

Chapter 6: Coastal Access



6.1 Purpose and Organization

Public access to and along the shoreline is a fundamental value of the State of California. Article 10, Section 4 of the California Constitution affirms the public's right of access to and along the state's navigable waters and encourages the legislature to enact laws that give the most liberal construction to this provision.

Protecting and maximizing public shoreline access is a fundamental--and perhaps the most significant--goal of the California Coastal Act ("Coastal Act") of 1976. To achieve this goal, Coastal Act Section 30500 requires that all Local Coastal Programs (LCPs) include a specific public access component.

6.2 State and Local Coastal Access Policies

The Coastal Act guarantees the right of public access to all coastal tidelands. It contains policies which require that existing legal rights of public access to the coast be protected, and that reasonable requirements for public access be established in new developments along the coast. As part of the Coastal Act, the California state legislature declared a basic goal for the state's Coastal Zone:

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

- Coastal Act Section 30001.5

The Coastal Plan Policies document, a component of the County's Local Coastal Program, contains specific policy language regarding coastal access and links these policies to the Coastal Act. This information is largely contained in Chapter 2 (Shoreline Access) of Coastal Plan Policies. Applicable policies from the County's LCP and General Plan are cited below:

Table 6-1: Policies concerning Coastal Access	
<i>Coastal Zone Framework for Planning</i>	
Strategic Growth Goal 1, Objective 3.c	Preserve urban and rural open space as an irreplaceable resource for future generations by encouraging better access to the coast through acquisition and development of coastal accessways, trails, and parks, in appropriate locations.
<i>Coastal Plan Policies</i>	
Shoreline Access Policy 1 <i>Protection of Existing Access</i>	Public prescriptive rights may exist in certain areas of the County. Development shall not interfere with the public's right of access to the sea, where acquired through historic or legislative authorization.
Shoreline Access Policy 2 <i>New Development</i>	Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided with new development.
Shoreline Access Policy 3 <i>Access Acquisition</i>	In implementing the above policies, purchase in fee (simple) is to be used only after all less costly alternatives have been studied and rejected as inappropriate or infeasible.
Shoreline Access Policy 4 <i>Provision of Support Facilities and Improvements</i>	Facilities necessary for public access shall be provided. This may include parking areas, restroom facilities, picnic tables, or other such improvements.
Shoreline Access Policy 5 <i>Acceptance of Offers to Dedicate</i>	Dedicated accessways shall not be required to be opened to public use until a public agency agrees to accept the responsibility for maintenance and liability of the accessway.
Shoreline Access Policy 6 <i>Public Safety</i>	The level and intensity of shoreline access is to be consistent with public safety concerns related to bluff stability, trail improvements, as well as the provision of adequate facilities such as signs, fences, and stairways.
Shoreline Access Policy 7 <i>Development of Uniform Access Signs</i>	A uniform signing system program should be developed. Such signs would assist the public in recognizing access points.

Table 6-1: Policies concerning Coastal Access	
Shoreline Access Policy 8 <i>Minimizing Conflicts with Adjacent Uses</i>	Maximum access shall be provided in a manner which minimizes conflicts with adjacent uses.
Shoreline Access Policy 9 <i>Restoration and Enhancement of Shoreline Access Areas</i>	Areas that have been severely degraded through overly intense and unrestricted use should be restored by such techniques as revegetation with native plants, trail consolidation and improvement, and through the provision of support facilities such as parking, defined trail and/or beach walk stairway systems, trash receptacles, restrooms, picnic areas, etc.
Shoreline Access Policy 10 <i>Protection of Property Rights and Privacy</i>	The acquisition of rights for access and view purposes and other uses by the public should be consistent with the protection of the property and use rights of property owners. Access routes should be selected and designed as to minimize the public impact on private property.
Shoreline Access Policy 11 <i>Taking of Private Property</i>	In meeting the foregoing policies for ensuring public access to the shoreline, careful consideration must be given to the requirements of [Coastal Act] Section 30010, which declares that no local government may "...exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without payment of just compensation.
Shoreline Access Policy 12 <i>Comprehensive Public Access Planning</i>	As part of the periodic update of an area plan, the draft plan shall include development of a Comprehensive Public Access Component, consistent with Section 30500 of the Coastal Act.

