

CALIFORNIA COASTAL COMMISSION  
STATEWIDE COASTAL ACCESS PROGRAM  
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## W 32 b

November 20, 2009

**To: Commissioners and Interested Parties**

**From: Peter Douglas, Executive Director  
Linda Locklin, Coastal Access Program Manager  
Kelly Cuffe, Statewide Land Use Planner**

**Re: Agenda item W 32b**

**Public Access Program: Status Report regarding Coastal Commission required Vertical Offers to Dedicate Public Access Easements and Vertical Public Access Deed Restrictions in San Diego and Orange Counties.**

For Commission review and comment at December 9, 2009 Commission Hearing.  
(No action is required by the Commission.)

The Statewide Public Access Program staff has initiated the first comprehensive analysis of vertical accessways acquired through Coastal Commission permit actions, dating from 1973 to 2009. This report, the first in a series, covers vertical accessways located in San Diego and Orange Counties. Since Proposition 20, predecessor to the Coastal Act of 1976, the California Coastal Commission has acquired:

- 26 Vertical Accessways in San Diego County -- 20 of which have been opened to the public.
- 21 Vertical Accessways in Orange County -- 15 of which have been opened to the public.

The attached report contains photos and maps showing the location and details of all 47 vertical accessways. Photos come from various sources, including the California Coastal Records Project website ([www.californiacoastline.org](http://www.californiacoastline.org)). Maps were taken from the Commission's most recent guidebook, *Experience the California Coast, Beaches and Parks in Southern California*, published in 2009.

This report will help to direct the next steps necessary to open all remaining vertical accessways that have yet to be opened.



California Coastal Commission  
Statewide Public Access Program



# Public Access Report

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## Status of Vertical Accessways Acquired by California Coastal Commission Actions 1973 to 2009

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November 20, 2009



California Coastal Commission  
Statewide Public Access Program



Status of Vertical Accessways  
Acquired by  
California Coastal Commission Actions  
1973 to 2009

Report prepared by:  
Linda Locklin, *Coastal Access Program Manager*  
Kelly Cuffe, *Statewide Planning Unit*



California Coastal Commission  
Peter Douglas, *Executive Director*  
Susan Hansch, *Chief Deputy Director*

November 20, 2009



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## **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:

- 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.

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

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



### **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 important in areas with limited or insufficient access. For this reason, the Coastal Commission has prioritized the opening of all vertical accessways.

### **How Public Access is Acquired in the Regulatory Framework**

One of the main regulatory tools that the Coastal Commission has used to balance the burdens imposed from private development upon 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?**

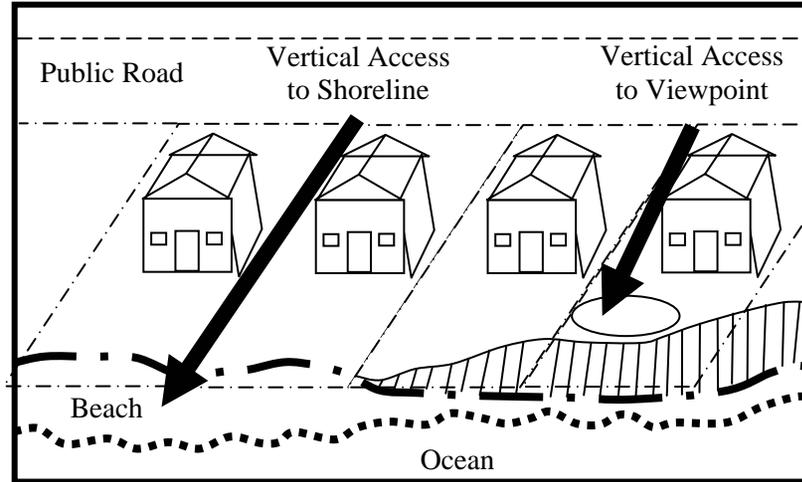
An Offer to Dedicate (OTD) is a legal document that offers an easement across private land for a future public accessway. In order to effectuate the OTD and open the accessway or stairway for public use, it must be accepted for management by a responsible agency and then improved and opened.

### **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 beach in La Jolla, City of San Diego >**



**Summary of Vertical Accessways Acquired Statewide**

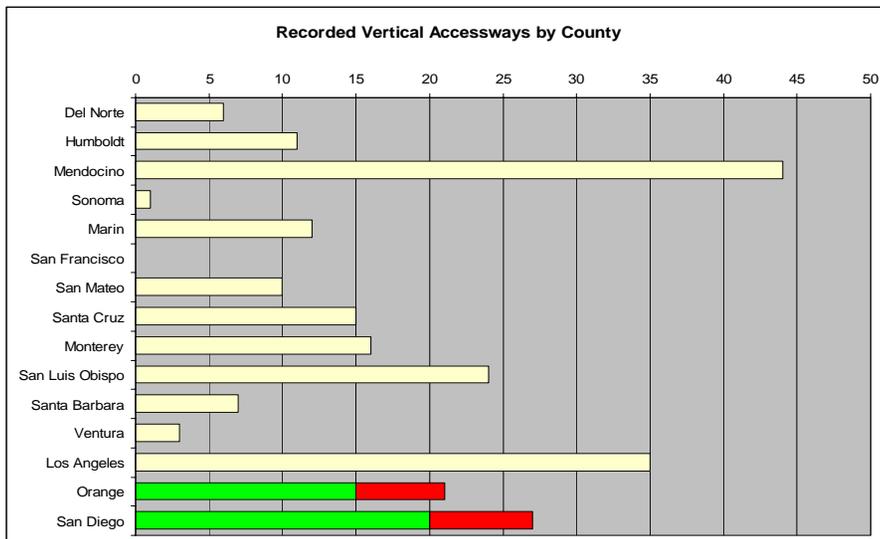
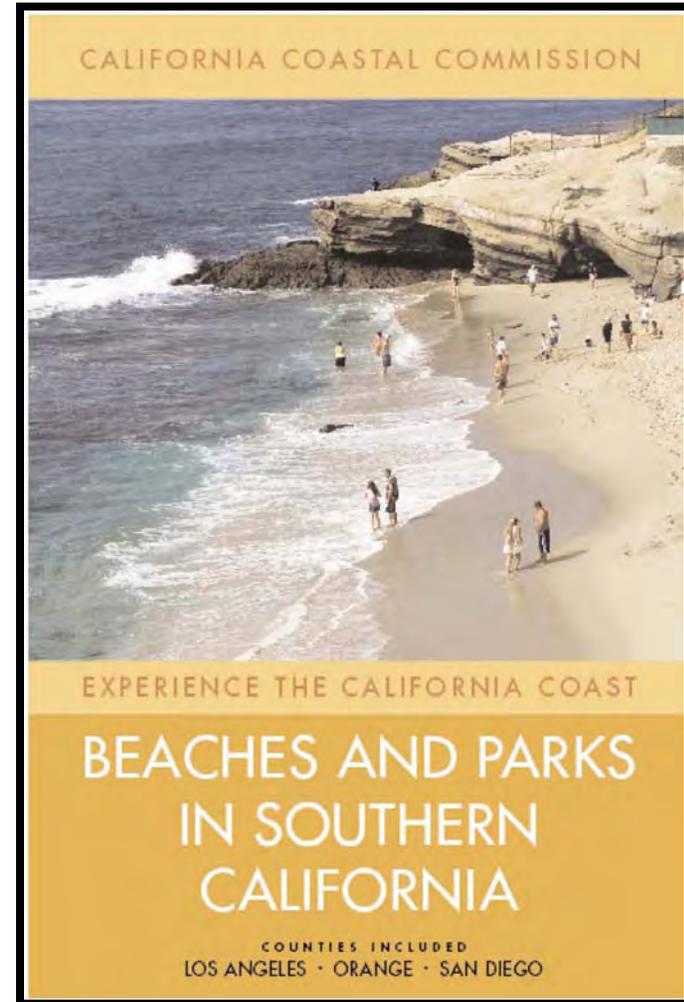
The Commission has acquired approximately 231 vertical accessways in connection with new development, which account for about 10% of all access sites acquired through Commission actions (beach laterals and inland trails, not included in this report, account for the other 90%). Of the 231 vertical accessways,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

**Vertical Accessways Acquired in San Diego and Orange Counties**

This report is the first comprehensive analysis of all vertical accessways that have been acquired through Commission actions, from 1973 to 2009, in San Diego and Orange Counties. The Access Program staff will continue to prepare additional chapters to this report to cover the remaining 13 coastal counties.

This report identifies the status of access availability (i.e., those that are open and available for public use, and those that are 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.

All vertical accessways are geographically depicted throughout this report using base maps from the Coastal Commission’s most recent public access guide book, *Experience the California Coast, Beaches and Parks in Southern California*, published in 2009.

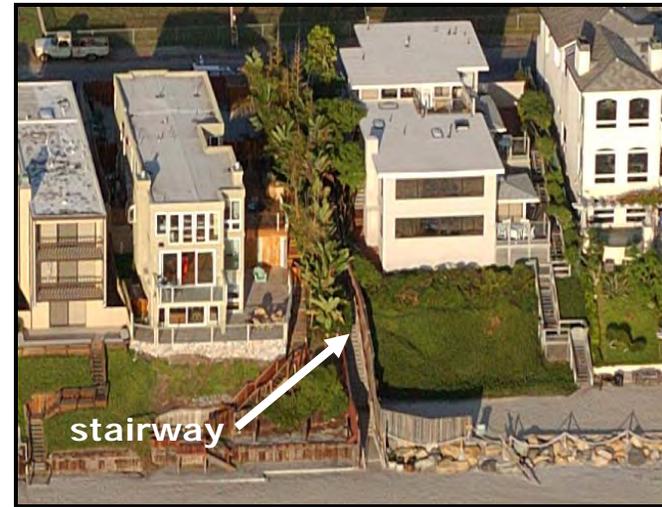


While the guidebook identifies all coastal accessways available to the public, this report focuses specifically on those vertical accessways that have been acquired as a result of Coastal Commission actions taken on development permit applications.

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

- The stairway off Ocean Street “between two large palm trees” was acquired by CDP # 6-85-492 for an addition to a motel’s beach club facility.
- The stairway from the end of Cypress Ave to the beach was acquired by Coastal Development Permit (CDP) # A-77-81 for a 3-unit condominium.

- The stairway from the end of Beech Ave was acquired by CDP # F-1045 for 6 single family dwellings (SFDs).



- The stairway from the end of Christiansen Way to the beach was acquired by CDP # A-7944 for a 14-unit motel addition.



## 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.
- Dashed 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 Bataquitos Lagoon, are mitigation for a 100-unit subdivision and 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 Commission’s guide book: *Experience the California Coast, Beaches and Parks in Southern California* (2009); with guide book page number shown in parentheses in lower right-hand corner of map.



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

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



**CHAPTER 1**  
**SAN DIEGO COUNTY**

**City of Oceanside  
to  
City of Imperial Beach**

In San Diego County, a total of 26 vertical accessways have been recorded pursuant to Coastal Commission actions since 1973. Of those 26 accessways, 20 have been constructed and opened for public use; and 6 remain yet to be opened.

Accessways that are open and available to the public are shown in green; accessways closed or not yet opened are shown in red. For other notes on how to read graphics, see pg 7 of the Introduction.

