AVILA VALLEY ADVISORY COUNCIL
P.O. Box 65
Avila Beach
CA 93424
www.avilavalley.org

AVAC

Our Mission Statement

The Avila Valley Advisory Council's (AVAC) Mission is to represent the interests of valley residents and enterprises, to monitor and guide development and to promote the general welfare of the community. To these ends, AVAC works to assure that essential public services keep pace with change and promotes the conservation of the natural beauty and resources in the Avila Area.

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July 15, 2013

San Luis Obispo County Planning Commission
c/o rhedhes@co.slo.ca.us

SUBJECT: PIRATES COVE PARKING

Dear Commissioners:

At AVAC's meeting on July 8, members expressed appreciation to your Commission for directing a revised parking lot plan with increased parking spaces. The revised plan presented by County Parks to AVAC shows a turn-around and 70 parking spaces, a few of these spaces on Cave Landing Road adjoining the parking lot.

AVAC commends Parks for the revised parking lot plan and supports its approval by your Commission. In addition, AVAC recommends that your Commission support an in-depth study of diagonal spaces on the northeasterly side of Cave Landing Road. This is in consideration that the General Plan standard indicates 100 parking spaces for the Pirates Cove parking area and to accommodate peak visitor days and the expected increase in visitors.

Thank you for your careful consideration of public access for Cave Landing.

Sincerely,

Jim Hartig

Jim Hartig, Chair

cc: AVAC Members
Shaun Cooper, Parks Planner
secooper@co.slo.ca.u
Ryan Hostetter, County Planner
rhostetter@co.slo.ca.us
Adam Hill, Third District County Supervisor
ahill@co.slo.ca.us;
hmiller@co.slo.ca.us

Whales Cave Conservancy

"Dedicated to the Preservation of the Cultural, Ecological, Scenic Resources and Historic Use, of Pirates Cove."

Date: April 29th 2013

RE: Pirates Cove parking concerns

Attn: Shaun Cooper, San Luis Obispo County Parks and Recreation
CC: Curtis Black, San Luis Obispo County Parks and Recreation
Adam Hill, San Luis Obispo County Supervisor District 3
Daniel Robinson, California Coastal Commission

Dear Mr. Cooper,
We, the members of the Whales Cave Conservancy are pleased that we have the opportunity to contribute to the long term stewardship of the area known as "Pirates Cove", historically known as Mallagh Landing and before that Whales Cave. As of this writing we have seventy people willing to volunteer various amounts of time to help maintain the area by picking up trash. Our members are excited and look forward to keeping the area the true gem that it is.
We have concerns regarding one particular issue that we feel cannot be ignored. The lack of adequate parking in the current improvement plans will impact the area in a negative way. The reduction of access to county residents, tourists and students will take what we feel to the best beach of its kind in America and make it an exclusive destination only for those who are able to get an early parking spot. Please consider the following points and review our compromise plans before expending more resources in the reduction of access.

Historical Access
Clothing optional access has been verified for Pirates Cove as far back as the late 1930's. It wasn't until the 1960's that the beach use increased exponentially. By the late 1970's Cars were parked over the entire open space area including the length of Cave Landing road to Sunset Palisades (About 2.5x the area of the current parking lot) Estimates of the beach use back then were in the range of four hundred people and over 280 cars on a weekend day. On a good day we currently get about 50% of that amount at one time.

In the early 1990's, the County, working with the Chumash and the Whales Cave Conservancy reduced parking access and defined the parking lot by boulders placed along mapped boundaries. As part of the Bluffs development much of Cave Landing road was also closed to parking. These two changes resulted in the loss of approximately 120 total parking spaces, leaving 160 total parking spaces. Parking was still allowed on both sides of Cave Landing road up to the current barrier at the landside. In the early 2000's, the County further restricted parking on the North side of Cave Landing road. This reduced access to about 140 cars. While this was happening, alternate neighborhoods and access points developed which lessened impact. These alternate areas account for up to 34 cars. This brings the current total back into the 174 car range. This is approximately the peak usage on weekend, warm-sunny days and Holidays. Refer to Exhibit 'B' for a sampling of car counts logged as part of an ongoing volleyball email blog.

New Users
Recently, the Ontario Ridge Trail Loop developed. This was further enhanced by County adding the trails to their Park system. It is estimated that up to 20 cars on the Sunset Palisades' side and 12 cars on Cave Landing can be attributed to this use. Furthermore, due to news of the new park, visitors not intent on rigorous hiking now visit the area. They take a short walk to the

Whales Cave Conservancy, P.O. Box 479 Arroyo Grande, CA. 93421 Email: WhalesCC@Gmail.com

Whales Cave and surrounding vistas. These include older people and families with small children. This use is estimated at 6 to 10 additional cars at any one time. These users usually visit for a short time (perhaps one to two hours). With adequate parking, we expect the use by this demographic to increase, yet, the fact is, these families with small children and older users are likely to be the most affected by the lack of parking. They are not likely to ride a bike from miles away and transit systems to support all of the neighborhoods to this single location are also highly unlikely.

Current Beach Users
The Beach uses include: fishing, diving, skim boarding, swimming, sunbathing, volleyball, hooping, Frisbee and boating. These users account for the largest demographic. Of this group over half are locals that live in the area. The remainder of users includes:

1. Regular users that live throughout California.
2. Regular users from throughout the Unites States.
3. Tourists from California and the United States.
4. Tourists from other Countries that include Pirates Cove as part of their *destination* itinerary. We see many tourists from Europe, Scandinavia, and Eastern Europe throughout the year.

Economic Impact
Of particular note should be the economic impact that from non-local tourists. As many as 30% of daily users are from out of the area and they add tourism dollars into SLO County throughout the year. Even in winter months, Pirates Cove beach is used for sunbathing. There are many days when Avila beach, long considered to be the County's warmest beach will have little or no sunbathing activities, while the Cove will have 50 to 180 people. We believe that significant loss of parking may result in loss of this unique draw to San Luis Obispo County.

Impacts from loss of parking

1. Loss/reduction of coastal access. To the beach, hiking and all other activities.
2. Loss of Tourism Revenue to San Luis Obispo County.
3. Additional impacts to adjacent neighborhoods resulting in:
   A. Additional trash generated in areas not covered by the WCC (Due to parking encroachment on other roads and neighborhoods)
   B. Wear on roadsides due to vehicle parking. (Re-grading and paving at higher intervals)
   C. Damage to environment and habitat due to vehicle parking.
   D. Visual impingement on areas not intended for parking.
   E. Safety; Additional users riding bikes or walking up Cave Landing Road.
   F. Safety; The proposed parking lot creates hidden areas on the South side of the protected area.

Parking Lot Design; Specific Concerns Based on Parks and Rec drawings. (In addition to number of spaces)

1. The Bio Swale was indicated to be for runoff and not mitigation of paving runoff. (As indicated in meeting with Parks and Rec) We support this and agree a paved surface only creates the need for bio-remediation. Bio-swales take up critical parking space. Note the current material placed on the parking lot is currently over 20 years old. It has held up well considering there was no re-grading. We believe that this type of material periodically re-graded is well suited for the parking lot.
2. Funds available, pervious concrete would be the first choice both for permanence, parking space delineation and runoff mitigation.

3. The depth of the proposed Bio-swales and its proximity to the Archaeological site are of great concern.
4. The Westernmost, lower third of the currently designated parking lot seems to now be designed as open space with a single trail. (The note reads: "(N) path to existing trail head") It is our understanding that this path continues on to private property. Furthermore, allowing re-vegetation in this area which in close proximity to parking creates hidden areas which will fill up with trash and become a harbor for hidden activities. We are concerned that this is not a safe design feature for the area. We believe that it should remain parking as currently approved within the boundaries previously set. Connection to a future trail can just as well be created from the parking area. (See attached drawing)
5. The Easternmost corner of the designated parking lot shows a note that also reads: "(N) path to existing trail head" it points to two trails. We agree with the Northerly trail as it is the main trail that we use to get to the beach and cave. The trail to the South leads to an area which we were told P&R wanted to *discourage* access.
6. There are many existing natural vista areas throughout the site which this plan does not take advantage.
7. The "Dead end" parking configuration with the *end* at the bottom of the slope will result in an accelerated erosion of the parking lot surface and unnecessary congestion. We believe that retaining a "circle" type of parking arrangement will allow better traffic flow and less erosion to the parking surface. (See attached drawing, Exhibit 'A')

PARKING SUMMARY
Current capacity:
140 cars on the Cave Landing side (Based on recent counts and Photographic evidence)
Of which 75 are in the parking lot (Based on counts and Photographic evidence)
34 cars on the Sunset Palisades side (Based on recent counts not including Indio Drive)

SUBTOTAL MAXIMUM PARKING	174 Cars
Parks and Rec plans	
34 cars in the parking lot	<41 space loss>
Reduction due to trail at the end of Cave Landing road	<25 space loss>
Reduction if East end access closed	<34 spaces loss>
POTENTIAL TOTAL LOSS OF ACCESS	<100 parking spaces>
Percentage reduction	58% loss

In Conclusion
We, again thank you for this opportunity to add our suggestions into the mix. We hope our many years of experience in this area will be of benefit to the County and to the many new people that will "discover" Pirates Cove. Please look closely at our alternative design; we feel it contains improvements to the existing plan. Even if you disagree with the particular suggestions, we urge you to include additional parking to at least get *close* to existing use.
We ask that you also consider the historical loss of access to this area. Please consider our comments as an effort to enhance the effort undertaken by the County to diversify use.

Sincerely,
Christina Amber Ensminger, Secretary

For the Whales Cave Conservancy

Whales Cave Conservancy, P.O. Box 479 Arroyo Grande, CA. 93421 Email: WhalesCC@Gmail.com

Attachments: Exhibit A Excerpts of parking counts (From CoveVB Email)
Exhibit B Cave landing Road Parking Study

Whales Cave Conservancy, P.O. Box 479 Arroyo Grande, CA. 93421 Email: WhalesCC@Gmail.com

Attachment 'A'

Cave Landing Count Excerpts from CoveVB Email Blog

May 5, 2013

Stormy but relatively warm winds about 63 degrees. Diablo Buoy showing a 6.7ft south swell so I went to check the poles. We are losing sand due to the swell. Its setting up a sand "cliff" about a foot tall all the way down the beach. The lower pole removed. The swell peaks tonight but remains South through Wednesday and then turns North through the weekend. (Hopefully bringing back some sand)
34 cars parked and only four people on the beach... All locals and only two of them drive cars.

May 3, 2013

Conditions: Hot, it hit 102 on the Ron-o-meter and stayed in the high 90's all afternoon but there was a breeze that had us feeling OK. Dry court with some water around 4:30PM but only one or two waves up 10% above the lower line. Big crowd, lots of young people on the East end. **106 cars at 1:30, 118 cars around 3PM and 127 cars at 5:20PM. over 75 cars in the official parking lot due to some unorthodox parking.**

April 28, 2013

Conditions: Very good. Dry court but fairly sloped as we are losing sand at the lower level. Warm low 80's no wind. Moderate crowd. **104 cars at 1:45Pm today and 101 at 1:30PM yesterday.**

April 21, 2013

Conditions: Back to normal, temperatures peaked at 79 degrees warm and an unusual east wind that cooled things into the low 70's / high 60's but it eased off and things warmed again. Normal sized crowd with very few students and very few textiles. Water off the court all day. Fred and Wilma's rock is almost completely covered with sand (And people are stubbing their toes on it) Just shows how much the sand levels change. There was a time when it was chest high. (Hear that Parks and Rec?) **112 cars at 1:15PM.**

April 20, 2013

Conditions: Hot!! even more than yesterday. Less wind No swell dry court huge crowd (232 people counted at peak) **91 cars at 1:45PM** but at 6:30 cars were parked past the Standard oil road. When that happens numbers are **over 130...**

April 14, 2013

Conditions: It started out cold, (In the upper 50's) and continued to warm throughout the day, eventually reaching the high 70's and low 80's Ware off the court except for the occasional wave that would come 1/4 the way up the court. Sparse crowd for a Sunday. **71 cars at 1:30PM, 48 cars at 6:15PM**

April 13, 2013

Conditions: Touch and go for a while with fog threatening but by 2PM it backed off completely except for a light haze. Temperatures in the low 70's. Water off the court most of the day except for a small amount that came up 10% over the lower line at high tide. The swell came in much smaller than forecast and the extreme swell angle resulted in waves maxing out about 2ft. Moderate crowd .. about the same as Friday. **105 cars counted at 3PM.**

April 6, 2013
Conditions: Very nice, clear all day, breezy but not the "Gale Force Winds" Forecast, although I'll bet the west facing beaches felt it. Temperatures hit 82+ on the Ron-o-meter. water off the court though our last game which finished around 5PM Good crowd. **61 cars at 1PM** and from the looks if it more cars came later.

April 5, 2013
Conditions: Sunny with high clouds, warm, breezy but not as much as the rest of the county. Temperatures in the high 70's and dropping to the low 70's high 60's by 3:30PM. Good, dry court. Sparse crowd. **61 cars in the parking area.**

March 17, 2013
Conditions; Epic run of weather. Three days in .a row of mid 90 temperatures. Today it hit 97 but for most of the day it was in the low 90's. Still in the upper 80's at 5:15 PM when I left. I cant remember ever having three days in a row like this especially in Winter. And to top it off this was the high tide week, but since the hight tides were only in the 3ft range we had dry court all afternoon. Next weekend is the low tide week with tides near 0ft in the afternoon.
98 cars in the parking lot at 1:30PM and 93 cars at 5:30PM

March 15, 2013
Conditions: Way off, way off. When I arrived we checked the temperature on the Ron-o-meter (Manned by Brian) and it was 97? checked it several times and it stayed in the mid to upper 90's with the peak hitting 98. last check at 4:30PM it was still 89 degrees. Avila hit 83 so this was right where it should have been. There were some high, very thin clouds at times but they had no effect. There was a breeze and it made conditions almost perfect. **67 cars in the lot but I didn't get there until 2:30 so there were likely more.**

March 2, 2013
Conditions: Earlier arrivals had a nice warm day. By the time I got there ~2:30 a cloud had blocked some of the sun and while there were brief periods of sun and warmth, the Marine layer snuck in under the clouds and temperatures dropped to about 60 so 2:30PM was the transition to cloudy and cooler weather. The early warmth bought out a good group of people and **128 cars were counted in the parking area (No doubt there were more at peak hours)** Tide receded but the swell increase outran it so we had to wait out a few waves.

February 24, 2013
Side notes: **64 cars in the parking lot at one time and 48 still in the parking lot around 5PM**.. Winter day with a high of 66 in Avila...
Very large swell running with harvest Buoy at point Conception running 16.9ft at noon but due to the unusually steep angle (330 to 350) degrees the Cove had a 3ft swell.

