

COASTAL CONSERVANCY

Staff Recommendation

October 3, 2013

**PIRATES COVE COASTAL TRAIL**

Project No. 10-012-10

Project Manager: Timothy Duff

**RECOMMENDED ACTION:** Authorization to disburse an amount not to exceed \$350,000 to the County of San Luis Obispo to construct a new segment of the California Coastal Trail, and improve parking and beach access at Pirates Cove, San Luis Obispo County.

**LOCATION:** Between Avila Beach and Shell Beach, San Luis Obispo County (Exhibit 1)

**PROGRAM CATEGORY:** Public Access

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**EXHIBITS**

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Site Plans](#)

Exhibit 3: [Site Photos](#)

Exhibit 4: [CEQA Mitigated Negative Declaration and Mitigation Monitoring Plan](#)

Exhibit 5: [Project Letters](#)

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Section 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy (Conservancy) hereby authorizes the disbursement of an amount not to exceed \$350,000 (three hundred fifty thousand dollars) to the County of San Luis Obispo (County) to design, apply for permits and construct public access improvements at Pirates Cove, as shown in Exhibit 2 to the accompanying staff recommendation, subject to the following conditions:

1. Prior to the disbursement of funds for design and permit application tasks, the County shall submit for the review and approval of the Executive Officer of the Conservancy a work
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program, budget, schedule, and names and qualifications of any contractors to be employed for these tasks.

2. Prior to the disbursement of funds for construction, the County shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. Evidence that the County has obtained all necessary permits and approvals, and all other funds necessary to complete the project.
  - b. A final work program, including final construction drawings, a budget, schedule, and names and qualifications of any contractors to be employed for these tasks.
  - c. A signing plan for the project acknowledging Conservancy participation and designation of the project as a segment of the California Coastal Trail.
3. The County shall comply with all permit conditions associated with the construction and operation of the trail and access support facilities.
4. The County shall ensure that the trail and access support facilities are consistent with the Conservancy's 'Standards and Recommendations for Accessway Location and Development' and with all applicable federal and state statutes, regulations and guidelines governing barrier-free access for persons with disabilities."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access.
2. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
3. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration and a separate Mitigation Monitoring Plan adopted by the County on July 25, 2013 under the California Environmental Quality Act ("CEQA"), both attached to the accompanying staff recommendation as Exhibit 4, and finds that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations section 15382.
4. The proposed project will serve more than local public needs."

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**PROJECT SUMMARY:**

The proposed project would provide a grant to the County of San Luis Obispo (County) to prepare final plans, apply for permits, and construct public access improvements at Pirates Cove. Access improvements will include a new segment of the California Coastal Trail (CCT), improved parking, new restrooms, improved bluff and beach access paths, and a new beach access stairway.

Located adjacent to the town of Avila Beach, the proposed new CCT segment will extend from the Pirates Cove bluffs and parking area south approximately one-half mile to Shell Beach,

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which is the northern extent of the City of Pismo Beach (Exhibits 1, 2, 3). This project is a high priority for the Coastal Conservancy because it will provide a critical link in the CCT by connecting existing trail segments in Avila, Shell and Pismo Beaches. The project would implement the Conservancy's 2003 "*Completing the California Coastal Trail Report*" recommendation to complete the CCT between the Port San Luis Harbor and Pismo Beach. In addition, the County of San Luis Obispo Parks Department 2006 Report, "*The California Coastal Trail: The Preferred Alignment Through San Luis Obispo County*" identifies the proposed project location as the preferred alignment for the CCT in the area.

Pirates Cove has been a highly popular Central Coast beach destination for decades, averaging over one hundred or more visitors each day during the dry months of the year. The Cove's long broad sandy beach faces south providing visitors with protection from the region's dominant north winds and exceptional views extending south to Point Sal. In 2008 the County purchased the subject site that today provides informal, unpaved parking and beach access. Both the dirt parking area and path to the beach are in need of improvement to address erosion and safety hazards. The parking lot will be improved with an asphalt surface, landscaping, and a new drainage system with vegetated bio-swales to direct storm water runoff off the lot while minimizing flows to the ocean (Exhibit 3). The lot will provide parking for up to 70 cars and space for vans and buses to load and unload passengers.

