

COASTAL CONSERVANCY

Staff Recommendation

December 2, 2021

To: Members of the State Coastal Conservancy

From: Amy Hutzal, Executive Officer

CC: Oversight Legislators

Re: Adoption of Coastal Access Project Standards

RECOMMENDED ACTION: Adoption of Coastal Access Project Standards

EXHIBITS

Exhibit 1: [Coastal Access Project Standards](#)

Exhibit 2: [Comments on Draft Coastal Access Project Standards](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings pursuant to Division 21 of the Public Resources Code.

Resolution:

The State Coastal Conservancy hereby adopts the Coastal Access Project Standards attached to the accompanying staff recommendation as Exhibit 1, which replaces the Conservancy's previous Coastal Accessway Standards in their entirety.

Findings:

The State Coastal Conservancy finds that the Coastal Access Projects Standards attached to the accompanying staff recommendation as Exhibit 1:

1. Are consistent with and will support the Conservancy's implementation of Division 21 of the Public Resources Code.
2. Will help the Conservancy implement its Justice, Equity, Diversity, and Inclusion Guidelines.
3. Will help Conservancy staff consider, evaluate, and manage coastal access projects.

STAFF RECOMMENDATION:

Staff recommends that the Conservancy adopt the attached Coastal Access Project Standards (Exhibit 1).

Section 31401 of Division 21 of the Public Resources Code states:

The conservancy shall develop and adopt standards to guide state and local public agencies and federal agencies to the extent permitted by federal law or regulations or the United States Constitution in acquiring and developing public access to coastal resources. Such standards shall be incorporated within an integrated system of public accessways to and along the state's coastline which shall become an element of the California Outdoor Recreation Resources Plan required by Section 5099.2.

The Conservancy adopted the existing coastal access standards, the Coastal Accessway Standards, in 1983. Conservancy staff use the standards in evaluating public access project proposals for funding and during management of grants for public access projects. Conservancy staff reference the pertinent standards in staff recommendations for coastal access projects. The standards are intended to be used by public entities and non-profit organizations when developing coastal access projects. As site conditions vary along the coast, the application of the standards is intended to be flexible.

The existing standards are narrowly focused on accessways and are outdated. The attached Coastal Access Project Standards would replace the Coastal Accessway Standards entirely and would be used in the same manner as the Coastal Accessway Standards but would have broader applicability. The Coastal Access Project Standards include a greater focus on accessibility for people with disabilities, coordinating with California's tribes, and providing equitable and inclusive coastal access. They take into account sea level rise, encourage sustainable design that considers climate change impacts and water conservation, call out the need for operations and maintenance, and expand the definition of lower-cost overnight accommodations beyond hostels. Guidelines for prioritizing locations of access projects and design of support facilities remain, but there is less of a focus on specific dimensions for accessway easements or trails.

The draft Coastal Access Project Standards were written by several Conservancy staff and a Coro fellow. All Conservancy staff were provided the opportunity to provide feedback and revisions were made to address their comments. The draft standards were then shared with staff at the Coastal Commission and State Parks, as well as with some County and Regional Parks Departments on the coast and with several nonprofits that conduct outdoor education programs on the coast. The draft standards were then distributed for public comment from September 23 through November 12, 2021. We received nearly 100 comment letters or emails. Conservancy staff appreciate the thoughtful feedback and worked to address most of the comments into the Coastal Access Project Standards, as described below.

Short Term Vacation Rentals

There were 61 comments, including a letter from Airbnb, that advocated to include short-term vacation rentals as part of the definition of lower-cost overnight accommodations (Standard #9) and eight comments that advocated against or advocated for conditions on including short-term vacation rentals. Conservancy staff included short-term vacation rentals in the definition of lower-cost overnight accommodations and added a statement that overnight rates and populations served should be used in evaluating whether overnight accommodations are lower-cost. The Conservancy cannot fund private residences as part of our lower-cost overnight accommodation program, but staff acknowledges that short-term rentals supplement traditional overnight accommodations and play a role in coastal access opportunities. The Conservancy also acknowledges that local governments regulate short-term rentals within their jurisdictions.