February 23, 3013
Conditions: Clear, sunny breezy for extended periods of time. Court dry all afternoon. Mid 70's near the cliff. decent beach crowd for a cool winter day. (**Note 52 cars counted at one time**... More on this at the WCC email)

THE BLUFFS AT SAN LUIS BAY
HOMEOWNERS ASSOCIATION
3563 EMPLEO
SUITE B
SAN LUIS OBISPO, CALIFORNIA 93401

May 20, 2013

County of San Luis Obispo
Planning Commission
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: County File Number: DRC2011-00069
Hearing Date: May 23, 2013
Pirates Cove Coastal Development Permit

Dear Planning Commission Members:

I am the President of the Bluffs at San Luis Bay Homeowners Association, which is an association that represents the owners of twenty three single family homes and yet to be built residential properties directly adjacent to the beach and parking lot commonly known as Pirates Cove. Our Board of Directors has reviewed the plans available in the Staff Report published on the Planning Department website.

In general, we support the plan and the improvements described. However, we feel it is imperative to make known our concerns regarding the use, or misuse, of Pirates Cove and the surrounding area.

Specifically, we want it known that people essentially LIVE on the beach at Pirates Cove. Early morning observation reveals tents and remains from bonfires. Moreover, the beach is frequented after dark and often into the early morning hours. Use of fireworks is not infrequent. Additionally, beachgoers often trample through our landscaped open space to access routes to the beach over and down the bluff side.

We believe that if the County intends to improve the site and operate the site as a County property, proper measures should be employed to treat the area as any other park property. We suggest a police presence to insure that proper hours of use are enforced and that appropriate behavior standards be enforced vis a vis alcohol and drug use.

Sincerely,

Laurence A. Rose

#2

County of San Luis Obispo
Planning & Building Dept.
976 Osos St. Room 300
San Luis Obispo, CA 93408

Attention: Ryan Hostetter

RE: DRC2011-00069
See attached mailer that I received and am addressing in this letter.

Ryan,
I am opposed to the bike trail being developed on Cave Rock and Pirate's Cove area. The bike trail is going to dump traffic on a road that is considered a private driveway for the home owners in The Bluffs. We have been dealing with foot traffic trespassing on our road and there is just no room for bikes and cars. It is posted "No Pedestrians" but no one obeys this law. I know it is considered to be a bike path, but it not feasible for any more than one or two bikes. The road is very narrow in several places and 178 to 154 Bluff drive considered to be shared driveway. We are dealing with people constantly trespassing on our buff top and destroying the vegetation and ultimately the bluff top. We lose precious inches every year. Also there is a natural slide on the Pirates Cove and Bluff Drive Side. If disturbed could cause a major landslide.

However, I am in favor of development of the Parking area with bathrooms, trash cans and access to the beach. I am also in favor of no fires on the beach. We recently had a fire that burned land above my home and was started by a paper lantern on the beach. Please No Beach Fires. Curfews need to addressed. I do not see this on your list. Parks should be open at sunrise and close at dusk unless a time is stated and so posted. No overnight parties on the beach. No alcohol and no drugs. In the past there have been rapes reported in this area at night, so there should be a locked gate to make sure this kind of thing does not happen after hours.

I cannot attend this meeting because I am out town. Please feel free to express my thoughts at the meeting. Thank you for your time.

Judy Brown
66 Bluff Drive,
Shell Beach, California 93449
I also own the home at 178 Bluff Drive.

20 MAY 2013

Subject: CAVE LANDING AREA IMPROVEMENTS

Ms Carlyn Christianson, and
Members of the SLO Planning Commission,

The intended course of actions by SLO Parks & Recreations Department, in developing the area Cave Landing, historically also called Mallagh's Landing, has generated concern by current users of this area.

What little is known about the Parks' Dept's plans have been obtained via on-line searches, and via "word-of-mouth" communication from the limited number of persons that have been granted partial disclosure regarding the County's intentions. None of this was available via official means. As recently as 13 MAY 2013, the **Parks' Dept was planning a 35-40 vehicle parking area**, DESPITE knowing full well that current usage of that parking area is nominally in the 70-80 range and often in excess of 100 vehicles**.** And, per the item as listed in your agenda, still reflects a design for 35 vehicles.

Since the plans regarding parking are so fatally flawed, why would any reasonable person not conclude that other aspects of their intended actions won't be similarly flawed?

An entirely different issue has been linked to this effort, mitigation of a natural land-slide in the area. It should be recognized that ultimately, Mother Earth will do what she wants. All plans should proceed, accepting that eventual conclusion. Therefore, the desire to mitigate the land-slide is secondary to the primary goal of extending/improving the Cave Landing Trail and achieving increased public access. **There are MANY different Engineering solutions to ANY problem,** so the choices of those solutions need to reflect that prioritizing.

I request that SLO Parks' be required to submit a detailed report regarding the alternative Engineered mitigation means considered, prior to being allowed to proceed with their present course of actions.

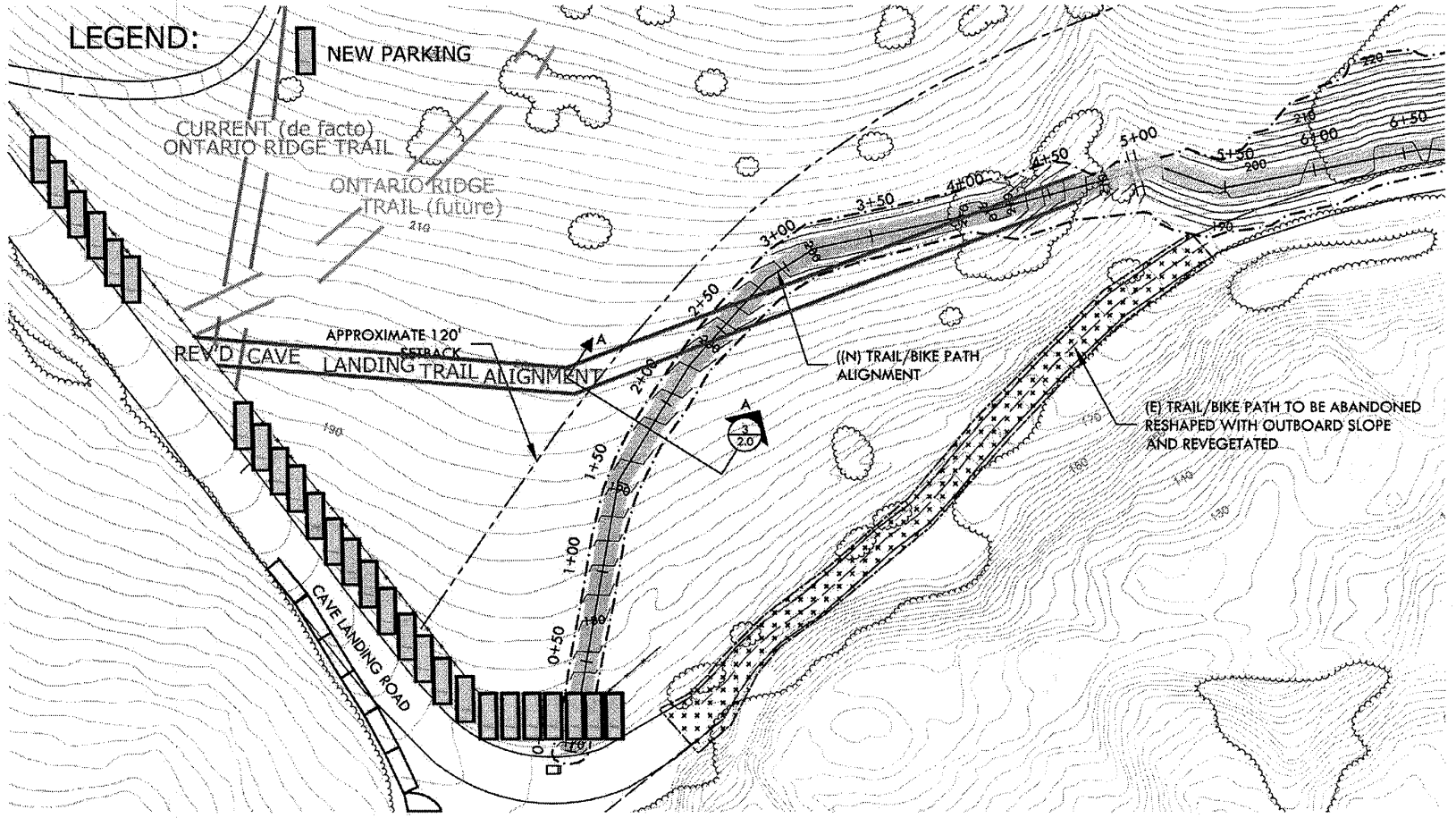
PROPOSAL FOR ADDITIONAL PARKING ALONG CAVE LANDING ROAD:

The Cave Landing parking area in its current form, has served the Public's need well for far longer than the three decades I have utilized the area. The circular traffic flow established by an island near its center allows easy ingress and egress within the parking area. The public is use to utilizing this area as a dirt parking lot, so there is no true need to pave it.

While there is some rutting that could be corrected, any further **"improvements" in the Cave Landing parking area are unnecessary. All funds ear-marked for such, should instead be redirected to expanding the available parking in this area.**

The following conceptual **DRAWING 1** is a mark-up based upon one of the sheets obtained in an internet search of available documentation regarding SLO Parks' Dept. plans for the Cave Landing parking area. The main concept is that angled parking in the down-hill direction of Cave Landing Rd be established on the South-West portion of Parcel 3 of 54PM36 owned by the County of San Luis Obispo. By converting the current parallel parking along Cave Landing Rd, to angled parking, better utilization of space is obtained with an increase in available parking while maintaining necessary fire lane consideration.

There is currently approximately 400 or more, linear feet along this SW portion. There is an existing 50' wide road easement (which is no longer a concern on SLO owned Parcel 3); the road is currently about 26' wide. There is more than adequate area to accommodate this proposal with very little grading requirements. The excavated material could be placed along the westward remaining 12' of easement and allowed to naturally compact, and potentially utilized in the future for further parking availability.



TRAIL ALIGNMENT - PLAN VIEW

SCALE: 1" = 60'

DRAWING 1 - CONCEPTUAL ILLUSTRATION FOR ADDITIONAL PARKING & TRAIL RE-ALIGNMENT

DISCUSSION REGARDING CAVE LANDING TRAIL RE-ALIGNMENT:

There has been previous discussions by both AVAC and the Board of Supervisors, in a desire to utilize this trail in some manner as a secondary evacuation route from the Avila Beach area, should the need arise. My suggested trail re-alignment is such that the natural traffic flow, in that event, is facilitated. In furtherance of that goal, consideration should also be given to if there is any need to increase the planned 12' wide path, to 16' to accommodate both vehicular and other modes of evacuation.

The de facto trail-head for the Ontario Ridge Trail is currently in the same location as my suggested re-alignment, clearly seen in the current Google Earth image. Presumably the trail-head for future upgrade of that trail would originate in its current location as well. The suggested re-alignment places the trail-head for both trails in the same spot. Coupled with the previously suggestion of angled parking along Cave Landing Rd on both sides of these trail-heads, it makes access to these trails very convenient.

If one studies the details of Parks' current plans, the new bridging structure is at 200' Elevation. The path then increases at a 19% slope, flattens out, and then successively descends at 13%, 10% and 13%. The suggested re-alignment follows closely along the 200' elev. topography, with a gradual decline to approximately 195' elev. By eliminating the rise and fall of the trail as designed, it will better enable the less physically incline, such as the elderly, to enjoy a portion of this trail during their sojourns to the Cave Landing Area. A review of their documents indicates this length to be 1100', or approximately 1/5th of a mile (start 195' elev, high point 200' elev, low point of 189' elev; as suggested); or 2/5^{ths} mile round-trip.

Summary: The proposed alternate re-alignment of the Cave Landing Trail as suggested:

1) Accomplishes the same goal that Parks' intends, by acting as a semi-passive means of redirecting water from the current landslide area, **with little to no** impact on current parking,
2) Facilitates traffic flow from the Avila Beach area along the Cave Landing Trail, should the need for a secondary emergency escape route arise.
3) Places the trail-head in the same vicinity of the Ontario Ridge Trail,
4) Fosters the partial use of the trail as more easily accessible by the elderly by eliminating the planned approx 15% rise and fall to and from the new bridging structure, creating an essentially flat trail. A review of their documents indicates this length to be approximately 1/5th of a mile.

DISSEMINATION OF INFORMATION TO THE PUBLIC:

At the 2013-02-26 Board of Supervisor's Meeting, it was suggested by myself, that the Board direct the Parks' Dept to obtain more input from the Public prior to continuation of their plans, and echoed by others. This was seemingly agreed to by the entire Board of Supervisors, and Park's was directed to obtain contact information to pursue that course of action.

To date, I have NEVER received ANY notification by Parks', nor the ability to provide direct input following that Board meeting. To the best of my knowledge, none of the other individuals were contacted either. It is **only** by "word-of-mouth" that it was made known to me that this topic would be included in the 23 MAY 2013 meeting, despite assurances by Parks' and the Board of Supervisors. Therefore, my personal perception is that Parks' Dept paid "lip-service" to the Board of Supervisors and has acted in a non-genuine manner regarding this issue.

None of the proposed Parks' plans were found on their website, or any County Governmental web-site. It was by happenstance while reading about an unrelated subject that they were found.

Parks' should create a link on their web-site for documents, plans, etc. regarding this area, so that they are readily available to the Public for comment. There is obvious interest by many SLO citizens.

IN CONCLUSION:

1) The course of action proposed by SLO Parks' Dept, is insufficient to meet current usage needs, and will not accommodate any increased usage of the area.
2) The re-funding of monies ear-marked for parking lot "improvements" are best served by expenditures resulting in INCREASED parking, such as those proposed in this document.
3) The County, and Parks' need to prepare a detailed study of all alternate Engineering mitigation methods for the completely unrelated land-slide area so that the eventual remediation attempts do not result in decreased public access.
4) Due to the acute interest by many SLO Citizens, Parks needs to cease working in secret behind closed doors regarding this manner, and make their intent open and readily available for public comment. Hopefully via a web-site link to that information.

I appeal that you do not allow further progress on this ill-conceived project.

Thank-you for your consideration, sincerely,

Brian A. LoConte
Irish Hills Resident
SLO District #3

AVILA VALLEY ADVISORY COUNCIL
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Open (2)
Karin Argano (alt)

May 20, 2013

SLO County Planning Commission
c/o rhedges@co.slo.ca.us

Dear Commissioners:

At AVAC's regular meeting on May 13, members voted to communicate concerns about the proposed parking lot for Pirates Cove. Recognizing that funding for improvements could be jeopardized, members nonetheless passed, unanimously, the following motion:

> *Recommend postponement of the May 23 Planning Commission hearing for staff to work with the Whale Caves Conservancy and Mr. LoConte, and any others, to retain the existing number of parking spaces (70), at a minimum, and continue to provide a turn-around for circulation safety. A thorough study of engineering solutions for drainage should occur before a plan is approved.*

AVAC members considered the substantial public testimony provided at its May 13 meeting in opposition to the proposed plan. Included were suggestions for various alternatives. Also considered was a handout from an AVAC member containing Local Coastal Plan- County General Plan standards for Pirates Cove/Mallagh Landing. These include: *"Parking area for 100 cars... The parking area is to be surfaced with a permeable material to control bluff erosion."*

AVAC will appreciate your considerations of a revised plan for public access to Pirate Cove's scenic amenities, for enjoyment of County residents and also visitors who benefit the County economically.

