

### III. SHORELINE ACCESS AND RECREATION

#### A. INTRODUCTION

Of all the issues the Coastal Act addresses, those concerned with provision of public access to the coast are perhaps the most significant and most familiar. Provision of coastal access was the primary concern of California voters who approved the 1973 Coastal Act initiative. Public access to the coast also is stressed in Section 4, Article X of the California State Constitution which guarantees the public's right of access to the beach along the 1072 miles of coastline.

The specific public access policies of the Coastal Act implicitly recognize that escalating coastal land values and the increasing demands of the private market for coastal land pose a threat to continuance of public right to have access to the coast. To insure that the public's constitutional right to have access to the coast will be enhanced and protected by local policy, the coastal act requires the following:

"Each local coastal program prepared pursuant to this chapter (Chapter 1 of the Coastal Act) shall contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided." (Section 30500)

The primary purpose of the access component of the LCP is to describe in detail the ways in which local conditions do or do not conform to Coastal Act policies, and to recommend local policies and actions to correct non-conforming conditions. Because of the extent of overlap between concerns relevant to shoreline access and those involving coastal recreation, policies and plans concerning both are addressed together. Morro Bay enjoys an exceptionally large amount of shoreline public access and recreational opportunities, and some of these opportunities have the capability to be expanded or enhanced. With applicable policies and programs in addition to those existing in the City, access and recreational opportunities can be guaranteed to be in compliance with the requirements of the Coastal Act.

#### B. COASTAL ACT AND CITY POLICIES

##### 1. State Policies

The Coastal Act policies directly related to access and recreation are as follows:

Sec. 30210. "In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse."

Sec. 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Sec. 30212. (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exits nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

- (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.
- (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.
- (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.
- (4) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the regional commission or the commission determines that such activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 6648.14, inclusive, of the California Government Code and by Section 4 of Article X of the California Constitution.

Sec. 30212.5 "Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area."

Sec. 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Neither the commission nor any regional commission shall either: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Sec. 30214. (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain uses and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Sec. 30220. "Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland areas shall be protected for such use."

Sec. 30221. "Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area."

Sec. 30222. "The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development but not over agriculture or coastal-dependent industry."

Sec. 30240. "(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Article X, Section A of the California State Constitution states as follows:

"No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay inlet, estuary, or other navigable water in this state, shall be permitted to exclude the right-of-way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision so that access to the navigable waters of this state shall be always attainable for the people."

The State Subdivision Map Act also incorporates a number of provisions regarding public access to navigable water and shoreline areas that can be found in Section 66478.1 through 66478.14 of the Government Code. Relevant portions are summarized as follows:

"No local agency shall approve coastal or oceanfront subdivisions or subdivision involving waterways, lakes or reservoirs, unless public access is provided by fee or easement from a public highway to 'land below the ordinary high-water mark on any ocean coastlines or bay shoreline within or at a reasonable distance from the subdivision,' or 'that portion of the bank or stream bordering or lying within the proposed subdivision.'"

"Additionally, no local agency shall approve a subdivision that does not provide for dedication of public easement (designed in extent, width, and character to achieve public use of the waterway) along a portion of the waterfront bordering or within the proposed subdivision."

"Reasonable access is to be determined by the local agency, considering: (1) mode of access; (2) size of subdivision; (3) common uses of bank or stream, or type of coastline or shoreline and appropriate uses; (4) likelihood of trespass and means of avoiding trespass. The subdivision need not be disapproved if access is not provided and the local agency finds that reasonable access is available nearby."

"The Subdivider is not required to improve access rout(s) that benefit non-residents of the subdivision. Access route(s) may be conveyed or transferred to other governmental agencies."

## 2. City Policies on Public Shoreline Access

Morro Bay's General Plan identifies and responds to some of the issues of shoreline access in the context of its Parks and Recreation Element. While these attempts do not meet specificity of the Coastal Act, the Parks and Recreation Element recommends that access between areas

on both sides of State Highway One should be improved by installing one or more separated pedestrian overcrossings.

The Element also proposes major improvements to and the expansion of Coleman Drive between the PG&E -owned property and Morro Rock. The conceptual plan proposes to increase access to and use of the beach areas and provide clustered parking in order to provide a more diverse and effective use of the area.

C. GENERAL ACCESS AND RECREATION CHARACTERISTICS

1. Physical Characteristics

Morro Bay is a community with a wealth of existing access, and has access opportunities which can be improved or expanded. There are a total of 10.75 linear miles of ocean and bayfront shoreline that fall within the city limits. Approximately 95.5% of the shoreline within Morro Bay corporate limits is presently open to lateral access. Moreover, existing vertical public access is provided along virtually all segments of the shoreline (see Figure 8). One of the primary intentions of the LUP policies pertaining to access and recreation is to maintain the abundance of existing access and further maximize access in new development, consistent with the provisions of the Coastal Act.

The majority of Morro Bay's coastline is dominated by flat sandy beaches that rise to dunes or short coastal bluffs. Significant portions of the City's bayfront are lined by man-made rock revetments or consumed by waterfront structures. Coastal bluffs and isolated natural rock outcroppings, the most notable of which is Morro Rock, make up a relatively small portion of the city's shoreline. The coastal physical characteristics are summarized in Table 3 and shown on Figure 6.

