

CALIFORNIA COASTAL COMMISSIONCENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SAN LUIS OBISPO, CA 95060
TELEPHONE: (415) 904-4863
HEARING IMPAIRED: (415) 904-5200

W 3a



Date: August 20, 1997

ADMINISTRATIVE PERMIT**Application 3-97-061****APPLICANT:** Patriot Sportfishing**PROJECT DESCRIPTION:** Add 500 sq.ft. modular building for proposed sportfishing business at end of Avila Beach pier; add ramp to existing under-pier stairs for boat passengers..**PROJECT LOCATION:** Seaward end of Avila Beach Pier, Front Street, Avila Beach, San Luis Obispo County.**EXECUTIVE DIRECTOR'S DETERMINATION:** The findings for this determination, and for any special conditions, appear on subsequent pages.**NOTE:** P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Commission meeting of September 9 - 12, 1997, at 9 a.m. at the Eureka Inn, 7th and "F" Streets, Eureka 95501, tel. (707) 442-6441.

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.PETER DOUGLAS
Executive DirectorBy: Charles F. [Signature]Title: Deputy Mayor

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION: This proposal is located in the community of Avila Beach, near the seaward end of the Avila Pier. The pier is owned and operated by the Port San Luis Harbor District, which has tentatively approved a one year lease with the applicant. The proposed development will provide another recreational opportunity in the community.

The initial phase of the proposal would include the placement of the modular building, addition of the ramp to the existing under-pier stairs and the use of one 55 foot boat. About 30 to 40 customers would be accommodated. As business expands, the applicant would use up to four boats with combined capacity of about 130 persons per day, including both customers and crew. Hours of operation would be from 5 a.m. to 5 p.m. daily, year round.

Parking for the customers could be along the streets of Avila or in the Harbor District's parking lot a block away from the pier. According to the mitigated negative declaration that the Harbor district prepared, there are 1,180 parking spaces available to the public in Avila Beach, including the District's parking lot

which has about 330 spaces. Front Street which runs parallel to the beach at the base of the pier for about 5 blocks, has 194 parking spaces. The sportfishing operation would create a demand for about 70 parking spaces during peak weekend use. During the summer, 100 percent of the available parking is occupied.

The sportfishing customers would utilize parking spaces from 5 a.m. to 5 p.m. Peak parking demand is in the afternoon when beachgoers arrive. As the mitigated negative declaration states, *The overlap between parking for sport fishing and for beach use could mean fewer parking spaces available on summer weekends.* Essentially, it is likely that there will be a parking conflict between two recreational uses that are both Coastal Act priority uses.

Coastal Act section 30211 states that *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.* Coastal Act section 30252 states that *The location and amount of new development should maintain and enhance public access to the coast by. . . (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation . . .* It is entirely possible that some people could be denied access to the beach on peak summer weekends with up to 70 spaces being occupied from as early as 5 a.m. to as late as 5 p.m. Parking facilities are currently inadequate

Coastal Act section 30221 states that *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.* Part of providing for recreational use is providing parking so that people can get to and from the recreational site. Section 30221 does not distinguish between different kinds of recreational uses or give priority to one type over another. Ocean sportfishing and wading in the ocean both depend on access to the ocean. In this case, wading in the ocean and other beach uses exist. The sportfishing use does not.

The Harbor District has required that between Memorial Day and Labor Day the patrons of the sportfishing operation park in the District's parking lot a block inland from Front Street. This would be accomplished by the applicant providing an as yet unidentified means of notifying customers of the parking restriction. While this notification will no doubt result in some amount of sportfishing customers using the District's parking lot, there would still be up to 70 spaces not available that are now available.

The only way to find the proposed use consistent with Coastal Act sections 30211, 30221, and 30252 is to require a parking management plan that will identify additional parking spaces in Avila Beach, provide parking spaces outside of Avila Beach and bring customers from there to the pier by van, etc., or some other method of accommodating all recreational users without precluding parking for some because of this proposed development.

The proposed sportfishing operation would remove up to 70 parking spaces from the total existing available parking spaces. It is not a use that takes place when other beach uses do not; if it did, then the parking spaces could be shared. Therefore it is appropriate to require that the applicant prepare a parking management plan which demonstrates a method by which the sportfishing parking can be accommodated without reducing the number of spaces currently available in Avila Beach. Although the San Luis Obispo County Local Coastal Program (LCP) contains a program addressing the creation of a parking management plan, programs are non-mandatory. Therefore, a parking management program is required at this time for this development. The required plan need not be as comprehensive as one the District might prepare in the future for all uses in the area.