The County also plans to construct a new restroom, improve an existing 300-foot long, four foot wide bluff top path to the beach, and new beach access stairs. In addition, a 12-foot wide decomposed granite bluff trail will be constructed from the parking lot south approximately 2,500 feet to the community of Shell Beach, and will include a 30-foot bridge to cross a natural drainage. The bluff trail is located within an abandoned road alignment that originally connected Cave Landing Road, in Avila Beach, to Bluff Drive in Pismo Beach. Picnic tables, benches, garbage cans, and interpretive signs will be installed in the vicinity of the parking lot and trailheads, and split rail fencing added along sections of trail with steep slopes. All of the planned improvements have been designed and located to address the site's natural, cultural, topographic, and geologic features and constraints as described in the Mitigated Negative Declaration prepared by the County (Exhibit 4).

The County of San Luis Obispo has been developing this project for the past three years in partnership with Conservancy, San Luis Obispo Council of Governments (SLOCOG), and California Department of Fish and Wildlife (CDFW) staff. As shown in the Project Financing section below, both SLOCOG and CDFW are providing significant funding to the project. Once completed, the County has committed to investing the additional resources necessary to operate and maintain the new access facilities on a daily basis. The County estimates the annual cost to be \$40,000.

**Site Description:** With wide sandy beaches, mild weather, and attractive waterfronts featuring classic wood piers and commercial promenades, the three communities of Avila, Shell and Pismo Beaches are highly popular "beach town" destinations for visitors coming from throughout the region, state and beyond. Numerous CCT segments and beach accessways have been developed in the area. The 55-acre project site extends along the bluffs above Point San Luis Bay south of Avila Beach approximately one mile to Shell and Pismo Beaches (Exhibit 1). The project is located at the end of Cave Landing Road in Avila Beach, approximately 3,000 feet south of the intersection of Cave Landing Road and Avila Beach Drive, within the San Luis Bay (Coastal) planning area. This site is characterized as vacant land with steep slopes, an

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unimproved parking lot, and a series of informal pedestrian trails along the bluffs. Large homes in the Pismo Beach community of Shell Beach are located directly to the south of the site. To the north is the abandoned Avila Tank Farm (formerly Unocal Tank Farm), Avila golf course, and beyond the community of Avila Beach. The Pacific Ocean is to the west, and steep undeveloped hills are to the east.

The project site's bluffs, shoreline and offshore waters provide habitat for six special-status wildlife species including the San Diego dessert woodrat, American badger, Western snowy plover, Southern sea otter, Pacific harbor seal and the California sea lion. The site also contains a small patch of Black-flowered figwort, which is considered a rare plant by the CNPS (List 1B). A portion of the site to be developed for beach access is within a former Native American (Chumash) village site, and is considered a culturally sensitive area. Past studies of the site's geology indicate portions of the bluff trail are susceptible to landslide activity, and an active fault runs through or close to the site.

**Project History:** Conservancy staff has been developing this access project for the past three years in partnership with County of San Luis Obispo, SLOCOG, and CDFW staff. Between 2010 and 2012 CDFW awarded funding to complete project designs and construct the bluff trail portion of the project. In 2011 Conservancy and County staff met with the County Supervisor representing the project area and confirmed that additional funding would be critical to completing the proposed access facility improvements, including the parking lot, beach access path and stairs, restrooms, and other amenities. During this time Conservancy and County staff and trail design consultants met onsite to evaluate ideas to improve trail sustainability and reduce impacts to site's abundant cultural resources. Conservancy staff also met the SLOCOG director to discuss potential match funding that was ultimately awarded by the SLOCOG board in 2012.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$350,000</b>
San Luis Obispo Council of Governments (SLOCOG)	\$350,000
Department of Fish and Wildlife	<u>\$810,000</u>
<b>Total Project Costs</b>	<b>\$1,510,000</b>