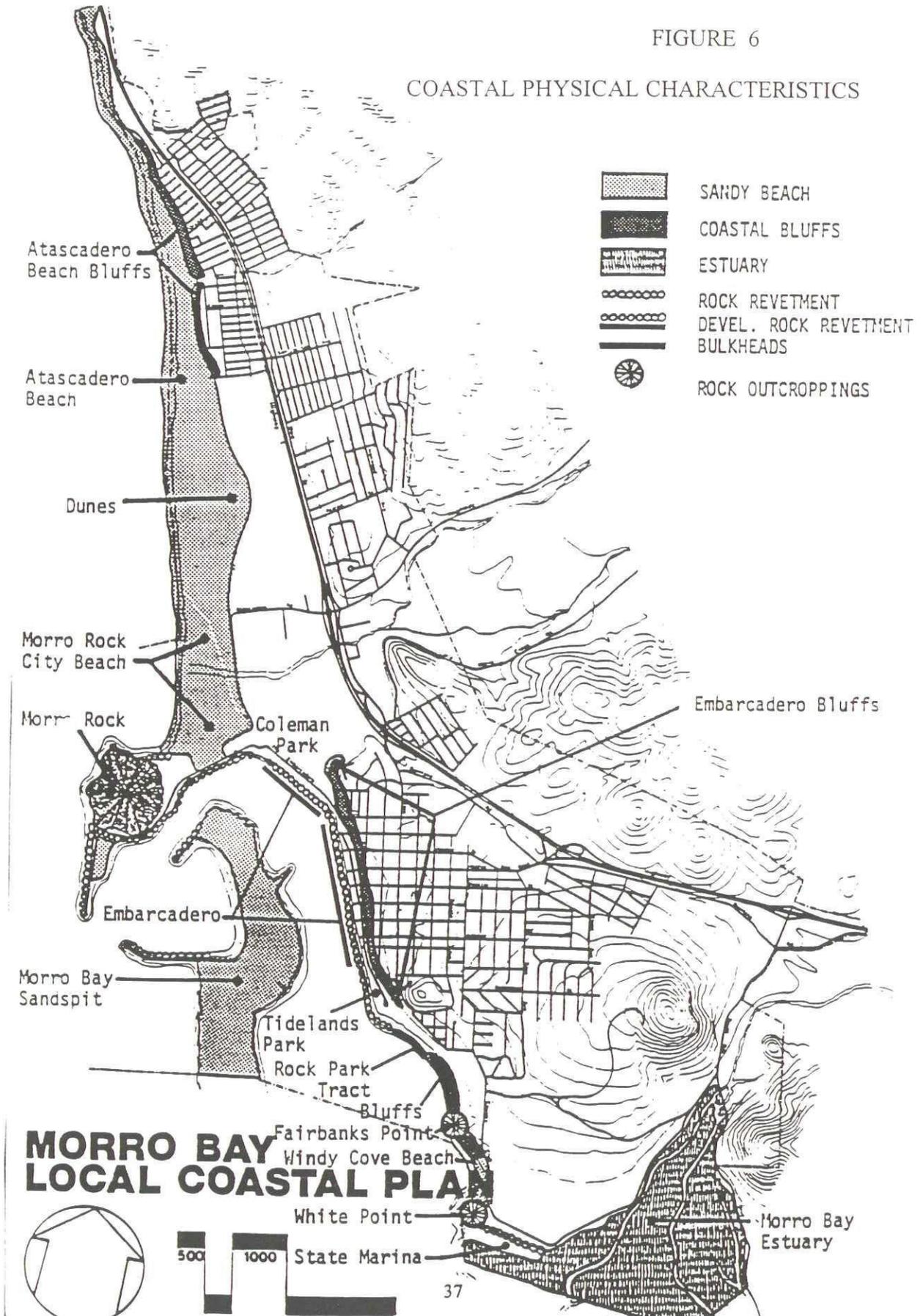
Table 3

Coastal Physical Characteristics

<u>Physical Characteristics</u>	<u>Number of Lineal Miles</u>	<u>Percent of Total</u>
Sandy Beach	5.19	48.2
Land Based Beach	2.77	25.6
Sand Spit	2.42	22.6
Manmade Rock Revetment/ Waterfront Structures	2.07	19.3
Estuarine	2.01	18.6
Coastal Bluffs	0.75	7.0
Rocky Outcroppings	<u>0.73</u>	<u>6.9</u>
TOTALS	10.75	100.0

FIGURE 6

COASTAL PHYSICAL CHARACTERISTICS



## 2. Land and Shoreline Ownership

Approximately 90 percent of land frontage immediately abutting the waters of the Pacific Ocean and Morro Bay are publicly owned. Figure 7 depicts the areas in Morro Bay owned or managed by public institutions.

Most of the bayfront lands managed by lease arrangements by the City of Morro Bay are tideland submerged lands held in trust by virtue of a state legislative grant. Technically, the City is the steward rather than the true owner of these lands, many of which have been leased out to and heavily developed by private concerns. Lands may be leased and developed by private concerns but they must be consistent with the public trust and granting statutes.

## 3. Access Considerations

The State Coastal Zone Conservation Commission Interpretive Guidelines for Shoreline Access identifies four types of access that should be reviewed by each coastal community during preparation of its Local Coastal Program. Lateral, vertical, bluff-top and visual access types are defined in Appendix A and are discussed as follows as they relate to Morro Bay. Figure 8 depicts location of these access types.

**Lateral Access:** Unencumbered lateral access, or access along and parallel to the shoreline, is ample in Morro Bay. An open sandy beach from Morro Rock northward provides lateral access without interference or hindrance of any kind.

**Vertical Access:** Vertical access, or that which allows the public to achieve access to the shoreline from the first public road, is available at a number of locations. Due to the relatively flat terrain of northern Morro Bay west of Highway One, access to northern beach areas is made easier than in some of the southern sections of the City where bluff-top terrain, waterfront revetments, and wall-to-wall waterfront construction have directed access to the shoreline through street ends. There are at least 35 vertical access points along the shoreline and bluff tops. Access is provided to all beach and bayfront areas.

**Bluff-Top Access:** Lateral access across the bluff tops that form the backdrop for the City's Embarcadero area is available but is limited by the extensive building that has already occurred. Existing vertical access from the tops of coastal bluffs to beach areas or the Embarcadero is adequately provided and is available for vehicles and pedestrians.