**Torrey Pines Glider Port, San Diego County.**





**Location of Vertical Accessways  
Acquired by the California Coastal Commission  
in San Diego County:**

- City of Oceanside (1)
- City of Carlsbad (11)
- City of Encinitas (5)
- City of Del Mar (2)
- City of San Diego (5)
- City of Coronado (1)
- City of Imperial Beach (1)

**San Diego County Map** from the Commission's coastal access guide, *Experience the California Coast, Beaches and Parks in Southern California* (page 212).



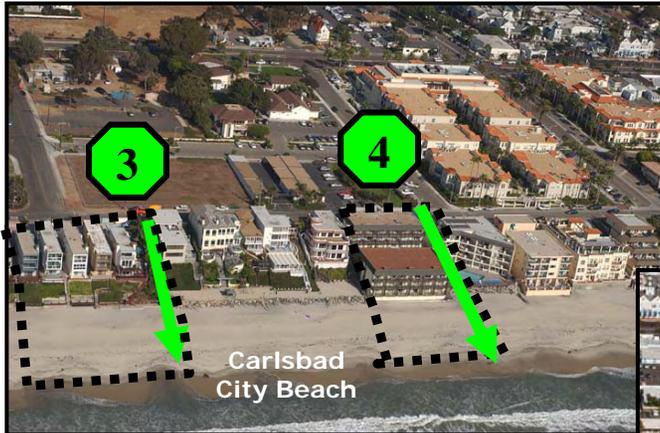


SD # 1 - Beach Access Stairway, 1919 South Pacific Street.  
 OTD recorded 1978. Permit # F-7499 for one SFD.



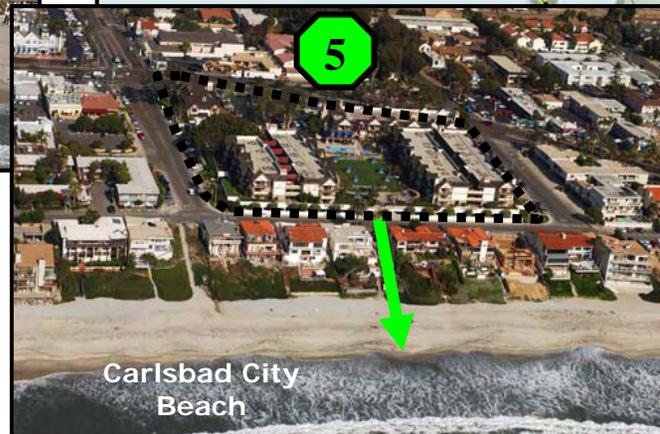


**SD # 2 - Beach Access Stairway, 2601 Ocean Street.**  
 OTD recorded 1983. Permit # A-77-81 for three condominium units.



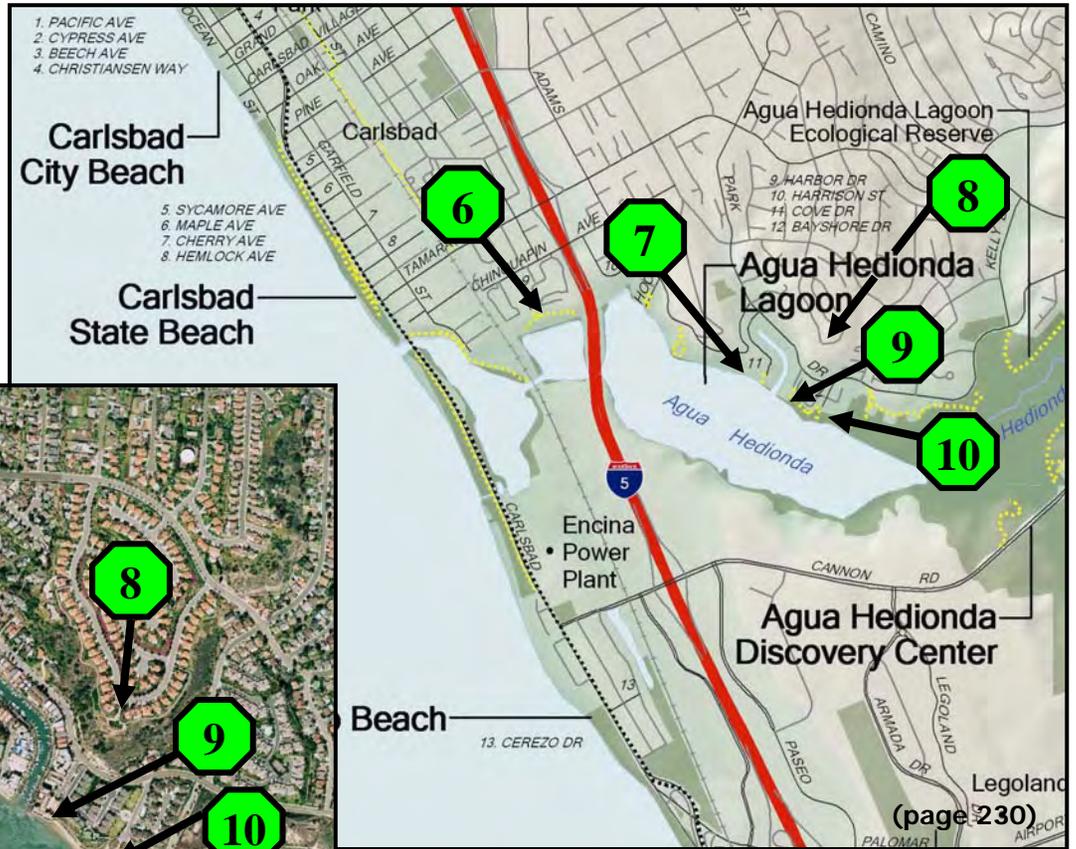
**SD # 3 - Beach Access Stairway, 2701 Ocean Street.**  
 OTD recorded 1982. Permit # F-1045 for six SFDs.

**SD # 4 - Beach Access Stairway, 2775 Ocean Street.**  
 OTD recorded 1980. Permit # F 7944 for 14 additional motel rooms.



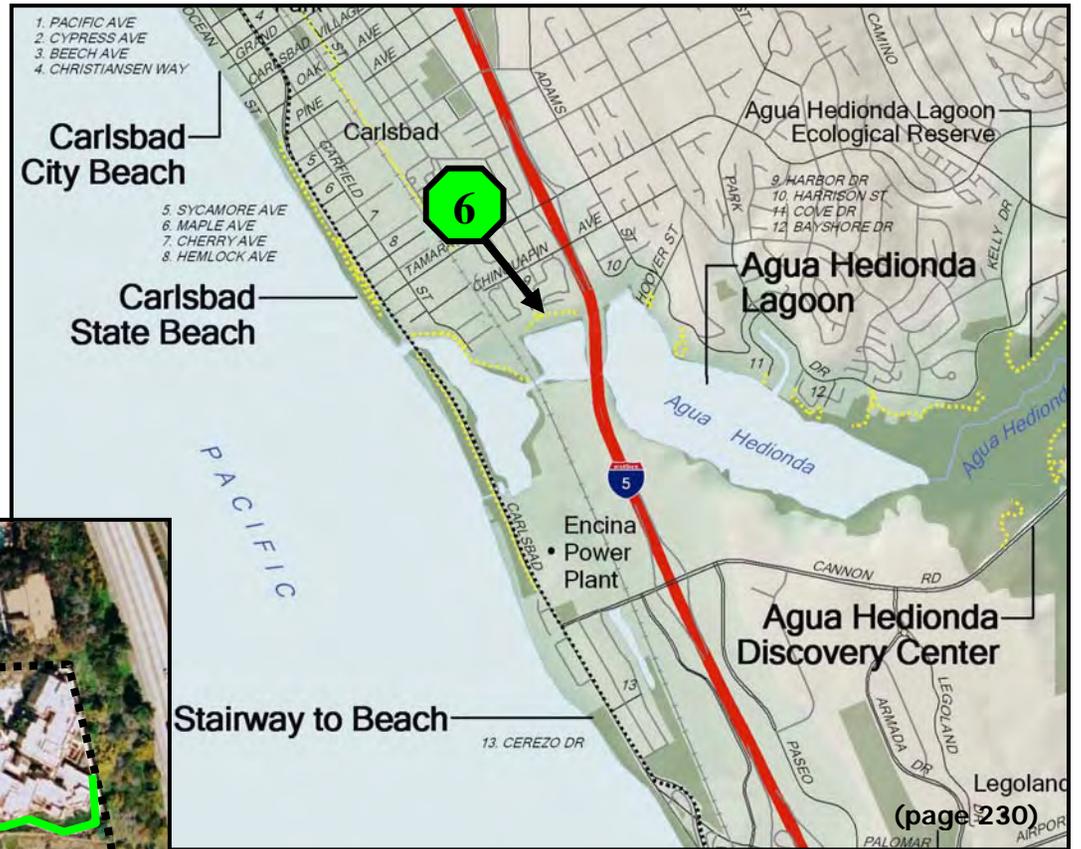
**SD # 5 - Beach Access Stairway, 3037 Ocean Street.**  
 OTD recorded 1986. Permit # 6-85-492 for improvements to motel's beach club facility.





SD # 6 through 10 – Regional depiction of vertical access sites along the north shore of Agua Hedionda Lagoon.





SD # 6 - Blufftop Trails & Pathway to Lagoon, Harbor Dr. OTD recorded 1986. Permit # 6-83-613 for 140 condominium units.