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Conservancy funds for this project are expected to derive from an appropriation to the Conservancy from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, Public Resources Code section 75001 *et seq.* (Proposition 84). Proposition 84 authorizes the Conservancy's use of these funds for the purposes of promoting access to and enjoyment of the coastal resources of the state and that are consistent with the Conservancy's enabling legislation, Division 21 of the Public Resources Code. The proposed project serves to assist in the development of land-based public access and, as discussed in the section found immediately below, the project is consistent with Chapter 9 of Division 21. In addition, there are non-state matching contributions toward the construction, operation and management costs.

### **CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project is undertaken pursuant to Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*). Section 31400 states that it is the intent of the Legislature that the Conservancy have a principal role in the implementation of a system of public accessways to and along the state's coastline.

In order to carry out that mandate, the Conservancy is authorized by Section 31400.1 to provide grants to public entities or non-profits organizations to develop, operate and manage lands for access to and along the coast. Section 31400.1 restricts the Conservancy to providing grants to local agencies only for accessways that serve more than local public needs. The project goal is to provide public access to the beach and along the coast including a portion of the Coastal Trail. The project would serve the recreational needs of visitors from throughout San Luis Obispo County, from around the state, and beyond.

Section 31400.2 authorizes the Conservancy to provide up to the total cost of the initial development of a public accessway by any public agency, and the amount of funding provided by the Conservancy shall be determined by the total amount of funding available for coastal public accessway projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the Conservancy. Consistent with this section, the proposed amount of the Conservancy contribution was determined based on the total amount of funding available to the Conservancy for public access projects, the matching funds provided by the grantee (see Project Financing), and the Conservancy's Project Selection Criteria (See Consistency with Conservancy's Project Selection Criteria & Guidelines). The proposed project would leverage matching funds totaling 78% of the costs for this project.

The proposed project is consistent with Section 31400.3 which authorizes the Conservancy to "provide such assistance as is required to aid public agencies ... in establishing a system of public coastal accessways". Conservancy funds will be used to design, and construct the coastal access facilities.

In addition, Public Resources Code section 31111 allows the Conservancy to undertake plans to carry out the purposes of Division 21 of the Public Resources Code.

### **CONSISTENCY WITH CONSERVANCY'S ACCESS PROGRAM STANDARDS:**

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The project is consistent with the Conservancy's Standards and Recommendations for Accessway Location and Development as follows:

**Standard No. 1, Protect Public and Coastal Resources:** The project will be designed and located to minimize crowding, parking congestion, and misuse of coastal resources. The project will minimize alteration of natural landforms, be subordinate to the setting's character, and prevent unwarranted hazards to the land and public safety, while ensuring the privacy of adjoining residences and protecting environmentally sensitive habitats areas.

**Standard No. 2, Correct Hazards:** The management and construction of the beach and bluff accessways will serve to correct potential hazards from erosion and landslides. The paths and stairway will be closed as needed to ensure public safety.

**Standard No. 6, Lateral Accessways: Construction and Location:** The lateral beach accessway provides access to the entire sandy area and does not extend further inland than any shoreline protective structures. The nearest existing single-family homes are several hundred feet away from the beach accessway.

**Standard No. 8, Trails:** The proposed trails will serve to connect the shore with inland units of a local park system, avoid geologically unstable and erosive soils, and feature steps, footbridges, appropriate paving materials, adequate trail drainage systems, trash receptacles, benches, barriers, restrooms, and signs.

**Standard No. 12, Support Facilities:** The project will provide essential amenities for visitors to the site's bluff and beach areas.

**Standard No. 13, Barrier-Free Access:** Consistent with this standard, the project design is consistent with all applicable federal and state statutes, regulations and guidelines governing barrier-free access for persons with disabilities.

### **CONSISTENCY WITH CONSERVANCY'S 2013 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 1, Objective B**, the proposed project will result in the placement of California Coastal Trail signs on new and existing trails.