Sincerely,

Jim Hartig, Chair

C: AVAC members; Adam Hill, 3rd District Supervisor; Curtis Black & Shaun Cooper, Parks; Ryan Hostetter, Planning

Whales Cave Conservancy

"Dedicated to the Preservation of the Cultural, Ecological, Scenic Resources and Historic Use, of Pirates Cove."

Date: May 22nd, 2013

RE: Pirates Cove parking concerns

Attn: San Luis Obispo County Planning Commission

Greetings, San Luis Obispo County Planning Commissioners,

We, the members of the Whales Cave Conservancy are pleased that we have the opportunity to contribute to the long term stewardship of the area known as "Pirates Cove", historically known as Mallagh Landing and before that Whales Cave. We worked with the County, and Chumash representatives in the early 1990's on the re-configuration of parking, for protection of Cultural resources. Included with this project was the closing of a large portion of Cave Landing Road for the Bluffs development. This ultimately led to the reduction of parking from an estimated 280 spaces to about 160 spaces. The amount of parking that remained was further reduced by County Public Works by the elimination of parking on the North side of Cave Landing Road. Currently, a maximum of 130 to140 spaces are available.

Our concern with the Parks and Recreation Plans (As of May 21st) is that the available parking, already stressed, will be further reduced by 37 spaces or 29%. While this change is being proposed, the use of the area is showing significant increases. (See Exhibit "A", parking counts) We feel lack of adequate parking in the current improvement plans will impact the area in a negative way. The reduction of access to county residents, tourists and students will take what we feel to the best beach of its kind in America and make it an exclusive destination only for those who are able to get an early parking spot. With the addition of hiking trails to the system, additional user groups are impacting the area. We feel this use along with the more typical sightseers, picnickers and tourists will increase the propensity of use.

AVAC Motion for Adequate Parking

On May 13th 2013, we presented our concerns to the Avila Valley Advisory Council. (Included was a design that placed 60 parking spaces within the easement) They (AVAC) concurred that such a drastic reduction would have long term impacts on the area. **They made a motion to postpone the Planning Commission Agenda item until parking equivalent to existing was provided.** We have been working with Parks and recreation in the time since. Some progress has been made. As of this writing the area within the parking lot easement contains 51 spaces. This is an increase of 16 spaces from their original design. It appears that some improvement can still come from the design to ultimately have about 54 parking spaces. With this in mind, we would still be severely deficient in total spaces. Currently the parking lot holds 70 to 75 cars. An additional eight to ten spaces are lost due to the "Park" created at the end of cave landing road where cars currently park.

(See Exhibit "B", Google Earth Photograph)

Parking Summary

Current capacity:

140 cars on the Cave Landing side. Based on recent counts and photographic interpolated evidence. (We reduced this amount to *128 cars based on our estimates of parking within proper tolerances) 70 to 75 spaces are in the parking lot.

Note: 34 additional cars park on the Sunset Palisades side (Based on recent counts not including Indio Drive)

Whales Cave Conservancy, P.O. Box 479 Arroyo Grande, CA. 93421 Email: WhalesCC@Gmail.com

ADJUSTED* MAXIMUM PARKING (Cave Landing Road Access)	128 Cars
Parks and Rec plans as of 5/21/13:	
51 cars in the parking lot	<19 space loss>
37 cars on the South side of Cave Landing Road	< 3 space loss>
Reduction due to "Park" improvements and parking tolerances	<15 space loss>
CURRENT PARKING SHORTFALL	<37 parking spaces>
Percentage reduction	<29% loss>

In Conclusion
We hope our many years of experience in this area will be of benefit to the County and to the many new people that will "discover" Pirates Cove. With Parks and Rec revisions to date, we are still at 29% fewer "legal conforming" spaces (Even more if actual parking is considered). In our meetings with Parks and Rec, and San Luis Obispo Planning, we have come to the conclusion that the parking to make up for the loss is not possible within the confines of the parking easement. The most efficient of the options would be to re-establish parking on the North side of Cave Landing Road. While this will take some road widening it should get us close to the existing available parking. (See Exhibit "C" Schematic Offsite Parking Plan)
We therefore request that you uphold the AVAC position to provide parking comparable to existing use. We conservatively see this number to be 125 to 128 automobiles based on the factors given above.

Sincerely,
Christina Amber Ensminger, Secretary

For the Whales Cave Conservancy

Attachments: Exhibit A Excerpts of parking counts (From CoveVB Email)
Exhibit "B" Google earth photo of parking lot
Exhibit "C" Schematic Offsite Parking Plan

Whales Cave Conservancy, P.O. Box 479 Arroyo Grande, CA. 93421 Email: WhalesCC@Gmail.com

Attachment 'A'

Cave Landing Count Excerpts from CoveVB Email Blog

May 5, 2013
Stormy but relatively warm winds about 63 degrees. Diablo Buoy showing a 6.7ft south swell so I went to check the poles. We are losing sand due to the swell. Its setting up a sand "cliff" about a foot tall all the way down the beach. The lower pole removed. The swell peaks tonight but remains South through Wednesday and then turns North through the weekend. (Hopefully bringing back some sand)
34 cars parked and only four people on the beach... All locals and only two of them drive cars.

May 3, 2013
Conditions: Hot, it hit 102 on the Ron-o-meter and stayed in the high 90's all afternoon but there was a breeze that had us feeling OK. Dry court with some water around 4:30PM but only one or two waves up 10% above the lower line. Big crowd, lots of young people on the East end. **106 cars at 1:30, 118 cars around 3PM and 127 cars at 5:20PM. over 75 cars in the official parking lot due to some unorthodox parking.**

April 28, 2013
Conditions: Very good. Dry court but fairly sloped as we are losing sand at the lower level. Warm low 80's no wind. Moderate crowd. **104 cars at 1:45Pm today and 101 at 1:30PM yesterday.**

April 21, 2013
Conditions: Back to normal, temperatures peaked at 79 degrees warm and an unusual east wind that cooled things into the low 70's / high 60's but it eased off and things warmed again. Normal sized crowd with very few students and very few textiles. Water off the court all day. Fred and Wilma's rock is almost completely covered with sand (And people are stubbing their toes on it) Just shows how much the sand levels change. There was a time when it was chest high. (Hear that Parks and Rec?) **112 cars at 1:15PM.**

April 20, 2013
Conditions: Hot!! even more than yesterday. Less wind No swell dry court huge crowd (232 people counted at peak) **91 cars at 1:45PM** but at 6:30 cars were parked past the Standard oil road. When that happens numbers are **over 130...**

April 14, 2013
Conditions: It started out cold, (In the upper 50's) and continued to warm throughout the day, eventually reaching the high 70's and low 80's Ware off the court except for the occasional wave that would come 1/4 the way up the court. Sparse crowd for a Sunday. **71 cars at 1:30PM, 48 cars at 6:15PM**

April 13, 2013
Conditions: Touch and go for a while with fog threatening but by 2PM it backed off completely except for a light haze. Temperatures in the low 70's. Water off the court most of the day except for a small amount that came up 10% over the lower line at high tide. The swell came in much smaller than forecast and the extreme swell angle resulted in waves maxing out about 2ft. Moderate crowd .. about the same as Friday. **105 cars counted at 3PM.**

April 6, 2013
Conditions: Very nice, clear all day, breezy but not the "Gale Force Winds" Forecast, although I'll bet the west facing beaches felt it. Temperatures hit 82+ on the Ron-o-meter. water off the court though our last game which finished around 5PM Good crowd. **61 cars at 1PM** and from the looks if it more cars came later.

April 5, 2013
Conditions: Sunny with high clouds, warm, breezy but not as much as the rest of the county. Temperatures in the high 70's and dropping to the low 70's high 60's by 3:30PM. Good, dry court. Sparse crowd. **61 cars in the parking area.**

March 17, 2013
Conditions; Epic run of weather. Three days in .a row of mid 90 temperatures. Today it hit 97 but for most of the day it was in the low 90's. Still in the upper 80's at 5:15 PM when I left. I cant remember ever having three days in a row like this especially in Winter. And to top it off this was the high tide week, but since the hight tides were only in the 3ft range we had dry court all afternoon. Next weekend is the low tide week with tides near 0ft in the afternoon.
98 cars in the parking lot at 1:30PM and 93 cars at 5:30PM

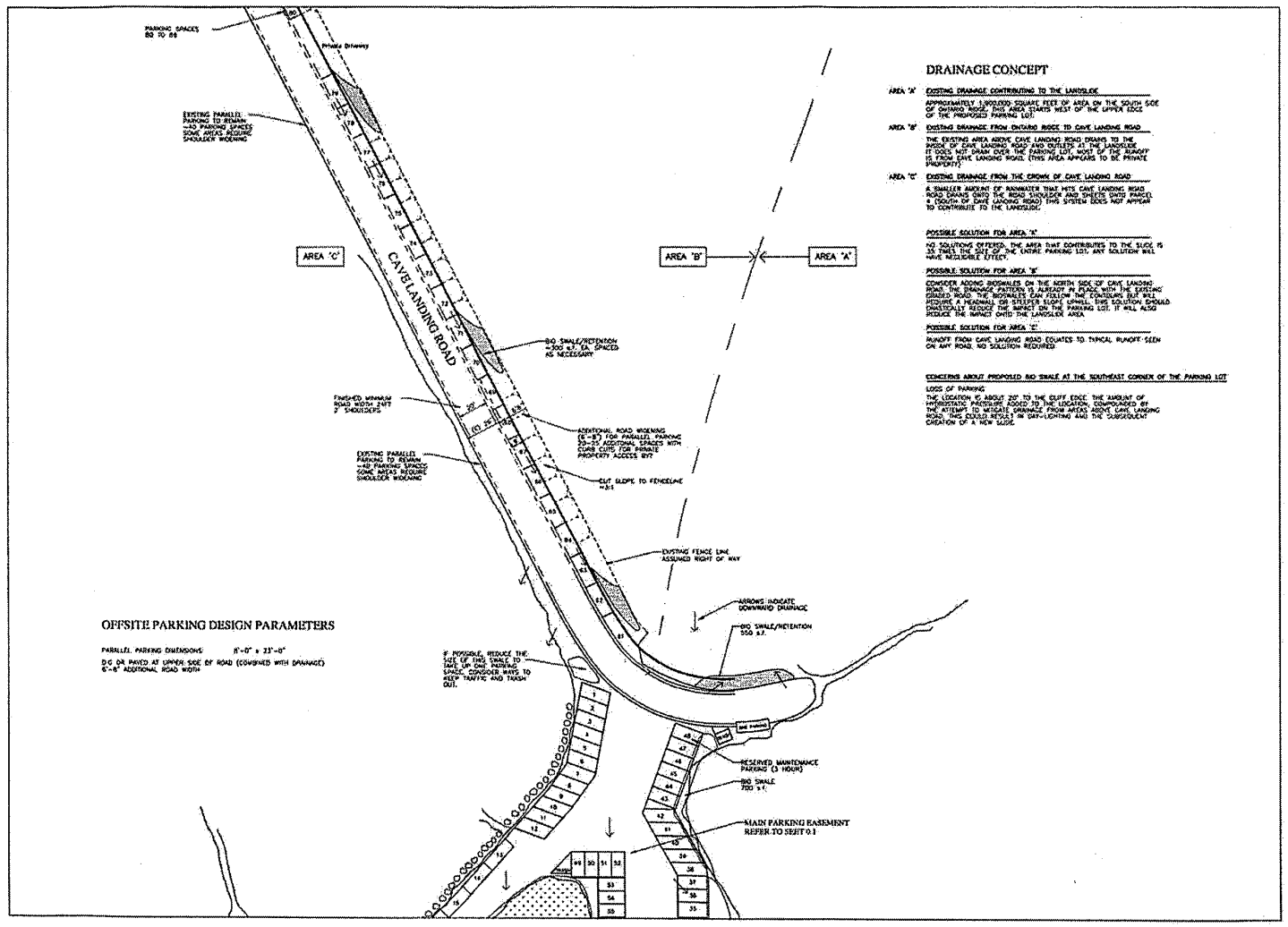
March 15, 2013
Conditions: Way off, way off. When I arrived we checked the temperature on the Ron-o-meter (Manned by Brian) and it was 97? checked it several times and it stayed in the mid to upper 90's with the peak hitting 98. last check at 4:30PM it was still 89 degrees. Avila hit 83 so this was right where it should have been. There were some high, very thin clouds at times but they had no effect. There was a breeze and it made conditions almost perfect. **67 cars in the lot but I didn't get there until 2:30 so there were likely more.**

March 2, 2013
Conditions: Earlier arrivals had a nice warm day. By the time I got there ~2:30 a cloud had blocked some of the sun and while there were brief periods of sun and warmth, the Marine layer snuck in under the clouds and temperatures dropped to about 60 so 2:30PM was the transition to cloudy and cooler weather. The early warmth bought out a good group of people and **128 cars were counted in the parking area (No doubt there were more at peak hours)** Tide receded but the swell increase outran it so we had to wait out a few waves.

February 24, 2013
Side notes: **64 cars in the parking lot at one time and 48 still in the parking lot around 5PM**.. Winter day with a high of 66 in Avila...
Very large swell running with harvest Buoy at point Conception running 16.9ft at noon but due to the unusually steep angle (330 to 350) degrees the Cove had a 3ft swell.

February 23, 3013
Conditions: Clear, sunny breezy for extended periods of time. Court dry all afternoon. Mid 70's near the cliff. decent beach crowd for a cool winter day. **(Note 52 cars counted at one time...** More on this at the WCC email)

Google
Imagery Date: 9/17/2011 35°10'34.07" N 120°43'09.24" W elev 163
© 2013 Google



Not for construction
CONCEPTUAL OFFSITE PARKING & DRAINAGE SITE PLAN

0 30 60 90

PROJECT
CAVE LANDING ROAD PARKING STUDY
FOR WHALES CAVE CONSERVANCY
OWNER
SAN LUIS OBISPO COUNTY

SHEET TITLE
XXX

REVISIONS

JOB NO. 01301
DATE MAY 15, 2013
SHEET NUMBER 0.2
2 OF 2 SHEETS

PC_ 5/23/13_Item #2 CO. of SLO - GENERAL SERVICES AGENCY, PARKS DIVISION

Nicole Retana to: PL_PC_Commissioners_only, James Orton, Ryan Hostetter 05/22/2013 03:04 PM

Bcc: Donna Hernandez

Commissioners,
please see correspondence attached below. Thank you!