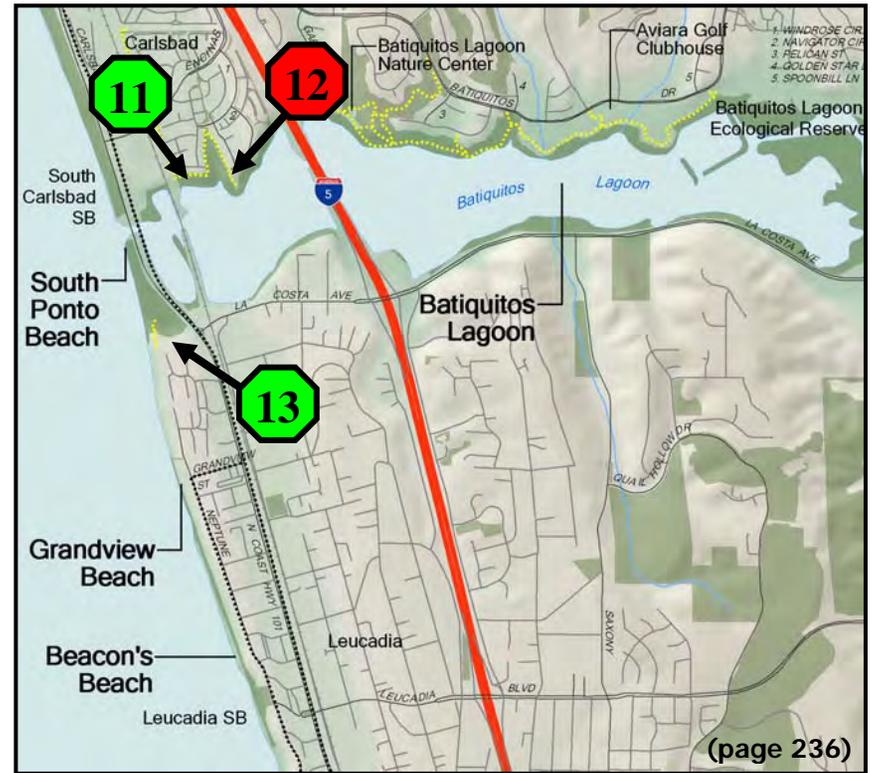
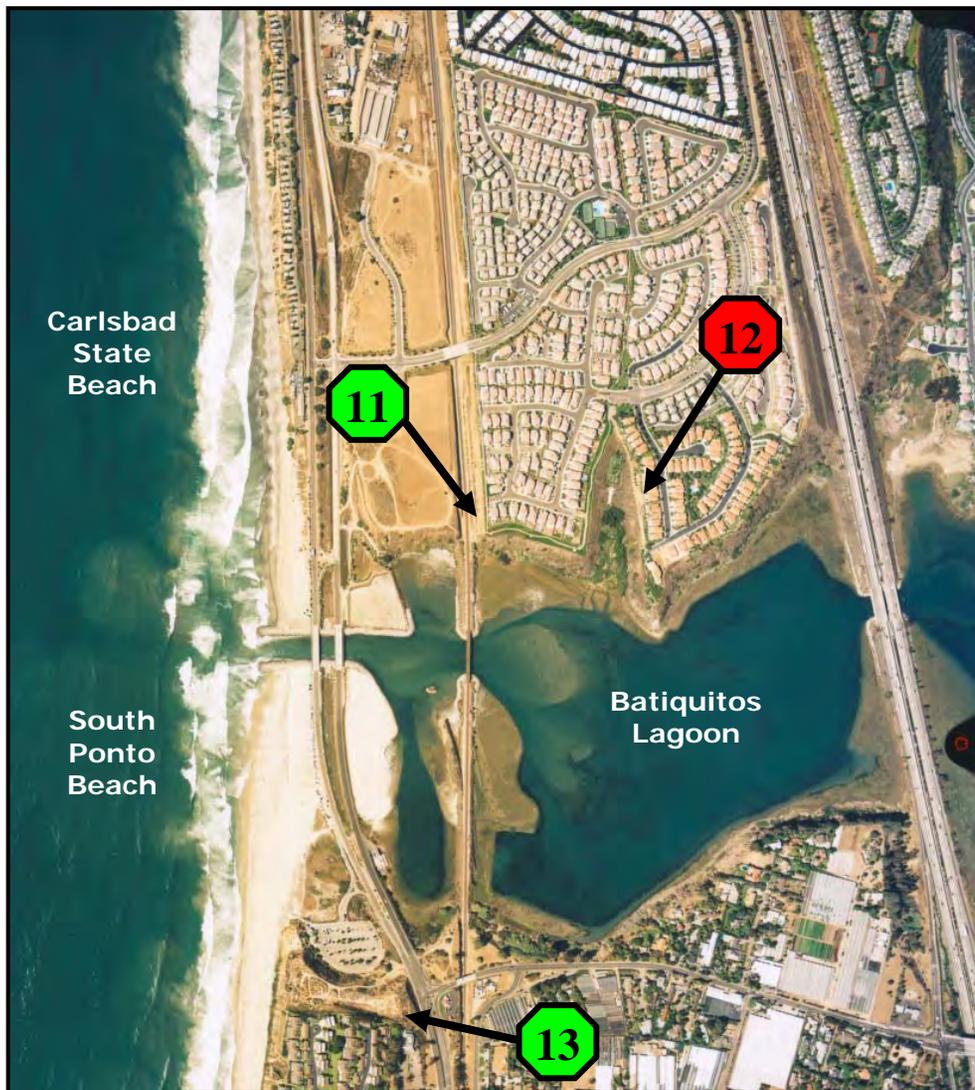
SD # 7 – Stairway to Lagoon, Cove Drive. OTD recorded 1975.  
Permit # F-1012 for 22 condominium units and boat slips.

SD # 8 - Viewpoint and Trails, Hillside Drive. DR recorded 1986.  
Permit # 6-85-647 for 140-unit subdivision.

SD # 9 – Lagoon Access Pathways, Bayshore and Marina Drives. DR recorded 2001. Permit # 6-00-72 for 42 condominium units.

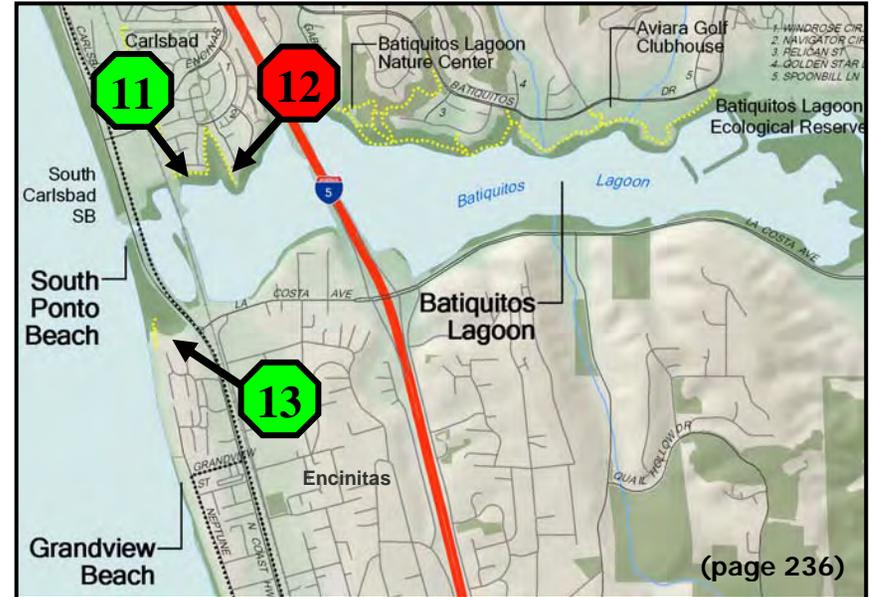
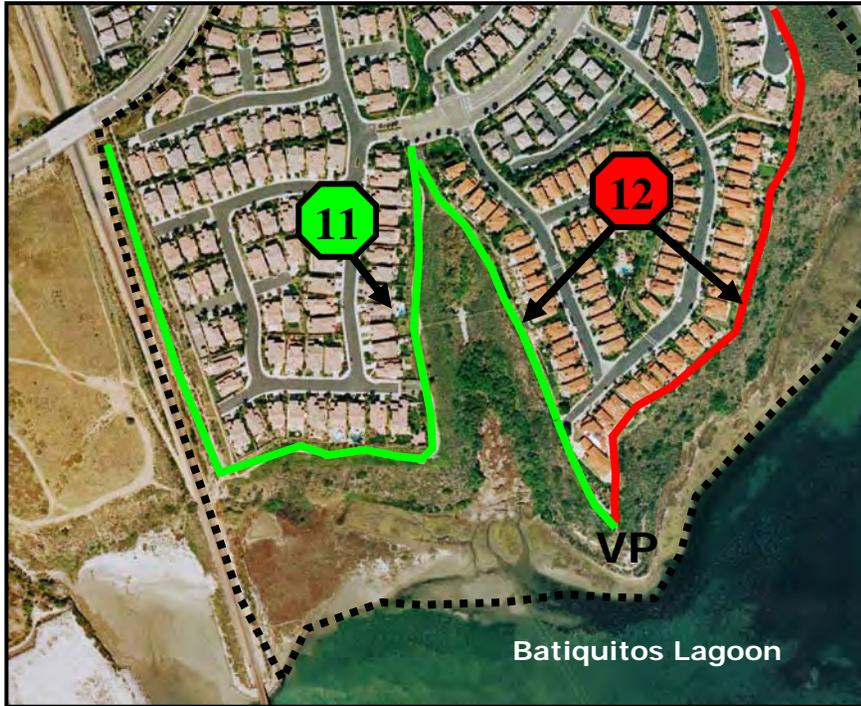
SD # 10 – Lagoon Access Pathway, Park Drive. OTD recorded 1989.  
Permit # 6-88-477 for 26 SFDs.





SD # 11, 12, and 13 – Regional depiction of vertical access sites SD #11 and #12 along the north shore of Batiquitos Lagoon, as well as accessway SD #13 south of the Lagoon.





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

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

**SD # 13 - Beach Access Stairway, and *Future Trails*, and *Public Parking*, 2100 North Hwy 101. OTD recorded 2000. Permit # 6-92-203 for 130-unit hotel.**

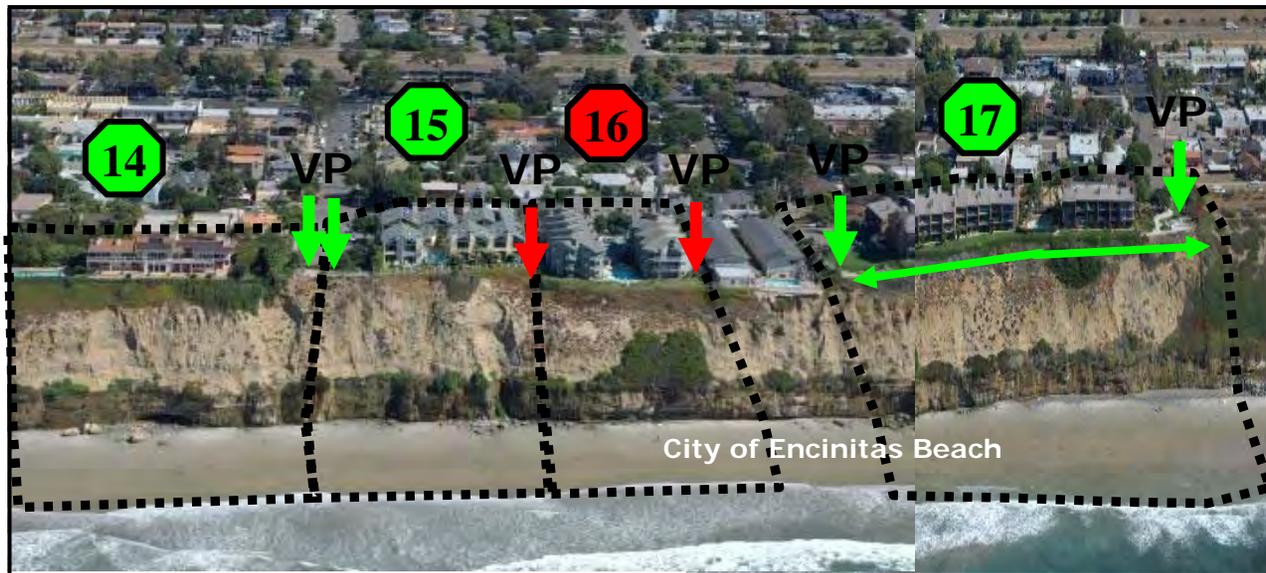
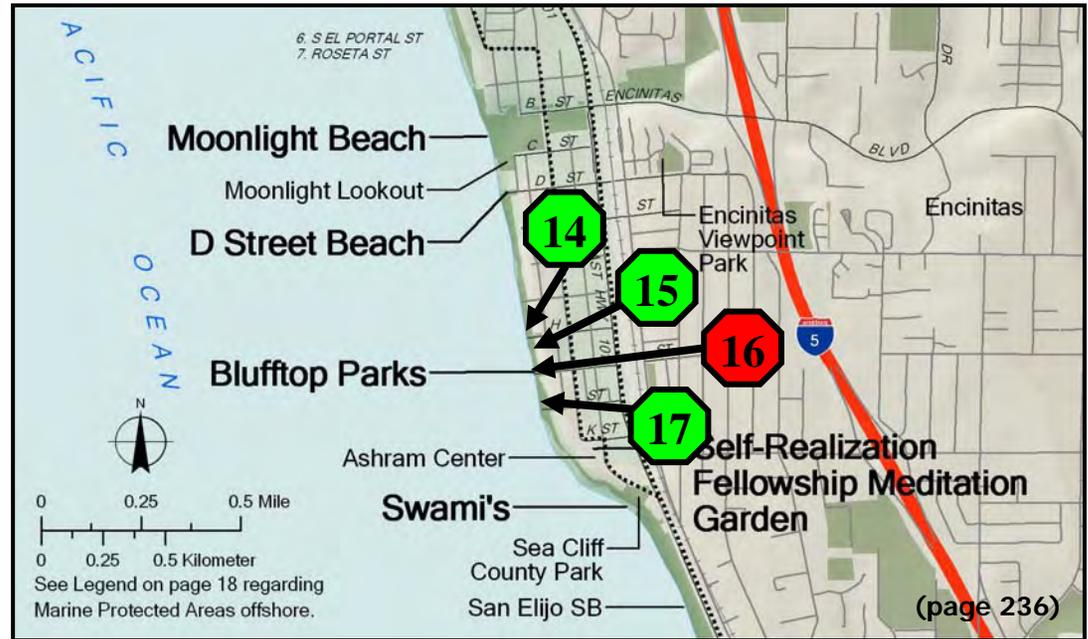