Consistent with **Goal 1, Objective D**, the proposed project will entail the construction new trail segments.

Consistent with **Goal 1, Objective F**, the project will serve to improve support facilities at an existing coastal accessway, and improve accessibility for people with disabilities.

Consistent with **Goal 2, Objective A**, the project will expand opportunities for barrier-free access to and along the coast and coastal trails.

Consistent with **Goal 2, Objective B**, the project will open coastal areas that are currently inaccessible or closed to public use.

Consistent with **Goal 2, Objective D**, the project entails the construction of new facilities, or reconstruction of dilapidated and unsafe facilities to increase and enhance coastal recreational opportunities.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's current Project Selection Criteria and Guidelines in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project is supported by an array of agencies, elected officials and nonprofit organizations including the California Department of Fish and Wildlife, San Luis Obispo Council of Governments, County of San Luis Obispo Parks Department, San Luis Obispo County Supervisors Adam Hill and Bruce Gibson, and others. See Exhibit 5.
4. **Location:** The proposed project is located within the coastal zone of San Luis Obispo County.
5. **Need:** The County does not have sufficient funds to complete the project without Conservancy match funding.
6. **Greater-than-local interest:** The project will serve thousands of annual visitors from throughout the state and beyond that visit the popular Central Coast community of Avila Beach and adjacent project area.
7. **Sea level rise vulnerability:** The parking area, bathroom and all but one section of the planned trail routes are 100 feet or more above sea level and thus are well outside the elevations projected for sea level rise vulnerability. The one section of trail that will extend down a stairway to the beach will be designed and located to minimize costs to repair or relocate over the projected twenty year lifetime of the stairway.

**Additional Criteria**

10. **Leverage:** See the "Project Financing" section above.
13. **Readiness:** The project will be ready to construct in the spring of 2014 following completion of final design and permitting.
16. **Cooperation:** This project has entailed the cooperation of numerous state and local agencies including CDFW, SLOCOG, and San Luis Obispo County that have all contributed substantial staff time and/or funding necessary to plan, permit, construct and operate the project.

**CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The San Luis Bay Area Plan of the San Luis Obispo Local Coastal Program (LCP) provides numerous policies that call for the subject site to accommodate public access and recreational

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uses. LCP Policy 7 recommends improved parking for up to 100 cars, restrooms, trash receptacles, a pedestrian trail from the parking lot to the beach, and a pedestrian and bicycle accessway to allow access from Shell Beach. Policy 7 also requires that all improvements be consistent with protection of the site's archaeological resources and geological conditions.

Consistent with LCP Policy 7, the proposed project will provide improved parking for 70 cars, restrooms, trash cans, and trails from the parking lot to the beach and to the residential community of Shell Beach. To minimize impacts to sensitive archeological resources and accommodate the proposed drainage system, 30 fewer parking spaces are proposed than the 100 spaces recommended in the LCP. The entire project is designed and sited to protect archaeological resources and accommodate the geological conditions on the site.

### **COMPLIANCE WITH CEQA:**

The County of San Luis Obispo (County) is the lead agency for the trail project for purposes of the California Environmental Quality Act (CEQA) and released a Draft Mitigated Negative Declaration (MND) for the proposed project (Exhibit 4) on February 21, 2013. The public comment period for the Draft MND lasted from February 22 to March 23, 2013. No comments were received. Subsequent comments made at community forums indicated broad support for increasing the total number of parking spaces beyond the 35 initially proposed to 70 or more spaces in light of the popularity of the beach and the number of informal spaces that exist there today (approximately 70-80 spaces). In response to this public input the County revised the plans and increased the total number of parking spaces from 35 to 70.