Nicole Retana, Secretary
NRetana@co.slo.ca.us

PLANNING & BUILDING
COUNTY OF SAN LUIS OBISPO
976 Osos Street, Room 300
San Luis Obispo, Ca 93408
805-781-5718

----- Forwarded by Nicole Retana/Planning/COSLO on 05/22/2013 03:03 PM -----

From: Tom Whaley <tomeddie78@gmail.com>
To: nretana@co.slo.ca.us
Date: 05/22/2013 01:43 PM
Subject: Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO GENERAL SERVICES AGENCY, PARKS DIVISION for a Development Plan/Coastal Development Permit & Variance

Nicole Retana-

I would like the following to to go the Planning Commissioners regarding "Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO GENERAL SERVICES AGENCY, PARKS DIVISION for a Development Plan/Coastal Development Permit & Variance":

Commissioners-

I attended a meeting of Avila Valley Advisory Council (AVAC) on May 13, 2013 and publicly spoke before them concerning the planned request for a permit & variance in the area known as Cave Landing that you are considering at your meeting on May 23, 2013.

I ask that the Planning Commission deny the Permit and Variance and instead ask that a full EIR be conducted for the following reasons:

1. It is my opinion that the Park Division did not do their full homework considering the current usage of the parking lot and area. Has any study been done to see how many cars actually use the parking lot and area on any given day? Has a study that covered a months-worth of visitors actually been taken? I do not believe a study has been taken at this time.

2. There is an active landslide and the county wants to divert water away from the area using a trail and put the water in the parking lot area, yet at the same time the County will be placing a set of stairs at the bottom of the active landslide. How does it make any sense to worry about a landslide moving and diverting water and at the same time put stairs at the bottom at that same

landslide?

I again ask that the Planning Commission not approve the project at this time and instead ask that these serious concerns be addressed, and the correct way to address them it to deny the variance and ask for an EIR that includes alternative plans (including two that I saw at the AVAC meeting. One presented by Whales Cave Converancy and another presented by a member of the public).

AVAC passed a motion to ask the Commission to delay the project and ask Parks Division to work with Whale's Cave Conservancy to address the issues related to parking. As one of them stated...the current plan is a disaster. Please consider their advise carefully knowing that the residents of the area know what is best for Cave Landing.

Sincerely,

Tom Whaley
Resident of San Luis Obispo, District 3

Fw: Concerns Regarding the Pirate's Cove Parking Commission meeting 5/23/13

Nicole Retana to: PL_PC_Commissioners_only, James Orton, Ryan Hostetter 05/22/2013 03:05 PM

Bcc: Donna Hernandez

Commissioners,
please see correspondence attached below. Thank you!

Nicole Retana, Secretary
NRetana@co.slo.ca.us

PLANNING & BUILDING
COUNTY OF SAN LUIS OBISPO
976 Osos Street, Room 300
San Luis Obispo, Ca 93408
805-781-5718

----- Forwarded by Nicole Retana/Planning/COSLO on 05/22/2013 03:04 PM -----

From: "Ryan Evans" <revans@coastsatellite.com>
To: <nretana@co.slo.ca.us>
Date: 05/22/2013 02:41 PM
Subject: Concerns Regarding the Pirate's Cove Parking Commission meeting 5/23/13

Dear Nicole
I am writing in reference to the current issue at hand with the development plans for the Cave Landing Parking Lot and would like to express my concern as to the amount of parking spaces that are being discussed during the next Planning Commission meeting. Please forward this email to the Planning Commissioners regarding the item on tomorrows agenda titled Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO GENERAL SERVICES AGENCY, PARKS DIVISION for a Development Plan/Coastal Development Permit & Variance. I would like the Planning Commission to really consider, and I myself as a concerned citizen, agree with the Avila Valley Advisory Council. It seems to many of us that there is definitely a creative way to accommodate at least as much parking as is currently in use documented at 128 parking spaces. With the improvements to this area being considered including the trails and beach access, it would only seem logical to increase the available parking for all of the residents to enjoy rather than reduce it. Taxpayer money would be well spent in thoroughly exhausting all current ideas before proceeding with the construction phase only to find after completion that the project was inadequate. Please take the proper time in deciding on a parking plan that would at least meet current demand and future projections of use.

Thank you for your time in this matter.
Ryan Evans

Subject: **CAVE LANDING AREA IMPROVEMENTS**

22 JULY 2013

Members of the SLO PLANNING COMMISSION,

The intended course of actions by SLO Parks & Recreations Department, for development of the Cave Landing area, historically also called Mallagh's Landing, continues to generate concern by current users.

Previous public comments have primarily been regarding the proposed parking at this site. This was due to the severe impact it would have upon the large number of people who use and enjoy this area. As can be seen the current proposal is vastly better than the original 35 vehicle design. This was the result of Parks reassessing their plans based upon constructive public input. Parks should be commended for their efforts to date regarding this issue.

However, it is doubtful that this progress would have occurred had it not been for the Avila Valley Advisory Council's support in having them actually elicit input from the various end users.

This goes directly to the crux of the problem with the proposed development plans. **There has been NO MEANINGFUL public review and opportunity to comment on its details.** It has only been by public plea to the regulatory bodies when Parks has tried to gain approval as a *fait accompli.*

Other issues have previously been raised, and continue to need to be fully addressed prior to this project proceeding further.

As of this date, the item documents for the 25 JULY 2013 meeting of this commission are still not available. The website link results in a "404 Error". Even the Agenda item, as of this date, still reflects that a 35 vehicle parking design is being proposed. How can the Public provide any comment if the details are not made available?

Specific items that I strongly feel still need to be addressed are:

1) **The proposed concrete staircase to the beach at the base of the beach trail.**
2) **Additional parking.**
    a. **Widening of Cave Landing Rd to allow angled parking.**
    b. **More parking can be accommodated in parking lot by reduction/elimination of the current bio-swale design via permeable surfacing.**

The proposed concrete staircase will be destroyed within 3 years. It will require huge maintenance costs. Damage to it will most likely force its closure, thus REDUCING coastal access.

The benefit of angled parking speaks for itself. My main proposal is that the southern end of the parking lot be raised by addition of gravel, such that it acts as a bio-swale, yet still allows parking upon it. Line demarcations can also be avoided by a permeable surface such as gravel.

More details on the above subjects are attached.

There are other concerns raise by others, and I echo:

1) Placement of the proposed picnic tables
2) Closure at dusk, thus not allowing sunset observation, and some twilight star gazing.

I'll not address these issues in any detail; others should do so.

Sincerely,

Brian LoConte
Irish Hills Resident, District #3

The next two pictures **SHOW THE MULTIPLE LOOSE ROCKS/BOULDERS** that are deposited in this section of the beach **EACH YEAR BY THE SEVERE WINTER STORMS.** These storms concentrate their energy in this corner of the beach due to the counter-clockwise circulatory water motion caused by the predominate southern swells and topography of the ocean floor slope. **THESE ROCKS ARE THROWN ABOUT LIKE GRAINS OF SAND DURING THESE STORMS**, smashing into the cliffs multiple times, all storm long.

Let me next explain the basic challenge with concrete structures in a marine environment.

Concrete naturally develops cracks. The saltine water interacts with the carbon steel rebar. The rebar rusts. The rust (ferric-oxide compounds) take up more space than the original steel bar, thus expands. This expansion exerts an outward force upon the surrounding concrete. Concrete handles downward forces (compressive forces) very well, however, it handles outward forces (tensile forces) very poorly, the very reason the rebar is used in concrete structures (steel can take large amounts of tensile stress/force). Thus the cracks in the concrete expand and grow in length, allowing more saltwater interaction with the rebar, causing further rusting, and more expansion forces upon the concrete. The cycle continues until some of the concrete falls off (called spalding). This exposes more rebar to the marine environment, and the cycle accelerates.

A prime example of this phenomenon occurred in the concrete faux wood fencing along Cave Landing Trail through the Bluff's development. After years of downed sections of fencing, the majorly damaged section was recently removed and replaced with pressure-treated wood. Pictures of still existing sections are shown below.

The above happens even in salt air exposure. I won't bore you with the details of galvanic corrosion, only that it takes place when metal is consistently exposed to saltwater. I'll simply state that the metal "desolves away" thus weakening the structure.

Because of all this, any concrete structure built in a marine environment, typically uses a coated rebar. It is intended to resist the saltwater degradation to the rebar. There are two problems with coatings. If not applied properly, it loses adherence to the steel thus exposing the under laying portion allowing corrosion, which causes continue peeling away and more corrosion, eventually rendering the coating completely useless. Also, if the coating gets scratch the same degradation to the coating eventually happens.

If we consider the fact of the multiple impacts upon this staircase from the rocks/boulders during the winter storms, along with the significant wave forces, it should now be apparent that a concrete staircase in this area would sustain damage EVERY winter, and most certainly be rendered into a crumbled mass of rusting rebar within 3 years.

My fear and apprehension is that the County would be required by Cal-OSHA or some other ordinance / regulation **to preclude use of the staircase, thus SEVELY limiting "Coastal Access".**

Let me state a simple fact: Coastal Access to this beach currently exist, and has existed for decades, even centuries.

I truly believe the best course of action would be for the County to NOT do anything beyond providing an improved trail to the landslide area and providing a concrete cap/slab along the level ridge above the immediate beach area (to facilitate clearing debris from the landslide). I believe this fully meets the intent of providing improved coastal access of any grant monies. It would also absolve the County of legal requirements regarding safety standards past the improved trail. However, I anticipate that this common sense plea will fall on deaf ears. Therefore, an alternate proposal is given.

There are three basic concepts to my proposed alternative to the current plans for actual beach access:

1) **Apply concrete only upon the upper level ledge area tied into the rock base below.**
2) **Minimize handrails in the land-slide area; make these detachable and easily replaceable.**
3) **Utilize the existing rock as the "steps" to the beach.**

NOTE THE NATURAL "FALL LINE" DOWN AND ALONG THIS ROCK FACE

The main issue within this accesses point is the fact that during the winter months/storms the earthen material, along with the rain/water run-off from the land-slide, covers the upper level area, making a muddy, slippery mess. By placing a simple concrete cap along this level ledge, the mud could easily be scraped off to clear the debris and minimize slipping hazards. This slab would be tied into the rock below, and extend as far north as the rock will allow. The north end should remain open (un-railed) to allow make-shift non-winter access through the land-slide, as is currently utilized.

Secondly, terminate the traditional hand railing just before the land-slide area. A single hand rail, similar to that used in most sports stadium's stairs, should then be placed along the center of the trail & beach access. This railing should be segmented, easily replaceable, for quick repairs upon damage [spare segments should be manufactured and stored by Parks] and of a non-corrosive material.

As can be seen above, there is a natural L-shaped "fall line" in the rock to sand level (follow rope then to the right). As stated before, this is the primary access to the beach during winter months, and secondary access

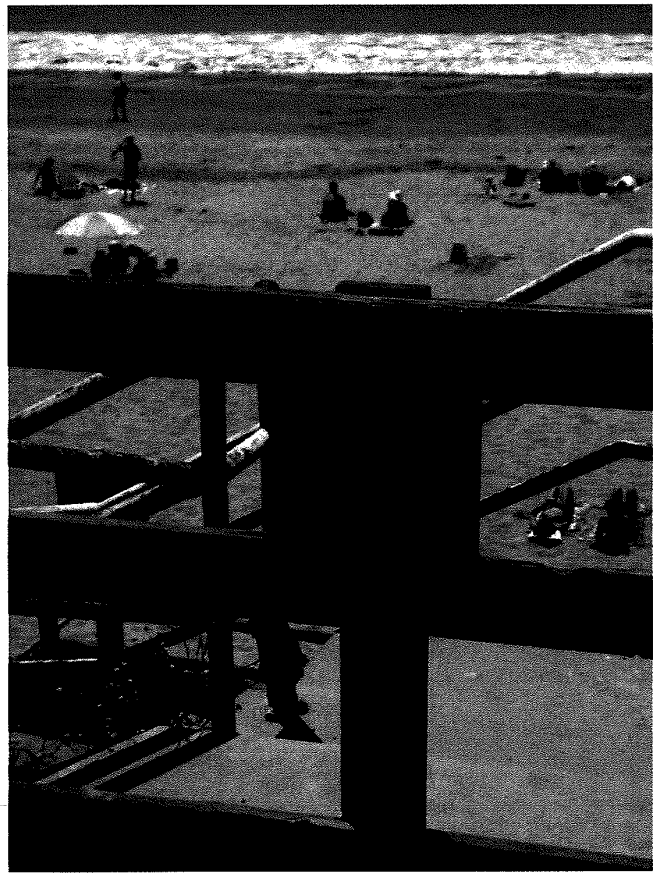
during non-winter. Improved rough-hewn steps could be carved into this rock, and serve as the improved beach access.

These "steps" would still be subjected to impacts by the multiple rocks/boulders, however, since it is already a "time tested" surface, it would have a much higher use life than the proposed concrete stairs, and would completely avoid the rust/spalding issues resulting from the concrete rebar.

These suggestions **will both "improve" coastal access, yet prevent "closure" of coastal access** due to safety ordinances. It will also **drastically reduce**, if not completely avoid, **maintenance and repair expenses** due to the inevitable annual storm damage to any man-made structure in this area.

The following is included to further emphasize my point regarding that the County would be required by Cal-OSHA or some other ordinance / regulation to preclude use of the intended concrete staircase, thus SEVELY limiting "Coastal Access":

There is a concrete staircase at the east end of Avila Beach that has been closed off for safety reasons. As can be seen, there is no obvious degradation to the concrete itself. **The most apparent damage is corrosion of the hand-rail and its detachment in spots.** At the 2013-02 AVAC meeting, the Harbor Patrol stated that it was going to cost hundreds of thousands of dollars to repair, and wasn't within their current budget.

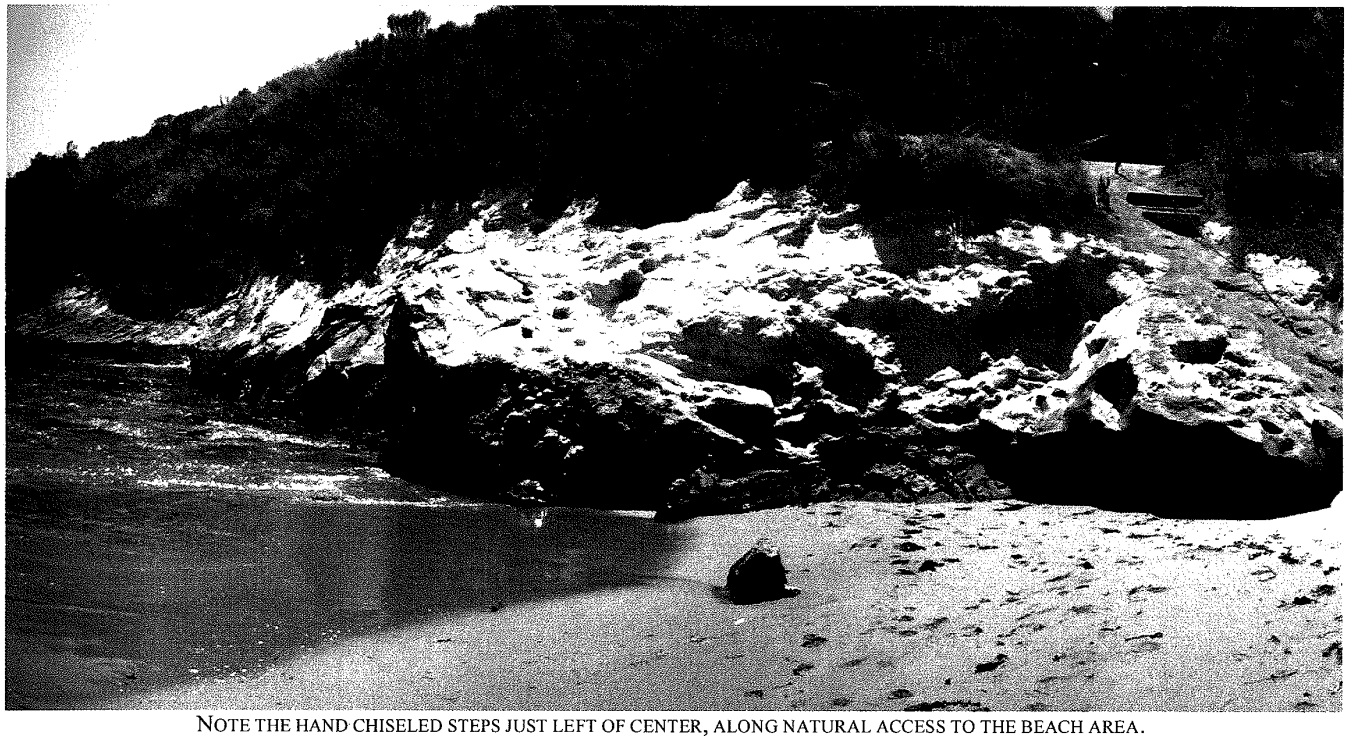


If a staircase of this **minor state of disrepair is declared unsafe,** is there now any doubt in your minds that due to the severity of damage that is certain for the proposed staircase to Pirates' Cove Beach, that a similar closure would not occur?

