

Public Access Report:
Status of
Vertical Accessways
Acquired by
California Coastal
Commission Actions
1973 to 2011

**San Diego, Orange, Los Angeles,
Santa Barbara, Ventura,
and San Luis Obispo Counties.**

December 23, 2011



California Coastal Commission
Statewide Public Access Program



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December 23, 2011



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Cover photo: Heading down to enjoy Salt Creek Beach, City of Dana Point, Orange County.



The California Coastal Act of 1976 and the Coastal Commission's Public Access Program

One of the highest priorities in the California Coastal Act of 1976 is the mandate to maximize public access to the coast. Provisions in Chapter 3 of the Coastal Act (Sections 30210-30214) set forth requirements for the provision of public access which must be met in order for the Commission to approve a proposed development project or a Local Coastal Program (LCP), including:

- Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization;
- Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects;
- Public facilities shall be distributed throughout an area to prevent overcrowding or overuse.

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

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



Pathway to La Jolla Beach, San Diego County.

Getting to the Coast - The Importance of Vertical Accessways

A vertical accessway generally provides access from the nearest public road to the shoreline. When improved and opened, vertical accessways are extremely important because they provide a new way for the public to get to the coast, which is especially valuable in areas with limited or inadequate access. For this reason, the Coastal Commission has prioritized the opening of all vertical accessways acquired through its regulatory process.

How Public Access is Acquired in the Regulatory Framework

One of the main regulatory tools that the Coastal Commission has used to offset the impacts of private development on public access to and along the shoreline, is the requirement for permit applicants to record a legal document that protects or provides for public access across their property.

Generally the Commission has used either an Offer to Dedicate (OTD) a public access easement or a Deed Restriction (DR) to protect these future public accessways to the coast.

What is an Offer to Dedicate a Public Access Easement?

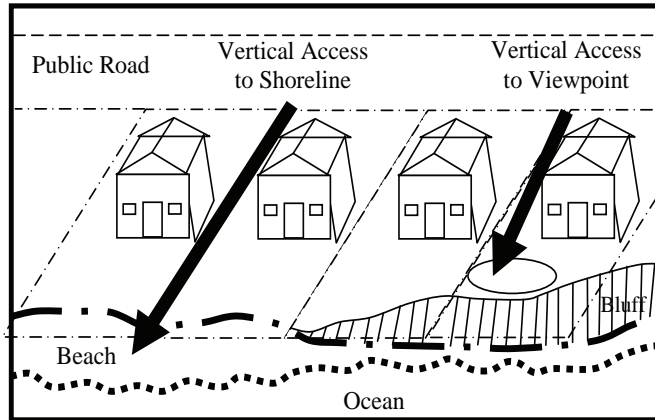
An Offer to Dedicate (OTD) is a legal document that offers an easement across private land for a future public accessway. In order to effectuate the OTD and open the accessway or stairway for public use, it must be accepted for management by a responsible agency and then improved and opened.

What is a Deed Restriction for Public Access?

A Deed Restriction (DR) is a legal document that places responsibilities upon the landowner relative to public use within a specifically defined area of the property, in order to allow for a public accessway.



Types of Vertical Access:



< Street-end stairway to Oceanside City Beach.



< Switchback trail to Beacon's Beach (part of Leucadia State Beach).



