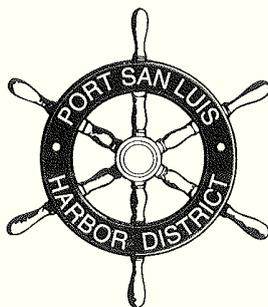


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PHILLIP J. SEXTON, CPA *Treasurer*

April 26, 2013

Chairman Paul Teixeira
Board of Supervisors
County Government center
San Luis Obispo, CA 93408

Re: Avila Parking Lot – County ‘Notice of Intent to Preserve Interest’

Dear Chairman Teixeira:

In 1983, San Luis Obispo County granted title to the Avila parking lot to the Harbor District, in conjunction with assumption of the remainder of a 50 year lease with the State for operation of the beach and pier. The leasehold interest has since converted to fee ownership.

The deed for the parking lot contained several restrictions, including the restriction that the lot remains open to the public 365 days per year, and ‘open’ is defined as 300 parking spaces being available to the general public. The lot has 357 spaces, plus an additional 19 spaces at the Post Office / Community Center.

The deed restrictions are set to expire on June 15, 2013, and your staff is recommending the Board approve a ‘Notice of Intent to Preserve Interest’, thus continuing the County’s authority on the parking lot for an additional thirty years.

The District’s Board of Commissioners discussed this at our meeting of April 23, 2013 and we strongly request that the Board of Supervisors recognize:

- that the governance of the District is expressed in the will of the 70,000 registered voters of the District;
- that the work of the District over the last sixty years in improving the District’s facilities for, and providing coastal access to, the general public demonstrates our commitment to the residents of and visitors to the community; and
- that the proposed continuation of the deed restriction is unnecessary and duplicative.

We request that this item be pulled from the Consent Agenda, and that the Board direct staff not to file the ‘Notice of Intent to Preserve Interest.’

The parking lot serves a vital public function and provides revenue to the District to partially offset the costs associated with operation and maintenance of District facilities in Avila Beach. The District recognizes the importance of the facility to the community, and that parking is a limited and limiting resource, especially in the summer. In fact, the District has taken a proactive role in developing a parking management study for both the harbor and the community, has retained a consultant and has held several public meetings to gather input from the community on this topic.

Chairman Paul Teixeira, Board of Supervisors
April 26, 2013
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Over the sixty years since the formation of the District, the District has, amongst other things:

- Created a parking lot and developed boat launch and public access facilities (Harford Landing).
- Protected over 26 acres of coastal hillside with the intent of making it available to the general public.
- Preserved and protected the Point San Luis lighthouse.
- Maintained facilities in Avila Beach for the benefit of the public.
- Developed a well-trained Harbor Patrol that plays a critical role in local public safety and emergency preparedness and response.
- Maintained and restored the historic Harford Pier for public access.

Additionally, the District has proven, over the last thirty years, its ability to successfully manage the parking lot "on behalf of the public". The District's commitment to the management and maintenance of, and access to, its facilities on behalf of the public is clear and demonstrable.

County staff contends that the deed restriction is necessary to ensure that the facility is managed on behalf of the public. This District is governed by five Commissioners elected from voters within four of the five supervisorial districts, and is managed by a dedicated staff of public servants. We believe that this District is the most appropriate agency to manage the parking lot on behalf of the public, and that in sixty years the District has done nothing to suggest otherwise.

Additionally, we believe that, in light of the restrictions already in place through the County's Local Coastal Plan and the Coastal Act, for the County to maintain a deed restriction on property owned by another public agency is both unnecessary and redundant.

In summary, we believe that the deed restriction is unnecessary and that the public is well served without the redundant layer of oversight. Consequently, we request that the Board of Supervisors take no action to extend the deed restriction, and direct staff not to file the Notice to Preserve Interest.

If you have any questions or require further information, please feel free to contact either me or Harbor Manager Steve McGrath, at (805) 595-5414.

Sincerely,



Drew Brandy, President
Board of Commissioners

cc: Board of Supervisors