6.3 Implementation of Coastal Access Policies

State and local coastal access policies are primarily implemented through the development review process. Tools for implementation include the Coastal Zone Land Use Ordinance (CZLUO) and the Planning Area Standards in Chapter 7 of this plan. Coastal access programs are listed in Chapter 2 of this plan.

Section 23.04.420 of the CZLUO contains requirements for protection and provision of coastal access. It specifies the type of required access, procedures for acquisition, and the type and extent of required improvements.

6.4 Overview of Existing and Potential Coastal Access

The community of Los Osos offers a wide variety of public access opportunities, including two nature preserves, a state park, and formal and informal accessways to the Morro Bay estuary. Several improved facilities exist, including overlooks and trails along the shoreline of the Bay. Most accessways are lateral easements. There are also potential vertical accessways, vista points and a trail connecting Sweet Springs to Baywood along the shoreline of the Bay. Currently, the primary use of the shoreline of the Bay is by local residents, as residential neighborhoods border the shoreline. Examples of existing and potential coastal access are discussed by

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neighborhood in the following paragraphs. Table 6-2 includes an inventory of public access easements and their status.

6.4.1 Baywood Park (see Figure 3-1 for general location)

The Elfin Forest is a publicly owned and managed Natural Area identified in the *Conservation and Open Space Element* of the County General Plan. The public ownership extends from South Bay Boulevard and Santa Lucia Avenue (north of and parallel to Santa Ysabel Avenue) to and along the shoreline of the Morro Bay estuary. The Elfin Forest contains a diverse and complex assemblage of natural plant communities, including pygmy oak woodland. A boardwalk loop trail and overlooks are accessible from 16th Street, and connecting trails extend to adjacent street ends. There is no shoreline access at the Elfin Forest

West of the Elfin Forest, there is an opportunity to develop the northern end of 7th Street for public access and an overlook that offers a wide vista including the Morro Bay estuary, the sandspit, and the volcanic landforms to the north. The north end of 4th Street is developed with an overlook. The other street ends between 5th and 9th Streets should be managed to protect, conserve and preserve habitat.

In the Baywood Commercial area, the southern end of 2nd Street is developed with a small pier with a seating area. In the vicinity are benches overlooking the bay and the tidal flats. Lateral access is available along the shoreline of the Bay. A sandy beach is immediate to the pier. Small watercraft may be launched by hand or with a hand-operated buggy down the ramp on the Pier and at the beach nearby, access is limited by availability of nearby parking. Trailer-launching of small boats near the pier is precluded by the design of the parking lot. Hand launching and small boat trailer-launching is available on an informal ramp at the south end of 1st Street. Boating is strictly governed by the tides. The shallow back bay deters nearly all use by motorized boats. For paddle boats and small sailboats, the back bay offers unique coastal recreational amenities: wide calm water that is free from hazards such as strong currents, motorboat traffic, and crowded boat moorings.

In Tract 40 on the Baywood Peninsula at the end of Santa Ysabel Avenue, a small parking area and trail to the bay has been developed. About a block to the north on Pasadena Drive is a bay overlook platform. The south end of 1st Street, at the interface of the Baywood commercial district and Tract 40 residential area, is an undeveloped site with grand views of the bay and sunsets, a picnic table, and an informal site for hand launching and trailer launching small boats with nearby parking (except during Baywood CBD events). Boating is strictly governed by the tides. To the south, at the bend in Pasadena Drive south of Baywood Way, is a 10-foot wide easement to the edge of the bay located between two residential lots. Due to narrow streets, lack of parking, and potential conflicts with adjacent homes, consideration should be given to either developing that easement for neighborhood-scale access or retaining the easement to protect and enhance habitat.

A trail starting at the south end of Second Street on to El Moro and extending south on Third Street connecting the Baywood commercial area with Sweet Springs Nature Preserve should be developed

The southern end of 1st Street offers vertical access to the Bay where one may find a picnic table, enjoy splendid sunsets, or slide a small, unmotorized boat, such as a kayak or a sailboat, into the bay.