Stairway to Moss Beach, City of Laguna Beach >



Summary of Vertical Accessways Acquired in California

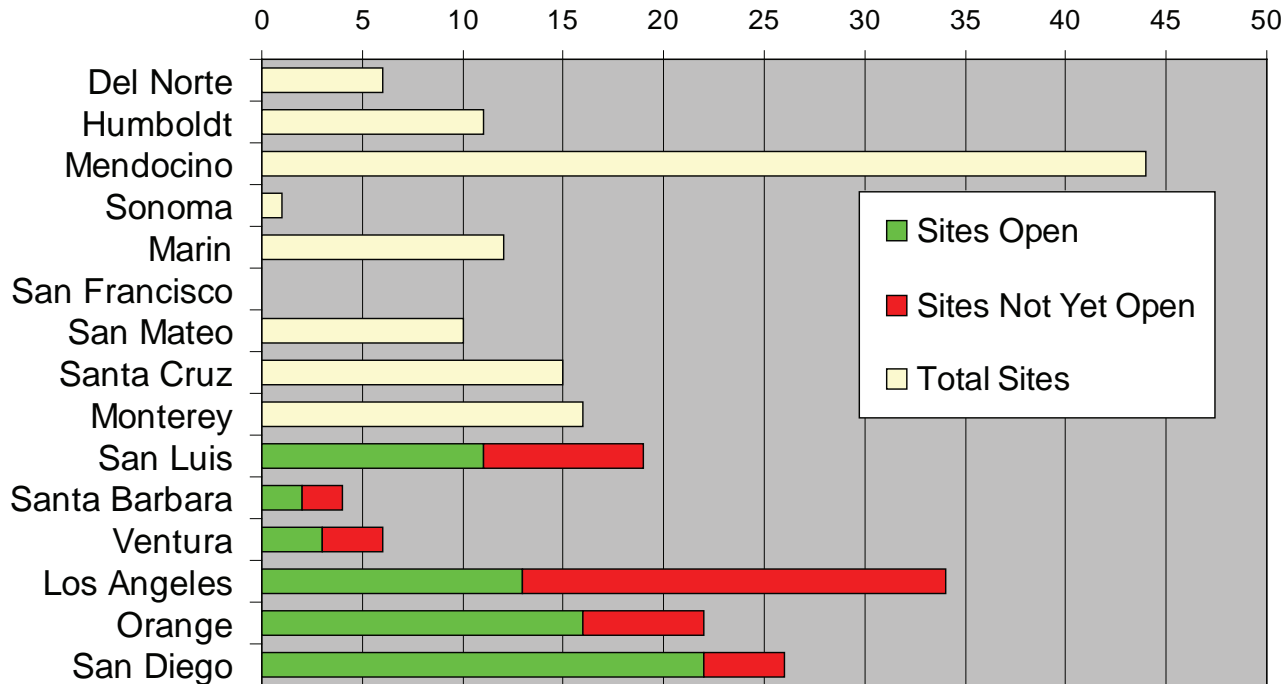
Statewide: Since 1973, the Commission has acquired approximately 231 vertical accessways in connection with new development, which account for about 10% of all access sites acquired through Commission actions (lateral beach access dedications and inland trails, not included in this report, account for the other 90%). Of the 231 vertical accessways, 170 were obtained through OTDs; 27 through DRs and 34 through other legal mechanisms.

San Diego to San Luis Obispo County: This report is the first detailed analysis of all vertical accessways that have been acquired through Commission actions, from 1973 to 2011, from San Diego County north

through San Luis Obispo County. The Access Program staff will continue to prepare additional chapters to this report to cover the remaining 9 coastal counties.