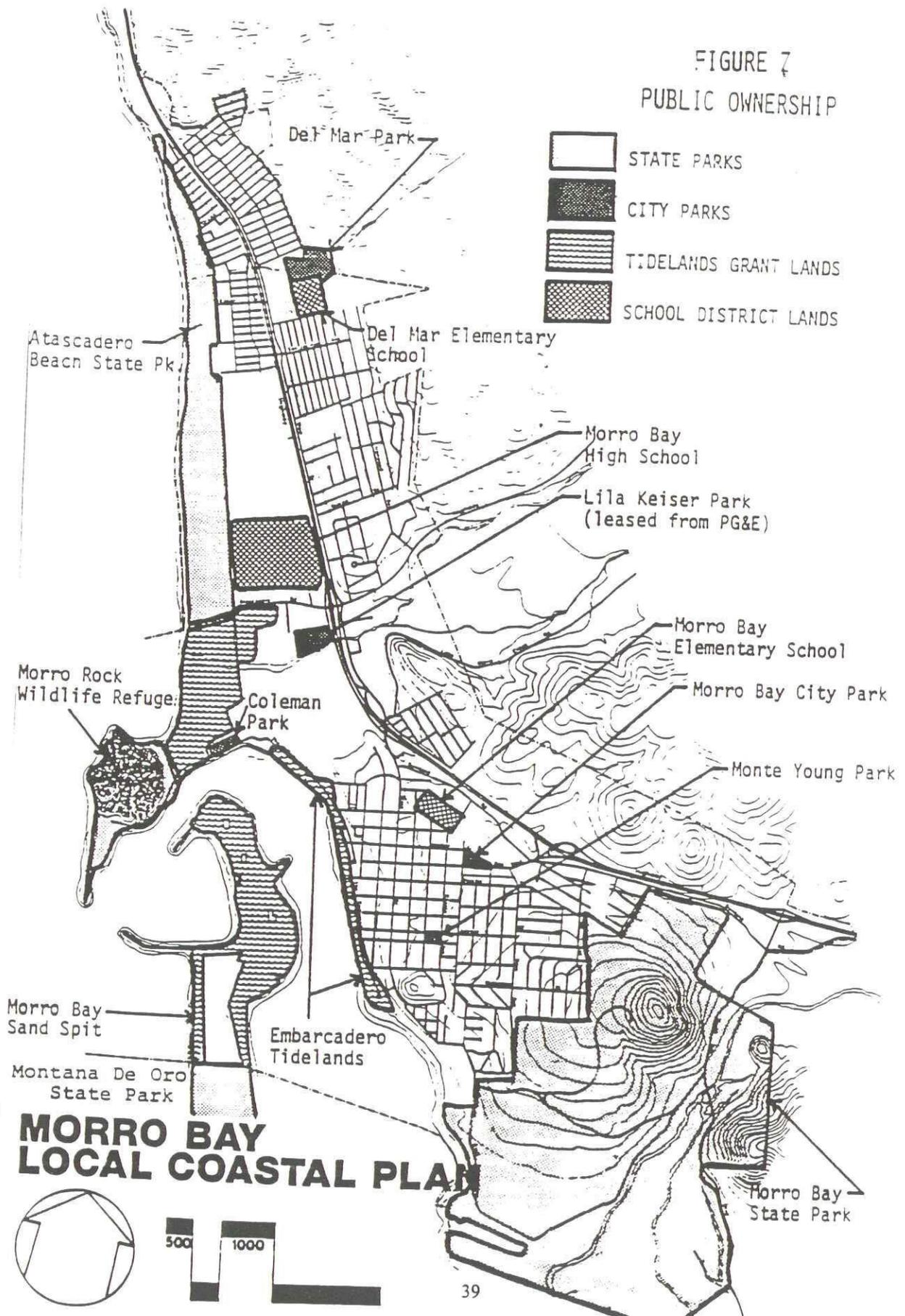
**Visual Access:** Visual access to shoreline areas will be discussed in Chapter XIII, Visual Resources.

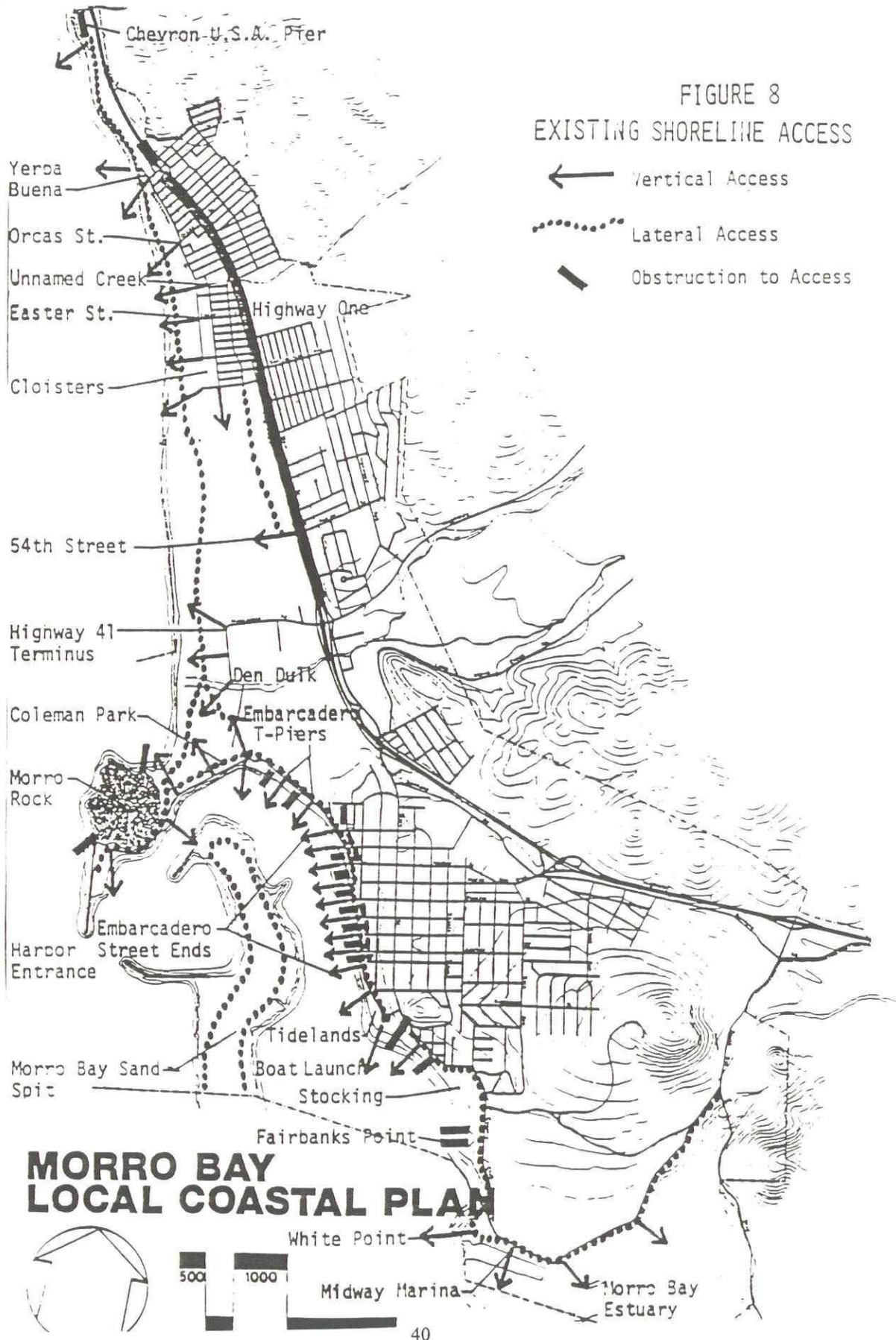
## 4. Recreational Use Considerations

As a community with high tourist demand and with three major state park installations, Morro Bay's shoreline offers a wide variety of shoreline recreational opportunities to residents and visitors alike.