6.4.2 Sweet Springs (see Figure 3-1 for general location)

The Sweet Springs marsh is a nature preserve open to the public. It includes a nature trail adjacent to the bay and wetlands that offers beautiful views of the estuary, the sandspit, Morro Rock, and the surrounding bayfront. Improvements include a boardwalk, trails, benches, and overlooks. The marsh is managed by the Morro Coast Audubon Society, a private, non-profit conservation organization. Deed restrictions placed on the property by the State of California prohibit any additional improvements.

6.4.3 Cuesta-by-the Sea (see Figure 3-1 for general location)

Coastal access in the Cuesta-by-the Sea neighborhood is entirely informal. There are many lateral access easements, and a few open, but undeveloped vertical accessways.

The Cuesta Inlet and vicinity offer substantial coastal access opportunities. In this area, Mitchell Drive provides access to the Cuesta Inlet. It parallels the shoreline and has an unimproved stub-out at each end. Both appear to be well-used for vertical access to the shoreline and lateral access along the shoreline. The Cuesta Inlet is privately owned (except where State tidelands may extend) but is heavily used by area residents for activities such walking, jogging and boat launching. Along Mitchell Drive, there is an opportunity to develop a walkway, bicycle racks, bollards, signs, a bay overlook, and landscaping. At the Cuesta Inlet or elsewhere in the “Back Bay,” a site should be acquired and developed for a park and boat launch ramp, consistent with protection of sensitive habitat.

Another major coastal access location in the Cuesta-by-the-Sea neighborhood is at the northern terminus of Pecho Road, adjacent to Binscarth Road. This street end is undeveloped but is well-used for access to the shoreline. It should be developed with a bay overlook. On the adjacent parcel west of the street end, there has been intensive trespass use, and prescriptive rights may exist in this area.

6.4.4 West of Pecho Area (see Figure 3-1 for general location)

This area has little shoreline but provides coastal access via mostly informal trailheads onto adjacent shoreline parcels. This area is also adjacent to Montaña de Oro State Park. Trailheads are located at the end of Butte Drive and Howard Street. Formal trail access into the State Park and to the coast is provided at the southern end of Inyo Street in connection with the Monarch Grove subdivision.

Butte Drive is the main shoreline road in this area. A lateral shoreline accessway is located behind the residences on this street. There are several lateral access easements, and eventual completion of the accessway through acquisition/dedication should be considered. However, the design of any future formal trail along the shoreline at this location would need to protect sensitive habitat and recognize the danger of walking on a soft, marshy surface.

6.4.5 Opportunities for Future Public Access and Habitat Conservation

A. Baywood Park (see Figure 3-1 for general location)

1. **Northern end of 7th Street:** develop an overlook that offers vast vistas of the Morro Bay estuary and the sandspit.
2. **Street ends between 3rd and 9th Streets:** manage to protect, conserve, and preserve habitat.
3. **Southern end of 2nd and 3rd Street:** develop a trail connecting the Baywood commercial district with Sweet Springs Nature Preserve.

B. Tract 40 (see figure 3-1 for general location)

1. **South end of 1st Street:** manage to protect, conserve, and preserve habitat while maintaining public access.
2. **Pasadena Drive South of Baywood Way:** consider development of neighborhood-scale access.

C. Cuesta-by-the Sea (see Figure 3-1 for general location)

1. **Mitchell Drive/Doris Avenue:** develop a walkway, bicycle racks, bollards, signs, a bay overlook, landscaping, and a possible small boat launch at Cuesta Inlet
2. **West Pecho Road and northern terminus of Pecho Road, adjacent to Binscarth Road:** develop this well-used access to the shoreline with a bay overlook
3. **Back Bay:** acquire and develop a park and boat launch ramp, consistent with protection of sensitive habitat.