SPECIAL CONDITION:

PRIOR TO TRANSMITTAL OF THE NOTICE OF PERMIT EFFECTIVENESS, permittee shall submit for Executive Director review and approval two copies of a parking management plan which demonstrates a method by which the sportfishing parking can be accommodated without reducing the number of spaces currently available in Avila Beach during the summer period from Memorial Day to Labor Day.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

5.11-8

3-97-061

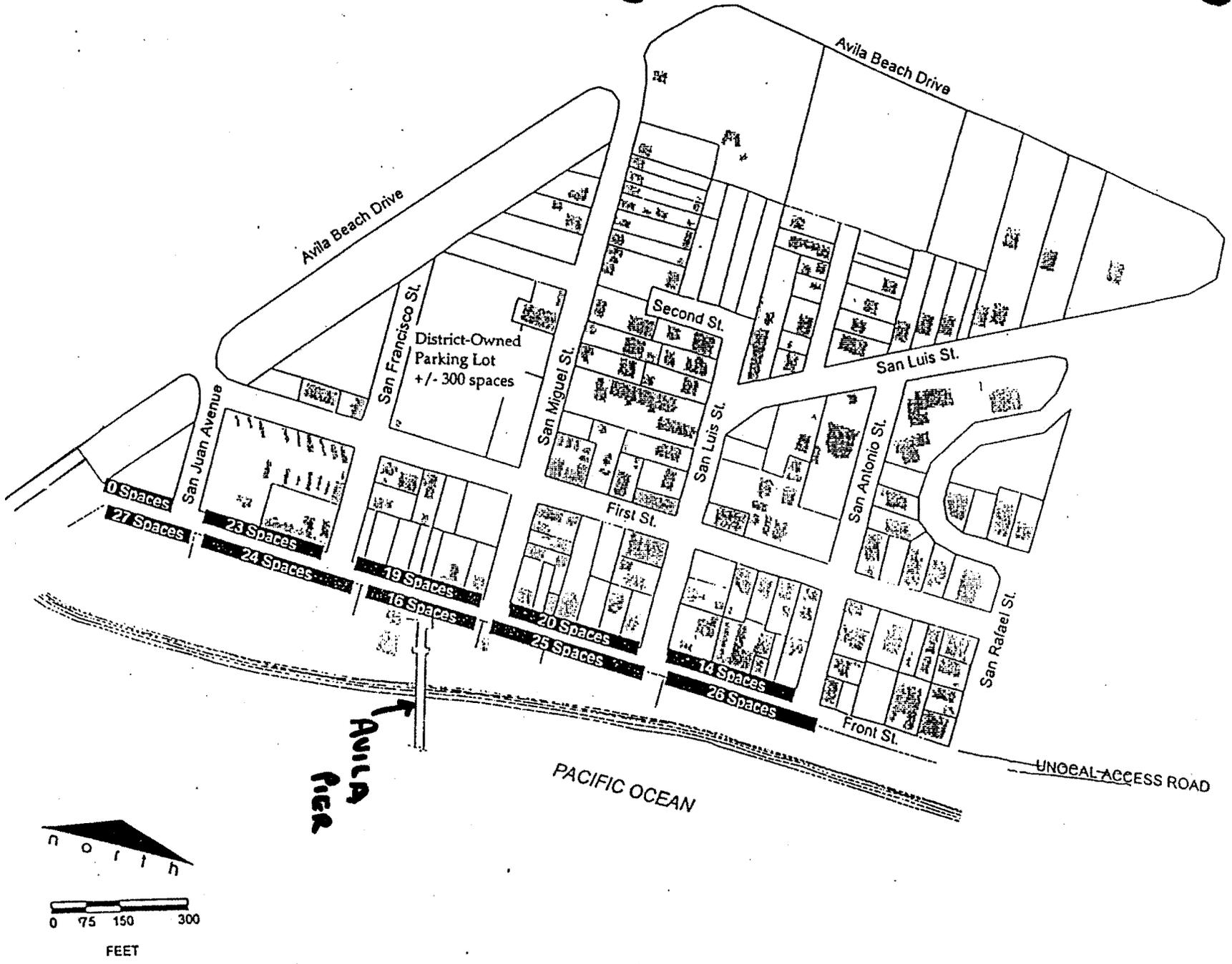
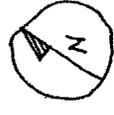
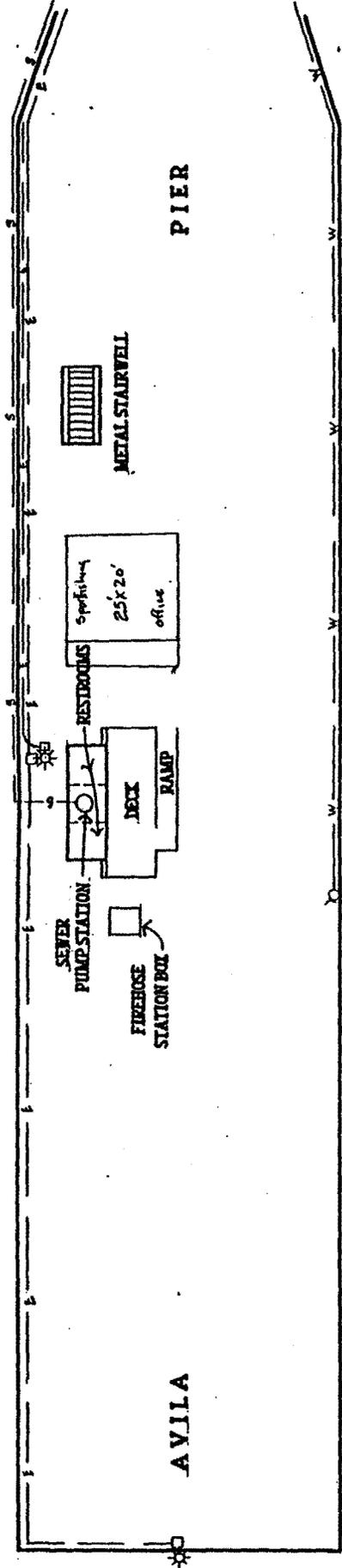