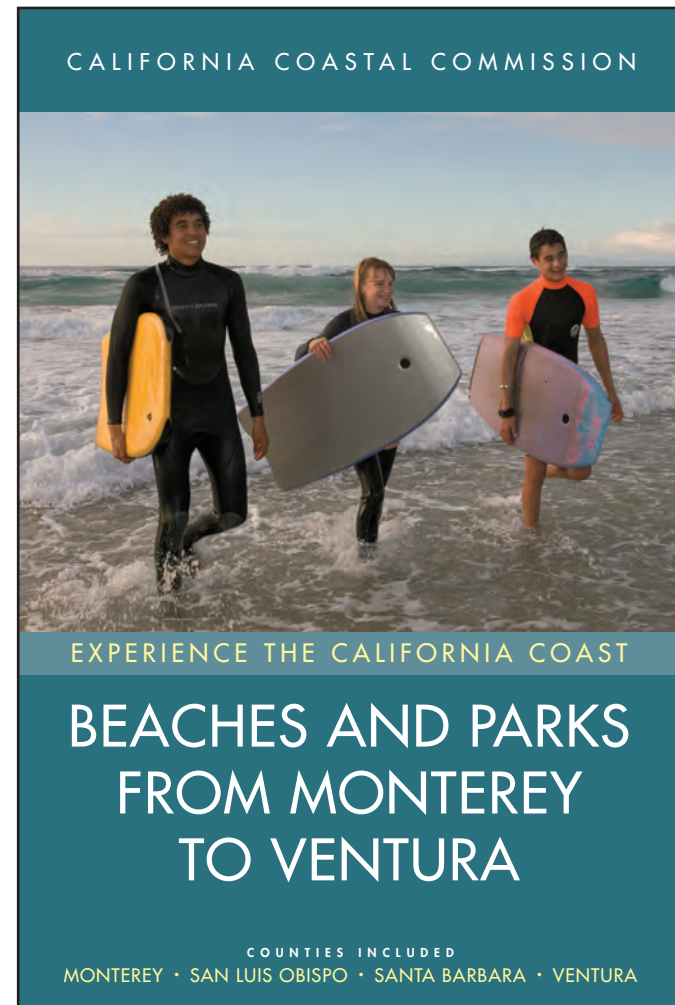
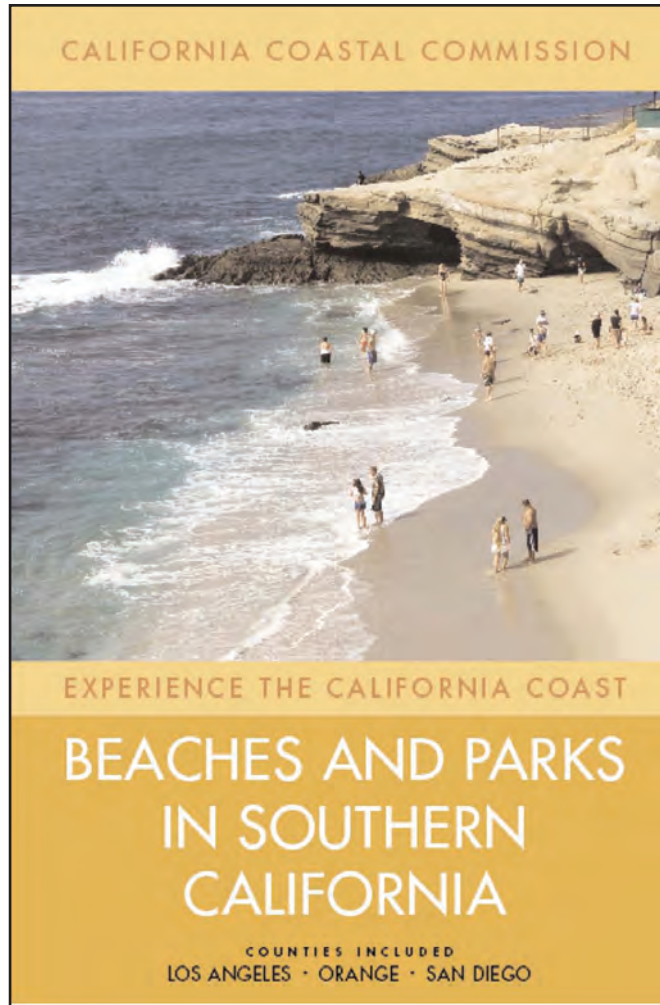
This report identifies the location and background information for each vertical accessway acquired through Commission actions, and whether it is open for public use or not yet open. For those that are not yet available for public use, staff is taking steps to ensure they are opened as soon as feasible. This report does not include or evaluate accessways required by local government actions

Number of Recorded Vertical Accessways by County



All vertical accessways are geographically depicted throughout this report using base maps from the Coastal Commission's public access guide books in the series titled "Experience the California Coast," including **Beaches and Parks from Monterey to Ventura** published in 2007, and **Beaches and Parks in Southern California**, published in 2009.

While the guidebooks identify all coastal accessways available to the public, this report focuses specifically on those vertical accessways that have been acquired as a result of Coastal Commission actions taken on development permit applications.



**Vertical Accessways Acquired by
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1973 - 2011**

Introduction



For example, page 232 of the *Experience the California Coast: Beaches and Parks in Southern California* guide book identifies seven public stairways that lead to Carlsbad City Beach. However, what that guide does not explain is that four of these stairways were acquired and built pursuant to Coastal Commission permit conditions:



- The stairway from the end of Cypress Ave to the beach (SD # 2) was acquired by Coastal Development Permit (CDP) # A-77-81 for a 3-unit condominium.



- The stairway from the end of Beech Ave (SD # 3) was acquired by CDP # F-1045 for 6 single family dwellings (SFDs).
- The stairway from the end of Christiansen Way to the beach (SD # 4) was acquired by CDP # A-7944 for a 14-unit motel addition.



- The stairway off Ocean Street “between two large palm trees” (SD # 5) was acquired by CDP # 6-85-492 for an addition to a motel’s beach club facility.