6.5 Management Objectives

Management of coastal access is complicated because of the many different types of access facilities and the number of responsible agencies. Accessways include developed and undeveloped beaches, bluff top trails, stairways and paths to the beach, and vista points, parks, and overlooks. Accessways are managed by the State Department of Parks and Recreation and County Parks. The Morro Coast Audubon Society, a non-profit organization, manages the Sweet Springs Nature Preserve and the 4th street overlook. Other non-profit organizations, such as the Land Conservancy of San Luis Obispo County, may accept and manage coastal accessways.

Where the County is the responsible agency for managing coastal accessways, County Parks oversees:

- Acceptance of offers to dedicate vertical and lateral coastal access, as well as, opening of these easements.
- Design and installation of access facilities, such as parking, stairs, trash receptacles, restrooms, and signs

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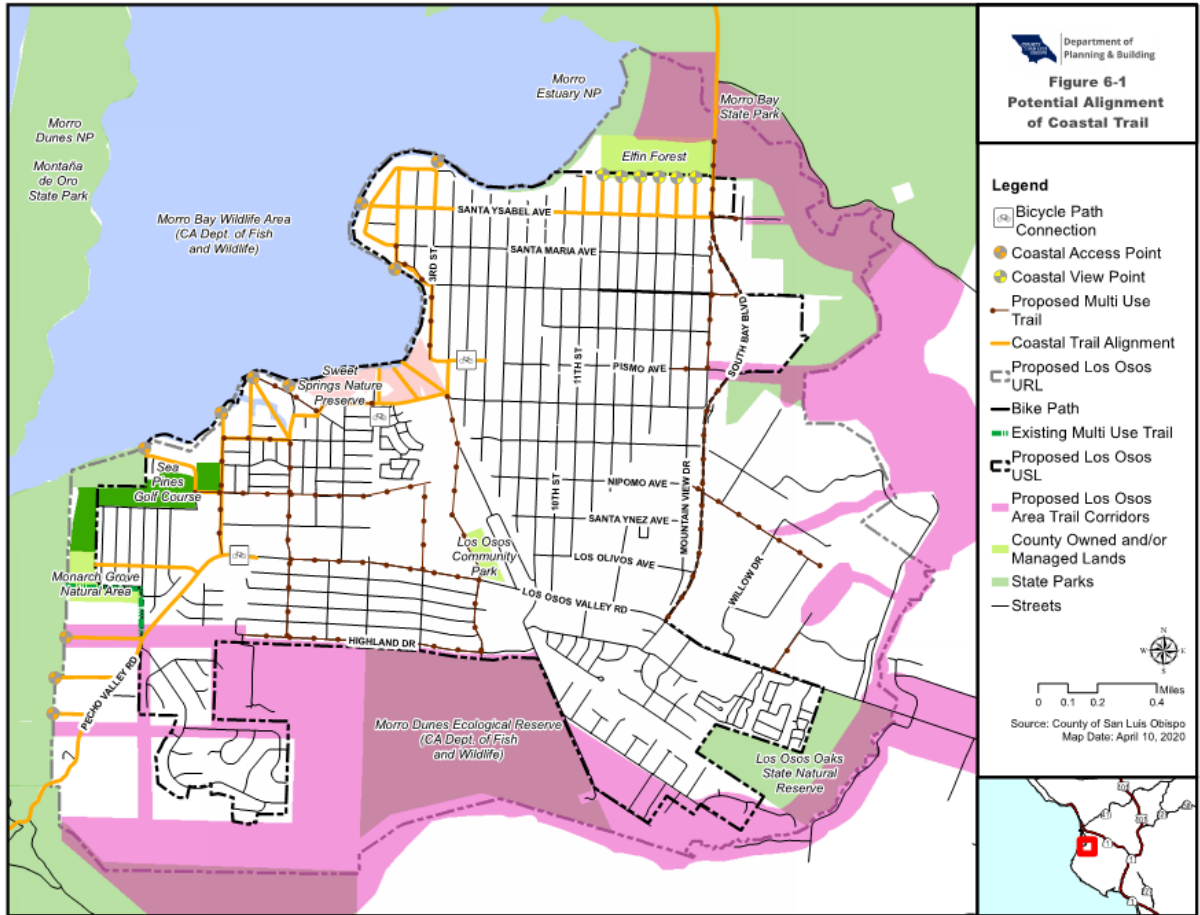
- Maintenance of existing facilities
- Management of the coastal access inventory
- Evaluation of coastal development proposals for coastal access potential