Recreational opportunities such as hiking, nature walks, and sightseeing, abound in Morro Bay. Water sports, such as surfing, fishing, diving, and recreational boating, are also prevalent along Morro Bay's shoreline areas. The state parks offer camping facilities, passive recreational opportunities, and active recreational facilities. In addition, the County operates the Morro Bay Golf Course in Morro Bay State Park. Figure 9 shows the location of recreational facilities in the City.

FIGURE 7  
 PUBLIC OWNERSHIP



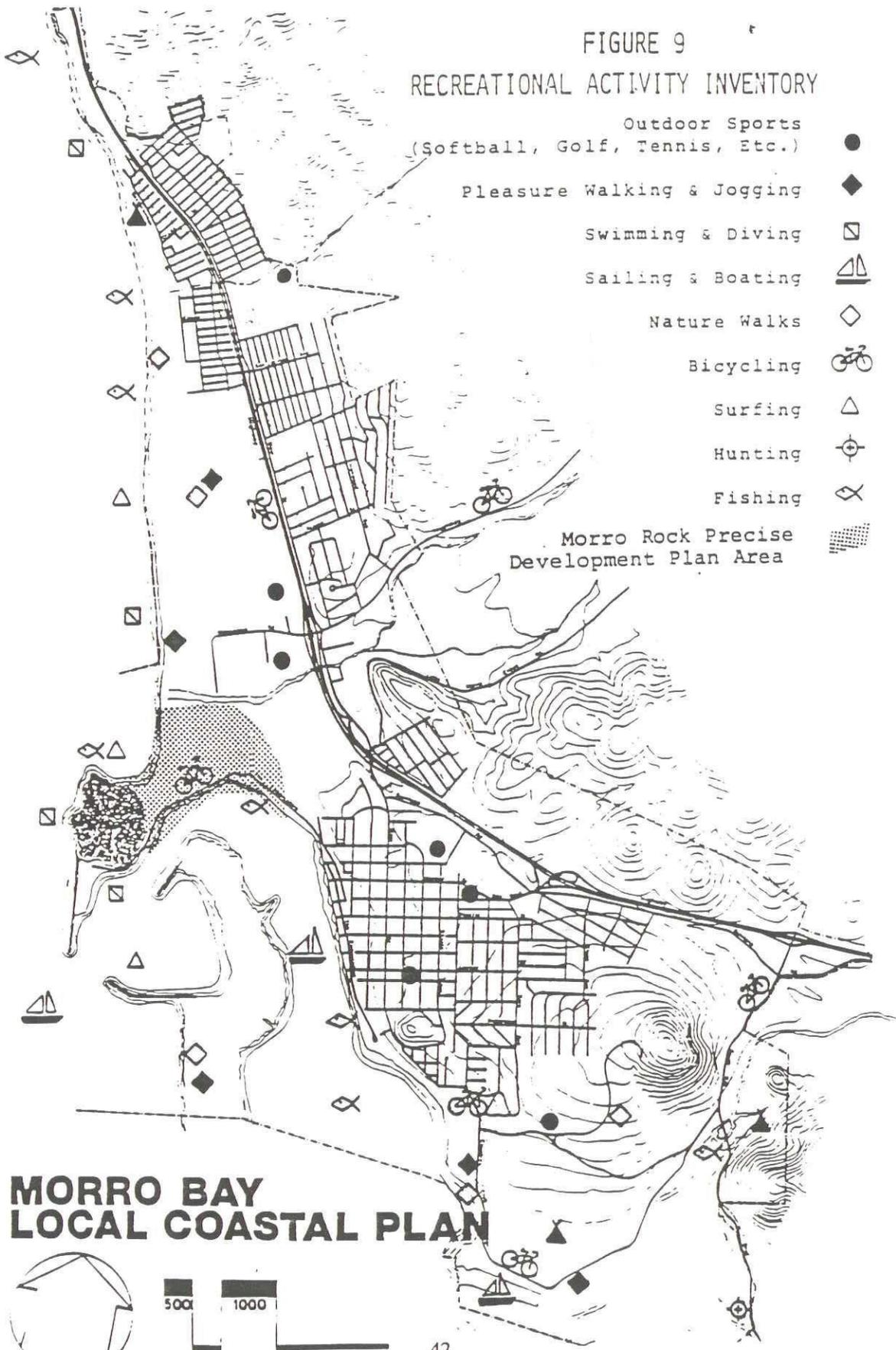


#### D. ACCESS ISSUES AND CONSTRAINTS

Morro Bay offers a wide variety of shoreline access. The City is a truly distinctive area that offers access and recreational opportunities to both its residents and visitors. In evaluating access issues and constraints, significant considerations include the following:

- (1) The City of Morro Bay has extremely limited funds to improve existing accessways, to acquire, maintain and develop new accessways, or to manage and maintain new waterfront parks and recreational facilities. Additionally, it must fulfill obligations assumed in the Pipkin Tideland Settlement which thus far have not been accomplished.
- (2) The City's present Zoning and Subdivision Ordinances will require review to ensure that acquisition or expansion of public access is provided for and meets Coastal Act Policies.
- (3) The City's present circulation system to and along the waterfront provides adequate accessibility to waterfront areas.
- (4) Parking in the much used, heavily developed waterfront areas along the City's Embarcadero is barely adequate to meet the demands. Prospects to improve the situation, with the cooperation of landowners, is considered good under present conditions.
- (5) Bicycle and pedestrian access is available but might be increased and better organized to provide maximum access potential.
- (6) Continuous lateral access is provided but is not entirely contiguous to nor does it necessarily need to be contiguous to the waterfront.

FIGURE 9  
 RECREATIONAL ACTIVITY INVENTORY



- (7) Opportunities to expand more formal access in Morro Bay's waterfront areas could be constrained by complications and legal settlements surrounding the City's Tidelands Grant Lands.
- (8) Vertical access to the waterfront along the Embarcadero and Rock Park Tract areas is adequate, and is provided at all street-ends. Most of the developed areas are providing access to the City's residents and visitors. Among the City's project activities for access improvements, the Coastal Conservancy has given lower priority to sign improvements, the Coastal Conservancy has given lower priority to sign improvements to these street-ends.
- (9) The Coastal Conservancy and Coastal Commission have adopted standards and guidelines for public access ways improvements which must be adhered to by the City of Morro Bay in access projects if Conservancy funds are used, and in order to receive Commission approval, City coastal permit issuance would be ultimately dependent upon these standards and guidelines.
- (10) Uncontrolled and undirected shoreline access has, over the years, resulted in resource damage to the sand dunes paralleling the beach. Dune vegetation has been trampled and lost and the dunes themselves have eroded away. Fragile native plants and wildlife habitat have been lost. There is an urgent need to control and direct access, and restore, as far as possible, the former dune habitat.