Figure 2 – Parking In Avila Beach
Source: *The 1995-96 Visitor Study, San Luis Obispo County, 1997.*

105

100

95



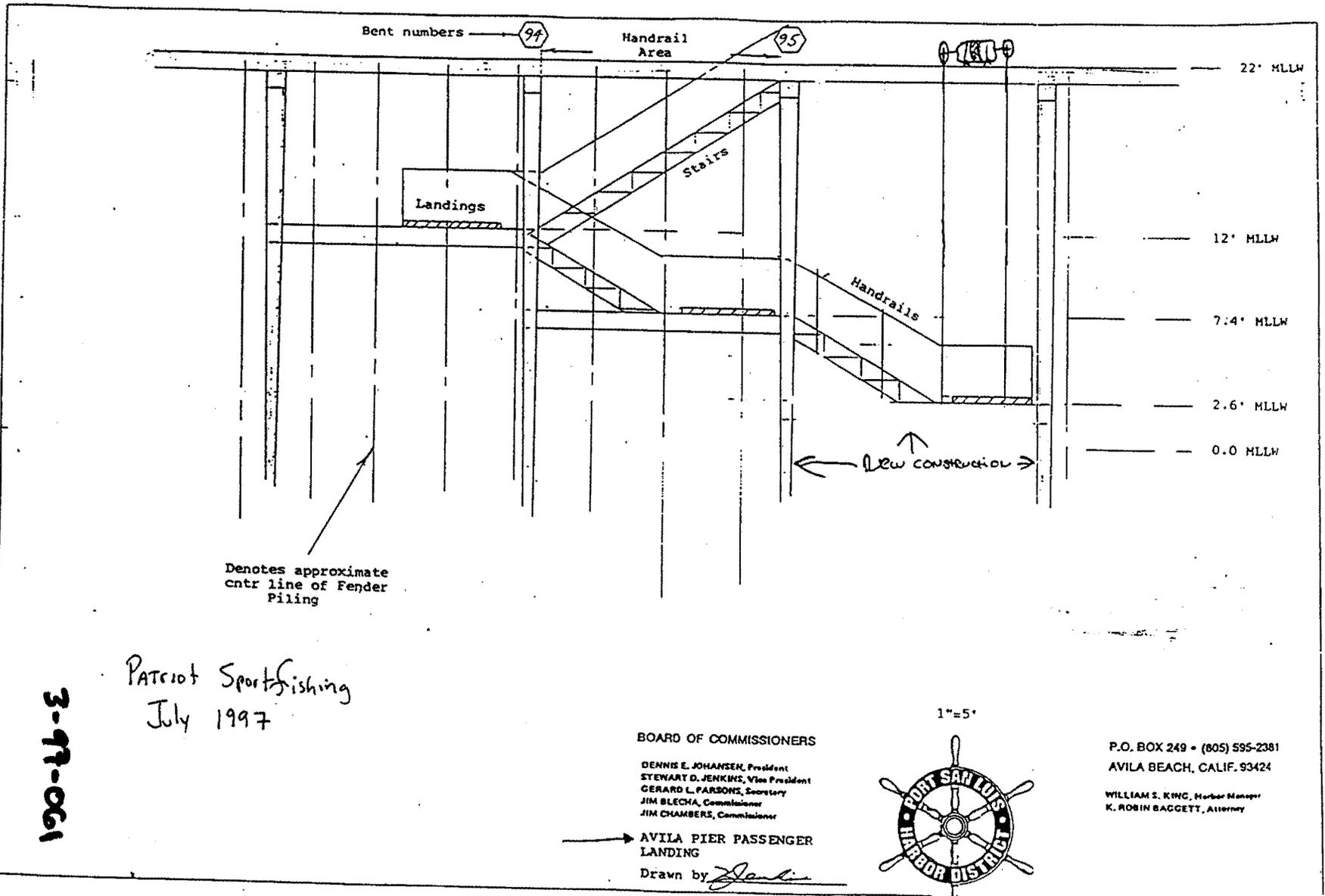
Patroit Sportfishing - Avila Beach, Ca.