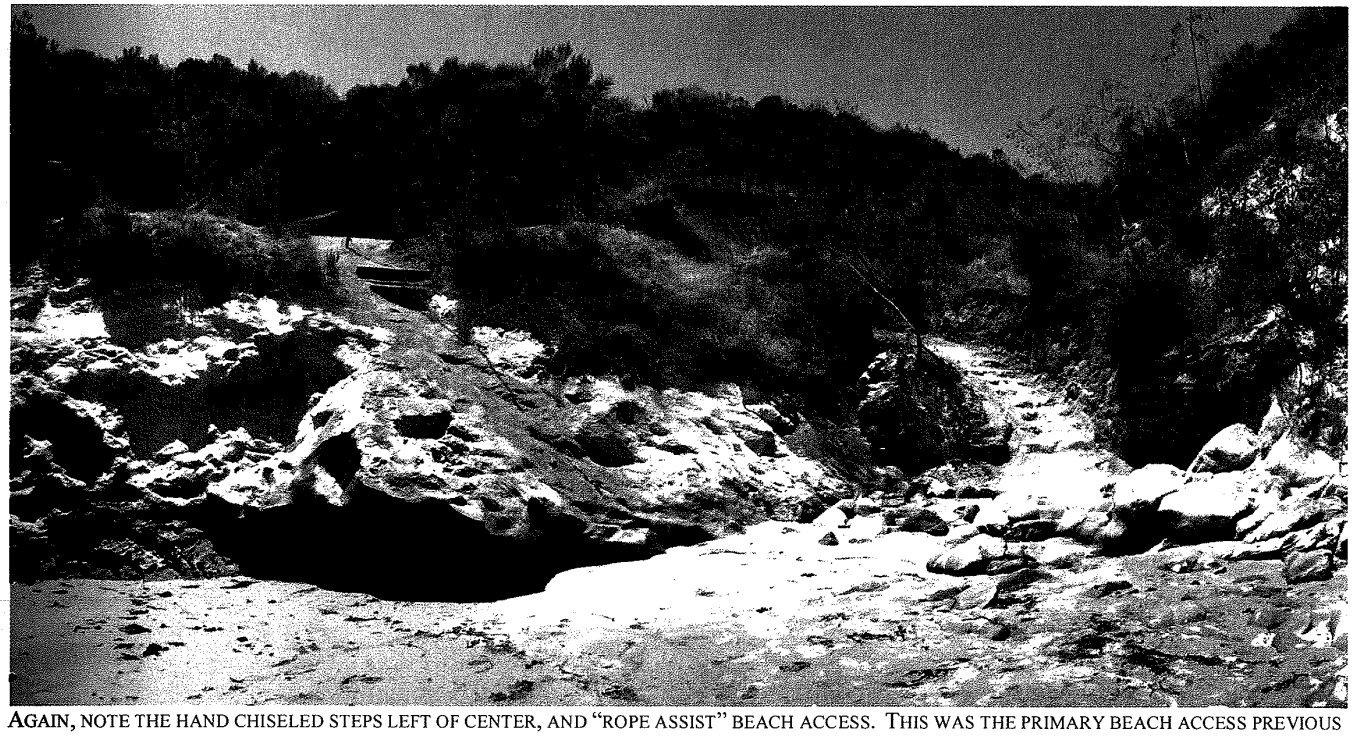
I strongly urge you NOT to allow this phase of the project proceed in the manner currently intended.

BEACH ACCESS DISCUSSION:

The following pictures are the base of the trail to Pirates' Cove Beach. They are sequenced from South (L) to North (R).



NOTE THE HAND CHISELED STEPS JUST LEFT OF CENTER, ALONG NATURAL ACCESS TO THE BEACH AREA. THIS WAS THE PRIMARY BEACH ACCESS PREVIOUS TO THE MID-1990'S, AND IS STILL OCCASIONALLY UTILIZED.



AGAIN, NOTE THE HAND CHISELED STEPS LEFT OF CENTER, AND "ROPE ASSIST" BEACH ACCESS. THIS WAS THE PRIMARY BEACH ACCESS PREVIOUS TO 2000'S DURING HIGH TIDE, AND IS A SECONDARY ACCESS TODAY. ALSO NOTE THE HAND CARVED STEPS IN MUD/CLAY AT RIGHT. THEY ARE THE PRIMARY POST-WINTER BEACH ACCESS. THE STEPS ARE LOCATED IN THE LAND-SLIDE AREA, AND ARE RE-CARVED **EVERY** YEAR.

To the best of my understanding, the proposed concrete staircase is to be located in the area of the mud/clay steps.

PARKING DISCUSSION:

The revised Parks plans for development of the Cave Landing parking area, is a tremendous improvement over the original 35 vehicle design. They should be recognized for their efforts.

The following is taken from the San Luis Obispo County, San Luis Bay Area Plan, Coastal, dated March 1, 1988, Certified by California Coastal Commission February 25, 1988, Revised August 2009, Page 8-6, item 7. Shoreline Access – Mallagh Landing:

a. *"Parking area for 100 cars is to be improved. The parking area is to be surfaced with a permeable material to control bluff erosion. Selection of the site and improvements of the parking area is to be consistent with protection of the archaeological resources and geological conditions on the site."*

The first sentence specifically states, "improved" parking for 100 cars.

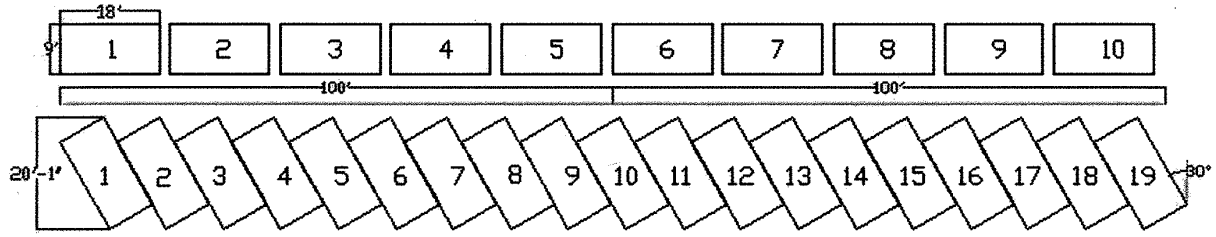
The second sentence specifically states that a "permeable material" be used for surfacing.

Therefore, further refinement of Parks plans is required to conform to the currently approved Coastal Development Plan for this area.

ADDITIONAL PARKING:

From recent car counts by others, 100 vehicles seems to be a good working design number. There are often many more vehicles in the area, so the ability to park along Cave Landing Road needs to be allowed to accommodate these peak numbers.

To address the 30 vehicle shortfall in the current design, the easiest and simplest means would be to widen a portion of Cave Landing Rd, to allow angled parking versus the current parallel parking. This allows between 3 to 4 vehicles to park in the linear space of two.



My previous 20 MAY 2013 letter to this commission suggested grading along the eastern side of the road into County owned parcel 3, to accommodate this additional angled parking. Since I wasn't getting any meaningful answers from the county, I contacted the Chumash directly. While very limited, this contact has led me to believe that there is a cultural issue with significant grading of this roadside area. I'd like to emphasize that Parks should continue dialogue with the Chumash to determine the extent of minor grading that could be performed to slightly widen the road on this side. Recent observation shows that 2'- 3' is easily possible.

Per 54PM36 there is an existing 50' wide road easement; the road is currently about 26' wide. This leaves approximately 12' that can be utilized on the West side of Cave Landing Rd. This would require a significant amount of fill and possibly a retaining system.

This NEEDS to be added into current scope of this project, NOT as a vague promise for future consideration.

I'd like to again stress that one of the major factors regarding the reduction of available parking is Parks' intent to pave the parking area, and install bio-swales to capture the rain run-off and limit erosion in the surrounding area.

All of this can be avoided simply by the addition of gavel upon the surface. A sufficient depth of gavel could be added to the Southern end with appropriate perforated piping, such that it acts as a bio-swale, in and of itself, yet still allows parking on top of it.

While the redesign by Parks has significantly increased the designated parking spots from the original 35 proposal, there is still space lost due to the physical locations of the proposed bio-swales. Additionally, paving requires larger volumetric retention capacity of the bio-swales. Further more, paving the parking lot will almost certainly require parking demarcation lines. Both factors contribute to loss of available parking as historically utilized.

I have heard one argument by Parks for paving is that the current soil is compacted and already impervious, and would require significant grating to make it pervious again, so there is no advantage to an impervious toping. While the "compacted" statement may be true, the "impervious" statement is misleading.

The material currently there is of a clay nature. Clay retains large amounts of water over other types of soils. This water retention reduces the water run-off, and would be fine as under-layment for a gravel surface.

I strongly urge that this concept be explored in more detail by Parks, prior to proceeding with the intended asphalting of the parking lot.

Pirates Cove

Asphalt- Page1
- Water quality
- Wildlife

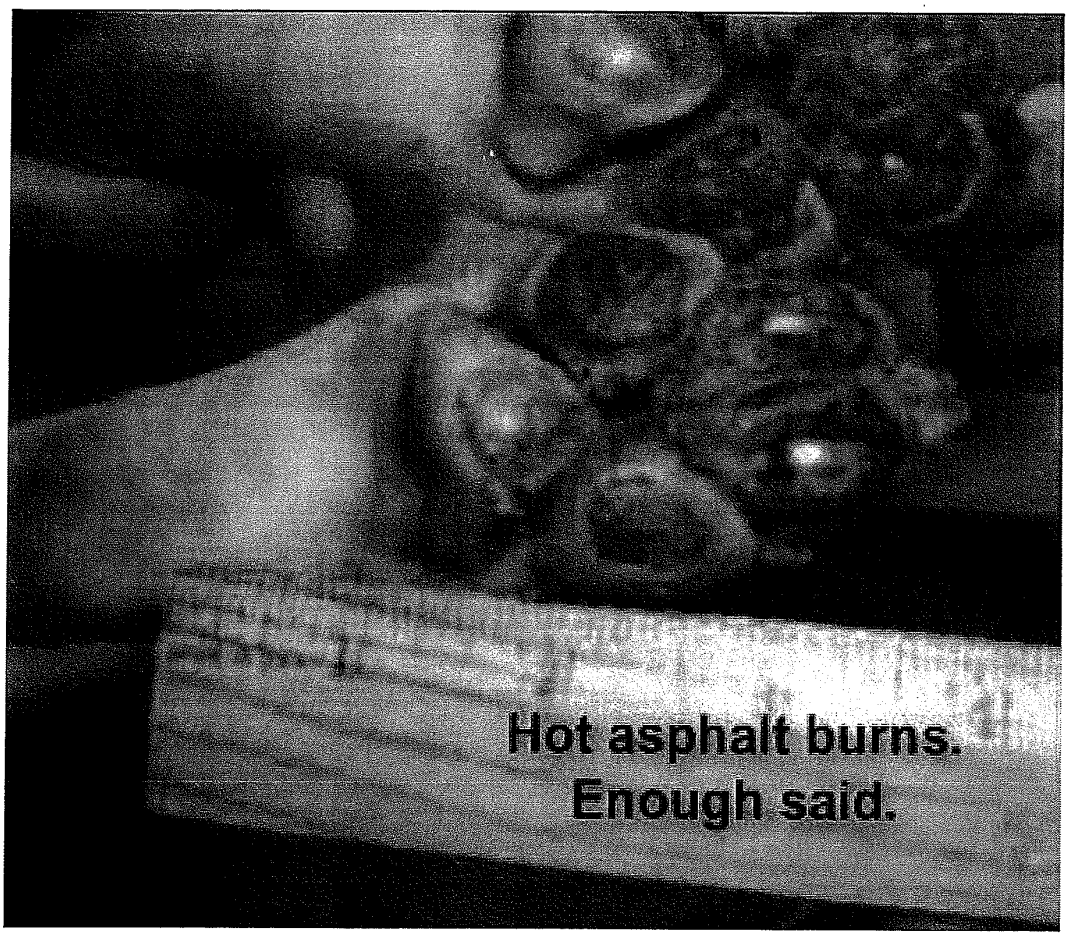
Composting Toilets– Page 2,3
- Fiscal Responsibility
- Public Preference

Stairs to Nowhere-Pages 4-8
- Installation Issues
- Fiscal Responsibility
- Maintenance
- Public Access

Asphalt

Asphalt is as un-natural as it gets.

- Asphalt can be 40 to 60 degrees hotter than the air temperature.
- It absorbs 95% of the heat from the sunlight that hits it.
- Asphalt creates NO filtration process for: Fecal matter, Vomit, Blood, oil, gasoline, food...and any other substance that will be washed strait into the ocean.

