Design Manual *Bikeway Planning and Design*.
<http://www.dot.ca.gov/hq/oppd/hdm/pdf/chp1000.pdf>.

◆ **Managing Time Restrictions and User Fees on Public Use**

Many local governments are exploring ways to manage public access through measures such as beach and parking lot nighttime curfews and increasing fees. These measures can adversely affect public access and in most cases require issuance of a coastal development permit because they constitute “development” as defined in Coastal Act §30106 (“...change in the intensity of use of water, or of access thereto;...”). The majority of restrictions allowed by the Commission have been limitations on vehicles entering beach parking lots, not on actual use of the beach. Access Components should be updated to clarify which measures will be applied and under what conditions, in order to protect maximum public access. For example see:

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

◆ **Avoiding and Mitigating Beach Encroachments**

Your updated Access Components should include measures to ensure that development avoids or minimizes and mitigates encroachment on beaches or accessways. Updating inventories of beach ownership is important. In areas where public use is allowed on private land, you might include programs to maintain that access. Your LCP should limit structural development on public beaches to development that is essential for public access or safety, such as lifeguard towers. In general, your LCP should not allow private development to encroach onto public beaches.

◆ **Avoiding Private Impediments to Beach Access**

Public access may be adversely affected by such development as installation of “private beach” and “private parking” signs, and landscaping and painting red curbs in the public street right-of-way. LCP access components should prohibit installation of such development.

◆ Valuing Recreational Beaches and Developing Mitigation

Development that encroaches on sandy beaches or other accessible shorelines may adversely impact public access. Updated Access Components should include revised policies and ordinances to ensure that new development avoids such impacts or if avoidance is not possible, that the impacts are fully mitigated. Mitigation needs to address the potential impacts to public recreation, including through evaluation of losses to recreational value where appropriate. For examples of Commission decisions involving recreational beach impacts from shoreline structures, see the following reports:

- Commission action on Ocean Harbor House at <http://www.coastal.ca.gov/sc/Th13a-1-2005.pdf>.
- Commission action on Las Brisas seawall at <http://www.coastal.ca.gov/sd/7-2005-F6b.pdf>.

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

- Philip G. King, *Economic and Fiscal Impact of Carlsbad Beaches*, 2005.
- Philip G. King, *Economic Analysis of Beach Spending and the Recreational Benefits of Beaches in the City of San Clemente*, 2001 at <http://userwww.sfsu.edu/~pgking/sanclemente%20final%20report.pdf>.
- Philip G. King, *Economic Analysis of Beach Spending and the Recreational Benefits of Beaches in the City of Carpinteria*, 2001 at <http://userwww.sfsu.edu/~pgking/carpenteria.pdf>.
- Daniel Lew and Douglas Larson, *Valuing Recreation and Amenities at San Diego County Beaches*. 2005.
- Philip King and Douglas Symes *The Potential Loss in GNP and GSP from a Failure to Maintain California's Beaches at* <http://userwww.sfsu.edu/~pgking/Econ%20Impact%20of%20Out%20of%20State%20and%20For%20tourism%20v7.pdf>.

◆ Addressing Locked Gates and Roads

The Commission has seen an increase in requests to install gates to prevent public access to private roads or subdivisions. Such development can impact public access and recreation by blocking access to adjacent public trails and recreational areas. LCP designations and ordinances should discourage private roads and gates in new subdivisions and include standards to protect public access, including criteria for when gates may be considered. For example, gates should only be considered:

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

CCC LCP Update Guide

Public Access

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

◆ **Considering Public Access in Road Abandonments**

The coastal development permitting process can help ensure coastal access and resources are protected along abandoned roads. Some abandoned roads have the potential to provide public access opportunities, like parking or pedestrian access, or protection of a sensitive resource, like habitat. Your LCP should clarify that coastal development permits are required for abandonment of public rights of ways, such as street ends, that may affect public access. For some discussion see:

- City of Los Angeles Street, vacation of a public right-of-way:
<http://documents.coastal.ca.gov/reports/2006/4/T10b-4-2006.pdf>.

Other techniques you could employ include permitting only partial abandonment of the road, creating public access easements, or deeding part of the road to a public recreational agency. An example of the Commission addressing road abandonment in an LCP is found on page 48 at: <http://www.coastal.ca.gov/sc/CML-LUP-SUB-R3.pdf>.