#### E. RECREATION ISSUES AND CONSTRAINTS

Morro Bay provides considerable acreage in public recreation use. Three state parks are within the City limits and the City has four public parks in addition to private recreational provisions. There are three issues and constraints with respect to provision of recreational opportunities for the public:

- (1) The City is severely limited in funding to either provide additional public recreational opportunities or to conduct major improvements for existing facilities within its jurisdiction. The City, however, has placed priorities on land acquisition and improvements, and is participating in government funding programs.
- (2) Opportunities to expand recreational opportunities in Morro Bay's waterfront areas could be further constrained by complications and legal settlements surrounding the City's Tidelands Grant Lands.
- (3) Conflicts exist between the use of areas for recreational boating and commercial fishing. With regard to the siting of new developments, the Coastal Act provisions pertaining to priorities among uses dictate that some recreational activities must be subordinate to coastal-dependent uses. In addition, the bay has a limited boat carrying capacity due to the value of the tidelands as a bird sanctuary and sensitive habitat area.

F. SPECIFIC RESOURCES, ISSUES AND CONSTRAINTS BY PLANNING AREA

1. Area - North Morro Bay

The specific areas in planning area 1 with access and recreational issues and constraints are the Chevron U.S.A. pier, Atascadero Beach State Park, Beachcomber Drive, and Hatteras Street. There are other vertical accesses in this area which are shown on Figure 8.

a. \*Chevron U.S.A. Pier: This privately-owned pier is at the extreme northern limits of the City and is now closed to public use. It offers potential for public access and pier-side fishing, however, it is also a potential site for offshore oil development and/or an oil spill control point. Because it is an energy dependent facility, recreational use takes second priority. Lateral access along the beach should be ensured across the Chevron lease if this is not precluded due to safety factors.

b. Atascadero Beach State Park: This long stretch of state-owned sandy beach contains a 104-space campground and offers full lateral access along 10,000 linear feet of ocean frontage.

c. Beachcomber Drive. This bluff-top road parallels the beach and forms the backdrop to Atascadero Beach Campground. It provides bluff-top lateral access as well as vertical access to the State Beach for pedestrians. Yerba Buena Street connects Beachcomber Drive with State Highway One and serves as the main vehicular access to Atascadero Beach campground.

d. Hatteras Street: This street was once the southern entrance to the Atascadero Beach campground. The terminus of Hatteras Street is now barricaded and serves only pedestrians from the surrounding residential neighborhood. Strong potential exists to make a pedestrian connection between the beach through the Hatteras Street terminus to the City's Del Mar Park, some 2,000 feet inland via an abandoned pipeline corridor.

2. Area 2 - Atascadero Beach

a. Cloisters Parcel: This state-owned, eight acre beachfront parcel is located at the west end of San Jacinto Street. It was once the site of the old, long-removed Cloisters Hotel, and has been used historically and extensively for public access.

b. Mixed Use Area G (2): This privately-owned 80-plus acre expanse of open land is situated between Morro Bay High School and Azure Street. The property is adjacent to existing developed parcels, being bounded on the south by Morro Bay High School, on the north by the existing Atascadero State Beach subdivision and the existing State Park, and on the east by Highway One and adjacent development. Water lines are in Azure Street adjacent to the property and an existing sewer line crosses the property. It also historically has been used for lateral and vertical access. It contains a large area of sensitive sand dunes abutting the eastern edge of Atascadero State Beach. The area has been, and continues to be, the subject of land and road development proposals that could affect public access to the dunes and beach. Planning for the area needs to ensure a balance between continuation of lateral and vertical access within and through the property, while at the same time conserving the sensitive plant and wildlife resources present.

3. Area 3 - Del Mar

No issues or constraints have been identified.

4. Area 4 - Morro Highlands

No issues or constraints have been identified.

5. Area 5 - Morro Rock

a. State Highway 41 Terminus: The terminus of State Highway 41 abuts a large sandy beach known as Morro Rock City Beach, and provides access to the scenic dunes that flank the road.

b. Coleman Drive Area: The area is bounded by Morro Creek, the PG&E Morro Bay Thermal Power Plant, Morro Rock and the bay, which offers extensive resources for public access.

The sensitive environmental habitat of Morro Rock is a constraint to future use and development of the area in the vicinity of Coleman Drive. Improved control of public access from the dirt road and parking area adjacent to Morro Creek is needed to reduce further potential for erosion of dune areas. Restoration of former dunes is needed in the area adjacent to the mouth of Morro Creek.

Opportunities may be available in the future to make several circulation system improvements in the Coleman Drive to enhance public access and recreation. However, because prior legal agreements have been made between the City and Den-Dulk, any road modification to Coleman Drive will need to be worked out cooperatively and with prior agreement of the private land owner. Potential improvements include realigning Coleman Drive away from the water's edge in order to provide more beach area, safer pedestrian access, and to enable better integration of Coleman Park and the shoreline. In addition, a pedestrian and bicycle bridge over Morro Creek would enhance lateral shoreline access.

c. Morro Rock: The landmark of Morro Bay, Morro Rock, is owned by the state, and access is available to the base of the rock via Coleman Drive.

6. Area 6 - Bay Front

a. Embarcadero Area: This heavily developed section of the City serves a mixture of fishing and tourist uses and contains a variety of public vertical and lateral accesses. In addition, some private buildings offer public access to the water's edge. There are eight underimproved, publicly owned street-ends which provide bayfront access. Stairways connecting the Embarcadero with the commercial areas above the bluffs that parallel the Embarcadero's eastern edge are present and offer unique opportunities for access in this most visited area of the City.

b. Tidelands Park: This largely vacant 1,200 foot stretch of waterfront at the southern end of the Embarcadero contains Morro Bay's only boat launch ramp. The Coastal Conservancy is assisting the City with funding for improvements. With additional

improvements, this area could become a quality waterfront park with major provisions for lateral access, fishing platforms, berths and side-ties for fishing fleet, etc.

7. Area 7 - Central Morro Bay

a. Rock Park Tract: This waterfront area has been developed with a mixture of land uses. Some of the long, narrow parcels stretching from the bulkheads and wharves of the waterfront to Main Street have made provisions for limited vertical access, while others have posted no trespassing signs for both vertical and lateral access. This area has limited potential to provide lateral access along the bay.

b. Vacant: The 11-acre bluff top privately-owned property is one of the last remaining vacant waterfront parcels and has a Coastal Commission permit for residential development with a requirement to dedicate to the City three acres of bluff top for use as a passive recreational park and accessway. To the immediate south in the State Park, the Golden Tee Restaurant encroaches over the bluffs and blocks lateral access towards the State Park, but vertical access is provided. Lateral access is available along Country Club Drive.

