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September 4, 2013

Via Email Only

San Luis Obispo County Board of Supervisors
Bruce Gibson, Chair
County Government Center
San Luis Obispo, CA 93408

Re: Port San Luis Harbor District; Avila Parking Lot Deed Restriction

Chair Gibson, Honorable Supervisors:

On May 21, 2013, the Board of Supervisors met and discussed the status of the deed restriction on the Avila parking lot, owned by the District. At that time, the Board took action and, from the minutes:

The Board approves the Notice of Intent to Preserve Interest; instructs the Chairperson to sign and instructs the Clerk-Recorder to record the Notice, with the understanding that by the end of summer, a proposal will be brought back to the Board to consider, as discussed, with perhaps a Quitclaim Deed on the Consent Agenda if the Board feels confident that the public's interest has been preserved.

The Board also requested a review of the District's Parking Management Report. See below and attached for certain highlights.

On August 27, 2013, the Harbor Commission again discussed the matter, and reiterated its position that the District has been and continues to be a responsible steward of facilities under its control, and has placed a priority on preserving the public's interest.

Consequently the District requests that its role and authority as a public agency be respected, the deed restriction lifted and a Quitclaim Deed be presented to the Board for approval.

Regardless of District intent, the use of the parking lot is constrained within a regulatory context, as described below.

The Coastal Act:

The Coastal Commission generally interprets and implements the provisions of the Coastal Act. A very strong emphasis is placed on preserving the ability of the public to access the coast; this is implemented through preservation of parking for the general public. A brief search of recent Coastal Commission actions reveals discussion regarding the management of parking in Capitola, Crystal Cove (State Parks), Encinitas,

Laguna Beach, Pacific Grove, Pacifica, Solana Beach and UCSC's Marine Science campus. See selected references from the Coastal Act, below:

30252. The location and amount of new development should maintain and enhance public access to the coast by ... (4) providing adequate parking facilities...

30530. It is the intent of the Legislature, consistent with the provisions of Chapter 9 (commencing with Section 31400) of Division 21, that a program to maximize public access to and along the coastline be prepared and implemented in a manner that ensures coordination among and the most efficient use of limited fiscal resources by federal, state, and local agencies responsible for acquisition, development, and maintenance of public coastal accessways.

The San Luis Bay Area Plan:

The San Luis Bay Area Plan (Coastal) was amended through a Local Coastal Plan amendment in 2007 that incorporated a significant portion of the previously adopted District Master Plan. See selected references, below:

Page 8-10, 11

Priorities, Services, and Facilities

1. **Priorities for Development of Facilities and Allocation of Service Capacity.** Use priorities and policies of the California Coastal Act when determining the appropriateness of proposed uses and developments ...

b. Priority II. The secondary priority is to accommodate uses that relate to but do not require the presence of water including ...uses that provide for the needs of waterfront visitors and workers, such as ... parking.

2. **Service Capacity.** Ensure proposed development of projects ...are within the circulation and utility capacity available to the Harbor... The following existing capacity limits are recognized for ...parking:

c. Parking. Maintain adequate parking to accommodate Harbor users and visitors.

Page 8-28

7. Parking Standard. The Harbor District may use revenues from a paid parking program to support Avila Beach, Pier, and Parking Lot public facilities...

The Harbor District's Master Plan:

The District's Master Plan was adopted in 2004, and amended in 2007 to maintain consistency with the LCP. The process involved multiple public meetings and certification of a program level Environmental Impact Report. See below:

Page 2-17

The Avila Beach Parking Lot will continue to provide parking to support visitors to the Avila Beach and Pier, using parking lot revenues for beach maintenance...

The Parking Management Final Report (May 2013):

A goal was established in the Master Plan to conduct a parking management study. With funding support from SLOCOG, the District retained a consultant to conduct the study. SLOCOG additionally requested that the study incorporate the community of Avila Beach. The study was completed and the final Parking Management Report (Report) was delivered to the Harbor Commission in May, 2013.

A significant portion of the Report addresses the parking needs of the disparate user groups at the harbor. Below are selected references that address the need for parking in Avila and the District's commitment to working with the community and the county to address that need.

Page 1:

The study will provide a framework strategy for the District that responds to the following goals:

i. Provide adequate, convenient and available parking for fishermen, customers, employees, beachgoers and visitors at the harbor.

ii. Provide adequate, convenient and available parking for customers, employees, beachgoers and visitors in Avila Beach.

iii. Address potential spillover parking into adjacent residential neighborhoods.

iv. Plan for increased use of transit and other alternative means of transportation

Page 8:

The Harbor District is mandated by the State of California via the Tidelands Grant to guarantee for public use a public harbor which meets the needs of the people of the State, as well as recreational and visitor-serving uses within the District lands.

Page 12:

It is the expressed intent of the Harbor District to ensure consistency between its regulations and those of the County of San Luis Obispo and the Coastal Commission. Where conflicts exist between policies, the State or County Program shall prevail for uses within their respective jurisdictions.

Page 22:

The Harbor District's Parking Lot located on First Street, provides substantial overflow parking for visitors to the beach and Town. As such, its demand profile reflects day uses during peak summer weekends.

Page 54:

By definition, parking is directly influential on the public's access to the coast and as such would be subject to the Coastal Commission's oversight.

Page 57:

The process of managing parking in the Harbor/Pier sub-area and in the Town of Avila will require ongoing discussions, strategy coordination and periodic re-evaluation of demand. The Harbor District is beginning this continuous process by engaging the community and the responsible agencies in the preparation of this Plan. Over the next several years the implementation of the proposed strategies will require careful thought and multi-agency coordination.

In summary, from the Coastal Act to the Parking Management Report, the intentions and limitations on the District are clear, and the District will continue to manage the assets it holds in trust for the public, for the benefit of that same public.

Consequently the District requests that its role and obligations as a public agency be respected and the deed restriction lifted.

Should the Board deem it necessary however, District staff and counsel will work with County staff and counsel to craft the least restrictive deed restriction that protects the public interest if the District, at some point in the future, seeks to encumber the lot in any manner

Sincerely,



Steve McGrath
Harbor Manager

cc: Harbor Commission