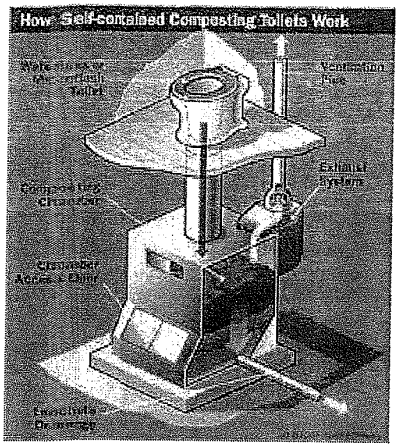


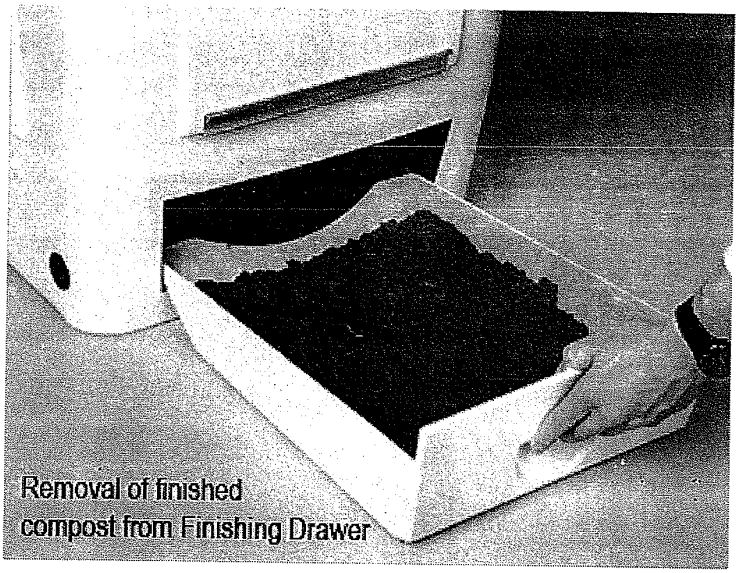
- Animals cannot walk on hot asphalt without and neither can humans while barefoot at the beach.

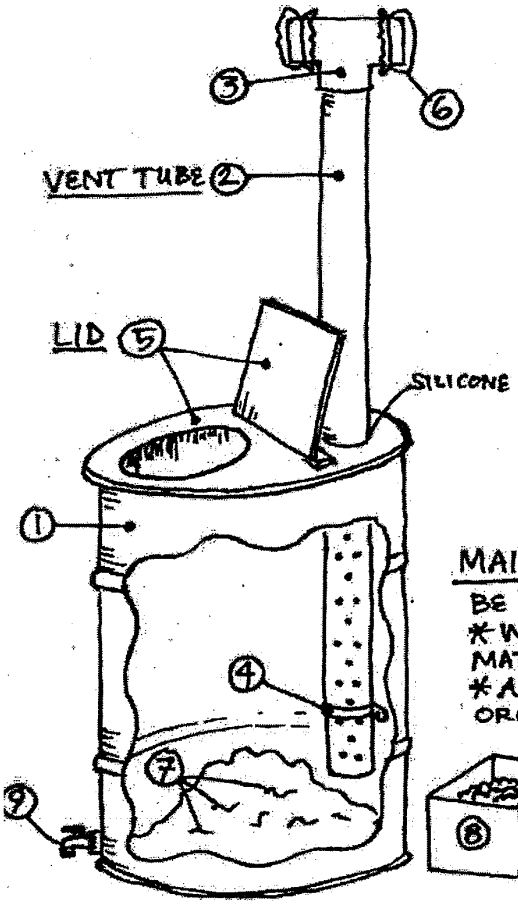
If the point here is to have as little impact on nature as possible asphalt an unwise decision.

2

Composting Toilets




Removal of finished compost from Finishing Drawer



COMPOSTING TOILET

www.surferswithoutborders.org

MATERIALS

① 50 gal DRUM (PREF. PLASTIC)
② VENT TUBE: 2"-3" DIA PLASTIC PIPE, 6'-8' LONG
③ 2"-3" TEE
④ 2"-3" PIPE BRACKET
⑤ LID: ½"-¾" PLYWOOD (2' x 4' TOTAL)
⑥ FLY SCREEN (1' X 1') & NYLON TWINE
⑦ 1 POUND COMPOSTING RED WORMS
⑧ COVER MATERIAL: DRIED LEAVES, WEEDS, ASHES, SAWDUST, ETC... CONTINUOUS SUPPLY
⑨ OPTIONAL DRAIN: BULKHEAD FITTING & VALVE

NOT SHOWN: 8 X 2" #8 STAINLESS SCREWS
2 X ½" #10 STAINLESS SCREWS
2 X HINGES (FOR LID)

MAINTENANCE

* ONLY BIODEGRADABLE MATERIALS SHOULD BE DEPOSITED IN TOILET → NO PLASTIC, GLASS, ETC...
* WORMS TRANSFORM HUMAN WASTE INTO HUMANURE → MATERIAL IN TOILET SHOULD BE MOIST, NOT WET
* AFTER EACH USE, COVER WASTE W/LAYER OF DRY ORGANIC MATERIAL LIKE LEAVES, ASHES, SAWDUST, ETC..
* KEEP LID CLOSED AFTER USE TO PREVENT FLIES
* ONE DRUM LASTS AROUND 6 MONTHS FOR 2 PEOPLE → WHEN FULL, EITHER EMPTY & HOT COMPOST MATERIAL IN TUMBLER → OR BUILD ANOTHER TOILET. WHEN SECOND TOILET IS FULL, HARVEST FIRST (ALLOW 4-6 MOS COLD COMPOSTING)
* IF TOILET STINKS, ADD 2"-4" LAYER OF COVER MATERIAL. DRAIN IF NECESSARY
* COMPOSTED HUMANURE CAN BE USED AS FERTILIZER FOR PLANTS

Bronx Zoo Eco-Restroom

3

Bronx, New York

Conservation in the City

The Bronx Zoo has been educating and entertaining visitors since 1899. The Zoo's 256 acres makes it the largest urban zoo in the United States. It hosts two million visitors annually and is home to more than four thousand animals. Owned and operated by the Wildlife Conservation Society, the Zoo has a strong focus on environmental conservation. That focus has been applied to an interest in sustainable building practices at the Society's zoos.

The Best Solution

Restrooms near the Bronxdale entrance needed replacement due to a failing septic system. A new septic system at the site was rejected due to concern over the potential for pollution to the nearby Bronx River. A sewer connection was considered but was also abandoned due to the huge cost of tunneling under the Bronx River Parkway. Instead, the Zoo decided to install Clivus Multrum Composting Toilet Systems. In addition to saving money, the Clivus systems capture and recycle the nutrients in human waste and use only minimal water for flushing.

Eco Project of the Year

The Eco-Restroom accommodates more than ½ million visitors per year. Foam-flush toilets use only 6oz. of water per use, resulting in a savings of more than one million gallons of water each year, as compared to conventional low-flow (1.6gpf) toilets. Because the Eco-Restroom also includes a greywater irrigation system, the building manages all of its wastewater sustainably, onsite. The use of these technologies and others, including a rainwater harvesting system, maximized natural daylighting, and efficient radiant floor heating, contributed to the Eco-Restroom being named New York Construction's 2007 Eco Project of the Year.

United States
Environmental Protection
Agency
Office of Water
Washington, D.C.
EPA 832-F-99-066
September 1999
Water Efficiency
Technology Fact Sheet
Composting Toilets

DESCRIPTION

Originally commercialized in Sweden, composting toilets have been an established technology for more than 30 years, and perhaps longer in site-built forms. As they require little to no water, composting toilet systems can provide a solution to sanitation and environmental problems in unsewered, rural, and suburban areas and in both developed and underdeveloped countries.

A composting (or biological) toilet system contains and processes excrement, toilet paper, carbon additive, and sometimes, food waste. Unlike a septic system, a composting toilet system relies on unsaturated conditions where aerobic bacteria break down waste. This process is similar to a yard waste composter. If sized and maintained properly, a composting toilet breaks down waste 10 to 30% of its original volume. The resulting soil-like material called "humus," legally must be either buried or removed by a licensed septage hauler in accordance with state and local regulations.

Public health professionals are beginning to recognize the need for environmentally sound human waste treatment and recycling methods.

APPLICABILITY

Composting toilet systems can be used almost anywhere a flush toilet can be used. They are typically used for seasonal homes, homes in remote areas that cannot use flush toilets, or recreation areas, etc. Application advantages for composting toilet systems are listed below:

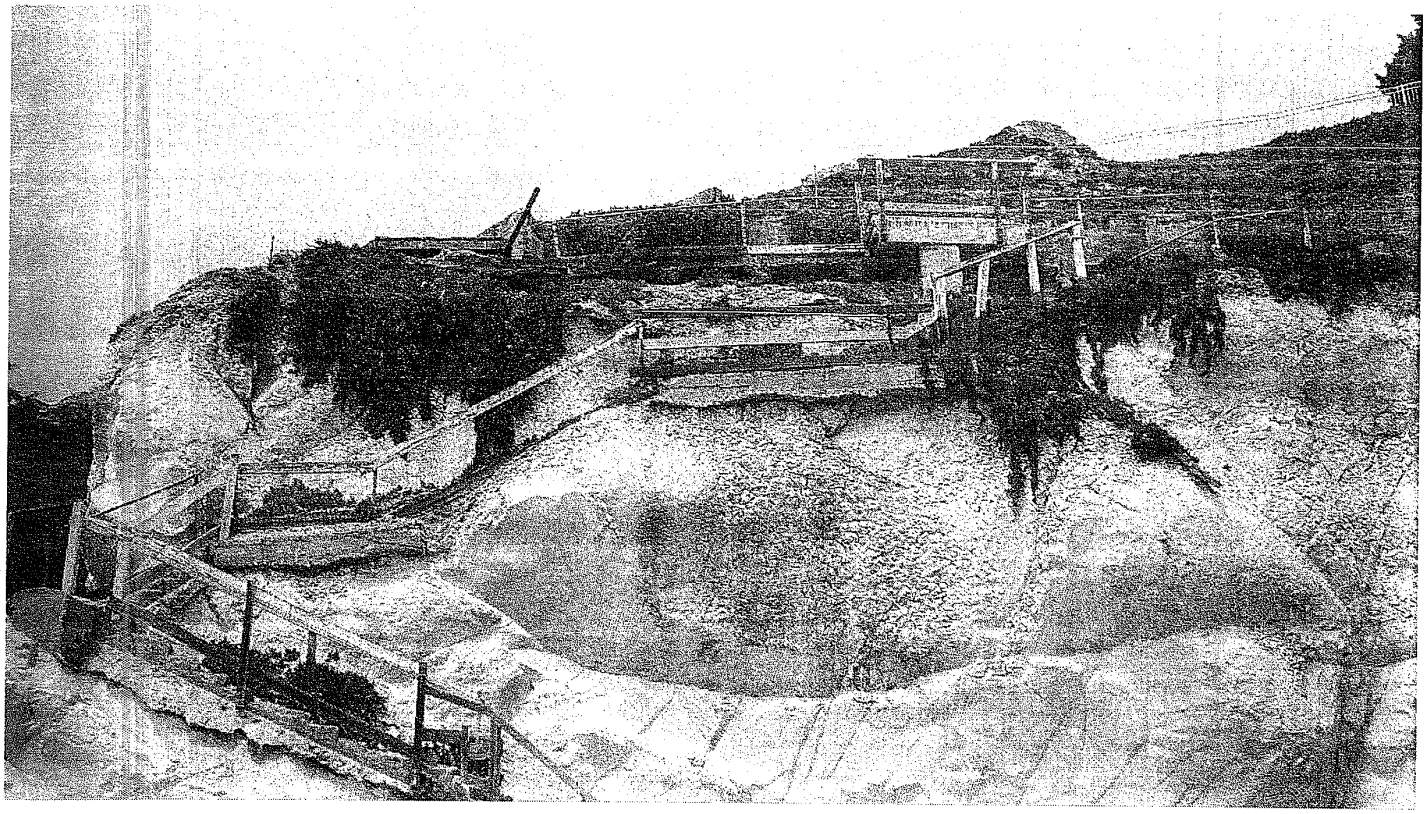
- It is more cost-effective to treat waste onsite than it is to build and maintain a central sewer system to which waste will need to be transported.
- Water is not wasted as a transport medium to flush toilets.
- Nutrients (nitrogen and phosphorus) are kept in tight biological cycles without causing problems to receiving waters.

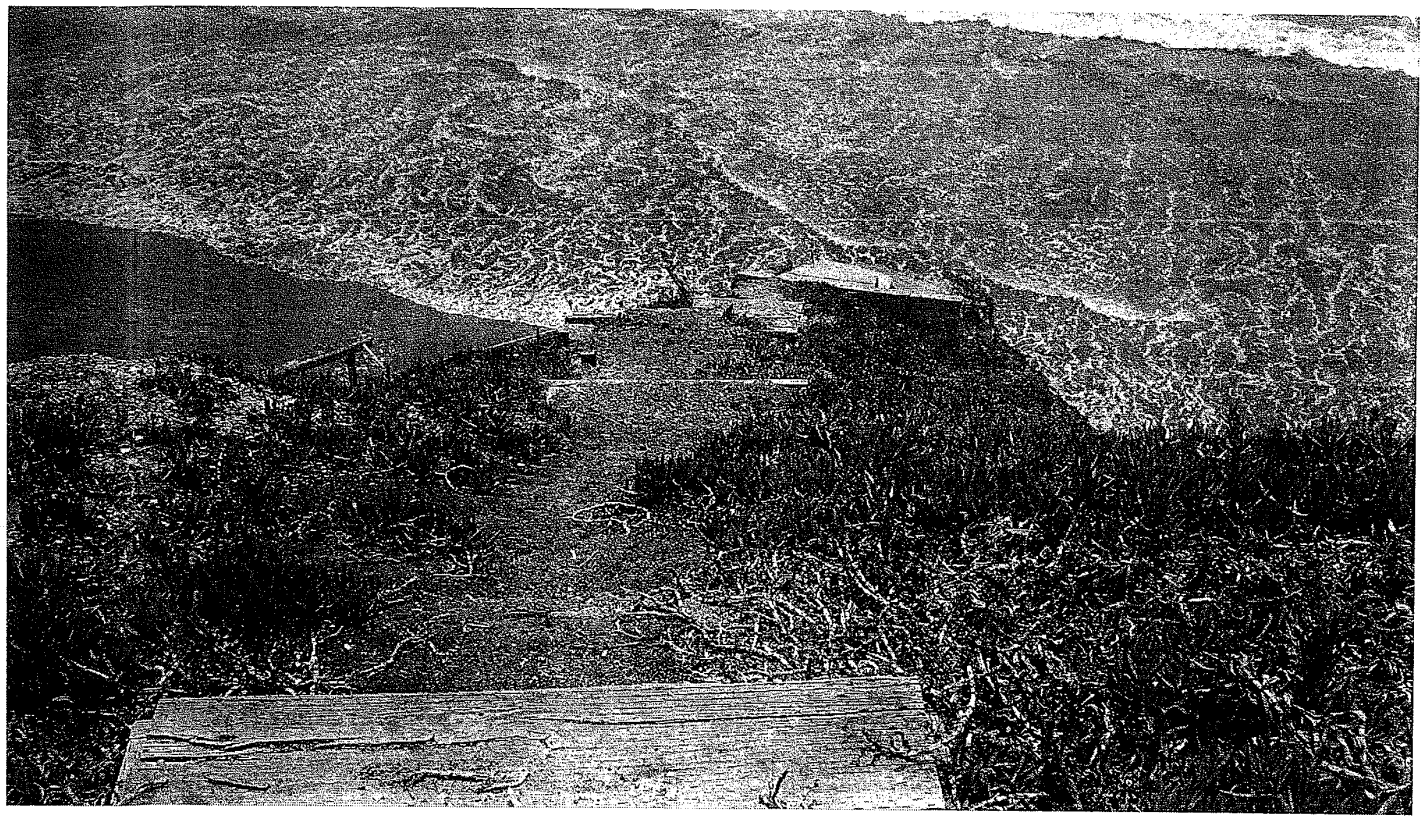
There have been many reports of successful use of waterless (composting, incinerator, chemical, and privy) toilets. Below are some examples of successful stories.