8. Area 8 - State Park

a. Morro Bay State Park: Forming the southern boundary of the City, the 1,452-acre state park contains a variety of access and recreation opportunities. Whites Point, the Museum of Natural History, Windy cove Beach, and Midway Marina offer substantial lateral and vertical access, while Fairbanks Point, just south of the Golden Tee resort, serves as a wildlife refuge which is restricted to access.

9. Area 9 - Harbor and Navigable Ways

a. North and South T-Piers: This heavily developed section of Morro Bay's waterfront offers vertical access to the waters of the bay via two large T-Piers, one of which has been closed to the public due to safety reasons until rehabilitation is completed. Lateral access is limited in some cases by waterfront developments that encroach over a revetment. The southern T-Pier is currently being restored with the assistance of the Coastal Conservancy.

b. Harbor: The harbor area offers a variety of public and private recreational uses in addition to the publicly-owned North and South T-Piers. Recreation uses include boating, bird and animal observation, swimming, fishing, and other water-related recreational activities. These recreational uses should be expanded as much as possible for increased public use while preserving wildlife habitat areas and maintaining the City's important commercial fishing and coastal-dependent industries.

10. Area 10 - Sand Spit

a. Sand Spit: Flanking the southern entrance to Morro Bay, the windblown northern edge of the sand spit is accessible from the City only by boat or swimming and is used extensively for nature walks and surfing. South of the part-City, part-privately owned portion of the spit located within the City limits is the State's Morro Bay Sand Spit Wild Area. This southern section is operated by the State as a limited access wild area and is part of Montana de Oro State Park.

## G. RECREATION AND ACCESS POLICIES

### 1. General Access and Recreation Policies

The following general access and recreation policies apply to the area of the City which is between the mean high tide line and the first public road. These policies are in addition to those listed by planning areas.

- Policy 1.01. For new developments adjacent to the bayfront or ocean, public access from the nearest public roadway to the shoreline and along the coast shall be provided except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. For new development on properties adjacent to the mean high tide line, lateral easement dedications shall be from the mean high-tideline to the first line of vegetation.
- Policy 1.02. No unrelated development shall be permitted in publicly-owned recreational areas except energy conduits and pipelines and other necessary ancillary equipment and related fixtures to serve coastal-dependent industrial uses when no alternate route or location is feasible.
- Policy 1.03. In implementing all proposals made in this plan for expanding opportunities for coastal access and recreation, purchase in fee (simple) shall be used only after all other less costly alternatives have been studied and rejected as infeasible. Other alternatives may include purchase of easements, recreation preserve contracts, and mandatory dedication in connection with development.
- Policy 1.04. Consistent with the provisions of Coastal Act Section 30212, dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. Whenever feasible in view of the availability of funds, the City shall acquire accessways in addition to those otherwise acquired as a result of mandatory conditions to development permit approvals.
- Policy 1.05. Parking shall be provided in conjunction with new or improved vertical accessways whenever feasible and consistent with site constraints to ensure use of the accessway. The number of spaces shall be determined by the Planning Commission or Community Development Department and shall be based upon need, carrying capacity of the public recreation area to which access is provided and environmental constraints and safety conditions.
- Policy 1.06. All accessways shall be properly signed and should conform to Coastal Conservancy/Coastal Commission access standards and guidelines.
- Policy 1.07. Consistent with Coastal Act Section 30211, development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization. Such access shall be protected through permit conditions on permitted development, including easements dedications or continued accessway maintenance by a private or public association. Existing identified trails or other access points shall not be required to remain open.

provided that they are consolidated or relocated to provide public access on the same site and provides the same or comparable access benefits as existed before closure and meets all other applicable access and recreation policies of the LUP.

Policy 1.07A. In reviewing all new development requests, provision shall be made for adequate off-street parking in order to serve the needs of the development. Once an approved parking management program for the City providing off-street parking resources has been developed and implemented as a part of the LUP, new development shall be allowed to satisfy parking requirements through participation in such a program. If the program includes an in-lieu fee system, the new development shall provide an in-lieu fee of an amount equal to the purchase of land and construction of the number of spaces needed to serve the development's needs.

## 2. Policies by Planning Area

The following policies are specific to access and recreation uses by planning area. The planning areas are shown on Figure 3 in Chapter I "Introduction." Figures 8 and 9 show the general location of access and recreation areas discussed in the following policies. These policies implement the public access and recreation policies of the Coastal Act which require that maximum shoreline access shall be provided in new developments except where it is inconsistent with the protection of coastal resources.

### Area 1- North Morro Bay

- Policy 1.08. With the exception of the Chevron U.S.A. Pier which is a coastal-dependent industrial use, the City shall designate the sand area west of State Highway One between the mean high tide line and the first line of vegetation as open space/recreation use.
- Policy 1.09. As a condition to the approval of any development permit on the Chevron U.S.A. property the City shall require clear dedication of a lateral access easement along the sand area and under the pier. The lateral accessway shall be a minimum of 25 feet of dry sandy beach at all times of the year, or shall include the entire sandy beach area if the width of the beach is less than 25 feet.
- Policy 1.10. As a condition to the approval of any development permit the City shall require State Department of Parks and Recreation to submit a master plan for the development of Atascadero State Beach, which shall include the following improvements:
- a. The design and construction of two stairways to the state beach off Beachcomber Drive, one below the bluffs between the Beachcomber Drive, one below the bluffs between the Beachcomber Drive terminus with Yerba Buena Street and another at a proper location between Unnamed Creek and the Orcas Street drainage.

- b. The design and construction of a small parking area on the state-owned coastal bluff-top parcel just below Hatteras Street.
- c. The repair of barrier rails to prevent bluff erosion and other maintenance improvements to the state park.
- d. The redesign and construction of a new barricade at the Hatteras Street terminus to allow for pedestrian access to the state beach.

Policy 1.11. As a condition to the approval of any development permit, on the property owned by Texaco, Inc., the City shall require the following improvements:

- a. Improved pedestrian and vehicular access from Main Street to Del Mar Park. A recommended location for access is via an easement located south of Unnamed Creek.
- b. Development, if needed, of additional parking along the west boundary of Del Mar Park; the number of which shall be determined by the Planning Commission and shall be based on park use and need for parking.
- c. A setback buffer area shall be established for new developments adjacent to Unnamed Creek. The width of the buffer area will vary depending upon the specific impact of the proposed development, but in no event shall be less than a width of 50 feet along each bank of the creek.