How to Read the Graphics:

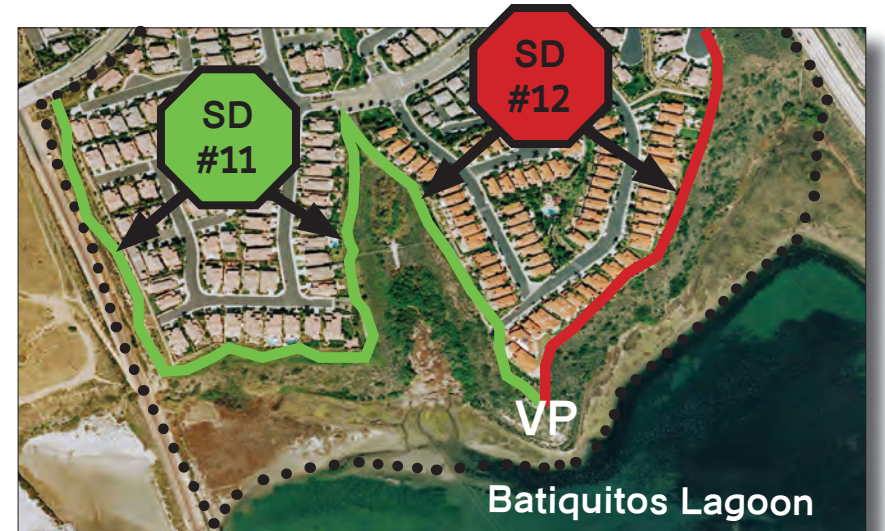
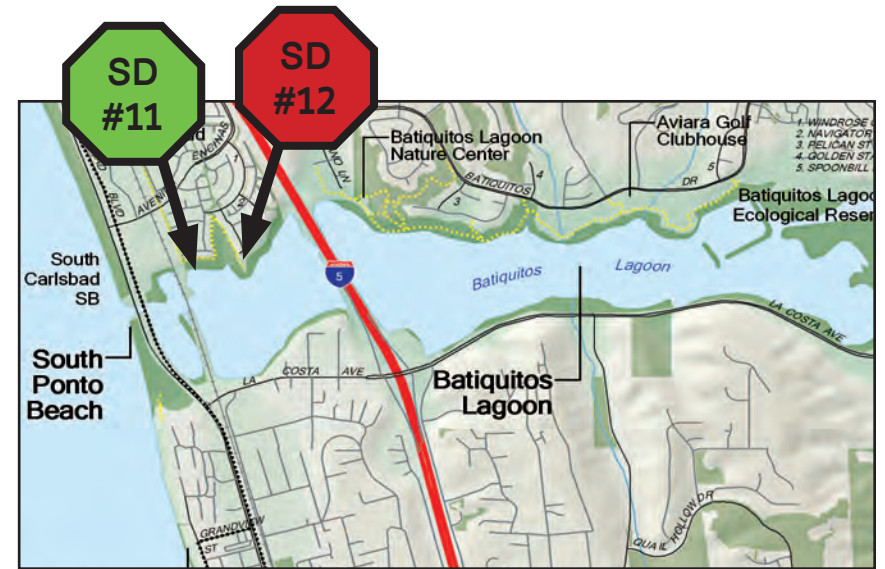
Maps and photos are used throughout this report to show the location and elements of each access site, as well as its status (green for open and available, red for closed):

- Numbered symbols represent County site number; black arrows point to approximate location.
- Dotted line represents an approximate boundary of the coastal development permit (CDP) application site.
- Solid colored arrows depict approximate location of vertical accessway.
- Solid colored lines represent approximate trail alignments.
- “VP” represents scenic view points.

All line-work depicting accessways, trails, and parcels are approximate and illustrative only. Photo captions identify the public access acquired as a result of a Commission action, the legal document type and recordation date, permit number and a brief CDP project description.

For example, the photo to the right shows San Diego County access sites SD #11 (open) and SD #12 (partially closed). The accessways, located at Windrose Circle near Batiquitos Lagoon, are mitigation for a 100-unit subdivision and a 129-unit subdivision, and are protected in perpetuity for public use by an OTD recorded in 1994 and a DR recorded in 1986 (for SD sites #11 and #12, respectively). Thus the caption identifies the type of development warranting the provision of public access (approval of the two subdivisions), and the mechanism used to legally memorialize the public access benefit acquired as mitigation for the impacts of the new development (recordation of the OTD and DR, and construction of a viewpoint and trails).

Photos used in this document were obtained from in-house and online data sources, including: The California Coastal Records Project, 2002-2009, and AirPhoto USA, dated 2007. All locator maps are from the following Commission guide books: *Experience the California Coast, Beaches and Parks in Southern California* (2009), and *Experience the California Coast: Beaches and Parks from Monterey to Ventura* (2007). Guide book page numbers are shown in parentheses in the lower right-hand corner of map.



SD# 11 - Lagoon View Park and Trails, Windrose Circle. OTD recorded 1994. CDP # 6-94-79 for 100-unit subdivision.

SD# 12 - Trail to Viewpoint, and *Future Trail*, Windrose Circle. DR recorded 1986. CDP # 6-85-482 for 129-unit subdivision.



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