**SD # 14 - Blufftop Viewpoint & Park, H Street. DR recorded 1979. Permit # F-8084 for 2-unit subdivision.**

**SD # 15 - Blufftop Viewpoint & Park, H Street. OTD recorded 1983. Permit #6-82-342 for 13 condominium units.**

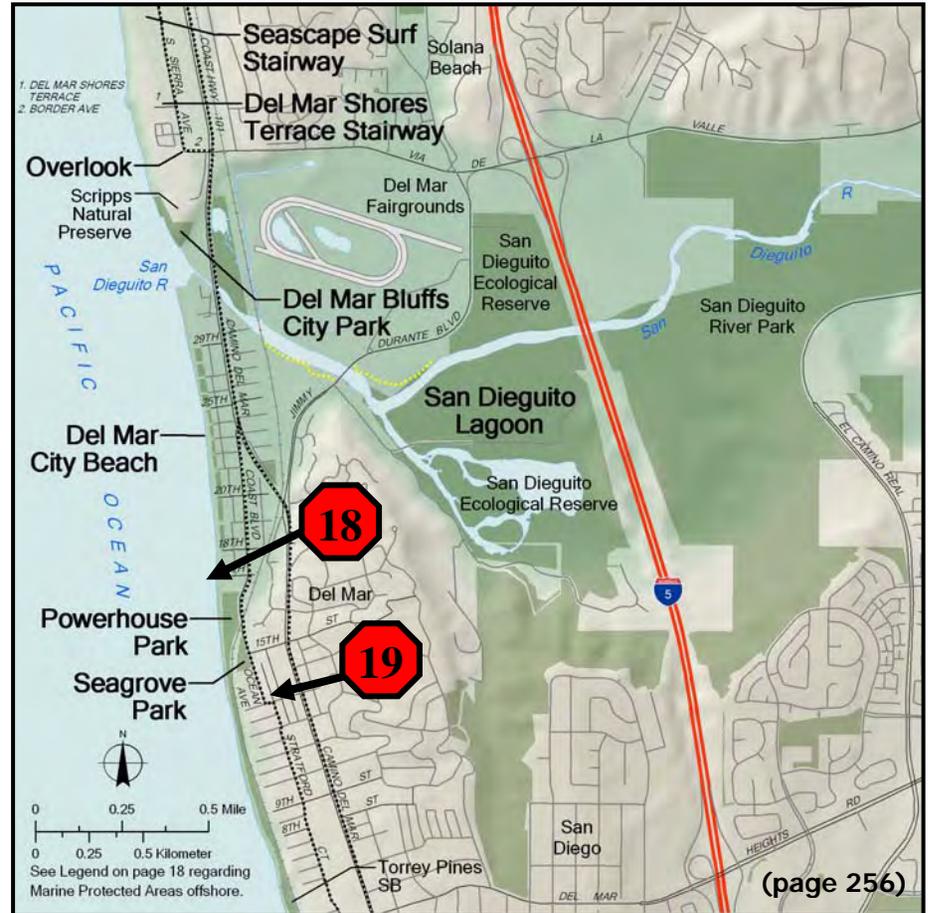
**SD # 16 - Future Blufftop Trail and Viewpoints, Sealane Drive. OTD recorded 1976. Permit # F-0556 for 19 condominium units.**

**SD # 17 - Blufftop Viewpoints and Blufftop Trail, I Street to J Street. OTD recorded 1976. Permit # F- 0951 for 33 condominium units.**





**SD # 18 - Future Beach Accessway, 17th Avenue. OTD recorded 1991. Permit # 6-90-312 for restaurant addition (deck) and seawall.**

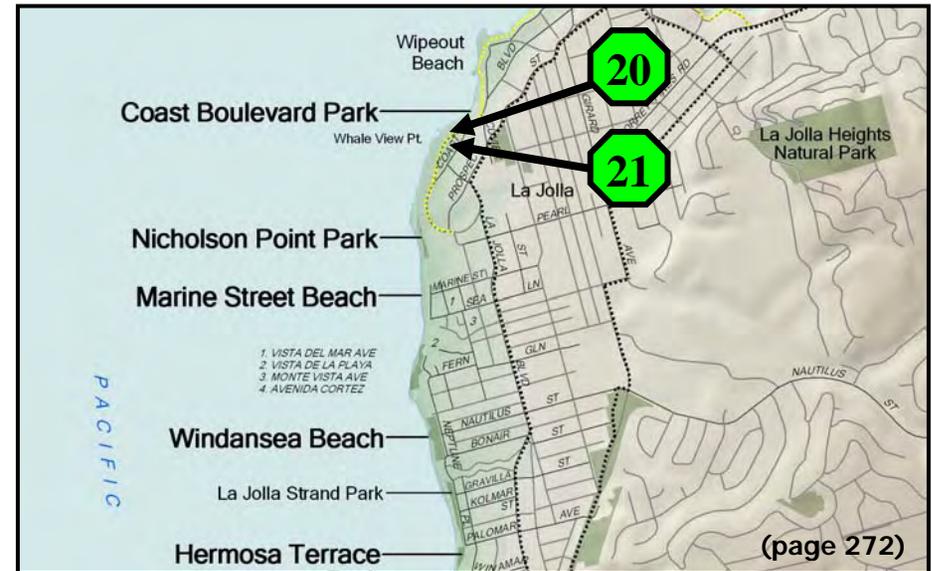


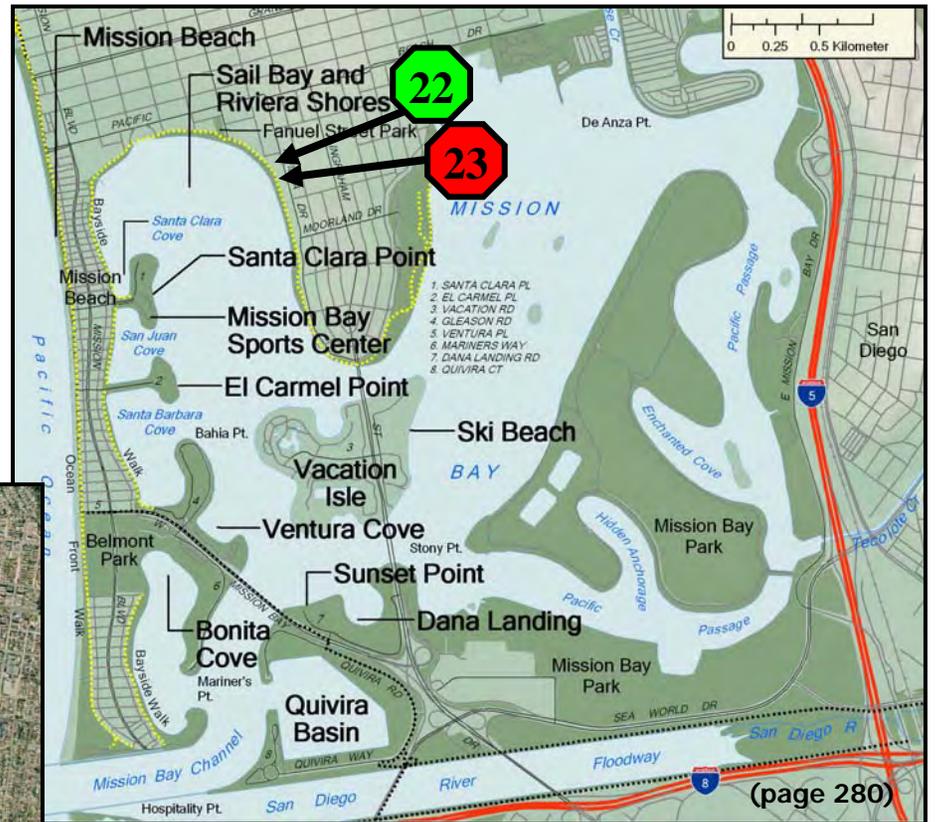
**SD # 19- Future Blufftop Viewpoint, Sea Orbit Alley. OTD recorded 1982. Permit # 6-81-184 for SFD perimeter fencing.**