Policy 1.11A. As a condition to the approval of any subdivision or permit on the site of the Point Motel and the adjacent parcel to the north, a plan for shoreline access parking, paths, benches, stairways and overlook shall be submitted for review and approval. This plan shall include landscaping and facilities design details. Construction of these facilities with the exception of a stairway to the beach, shall be provided by the developer as a condition of subdivision or conditional use permit approval which ever is first, or may be assigned, upon its agreement, to the California Department of Parks and Recreation.

Required access and overlook improvements shall include: public parking lot; hard surface path suitable for pedestrians, wheelchair and bicycle access use, parallel to the Highway One fence. This path would extend to a wheel chair turn-around, bike rack and overlook. The overlook shall include benches and, perhaps, signs identifying landmarks along the coastline and/or explaining natural or cultural features along the headland. An unpaved walking trail shall extend along the bluff top, parallel to the beach, north of the housing. The scenic easement area shall be landscaped with an emphasis on native species.

As a condition of approval of any subdivision or permit on the site, an irrevocable offer of dedication shall be made for an easement for public access over the entire sandy beach and over a vertical accessway, bluff top pathway and overlook sites and the hard surface path. The easement shall

include the area from the southerly end of Lot 1 between the Point Motel and the Highway One fence extending in a northwesterly direction to the top of the bluff and seaward to the mean high tide line in the area designated in the North Point Specific Plan as "Public Access Easement". The public access easement must extend from the Highway One exit parallel to the Highway One fence and lead to a public access parking area located north of the proposed residential development. The hard surface path must extend from this public parking area along the blufftop lateral to the shore and reach the overlook sites and vertical access stairway which shall be maintained in open space. Offers for these easements for those public accessways and related facilities may be contingent on acceptance by a responsible public agency and the assumption of liability and maintenance obligations by said agency. In lieu of this, the property owner may offer to transfer the area which would be covered by the easement, in fee, to a responsible public agency.

#### Area 2 - Cloisters

Policy 1.12. As a condition to the approval of any development permit, the City shall require the State Department of Parks and Recreation to submit a master plan for the development of the recently acquired "Cloisters" park parcel, which shall include, but not be limited to the following improvements:

- a. Improved vertical public access located on the south side of the park parcel located so as to preserve as much as feasible of the tide and submerged lands in their natural state.
- b. Provision for off-street parking. Parking lot improvements to be sized as related to the scale of park development and public use to be accommodated.
- c. Sand dune protection and stabilization program. Consistent with the protection and stabilization of the existing dunes on the parcel, the proposed park development shall include provisions for overflow camping use between May and September of each year.
- d. View corridors and visual protection consistent with the provisions of Coastal Act Section 30251 and Policy 12.01 of this LUP.

#### Mixed Use Area G (2)

Policy 1.13. The area has been, and continues to be, the subject of land and road development proposals that could affect public access to the dunes and beach. Planning for the area needs to ensure a balance between continuation of lateral and vertical access within and through the property, while at the same time conserving the sensitive plant and wildlife resources present.

- a. Two vertical accessways to the beach shall be provided, one each on the north and south portions of the parcel. The southerly accessway shall be developed only in the event the southerly portion is developed for residential purposes. The accessway shall be of sufficient size to

guarantee accommodation of existing and projected intensity and kinds of use, but in no case shall the accessways be less than 10 feet in width. Specific access requirements shall be designated as part of the permit application process and shall be based on historical and projected use (Refer to Policy 1.07, for general criteria related to prescriptive rights questions.) Lateral accessways shall be provided according to the location of historically used portions of the site and projected future use by residents, and shall include the provisions of continuous lateral access across the site. Access easements may be located in view corridors.

- b. Public parking shall be developed and provided adjacent to the eastern end of the vertical accessways. The number of parking spaces for each accessway shall be determined at the time of development review, and in no case shall it be less than 15 spaces.
- c. If a north-south collector street is required to serve future development within the area, it shall be located on the eastern edge of the site, and shall include Class I bicycle paths based on the standards contained in the Circulation Element of the General Plan.
- d. Improvement of public access and parking shall be completed prior to final project approvals of development projects on the site.

Policy 1.14. The City shall make every effort to have the California Department of Transportation design and construct one or more crossings of Highway One at grade in order to facilitate safe and convenient movement of residents across that man-made barrier.

#### Area 3 - Del Mar

No access and recreation policies are required.

#### Area 4 - Morro Highlands

No access and recreation policies are required.

#### Area 5 - Morro Rock

Policy 1.15. The area located west of the Embarcadero alignment projected north shall be designated as open space/recreation.

Policy 1.16. The dunes area north of Atascadero Road (State Highway 41) and west of the High School shall be designated as environmentally sensitive habitat. Portions of the area suitable for passive recreational use shall be designated open space/recreation.

- Policy 1.17. Until the PG&E property is needed for coastal-dependent energy industrial uses, interim commercial/recreational fishing and boating uses and access uses shall be allowed as provided for in Policy 5.02. Preference shall be given to dry dock storage and to overflow camping facilities. When PG&E property is needed for coastal-dependent energy industrial uses, a vertical (east-west) public access path for pedestrians and bicyclists no less than 10 feet in width shall be required as a condition of development, consistent with public safety needs and the need to protect the operations of the new facilities. The exact location of the accessway shall be determined during project review for development permit approval. A location paralleling the creek shall be allowed, provided the path does not encroach into environmentally sensitive habitat areas of buffer zones.
- Policy 1.18. The City-owned property located south of State Highway 41-Atascadero Road on the south side of Morro Creek shall be designated for use by the commercial fishing industry for a storage/haul-out/boat construction facility or similar use, or for public and private open space recreational uses and facilities.
- Policy 1.19. With the cooperation and assistance of other public agencies, and at such time as funding is available, the City shall undertake construction of a pedestrian and bicycle bridge over Morro Creek mouth as a means of enhancing lateral shoreline access and recreation opportunities.
- Policy 1.20. In reviewing the development proposals along the bayfront, the City shall apply the following standards and make the necessary findings to assure consistency with LUP and Chapter 3 Coastal Act policies:
- (1) Each application for new development or lease which would result in an increase in intensity of use, change of use, or expansion of an existing structure seaward or an increase in height shall include a physical provision for continuous lateral access along the bayfront portion of the parcel. Developments which require this access provision are defined as improvements which would result in a change in use, an increase of 10 percent or less where an improvement of the structure had previously been undertaken, increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.
  - (2) Each applicant for development as defined in part (1) above shall be required to provide lateral access unless the applicant can demonstrate based on engineering analysis that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety and fragile coastal resources.
  - (3) If continuous lateral access across the bayward portion of the parcel is found to be feasible due to topographical or site constraints as defined in part (2) above, the applicant shall contribute an in-lieu fee (equivalent to the cost of construction of an accessway along the bayward edge of the structure proposed) to the City. Fees shall be used to coordinate the bayfront lateral and

vertical access program, and shall be used to link lateral access where feasible and to improve vertical access provisions.