◆ **Comprehensive Beach Management**

Management measures can help address many issues concerning the beach, including access, recreation and wildlife preservation. These might include temporary closures for snowy plovers, events, beach grooming, and sandbar breaching, all of which are defined as development under the Coastal Act and require coastal permits. To avoid the need for multiple permits and to address sometimes competing policy guidance (e.g. providing public access while protecting resources), you could prepare beach management plans and incorporate them into your local coastal programs.

The Commission staff has provided some information on preparing beach management plans in *Beach Management: Issues and Solutions*, December 1996.

For a recent Commission action on the City of Santa Cruz beach management plan, see:

- <http://documents.coastal.ca.gov/reports/2006/8/Th12a-8-2006.pdf>.

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE (415) 904-5200
 FAX (415) 904-5400
 TDD (415) 597-5885



Recreation and Visitor Serving Facilities

The Coastal Act places high priority on the protection and maximization of recreation and visitor serving land uses, including lower cost facilities. LCPs certified almost 20 years ago will have outdated information on visitor use and demand. As a result, your LCP may not reserve adequate areas and infrastructure capacity to meet current and projected recreation and visitor facility needs.

➤ **Overview: What should an updated LCP include?**

LCP policies should maximize access to recreation and visitor facilities as a priority use under the Coastal Act. There may be obvious areas of overlap with your Public Access component.

Review the principal Coastal Act policies concerning recreation and visitor serving uses at Sections 30212.5, 30213, 30220 through 30224 and 30250 and 30250. These statutes can be found at:
<http://www.coastal.ca.gov/coa/act.pdf>

- ❑ Update the inventory and map of existing shoreline and near-shore recreational areas and facilities and support facilities (ex, beaches, harbors, parking lots/spaces, visitor commercial).
- ❑ Evaluate current information on the use of, and demand for, recreation areas and facilities. Has development authorized since certification adequately met the demand? Update estimates of future demand.
- ❑ Review existing areas designated for recreation and visitor facilities, especially oceanfront lands. Review patterns of development. Do visitor serving commercial uses remain a priority use over private residential, or general industrial and commercial land uses? Are there new measures available to ensure that such visitor uses will remain a priority use?
- ❑ Consider the need to designate and zone additional areas for recreation and visitor facilities to meet new estimates for population growth and projected demand.
- ❑ Are more areas for upland facilities needed to support expanded recreational water use?
- ❑ Update the inventory and map of existing visitor accommodations (campground, RV parks, motels, inns), by type, capacity, ownership and price range. Consider expanding designated areas to ensure a range of affordable facilities.
- ❑ Update circulation/transportation facilities policies to increase alternative transportation and parking to serve recreational developments. If new development of affordable overnight accommodations is not occurring, means to travel to and/or park at the coast in order to recreate will become more critical.

CCC LCP Update Guide
Recreation & Visitor
Serving Facilities

- Update the LCP to identify future public agency acquisitions, development or redevelopment, and management of public recreation and visitor-serving facilities.

➤ ***What are some new issues in recreation and visitor serving planning and regulation?***

◆ **Condominium Hotels/Timeshares**

New development of overnight facilities that are owned as private residential units but managed as part of a hotel rental pool are a more recent development trend in the California coastal zone. This type of overnight accommodation has an untested track record in ensuring protection of public visitor-serving facilities as a priority use. The Commission has addressed this emerging trend for “condo hotels” (or other types of fractional ownership of overnight units) in a special workshop and several recent permits and LCP Amendments. The Executive Director has also issued interim guidance to local governments for addressing this trend: <http://www.coastal.ca.gov/legal/condo-hotels.pdf>

In updating the LCP if such uses are to be considered, it is critical to include adequate protections for visitor overnight uses in such developments, as well as mitigation of impacts to these priorities uses and prohibitions against converting existing hotel units to such residential uses. You can view workshop materials at <http://documents.coastal.ca.gov/reports/2006/8/W3-8-2006.pdf>

As this issue develops, new projects will be evaluated with whatever new information is available.

◆ **Recreational Facility Upgrades and Conversions**

A current trend along the coast is for property owners to propose upgrades or conversions of their overnight facilities. Such changes can result in narrower ranges in price and type of overnight accommodations including the loss of lower-coast visitor-serving facilities in the coastal zone. This problem is compounded by the fact that new development proposals are often for high-end hotels. As you update your LCP, go beyond designating appropriate areas for overnight accommodations. Include policies and standards to ensure an appropriate mix of accommodations over time. Mitigations for allowing luxury or higher priced accommodations could include construction or retention of lower cost facilities such as cabins, a tent campground or hostel, and more affordable hotel/motel developments.