6.6 California Coastal Trail (CCT)

Shoreline Access Policy 12.2 (see *Coastal Plan Policies* document) requires that plan updates consider the future implementation of the California Coastal Trail (CCT). The Estero Area Plan's Coastal Access policies (see Chapter 8 of the Estero Area Plan) envision a coastal trail network, consistent with the California Coastal Trail, extending between Los Osos and Cayucos. The Park and Recreation Element of the General Plan likewise envisions the Coastal Trail extending the full length of the County's coastline.

The Los Osos Community Plan sets the preferred alignment for the CCT. The CCT will enter the community at the South Bay Boulevard bridge over Los Osos Creek to the north and the Montaña de Oro State Park boundary to the south. Within Los Osos, the CCT will primarily follow the alignments of existing road rights-of-way along as well as adjacent to the shoreline of the Bay. Figure 6-1 shows a potential CCT alignment in relation to other proposed trails. Once completed through the Estero Planning Area, the CCT will link Morro Bay State Park, the Morro Bay Embarcadero, and the community of Cayucos to the north with Montaña de Oro State Park and the Pt. Buchon Trail and Pecho Coast Trail to the southwest (near Port San Luis). The CCT's alignment is also designed to connect with existing and proposed coastal access points and the network of multi-use trails and bike paths planned for the community of Los Osos.

Figure 6-1: Potential Alignment of the California Coastal Trail



6.7 Coastal Access Inventory

Coastal accessways are not available for public use until a public agency or private association approved by the County agrees to accept responsibility for maintenance and liability of the accessway. Offers of dedication may have interim deed restrictions that restrict the property owner from interfering with pre-existing use by the public and require that the area offered for dedication remain open and unobstructed during the period when the offer is outstanding.

Note about the Table:

“Accepted” in the “Status” column of the table means that an offer of dedication was accepted by a public agency or private association approved by the County and is considered a public access easement.