**SD # 20 - Beach Access Pathway, 274 S. Coast Blvd. OTD recorded 1992.  
Permit # 6-87-347 for addition to SFD.**

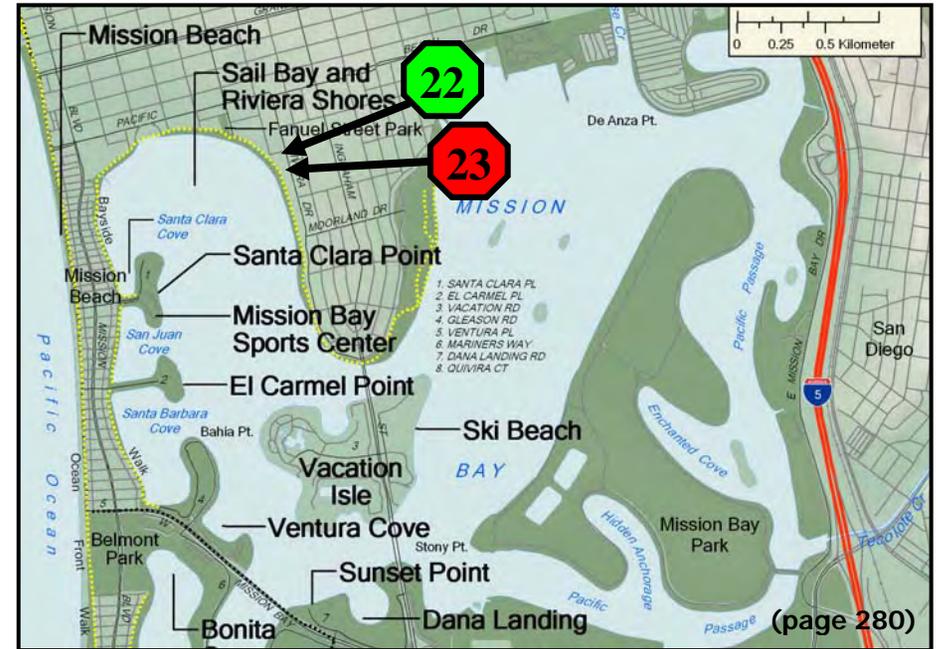
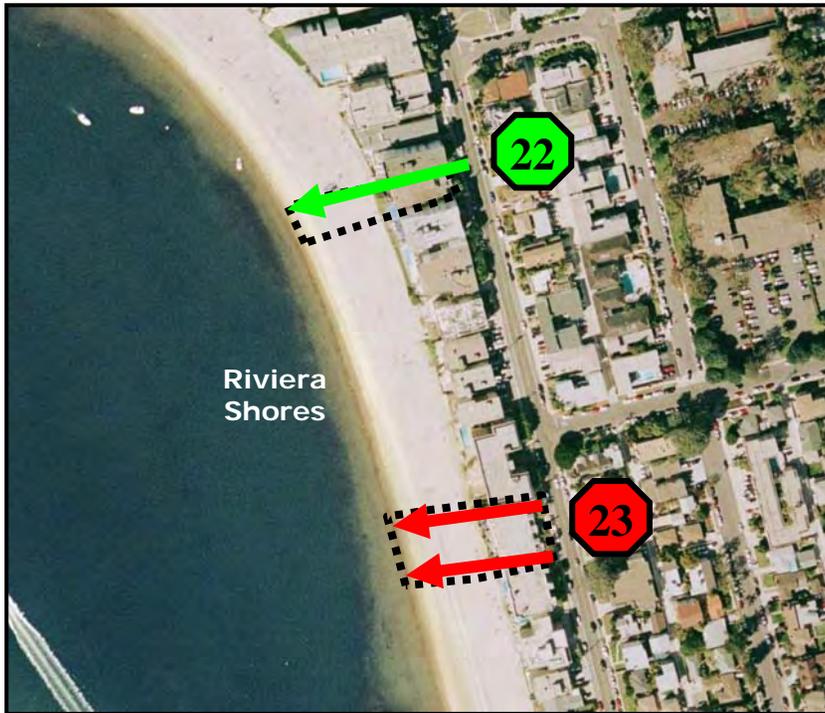
**SD # 21 - Beach Access Stairway, 100 S. Coast Blvd. DR recorded 1975.  
Permit # F-1369 for 31 condominium units.**





SD # 22 and 23, – Regional depiction of access sites along the Riviera Shores area of Mission Bay.

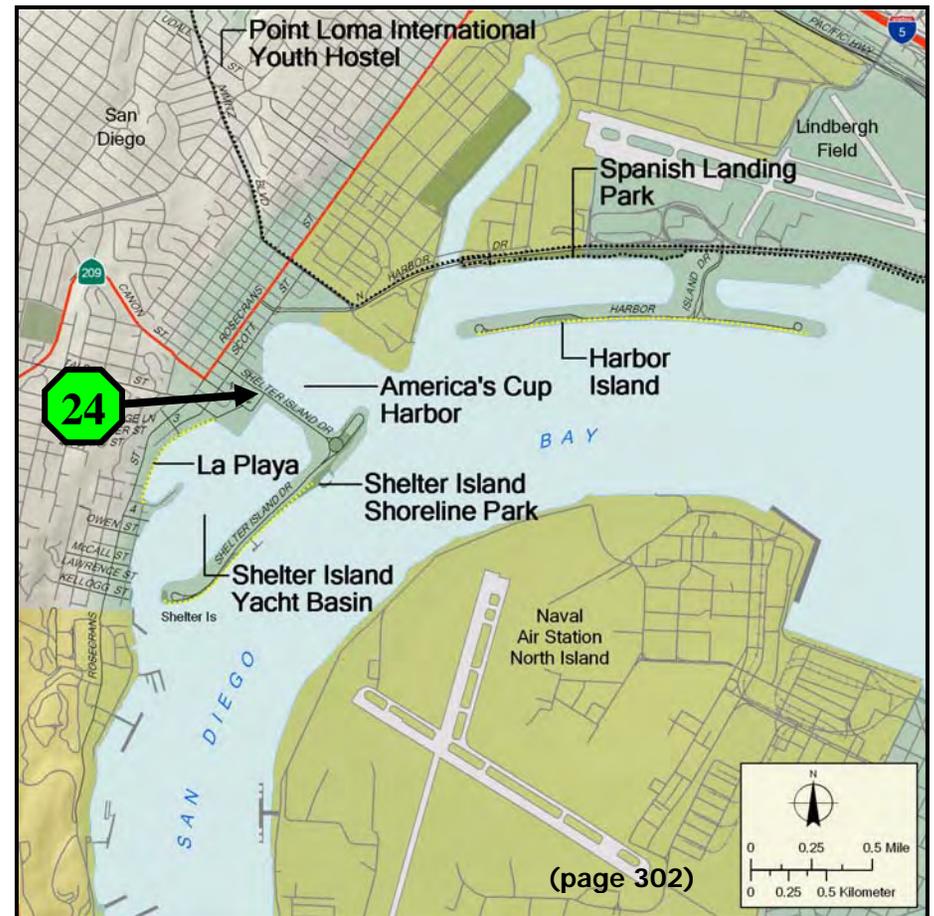




**SD # 22 - Beach Access Stairway, 3862 Riviera Drive. Public access condition approved 1974. Permit # F-0798 for 8 condominium units.**

**SD # 23 - Future Beach Access Stairways, 3750 Riviera Drive. Public access condition approved 1973. Permit # F-0108 for 9 condominium units.**





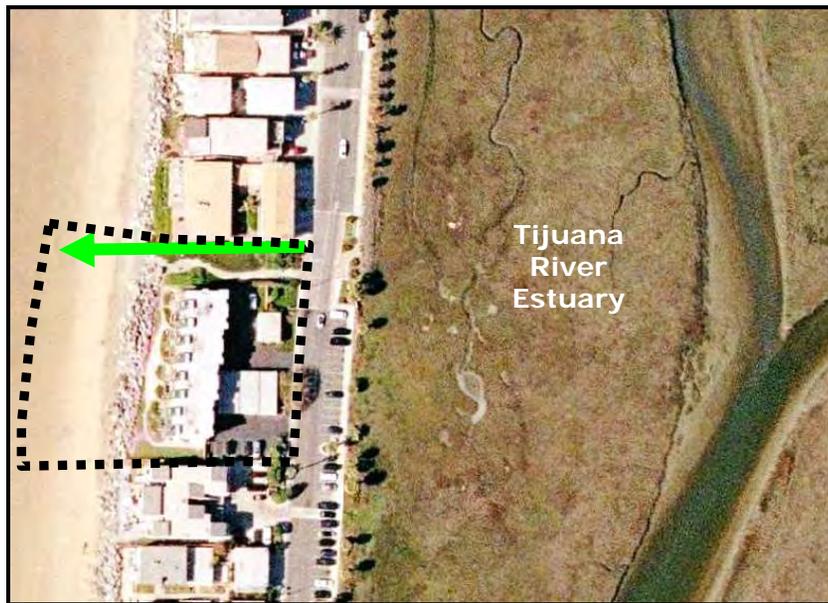
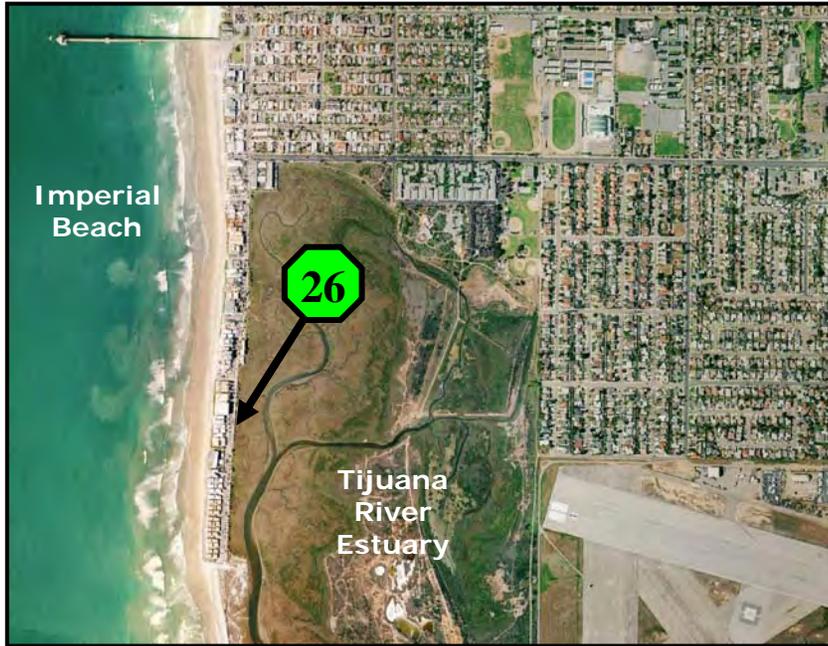
SD # 24 – Bay Viewpoint and Dock Accessway, 2515 Shelter Island Drive. Public access condition approved 1975. Permit # F-2120 for improvements to boating facility and docks.





SD # 25 – Bayfront Park and Promenade, Orange Ave. OTD recorded 1982.  
Permit # A-114-81 for 280 condominium units.





SD # 26 – Beach Access Pathway, 1500 Seacoast Drive. Public access condition approved 1975. Permit # F-2213 for 12 condominium units.





**CHAPTER 2**  
**ORANGE COUNTY**

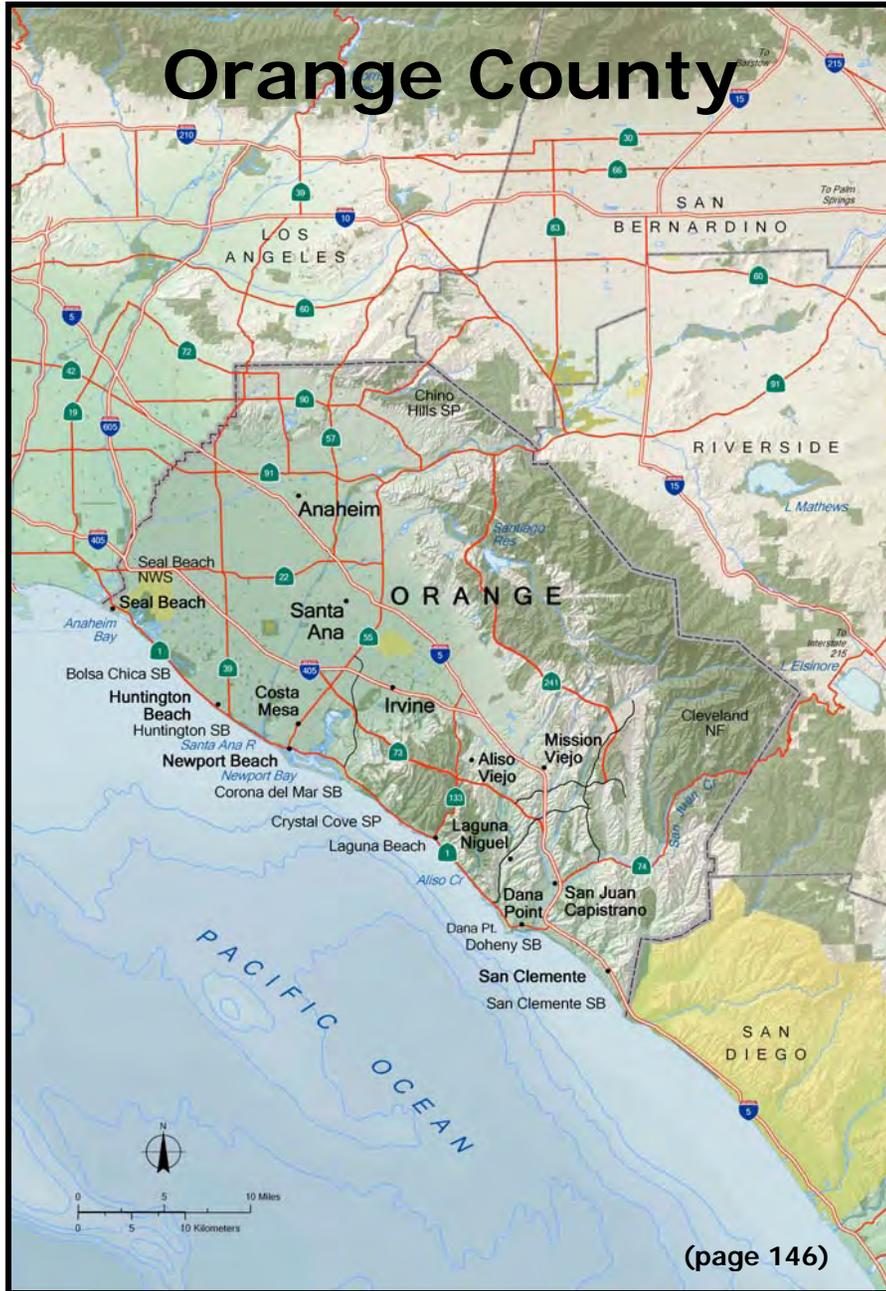
**City of Huntington Beach**  
**to**  
**City of San Clemente**