http://water.epa.gov/aboutow/owm/upload/2005_07_14_comp.pdf

4

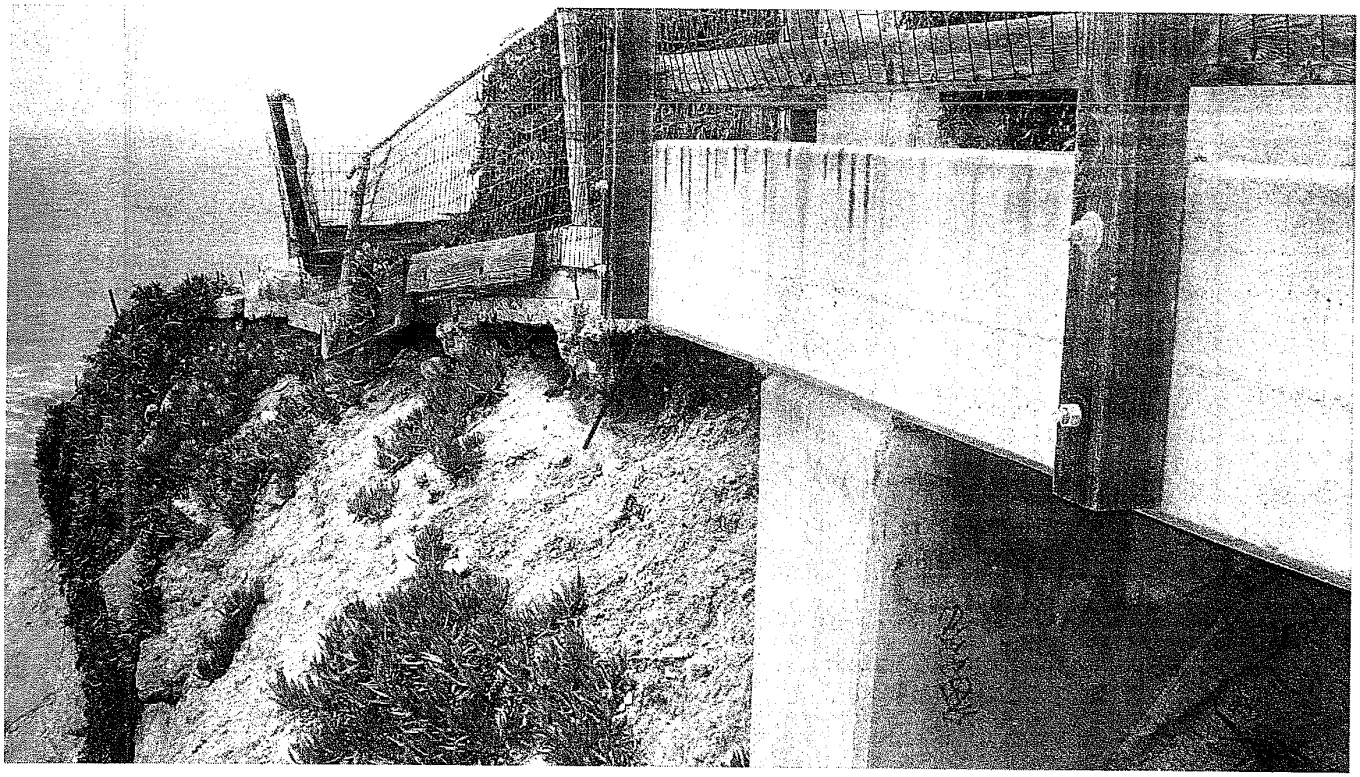
Pismo Beach

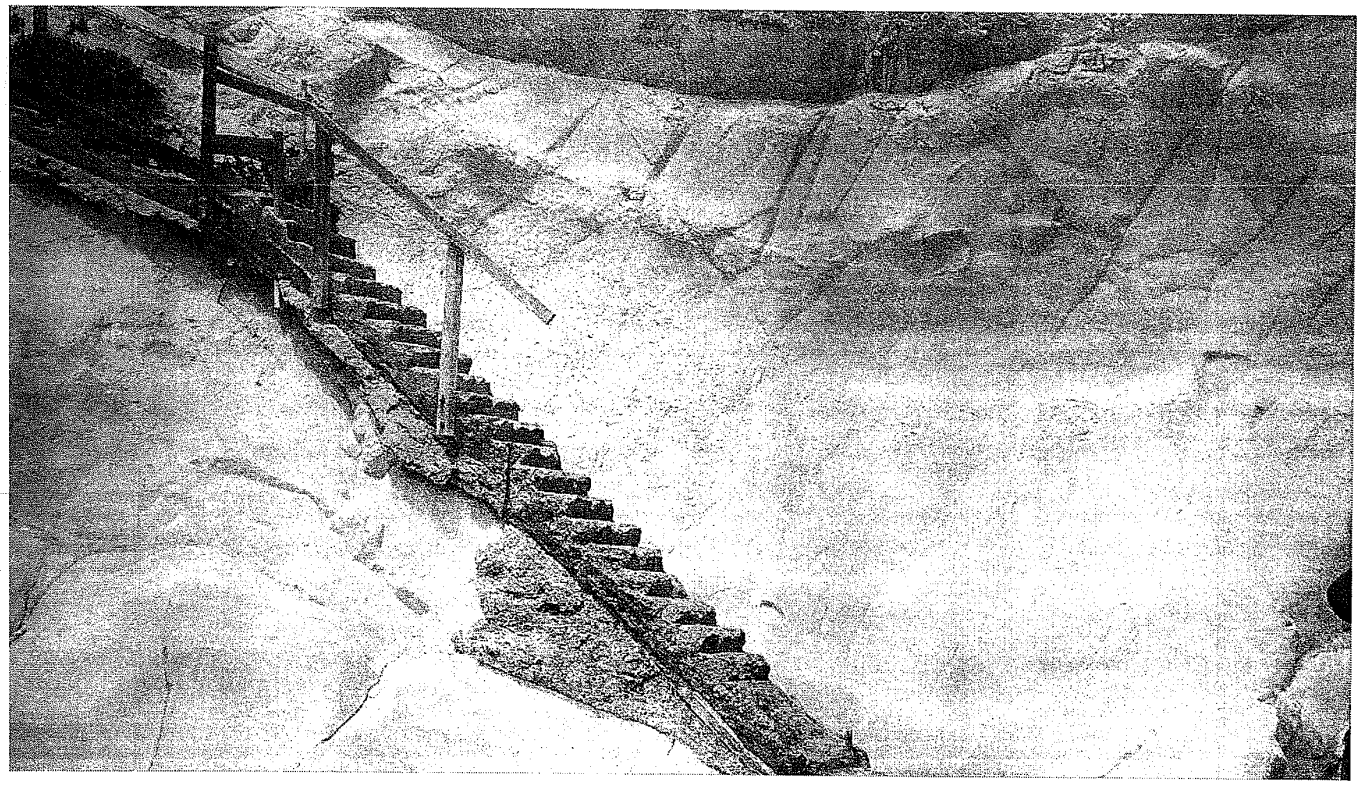




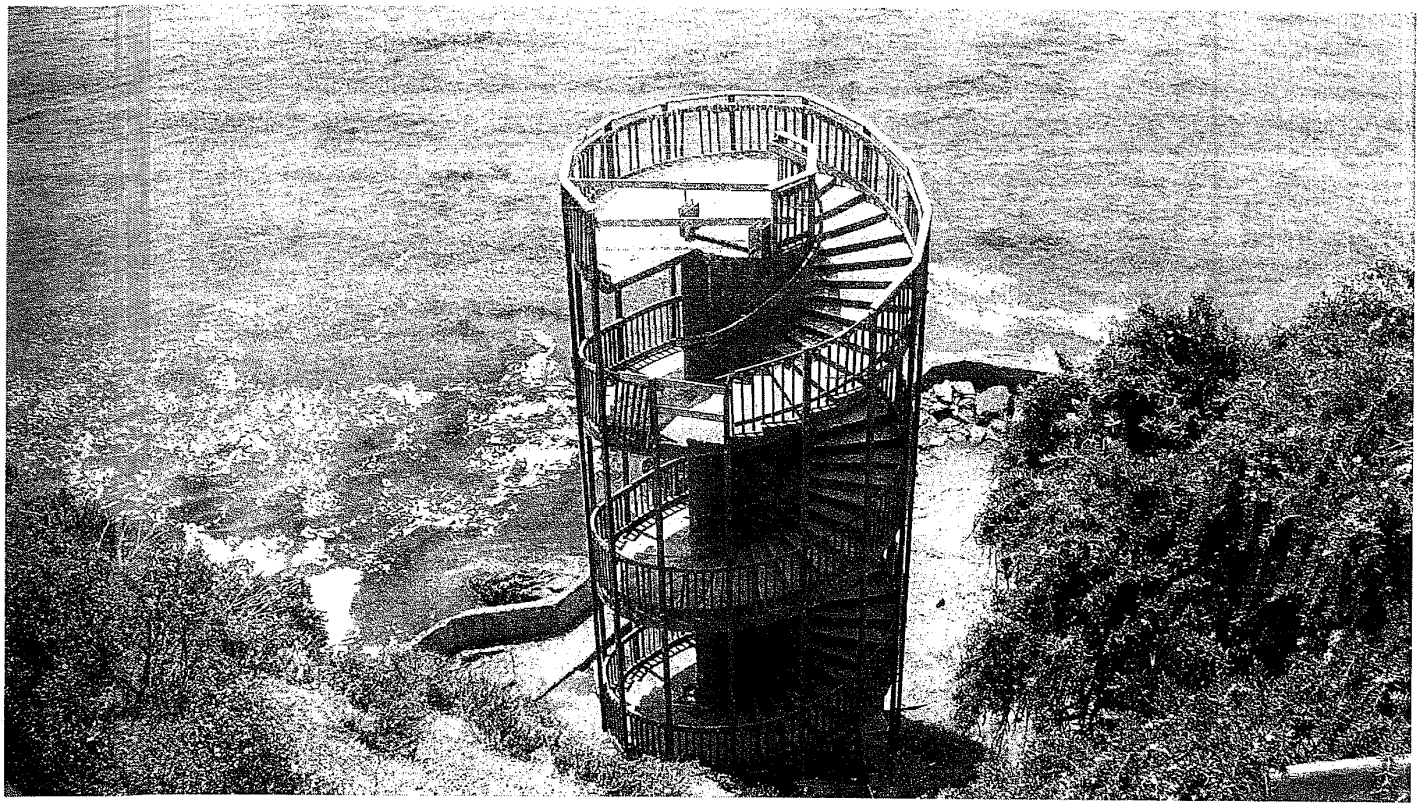
Pismo Beach

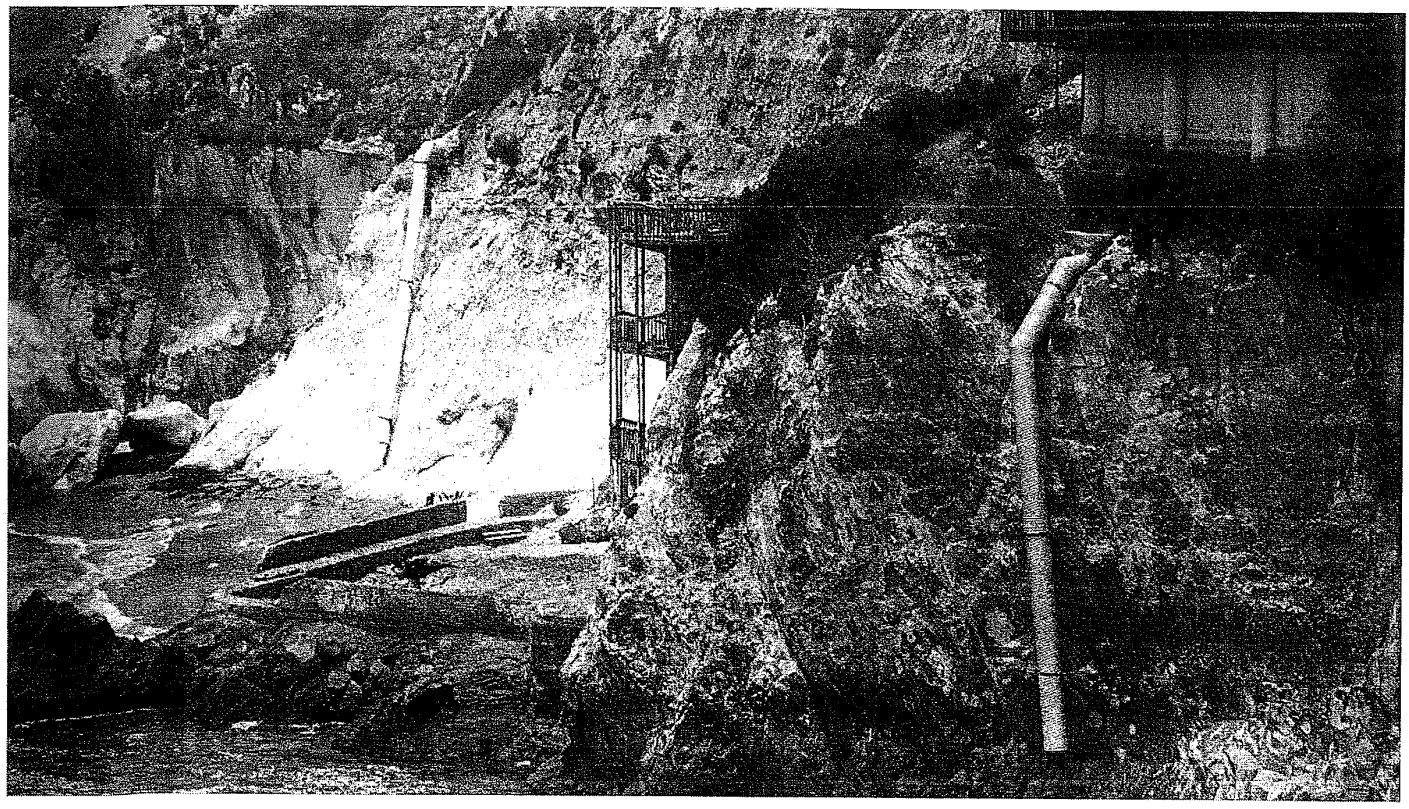
5





Ventana Grill



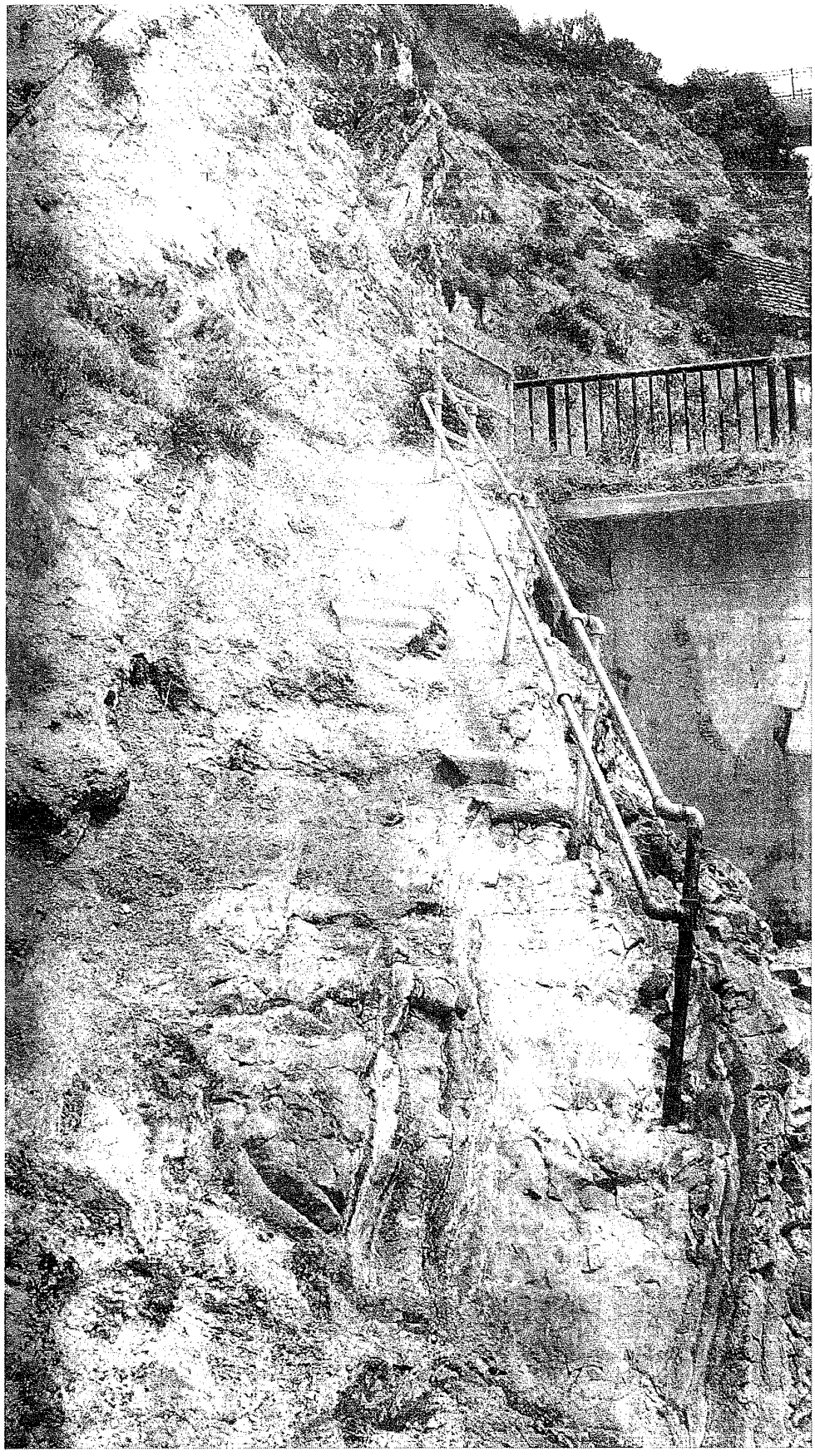


Shelter Cove

7

8

Shelter Cove



#7 Follow up to Public Comment

Regarding Dusk to Dawn closures at Pirate's Cove:

In the process of researching the topic of California beach curfews, I came across a column on the subject published in the LA Times in December 2010. It was written by then-acting California Coastal Commission Chairwomen Bonnie Neeley. What follows are the relevant excerpts. Neeley writes:

"For more than 30 years the commission has dealt with local governments seeking to control where, when and how the public can enjoy the beach, and access State waters. It has never found that nighttime public use problems warrant dusk-to-dawn closures.

Unfortunately, we often find that public access restrictions imposed by local government are motivated by political pressure from residents annoyed by the presence of outsiders. In those cases the commission stands firmly for protecting public access rights. Safeguarding public coastal access, after all, was a primary reason the Coastal Commission was created.

Public use and enjoyment of our beaches is not limited to daylight hours. For every troublemaker there are many more law-abiding citizens who come to the beach at night to walk in moonlight or under the stars seeking tranquility, relaxation, spiritual renewal or self-contemplation. Whether taking a stroll after the graveyard shift, hitting the waves in the dark before dawn, or watching the moon set with a lover, the public has a right to enjoy California's coast at all hours but within reason.

People fortunate enough to reside on or near a beach should realize they are privileged to live adjacent to public space and must accommodate the impacts associated with public use. Of course residents have a right to expect reasonable law enforcement when needed. If local government doesn't provide this essential service, residents can petition their elected officials for a reallocation of resources. (But) sweeping beach closures are not the answer.

What neither we, nor the public, want or need is wasteful litigation to confirm long-established public coastal access rights. If reason and common sense are brought to the table, we are confident a meaningful outcome can be achieved."

To Neeley's column, I want to add this quote from former Coastal Commission Executive Director Peter Douglas, who said: "There are a lot of people who want to use the beach, which they have a constitutional right to do, in the middle of the night…You don't preclude the public from that use …"

In summary, SLO County is legally obligated in every possible way to keeping this beach open to the public without exception to time of day. To do otherwise invites costly litigation, and is a violation not only of the county's legal obligations, but of the public trust. I strongly encourage the board to adhere not merely to the letter of the law, but the spirit of the law: Access to the ocean and beaches is a fundamental, natural human right.

I want to conclude by saying that no one can be faulted for being overzealous in the desire to protect and preserve Pirate's Cove. I am grateful to have the opportunity to be a part of this process, and to represent Friends of Pirate's Cove as we work with the county on that shared objective, for the public good.

Thank you for your time.

Sean R. Shealy
Representing Friends of Pirate's Cove
July 25, 2012

The following article was posted on July 17th, 2013, in the *New Times* - Volume 27, Issue 52

Radical changes cloud Pirates Cove's future

We deserve access to nature, day and night

BY SEAN SHEALY

Throughout the acquisition of Pirate's Cove, the county has maintained a commitment to retaining the traditional public usage of the area, peppering legal documents with phrases such as "conserve for the public benefit the great natural scenic beauty and existing openness, natural condition and present state of use of said property ... ."

Now, some have proposed hanging a CLOSED sign on Pirates Cove for 3,650 hours—or 152 cumulative days—of the year.

This is a radical departure from the policy of maintaining traditional usage.

Under the proposed dusk-to-dawn daily closure, moonlit strolls on one of California's most beautiful beaches would become illegal. Witnessing stars shining across the still water would be criminalized. Sitting on the sun-warmed sands and watching meteors fall into the sea, or the wonder of a lunar eclipse over the ocean, would be forever ended.

Nature doesn't stop being beautiful at 9 p.m.. For many, the hours when the moon illuminates the cresting waves are *the* most beautiful hours at seaside. For some, this is a matter of spirituality, and, for us, this is a deeply sacred place.

Personal solitude and peace would be the primary victims of this policy, because there is rarely anyone on the beach after dusk. It is a precious place where one can get away and just be alone.

The reason given for this closure, it is said, is to give the police power to prevent littering of the area, drug and alcohol use, and other similar activity.

But police *already* have the power to address those issues: Raging parties and bonfires are readily apparent to anyone, including police. Any concerned citizen with a cell phone can report any of this at will.

Should the cove remain free and open, as the county has previously committed, might the morning visitor encounter trash in the parking lot? Sure.

But let us weigh, on the scales of individual and equal liberty, the consequences of the two opposing policies:

The day visitor has a brief unpleasant experience: seeing trash.

The nighttime visitor, however, is *banned from experiencing nature altogether.*

This is a fundamental violation of the individual freedom of man and woman, each of whom has a natural, inherent right to enjoy the beauty of nature, of which they themselves are a part. This is exactly the type of ham-handed encroachment that many feared when the county acquired the cove.

n any case, have we ever simply *asked* people to clean up after themselves?

n one wild area I used to visit, I accomplished the same thing the county is seeking to accomplish simply by writing a message with a Sharpie on a flat piece of wood: "If you are too weak or disabled to pack out your own trash, please ask an able-bodied person to help you." Then I cleaned the place spotless.

came back a month later, and the place was *still* spotless. It is amazing what can be accomplished just by challenging someone's masculinity, or by requesting, rather than forcing, responsibility and leadership.The county's present threat may even be helpful, because we can say "they are going to restrict access to this place if you don't change your behavior." That's a big stick to wield. It need not be swung to make the point.

Pirate's Cove is about to be forever altered. This is not in dispute. Once we begin building and paving and putting up signs and restrictions everywhere, it will never be the same. And the freedom and wildness of this place is why people come to it, including tourists. Many come here from far away, even from places with their own beautiful beaches and rocky shores, just to get to *this* place, because *this* place s unique. It is *free*. It is *wild*.

We owe it to every generation that comes after us, every soul who seeks the solitude and ruggedness of the wild, to think this very carefully hrough—and to ask the county to live up to their commitment to the "scenic beauty and existing openness, natural condition and present state of use" of Pirate's Cove.