(4) Applications for coastal-dependent development where provisions of continuous lateral access would conflict with the day-to-day operations of the facility(s) shall be conditioned by the City to make maximum provisions for public viewing areas and/or walkways in suitable locations on the development site.

(5) Lateral access may be achieved in the following manner:

- a. in the form of open or enclosed walkways a minimum of 8 feet wide across the bayward side of the proposed development;
- b. exterior decking and/or boardwalks extending bayward a maximum of 12 feet which provide for public access along the bayfront;
- c. designated breezeways and/or walkways within the structure provided such breeze ways are located as close as possible to the bay and are designed to provide the most direct, convenient connection between adjacent existing or potential lateral accessways; exterior access is preferred over interior access.

Policy 1.21. The City shall require provisions of vertical access to the bayfront. Requirements for vertical accessways may be modified so as to provide adequate vertical access in the area (i.e., a minimum of one every 300 feet and/or every street stub) linking the vertical accessways with lateral access provisions along the bayward sides of structures where feasible.

The City shall pursue funding sources, and/or designate as part of its long term capital improvements program, the construction of public stairways within the existing public street rights-of-way at surf Street, Dunes Street, Driftwood Street, and Anchor Street.

Policy 1.22. The City shall develop a parking management district for the Bayfront planning area which is coordinated with other parking management districts proposed within the City. A parking management plan shall be developed prior to district formation. The plan shall include the feasibility of:

- a. Parking fees or time limits on parking
- b. Landscaping and small park areas
- c. Redevelopment of existing parking areas to increase use
- d. Provision of additional parking areas
- e. Provision for recreational vehicle only parking areas
- f. Provision of motorcycle/bicycle parking areas
- g. Pedestrian access from parking areas and location of public service facilities
- h. Street-end parking as per Policy 1.24.

- Policy 1.24. The public restrooms now located at the Morro Bay Boulevard street-ends shall be relocated to a more suitable location prior to redevelopment of the street-end. A possible relocation would be to the Centennial Park or to a park area developed in conjunction with the parking management district.
- Policy 1.25. New developments on bluff tops shall not exceed a height of 14 feet above the existing bluff top. In addition, new developments shall be designed in such a manner as to avoid alteration of bluff faces, and where feasible given physical constraints, shall be designed to step down bluff faces.
- Policy 1.26. Lateral public access along the waterfront revetment shall be provided in all new developments, rehabilitation or addition projects consistent with Policy 1.20, with public safety needs and the need to protect public rights, rights of private property held by leaseholders, and natural resource areas from overuse.

#### Area 7 - Central Morro Bay

- Policy 1.29. The City will take the following actions to enhance access on the fisherman's fuel dock property:
- a. The City will initiate proceedings to remove the makeshift barrier between the existing coffee shop and bulk head in the area south of the existing Walton lateral access.
  - b. As a condition to any improvement or expansion of the fisherman's fuel dock, the City will require filing of a deed restriction and posting of access that would guarantee public access over the road leading from the City's easement to the fuel dock and land area.
- Policy 1.30. The City shall develop a parking management district for the Central Morro Bay commercial business area. A parking management plan shall be developed prior to district formation.
- Policy 1.31. The following conditions shall be required as part of a development permit on the Stocking Property (APN: 66-391-05):
- (1) The development shall include a public recreation area comprising approximately 3.18 acres (31% of the total site) located between the bayfront and any major site access road. The recreation area shall include a bicycle and pedestrian path along the southern perimeter of the property which is a minimum of 15 feet wide, a parking area with a minimum of 10 spaces, access stairs to the bay in the least environmentally sensitive location, viewing deck, restrooms and picnic area(s) including tables, benches and fire rings. The siting of recreational amenities shall be subject to review and comment of U.S. Fish and Wildlife and Department of Fish and Game. Buffers to protect sensitive habitat policies contained in the LUP.

- (2) A signing plan to advise the public that the site is available for public recreational use. The signs shall be lowscale and utilize natural materials.
- (3) The applicant for property development shall record an irrevocable offer to Grant a Fee Interest to a public agency or to a private association with the City having right of first refusal, for the recreational area described in item (1) above. The City shall exercise its right of refusal within three years of the offer. If said right of refusal is not exercised within three years, it shall be made available to other public agencies or private associations approved by the Coastal Commission. Such Grant of Fee interest shall be free of prior liens or encumbrances.

#### Area 8 - Morro Bay State Park

Policy 1.32. As a condition to the approval of any permit applications for developments within Morro Bay State Park, the City shall require the State Department of Parks and Recreation to develop a master plan for the Morro Bay State Park. The master plan shall be consistent with the provisions of Chapter 3 of the Coastal Act and shall include the following specific provisions:

- a. Designation of the State Park lands as open space/recreation land uses.
- b. Improvements to the existing circulation system including:
  - (1) Retention and improvement of the existing park entrance road through the park which connects South Bay Boulevard with Main Street.
  - (2) Provision of a bicycle and jogging trail adjacent to the park entrance road from Main Street to South Bay Boulevard.
  - (3) An improved, more clearly defined, three-way intersection at the South Bay Boulevard park entrance.
  - (4) Retention and improvement, without expansion, of the existing marina development at Midway Marina as a recreational boating facility.
- c. An implementation plan for the utilization of reclaimed water for irrigation.

Policy 1.33. The City shall designate Fairbanks Point, Windy Cove, the Black Hill Natural Area, Chorro Creek and the Morro Bay estuary as environmentally sensitive habitat areas. These designations are reflected on the LUP land use map.

Area 10 - Morro Bay Sandspit

- Policy 1.43. The privately-owned parcels on the sandspit shall be designated as environmentally sensitive habitat with passive recreational use allowed consistent with resource protection policies contained in the LUP and Coastal Act.
- Policy 1.44. The city shall request that an appropriate state agency acquire the privately-owned parcels on the sandspit.
- Policy 1.45. The City shall request that the state initiate a program to stabilize and revegetate the northern section of the sandspit in order to reduce sedimentation of the harbor occurring from windblown sand.