Fishing, Hunting, Boating, and Equestrians

Five comments, including a letter from Backcountry Hunters and Anglers, requested inclusion of facilities and amenities for fishing, hunting, non-motorized boats, and/or water-borne recreation. One comment requested inclusion of equestrian trails and facilities. The Conservancy staff added language in Standard #2 about fishing facilities and amenities, non-motorized boating facilities and water-borne recreation, and equestrian facilities. We did not add language about hunting.

San Francisco Bay

The San Francisco Bay Conservation and Development Commission (BCDC) submitted a letter with details about the regulations within San Francisco Bay. There has been inconsistency in the past about application of the standards within San Francisco Bay, but Chapter 9 of Division 21 includes San Francisco Bay and Suisun Marsh as part of the state's coastline. Conservancy staff added multiple references to San Francisco Bay throughout the standards, incorporated many of BCDC's specific comments, and included the McAteer-Petris Act and San Francisco Bay Plan in Standard #10. In the future, Conservancy staff will assess consistency with the standards for public access projects along the San Francisco Bay shoreline as well as on the coast.

Tribes, Underserved Communities, and Accessibility for People with Disabilities

Multiple comments, including from Heal the Bay, Save the Redwoods League, Peninsula Open Space Trust, BCDC, Land Trust of Santa Cruz County, Community Nature Connections, Mountains Recreation and Conservation Authority, Outdoor Outreach, Ballona Wetlands Land Trust, County of San Luis Obispo Parks and Recreation Department, Joy Dryden, Jana Zimmer, Backcountry Hunters and Anglers, Josh Restad, Paul Kamen, and Parks California, supported the Conservancy's focus on equitable access and/or requested various edits related to increasing equity and accessibility. The Conservancy staff made several additions based on comments, including:

- Additional language regarding accessibility for persons with disabilities and inclusive design (in Standards #2 and 3).
- An introductory statement about California’s tribes (Standard #4).
- Acknowledgement of the importance of outdoor education programs and the organizations that develop and deliver the programs (Standard #5).
- A call to consider and address the inequitable impacts that fees have on access to the coast (Standard #2).

Protecting Natural Resources and Adapting to Climate Change

Several comments, including from Mountains Recreation and Conservation Authority, BCDC, Sonoma Land Trust, Mark Massara, Land Trust of Santa Cruz County, Heal the Bay, Ballona Wetlands Land Trust, and Backcountry Hunters and Anglers, requested a greater focus on protecting natural resources, including wildlife and water quality, and/or improving the language related to climate change and adaptation to sea level rise. The Conservancy staff made several additions based on comments, including:

- Greater acknowledgement of the variety of site conditions along the coast and opportunities and constraints for access facilities and amenities at each site (Standard #2).
- Inclusion of signage to describe rules and regulations in order to increase stewardship and decrease user conflicts (Standard #2).
- Improved formatting of language in Standard #6, edits to clarify that climate change is not a natural hazard, and inclusion of extreme weather and extreme heat as examples of climate change impacts.
- Language in Standard #8 calling for resilience and adaptability of projects to sea level rise and other climate change impacts.
- An introductory sentence to the Standards that describes the Conservancy’s vision for a beautiful, restored, and accessible coast.

Other Major Comments

- A request for notification about projects to neighbors. Conservancy staff did not add any noticing language to the standards. The Conservancy provides notice to nearby property owners when funding access projects along the coast, and environmental review and permitting processes also require public notice of proposed projects. Standard #5 calls for meaningful community engagement.
- Requests for provision of interim access during project planning and design and for improved signage at existing trails. Conservancy staff did not add any language but acknowledges that the standards apply to proposed improvements to existing access, to access provided in a phased approach, as well as to development of new access.

COMPLIANCE WITH CEQA

Under the California Environmental Quality Act (CEQA), a “project” consists of an action that can cause either a direct physical change or a reasonably foreseeable indirect change in the environment; and that is an activity directly undertaken or funded by a public agency, or an activity that involves the issuance of a permit or other entitlement. (Public Resources Code Section 21065). The CEQA Guidelines further define the term “project” and confirm that it does not include administrative activities of government that will not result in direct or indirect physical changes in the environment. (14 Cal Code Regs. Section 15378(b)(5)). Adoption of the Coastal Conservancy’s Coastal Access Project Standards is an administrative activity that does not have the potential to cause a physical change to the environment. Accordingly, adoption of the Coastal Conservancy’s Coastal Access Project Standards does not constitute a project for purposes of CEQA.