

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT General Services Agency	(2) MEETING DATE 6/17/2014	(3) CONTACT/PHONE Machelle Vieux, Deputy Director, General Services 805-781-5200	
(4) SUBJECT Submittal of a resolution to amend the deed restriction on parking lot property owned by the Port San Luis Harbor District located at First Street and San Francisco Street in Avila Beach. District 3.			
(5) RECOMMENDED ACTION It is recommended that the Board: 1. Adopt the resolution to approve the Amendment to Quitclaim Deed and Grant of Easement, and the Amendment of Notice to Intent to Preserve Interest, and 2. Direct the Clerk of the Board to record the Amendments.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: n/a <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date: <u>4/2/2013, 5/21/2013, 12/3/2013</u>	
(17) ADMINISTRATIVE OFFICE REVIEW  Emily Jackson			
(18) SUPERVISOR DISTRICT(S) District 3			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: General Services Agency / Mabelle Vieux, Deputy Director General Services  
805-781-5200

DATE: 6/17/2014

SUBJECT: Submittal of a resolution to amend the deed restriction on the parking lot property owned by the Port San Luis Harbor District located at First Street and San Francisco Street in Avila Beach. District 3.

## **RECOMMENDATION**

It is recommended that the Board:

1. Adopt the resolution to approve the Amendment to Quitclaim Deed and Grant of Easement, and the Amendment of Notice to Intent to Preserve Interest, and
2. Direct the Clerk of the Board to record the Amendments.

## **DISCUSSION**

In 1983, the County of San Luis Obispo deeded a large parking lot at the intersection of First Street and San Francisco Street in downtown Avila Beach to the Port San Luis Harbor District (Port). The parking lot currently has 376 parking spaces that provide parking for visitors to beach areas and businesses of Avila Beach and the Port. A map showing its location is attached (Attachment 1). The deed was subject to a restriction prohibiting the use of the parking lot for commercial or residential development, requiring that the parking lot should be "substantially open and available" for public parking. The deed defines the term "substantially open and available" as requiring that no less than 300 parking spaces be available for use by the general public 365 days per year. Violation of the deed restriction may result in reversion of ownership of the property to the County.

The deed was recorded on June 15, 1983. On April 2, 2013, the Board approved a Temporary Waiver of Deed Restriction in order for the parking lot to be used as a staging area for the 2013 Amgen Tour of California. On May 21, 2013, the Board renewed the power to terminate to enforce the deed restriction for an additional thirty years by filing a Notice of Intent to Preserve Interest, since the power to terminate would otherwise have expired by law on June 15, 2013. The Harbor District submitted a letter for the Boards' consideration at the May 21, 2013 meeting requesting the County to remove the deed restriction in its entirety. The Board directed staff to return with a presentation of the Harbor District's parking plan in order to reconsider termination of the deed restriction.

On December 3, 2013, the Board reviewed four alternatives with respect to the parking lot deed restriction:

1. Remove the deed restriction
2. Revise the deed restriction to remove the 365 day per year parking requirement
3. Replace the Deed Restriction with one requiring County's approval for District to sell or mortgage the property
4. Leave the existing deed restriction in place until such time as a future project is identified for the property

The Board voted unanimously in favor of alternative #2 to revise the deed restriction so that the restriction is lifted during the off-season. The parking lot is used to capacity in the summer months, but is underutilized at times during the off-season. Revision of the deed restriction will allow the Harbor District more flexibility to use the parking lot for special events but still imposes the minimum 300-space public parking requirement from Memorial Day weekend through Labor Day weekend. This outcome was also expressed in the District's Master Plan, which states, "*The Avila Community has*

*shown interest in using the Avila parking lot to hold special events. The Port is interested in entertaining this idea during off-season months when the parking lot typically has available capacity.”*

Approval of the attached Resolution (Attachment 2) will accomplish the Board's direction to staff on December 3, 2013 to proceed with revision of the deed restriction. It will authorize the Chairperson to sign the Amendment to Quitclaim Deed and Grant of Easement (Attachment 3) and the Amendment to Notice of Intent to Preserve Interest (Attachment 4) to revise the deed restrictions, and it will also authorize the Clerk of the Board to record the Amendments.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

On January 9, 2014, the County Environmental Coordinator issued a Notice of Exemption from the California Environmental Quality Act, per General Rule Exemption, Section 15061 (b)(3). On April 22, 2014, the Port San Luis Harbor District approved Resolution #14-04 (Attachment 5), which authorized the Harbor Manager to approve the Amendments. Future special events to be held in the Harbor District's parking lot will also require permitting by the County's Planning and Building Department.

#### **FINANCIAL CONSIDERATIONS**

Approval of this resolution and amendment of the deed restrictions for the parking lot will have no financial impact to the County, but may result in increased revenues to the District from rental of the parking lot in the off-season.

#### **RESULTS**

Amendment of the deed restriction will replace the requirement to make 300 general public parking spaces available 365 day per year with the requirement that 300 spaces be made available only during the peak summer season. This action will contribute to the Communitywide Goal of a Livable Community by protecting a public parking lot to the greatest extent possible when it is most needed, while reducing obstacles that may result in generating income for the District and increasing recreational opportunities for county residents when the parking lot is underutilized.

#### **ATTACHMENTS**

1. Location Map
2. Resolution
3. Amended Quitclaim and Easement
4. Amended Intent to Preserve
5. Harbor District Resolution