Figure 6-2: Improvement of Coastal Access

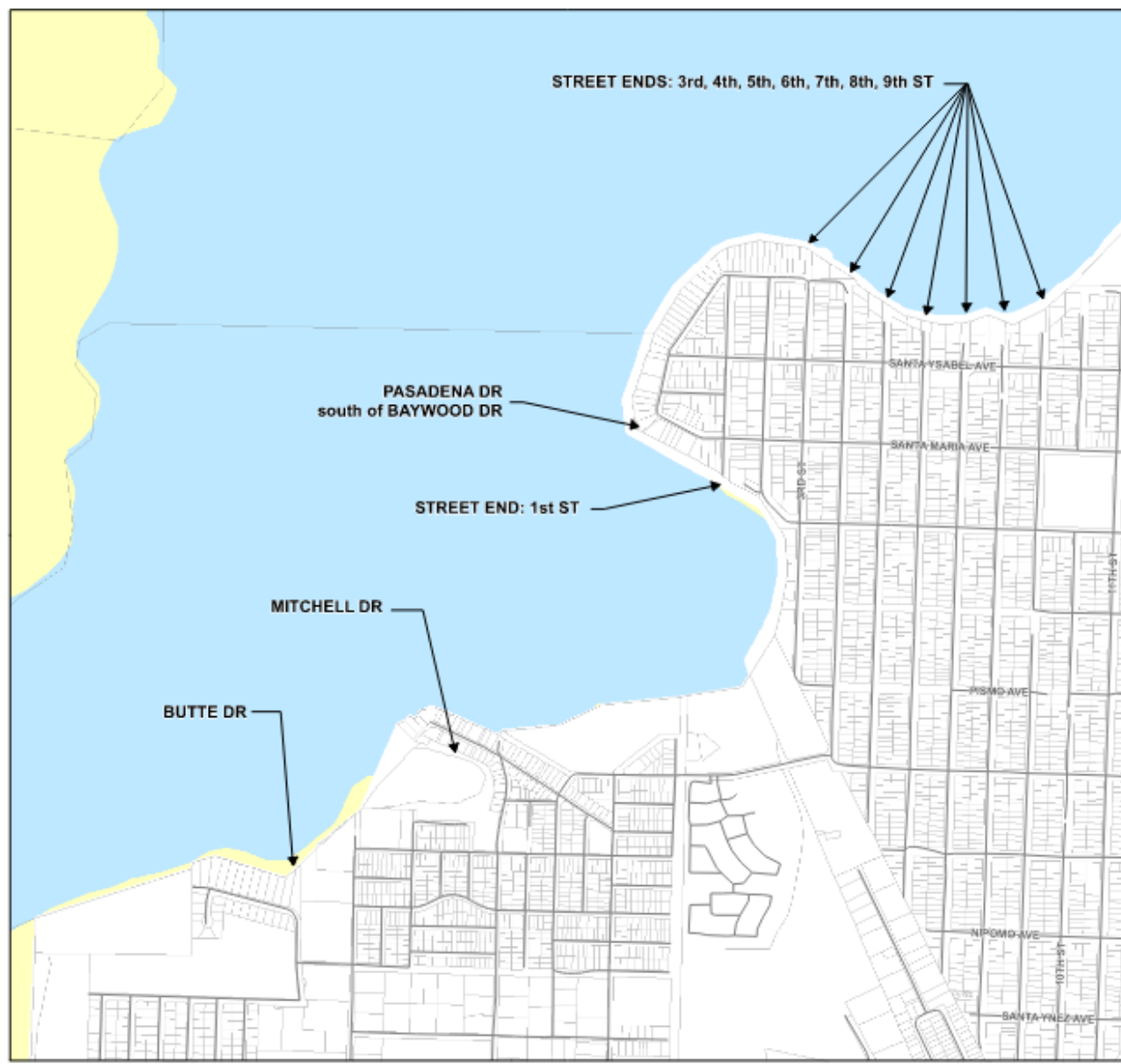


Table 6-2: Coastal Access Inventory

Assessor Parcel Number	Access	Type/Location	Status
<i>Coastal Access Plan: Los Osos Map 8A</i>			
038-701-004, 008, 009, 010, 011	Lateral/Vertical	Public: Elfin Forest. One block north of Santa Ysabel from 11th to 18th Streets, Los Osos	Open
<i>Coastal Access Plan: Los Osos Map 8B</i>			
038-041-011	Lateral	OTD: 1155 Seventh Street	Not open
038-041-010	Lateral	OTD: 1160 Sixth Street	Not open
038-032-007	Lateral	OTD: 1119 Sixth Street	Not open
038-032-001	Lateral	OTD: 1134 Fifth Street	Not open
038-031-029	Lateral	OTD: 1135 Fifth Street	Not open
038-031-001	Lateral/Vertical	Public/Non-profit: Audubon Overlook. End of 4 th St. and Santa Lucia Avenue	Open
038-682-002	Vertical	Street End: Third St. North of Santa Lucia	Open
038-681-013	Lateral	OTD: 698 Santa Lucia Avenue	Not open
038-681-014	Lateral	OTD: 688 Santa Lucia Avenue	Not open
038-681-015	Lateral	OTD: 672 Santa Lucia Avenue	Not open
038-681-017	Lateral	OTD: 670 Santa Lucia Avenue	Not open
038-681-018	Lateral	OTD: 656 Santa Lucia Avenue	Not open
038-681-003	Lateral	OTD: 640 Santa Lucia Avenue	Not open
038-681-002	Lateral	OTD: 608 Santa Lucia Avenue	Not open
038-681-012	Lateral/Overlook	OTD: 600 Santa Lucia Avenue, Overlook.	Overlook Open
038-681-024/ 038-731-012	Lateral/Overlook	OTD: 1119 Pasadena Drive	Overlook Open
038-731-011	Lateral	OTD: 1137 Pasadena Drive	Not open
038-731-010	Lateral	OTD: 1143 Pasadena Drive	Not open
038-731-009	Lateral	OTD: 1149 Pasadena Drive	Not open
038-731-008	Lateral	OTD: 1155 Pasadena Drive	Not open
038-731-007	Lateral	OTD: 1161 Pasadena Drive	Not open
038-731-006	Lateral	OTD: 1167 Pasadena Drive	Not open
038-731-004	Lateral	OTD: 1179 Pasadena Drive	Not open
038-731-002	Lateral	OTD: 1191 Pasadena Drive	Not open
038-732-001	Lateral/Vertical	Public: Pasadena Access. 1211 Pasadena Drive	County Park Open
038-732-007	Lateral/Vertical	OTD: 1299 Pasadena Drive Between 1299 and 1309 Pasadena	Not open
038-732-008	Lateral/Vertical	OTD: 1309 Pasadena Drive Between 1299 and 1309 Pasadena	Not open