In Orange County a total of 21 Vertical Accessways have been recorded pursuant to Coastal Commission permit actions since 1973. Of those 21 accessways, 15 have been constructed and opened for public use; and 6 remain yet to be opened.

Accessways that are open and available to the public are shown in green; accessways closed or not yet opened are shown in red. For other notes on how to read graphics, see pg 8 of Introduction.

**Path to Strand Beach, part of Salt Creek Beach, located off Selva Road, Dana Point.**





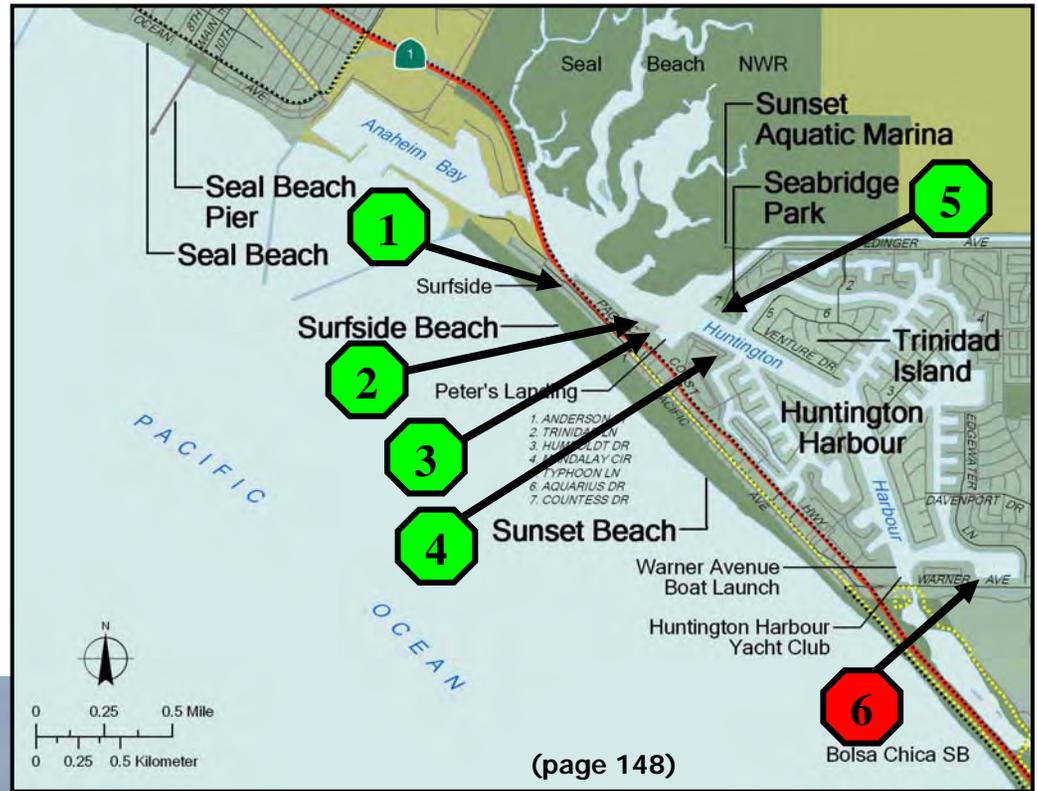
**Location (and number) of Vertical Accessways Acquired by the California Coastal Commission in Orange County:**

- City of Huntington Beach (6)
- City of Newport Beach (4)
- City of Laguna Beach (6)
- City of Dana Point (2)
- City of San Clemente (3)

**Orange County Map** from the Commission’s coastal access guide, *Experience the California Coast, Beaches and Parks in Southern California* (page 146).



OC # 1 through 6 – Regional depiction of access sites 1 through 6 in Huntington Harbour area.





Vertical aerial photo (2007) of access sites OC# 1 through 6 in Huntington Harbour area.





(page 148)



OC # 1 – Harbor Viewpoint & Walkway, 15922 Pacific Coast Highway. OTD recorded 1984. Permit # 5-83-758 for mixed marine and commercial building.





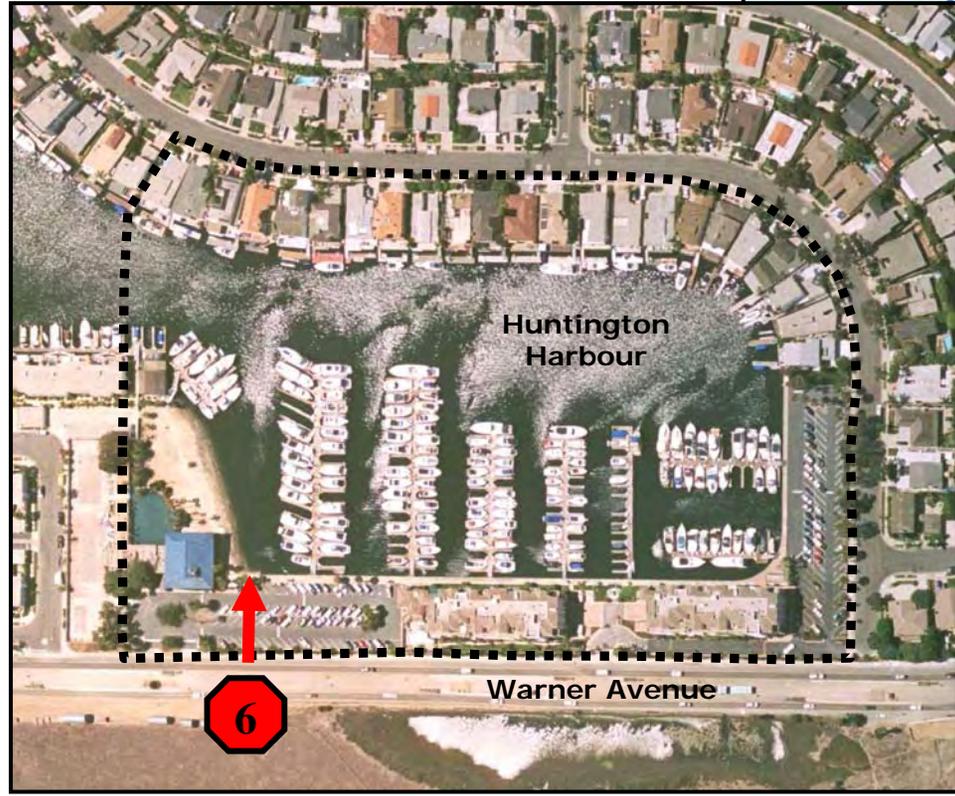
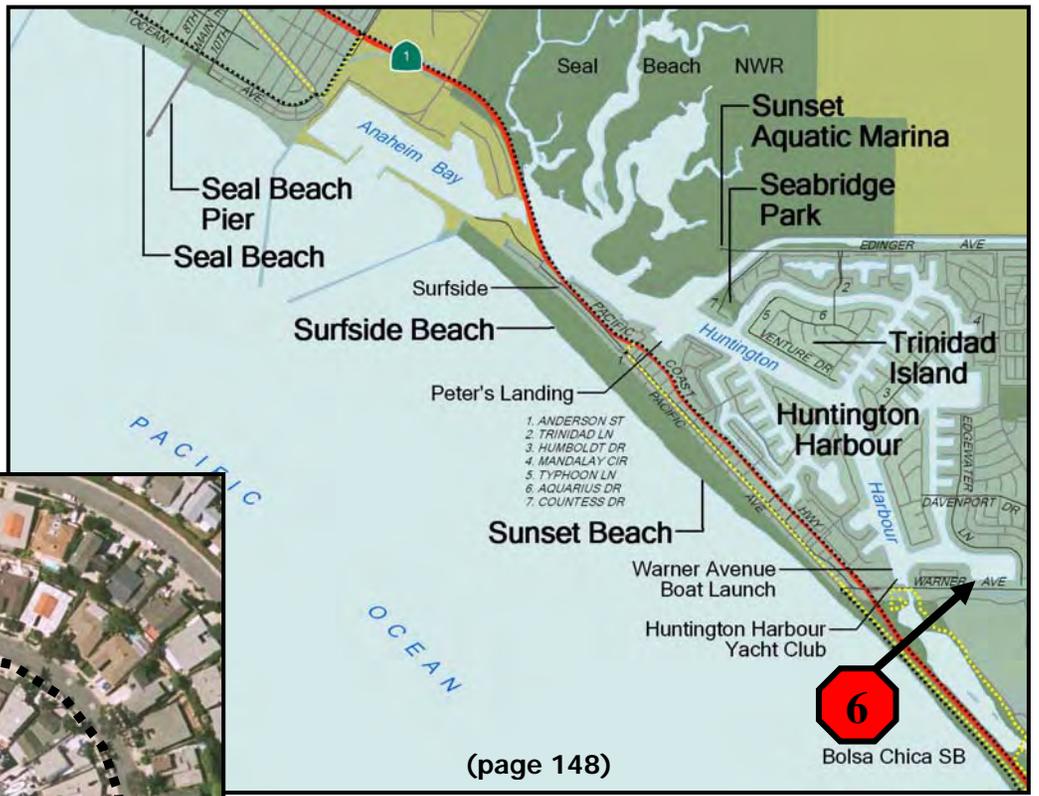
**OC # 2 – Harbor Viewpoint & Walkway, Anderson Street. DR recorded 1985. Permit # P-79-5948 for five SFDs and five boat slips.**

**OC #3 – Harbor Viewpoint & Walkway, Anderson Street. DR recorded 1978. Permit # P-77-693 for 45 condominium units and 29 boat slips.**

**OC # 4 – Harbor Viewpoints & Walkways, Admiralty Drive & Grimaud Lane. OTD recorded 1977. Permit # P-76-8742 for 244 condo units, 24 SFDs, 75-room hotel, 255-slip marina, public parks, public beach, and waterfront walkway.**

**OC # 5 - Harbor Viewpoint & Walkway, Countess Drive. OTD recorded 1985. Permit # 5-83-797 for 77 SFDs, 60 condo units, 45-slip marina, public beach, and 145 public parking spaces.**