Sean Shealy is an author, activist, and administrator of the Friends of Pirate's Cove Facebook page. Send comments to the executive editor at miller@newtimesslo.com.

Los Angeles Times

Preserving night-time beach access

The California Coastal Commission understands cities concerned about crime. But unilaterally imposing beach curfews is unacceptable.

December 09, 2010 | By Bonnie Neeley

Email Share +1 0 Tweet 0

The Times' Nov. 23 editorial on local municipalities imposing beach curfews was well intentioned but misinformed. While recognizing fundamental public beach access rights and acknowledging that allowing local governments unilateral discretion over beach closures – which the California Coastal Commission opposes -- is not a good idea, the editorial the commission's historic approach to dealing with this issue.

The Commission is always concerned about public safety issues and takes them into careful consideration when reviewing locally imposed access restrictions. Starting from a presumption in favor of expansive public access rights, that position is subject to application of facts and circumstances in each particular case.

For more than 30 years the commission has dealt with local governments seeking to control where, when and how the public can enjoy the beach and access State waters. It has never found that nighttime public use problems warrant dusk-to-dawn closures. Where legitimate public safety concerns are raised, we work with local law enforcement to craft customized solutions that avoid sweeping, unwarranted closures. In some places this may involve a shorter curfew to avoid overnight camping; in others it may mean closure of specific parking lots or removal of fire rings. This was our approach in Long Beach, Coronado and Laguna Beach, to name a few places.

Unfortunately, we often find that public access restrictions imposed by local government are motivated by political pressure from residents annoyed by the presence of outsiders. In those cases the commission stands firmly for protecting public access rights. Safeguarding public coastal access, after all, was a primary reason the Coastal Commission was created.

Public use and enjoyment of our beaches is not limited to daylight hours. For every troublemaker there are many more law-abiding citizens who come to the beach at night to walk in moonlight or under the stars seeking tranquility, relaxation, spiritual renewal or self-contemplation. Whether taking a stroll after the graveyard shift, hitting the waves in the dark before dawn or watching the moon set with a lover, the public has a right to enjoy California's coast at all hours but within reason.

People fortunate enough to reside on or near a beach should realize they are privileged to live adjacent to public space and must accommodate the impacts associated with public use. Of course residents have a right to expect reasonable law enforcement when needed. If local government doesn't provide this essential service, residents can petition their elected officials for a reallocation of resources. Sweeping beach closures are not the answer.

The Coastal Commission has a solid record of working with local governments to implement solutions that address legitimate public safety concerns while at the same time protecting public access rights. We will work with Los Angeles, as we have done statewide, to find mutually acceptable solutions.

What neither we nor the public want or need is wasteful litigation to confirm long-established public coastal access rights. If reason and common sense are brought to the table, we are confident a meaningful outcome can be achieved.

Bonnie Neeley is chairwoman of the California Coastal Commission.

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4. Public Access and Recreation

Applicable Policies

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road and thus such a finding is required. Coastal Act Sections 30210 through 30213 and 30221 specifically protect public access and recreation. In particular:

> ***Section 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.*
>
> ***Section 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.*
>
> ***Section 30213.*** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*
>
> ***Section 30220.*** *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*
>
> ***Section 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.*
>
> ***Section 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.*

LCP policies amplify such requirements, including:

> ***Access Policy 2.*** *Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development...*
>
> ***Recreation Policy 1.*** *Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means.*
>
> ***Recreation Policy 2.*** *Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222.*

In summary, the California Constitution[43] and the federal Coastal Zone Management Act[44] mandate the protection and enhancement of public access to and along California's coastline. The Coastal Act and the County's certified LCP refine these requirements, including prioritizing public recreational use and development in areas along the shoreline such as this one. Coastal Act Section 30210 requires that public recreational opportunities be maximized,[45] and Section 30211 further requires that development not interfere with existing public access. Section 30221 protects oceanfront land such as the area associated with this application for recreational use, Section 30222 prioritizes the use of lands suitable for visitor-serving commercial recreational facilities, and Section 30223 similarly reserves upland areas necessary to support public recreational uses for such uses. Coastal Act Section 30213 requires lower-cost visitor and recreation facilities to be protected, encouraged, and where feasible, provided. These overlapping policies protect the Pirates Cove accessway area, including access along Cave Landing Road, the parking lot, the trails and the scenic overlook, including in terms of lower-cost access and recreational opportunities.

From page 11, 12 of Cave Landing Trail Project Description and Regulatory Compliance Document:

Shoreline Access - Mallagh Landing. New development shall be required to incorporate means to ensure that public access will be permitted on a permanent basis. Such assurance could include an offer-to-dedicate or a deed restriction. The extent of dedication and improvements, and the appropriate agency for maintenance will be determined as a part of the Development Plan. The level of public access required must be consistent with the extent of development approved and the potential prescriptive rights which may exist in the area. However, the minimum requirement shall be a means of ensuring public use of the sandy beach and a bluff top area for parking. Other improvements which **may** be appropriate include:

COUNTY OF SAN LUIS OBISPO
LOCAL COASTAL PROGRAM POLICY DOCUMENT
A PORTION OF THE SAN LUIS OBISPO COUNTY LAND USE ELEMENT
OF THE GENERAL PLAN

COASTAL PLAN POLICIES REVISED JUNE 2004 2-7
SHORELINE ACCESS

Issues Relating to Shoreline Access. The right of public access to all coastal tidelands is guaranteed by the California Constitution and has been detailed in the requirements of the California Coastal Act. The act requires acknowledgment of existing rights of access (including those acquired through historic use) and mandates that reasonable access be provided in new developments along the coast. The access component of the LCP assures opportunities for optimum public access within the county.

CALIFORNIA CONSTITUTION
ARTICLE 10: WATER

SEC. 4. 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 thereof.