Table 6-2: Coastal Access Inventory

Assessor Parcel Number	Access	Type/Location	Status
Between 038-732-015 and 038-181-025	Vertical	Street End: First St. South end, north of 1391 2 nd Street	Open
038-181-025	Lateral	OTD: 1391 Second Street	Not open
038-181-024	Lateral/Vertical	OTD: 1399 Second St. Back Bay Inn, adjacent to pier and 2nd Street	Open
038-181-024	Vertical	Street End: Second St. South end, south of 1399 2 nd Street	Open
038-262-005	Lateral/Vertical	Public/Non-Profit: Audubon. Corner of Paso Robles and 3 rd Street	Open Unimproved
074-229-010; 074-101-004	Lateral/Vertical	Public/Nonprofit: Sweet Springs Marsh. 660 Ramona Avenue	Nonprofit Natural Area Open
074-081-013	Lateral/Vertical	OTD: 398 Mitchell Dr. Northern extension of Doris, Los Osos	Open
074-081-037	Lateral	OTD: 380 Mitchell Drive	Not open
074-081-028	Lateral	OTD: 366 Mitchell Drive	Not open
074-081-018	Lateral	OTD: 350 Mitchell Drive	Not open
074-082-010	Vertical	OTD: 399 Mitchell Drive	Not open
074-082-010	Vertical	Street End: Doris Ave. South end, south of 399 Mitchell Street	Open Unimproved
074-084-012	Other	Potential Prescriptive Rights: Tidal inlet. South of Mitchell Drive, Cuesta-By-The-Sea	Informal
<i>Coastal Access Plan: Los Osos Map 8C</i>			
074-084-013	Other	Potential Prescriptive Rights: 25' causeway. Cuesta- By-The-Sea. Between Mitchell and Pecho road ends	Informal
074-121-003	Other	Potential Prescriptive Rights: Parcel adjacent to Pecho Road stub out. Cuesta-By- The-Sea	Informal
074-462-001, 002, 003, 004, 005 ,006, 007, 008, 009, 010, 011, 012, 013	Other	Potential Prescriptive Rights: Butte Drive Shoreline trail. Extends east behind parcels along Butte Drive	Informal
074-121-002	Vertical	Street End: Solano Dr. East of 272 Butte Drive	Not open
074-462-013	Lateral/Vertical	OTD: 272 Butte Drive	Not open
074-462-011	Lateral	OTD: 260 Butte Drive	Not open
074-462-008	Lateral	OTD: 242 Butte Drive	Not open
074-462-007	Lateral	OTD: 236 Butte Drive	Not open
074-462-004	Lateral	OTD: 218 Butte Drive	Not open
074-462-001	Lateral	OTD: 202 Butte Drive	Not open
074-022-068	Trail	OTD: 171 Monarch Lane	Open

Table 6-2: Coastal Access Inventory

Assessor Parcel Number	Access	Type/Location	Status
074-026-003	Trail	OTD: Inyo Street Cul-de-sac trail. See 171 Monarch	Open

Notes

1. OTD = "Offer to Dedicate" is a legal document by which a private owner offers an access easement over their land to the public for future public recreational use.

2. Assessor Parcel Numbers may change.