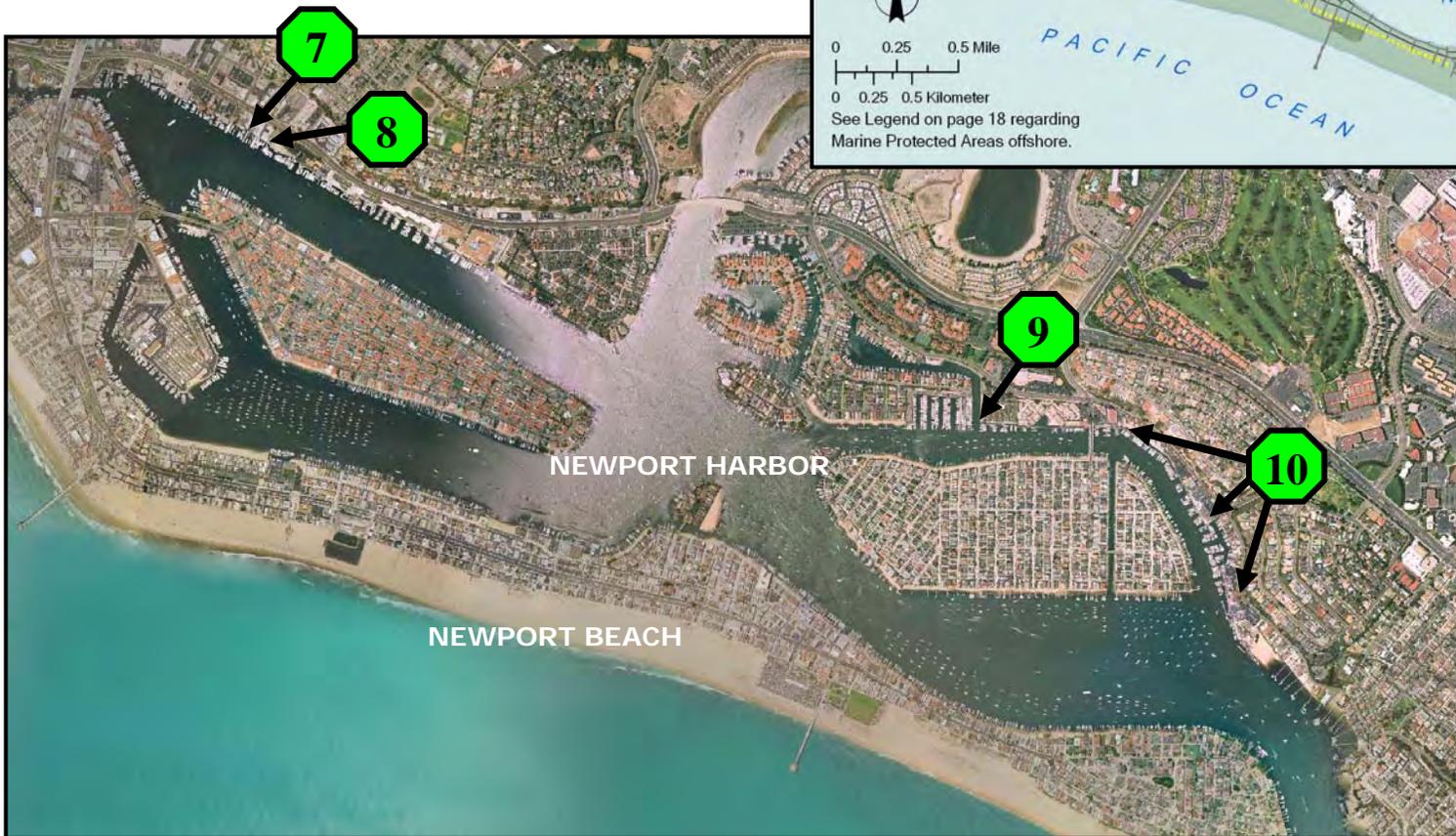
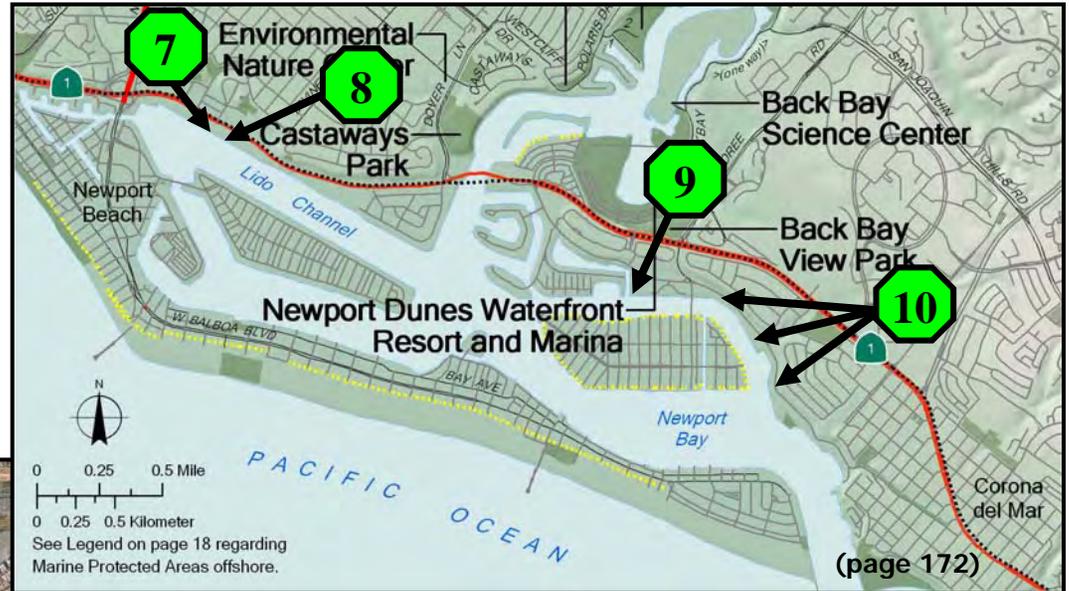




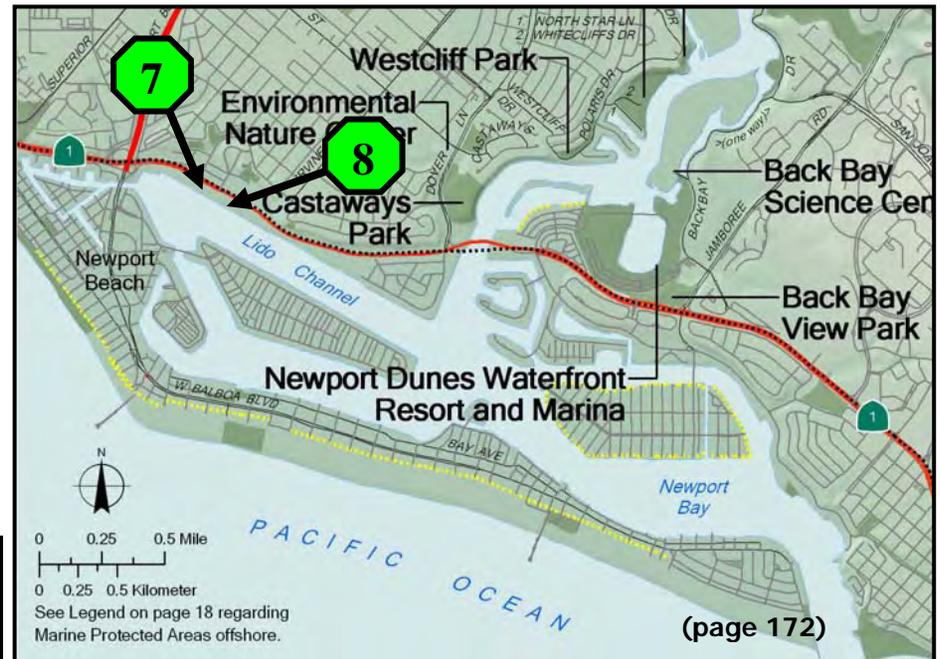
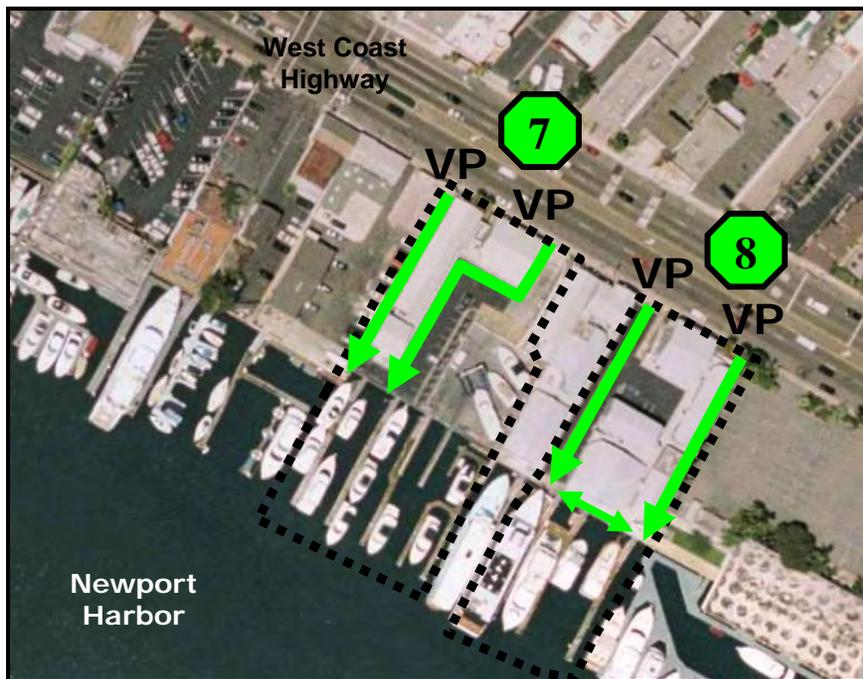
OC # 6 - Future Harbor Viewpoint and Walkway, Warner Ave.  
OTD recorded 1988. Permit # 5-86-967 for 23-slip expansion of existing marina.



Regional depiction of access sites OC# 7 through 10 in Newport Harbor area.



**OC # 7 - Harbor Viewpoints, 2431 West Coast Highway. OTD recorded 1985. Permit # 5-84-634 for commercial marine building expansion.**



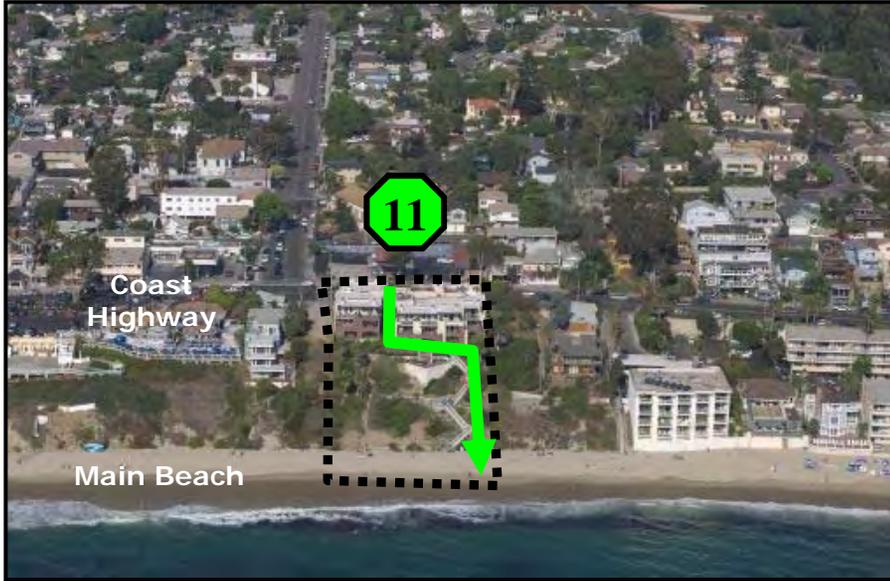
**OC # 8 - Harbor Viewpoints, 2439 West Coast Highway. OTD recorded 1987. Permit # 5-87-318 for commercial marine building expansion.**



OC #9 – Harbor Viewpoint & Walkway, 919 Bayside Drive. OTD recorded 1975. Permit # P-73-2313 for 14 apartment units. *Future Harbor Viewpoint*; OTD recorded 2008. Permit # 5-06-145 for all apartment demolition & construction of 17 SFDs.