PORT SAN LUIS HARBOR DISTRICT
AVILA BEACH, CA.

AVILA PIER (BENT 92 TO 100)

SCALE: 1" = 20'	REV: Jcy	SHEET #
DATE: July 1977	DRAWN: APT	17

3-97-06



3-97-061

Patriot Sportfishing
July 1997

BOARD OF COMMISSIONERS

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→ AVILA PIER PASSENGER LANDING

Drawn by *Jenkins*

1"=5'

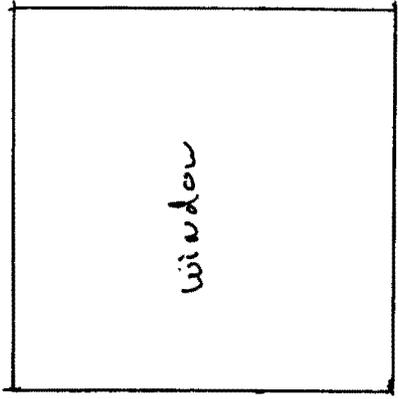


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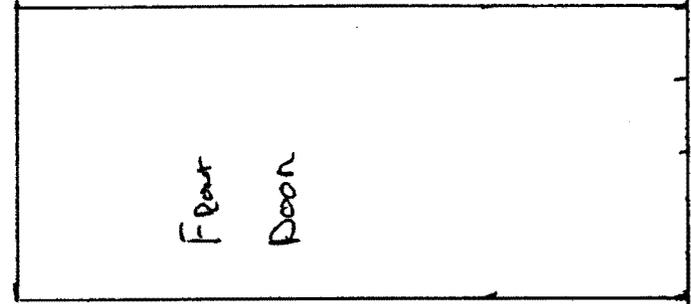
WILLIAM S. KING, Harbor Manager
K. ROBIN BAGGETT, Attorney

Sportfishing
INC.

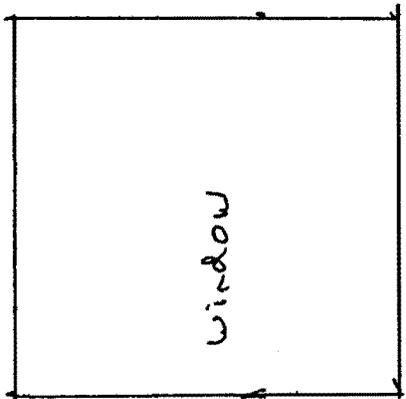
PATRIOT



Window



Front
Door



Window

Siding to MATCH
Rest Room as close as
possible

190-4-061

MAX.

Storage
Shed