The County approved the Final MND and a separate Mitigation Monitoring Plan (MMP) on July 25, 2013 (Exhibit 4) and has filed a Notice of Determination with the State Clearinghouse. The County determined for the following reasons that the increase in the total number of parking spaces did not represent a substantial change as defined under 14 California Code of Regulations, Section 15073.5, which would have triggered the need to recirculate the MND. The area near the proposed bathroom where the additional parking and grading is proposed was to be disturbed in the original plan by the installation of the bathroom and staging of construction equipment before the additional parking and grading was proposed. Thus, the measures proposed in the MND to mitigate this ground disturbance will also mitigate the additional parking. Some of the additional parking spaces are proposed in a site considered to contain cultural resources, but the MND contains adequate mitigation for impacts to cultural resources, including monitoring by an archeologist and Native American during grading, data recovery, fencing to protect cultural resources, and education of the public. Therefore, the additional parking and grading does not generate new significant impacts beyond those impacts already reviewed in the MND. Nor does the additional parking and grading require additional mitigation beyond what was already proposed in the MND. Finally, there is no substantial evidence in light of the whole record that the project as revised will have a significant effect on the environment that has not already been considered and mitigated for in the MND.

The County also determined that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because significant impacts could be avoided or reduced to less than significant through project revisions and implementation of mitigation measures. Upon review of the County's MND and MMP, Conservancy staff agree that the project, as mitigated, will not have a significant adverse effect

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on the environment as the project revisions and proposed mitigation measures will avoid or reduce the possible effects to a level of insignificance.

The MND identified possible significant environmental effects of the project in the areas of aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, land use, and mandatory findings of significance. The proposed mitigations that will avoid or reduce the possible effects to a level of insignificance are described below.

### Aesthetics

To mitigate visual impacts, graded areas adjacent to the trails will be revegetated when construction is complete. Additionally, the restroom and stairs to the beach will be painted or made of materials that match the surrounding natural environment.

### Air Quality

To mitigate short term air quality impacts during construction, testing for naturally occurring asbestos will be done in order to receive an exemption from the Air Pollution Control District, the burning of material will be prohibited, and dust will be kept to a minimum through maximum speed limits of 15 mph on any unpaved surface with all loose materials covered.

### Biological Resources

Pre-construction surveys will be performed to ensure no special-status species or sensitive habitat is present. If a special status plant is found then avoidance is the preferred mitigation. If avoidance is not possible a restoration and/or relocation plan shall be implemented by a qualified biologist. The Black-flowered figwort shall be flagged prior to construction of the beach trail.

### Cultural Resources

A Phase III data recovery and monitoring plan will be implemented, requiring extracting, cataloging and dating any cultural remains. Fencing and signs along trails will discourage users from walking off the trail and help to educate the public about the sensitivity of the site. Revegetation of exposed or disturbed areas during construction will limit access to cultural resources.

### Geology and Soils

To reduce landslide potential during construction, all grading and fill areas will be minimized and monitored. Bio-swales and level spreaders will ensure that surface water flows are similar to natural flows and do not pond in localized areas. An erosion and sedimentation control plan will be prepared and implemented.

### Hazards and Hazardous Materials

To ensure public safety, the recreation area will be closed if landslide potential is perceived due to heavy rains, excessive wet weather periods, and/or earthquakes.

### Noise

To mitigate construction noise impacts, construction activities will be limited to the hours of 7:00 a.m. to 7:00 p.m. Heavy equipment creating noise levels above 85 decibels will not be used on the shoreline.

### Land Use

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This project is mostly consistent with the San Luis Bay (Coastal) Area LCP and the Coastal Zone Land Use Ordinance and Parks and Recreation Element. A variance is required to modify the Bluff Setback standard and development on 30 percent slope. In addition, a waiver of the site and rear setback fencing requirement is necessary. These inconsistencies are based on the project site itself. The bike/pedestrian trail is located along the bluffs, squeezed between an active land slide and slopes over 30 percent (that are too steep for a bike trail). Therefore the bike/pedestrian trail cannot be set back to allow for bluff erosion over 75 years. To offset the policy inconsistency with the Bluff Erosion standard and development on slopes of over 30 percent, the recreational area shall be closed down in times of bad weather or ground movement to ensure public safety.

Upon Conservancy approval, staff will file a Notice of Determination for this project.