OC #10 – Harbor Viewpoints, 1137, 1353, and 1701 Bayside Drive. OTD recorded 1985. Permit # 5-84-574 for reconstruction of 127-slip marina.



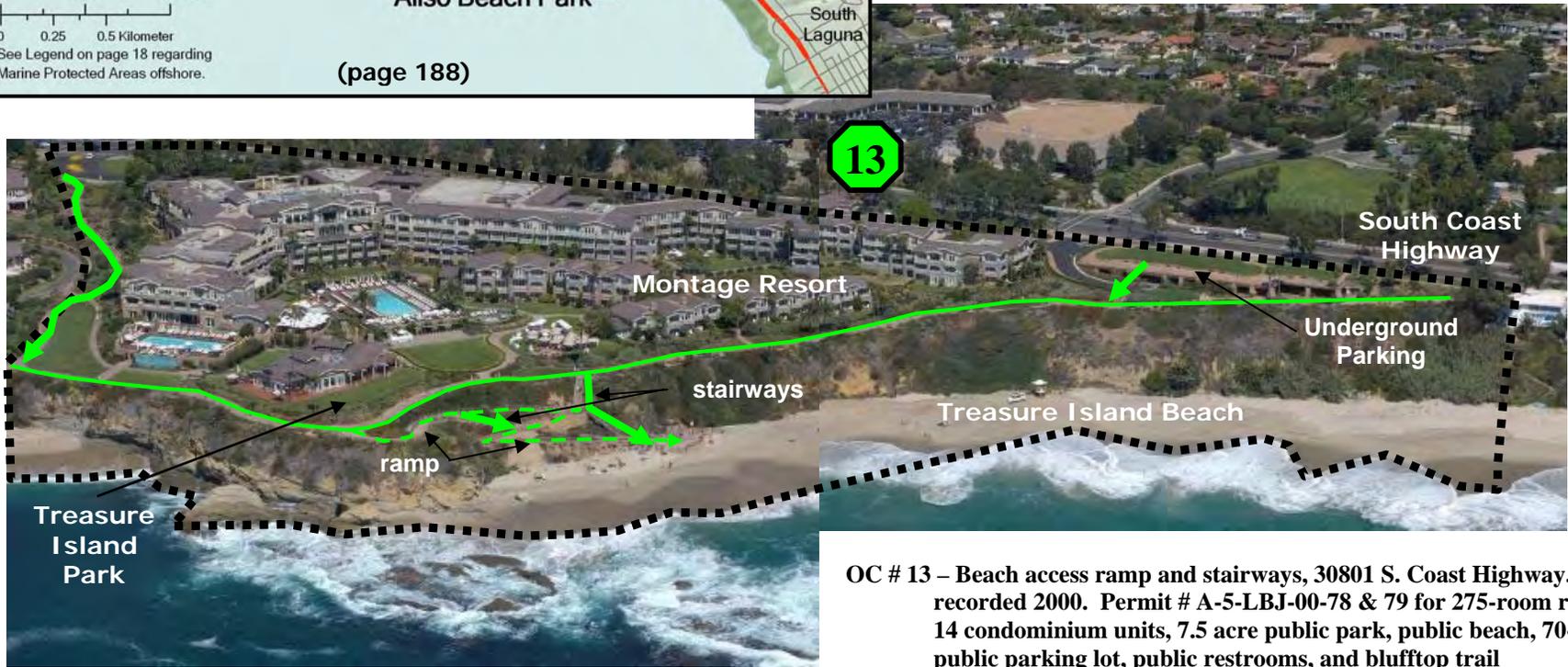


**OC # 11 – Beach Access Stairway, 611 Coast Highway. DR recorded 1982. Permit # 5-82-263 for 25-unit timeshare hotel.**



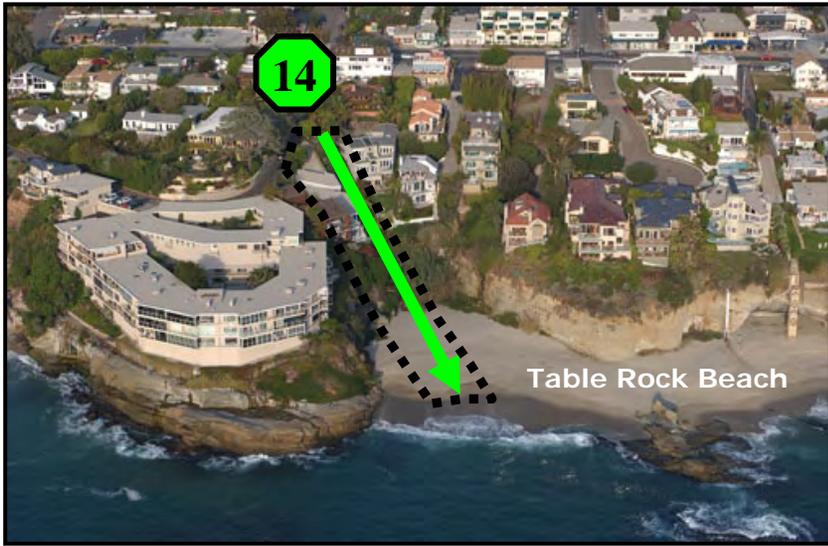
**OC # 12 – Beach access stairway, 30596 Dumond Drive. OTD recorded 1987. Permit # 5-83-878 for new gated entry to existing neighborhood of 62 SFDs.**



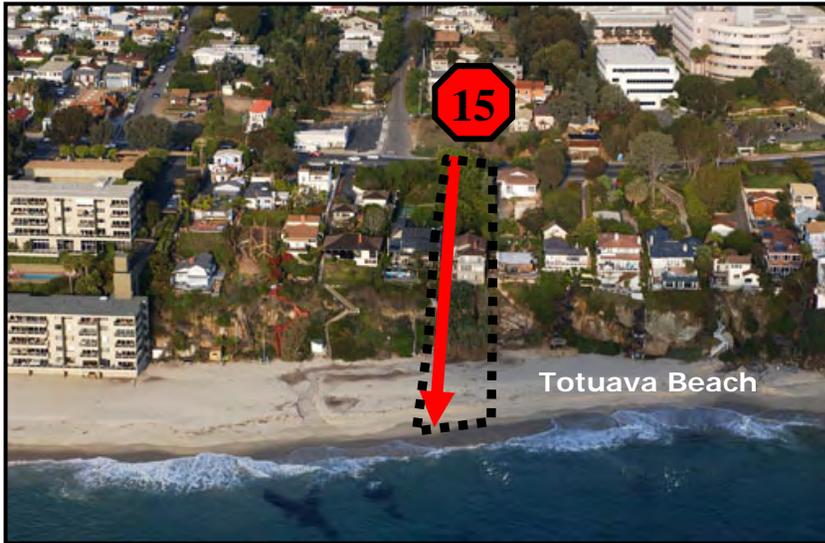
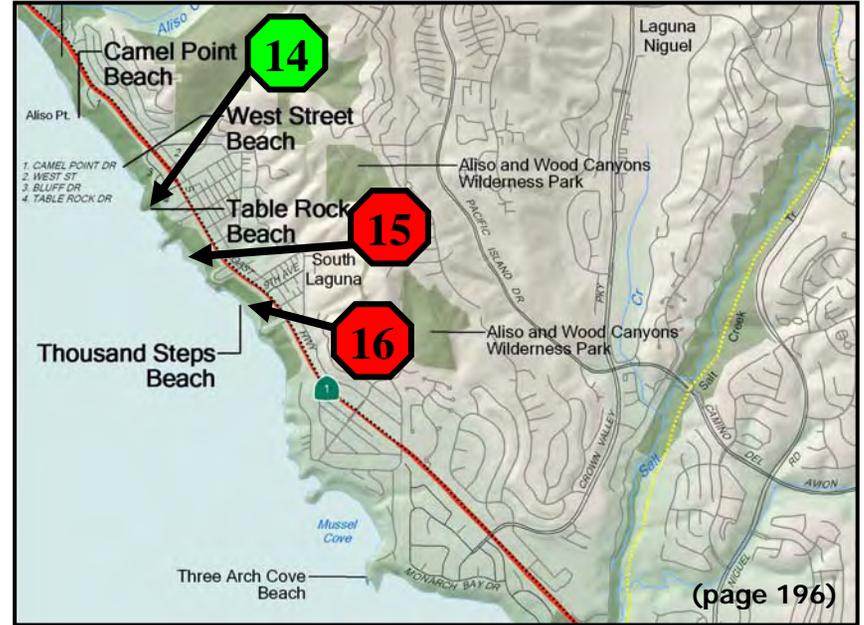


OC # 13 – Beach access ramp and stairways, 30801 S. Coast Highway. DR recorded 2000. Permit # A-5-LBJ-00-78 & 79 for 275-room resort, 14 condominium units, 7.5 acre public park, public beach, 70-space public parking lot, public restrooms, and blufftop trail





OC # 14 – Beach Access Stairway, 31625 S. Coast Hwy. OTD recorded 1984. Permit # 5-83-482 for one SFD and public stairway to beach.



OC # 15 – Future Beach Access Stairway, 31831 S. Coast Hwy. OTD recorded 1991. Permit # 5-91-556 for merging of 2 developed lots, demolition of two SFDs and construction of one SFD.



OC # 16 – Future Widening of Existing Beach Access Stairway, 31965 S. Coast Hwy. DR recorded 1978. Permit #P-2985 for one SFD.



**OC # 17 – Beach Access Pathways, 1 Ritz Carlton Drive. DR recorded 2004. Permit # 5-82-291 for 397-room resort, beach access pathways, blufftop trail and public park.**





**OC # 18 – Beach Access Pathway, Beach Road. OTD recorded 1983.  
Permit # 5-83-126 for new private gate for existing residential community.**





**OC # 19** – *Future Viewpoint and (existing) Stairway, Arenoso Lane.* DR and OTD recorded 1990. Permit # 5-88-784 for 30-unit condominium.

**OC # 20** – *Future Beach Access Pathway, Via Calandria.* OTD recorded 1987. Permit # 5-85-691 for 58-unit residential subdivision.

**OC # 21** – *Future Beach Access Pathway, Calle Isabella.* OTD recorded 1983. Permit # A-148-81 for 17-unit residential subdivision.







**Status of Vertical Accessways Acquired by California Coastal Commission Actions  
1973 to 2009**

**November 20, 2009**