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Staff: Brian O'Neill - SC
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STAFF REPORT CDP APPLICATION

Application Number: 3-20-0520

Applicant: Port San Luis Harbor District

Project Location: Harford Pier and Harford Landing parking lots located at the end of Avila Beach Drive in Port San Luis, San Luis Obispo County.

Project Description: Implementation of a paid parking program with a two-hour limit for a fee of \$3 for 36 of the existing 250 free parking spaces on the surface lot at Harford Landing and 14 of the 16 existing free spaces on Harford Pier (with the 2 remaining spaces allocated for ADA parking); demarcation of the paid spaces; and installation of two pay stations and signage.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The Port San Luis Harbor District proposes a parking program that would implement a \$3.00 fee for two hours of parking at 50 of the 266 existing free public parking spaces at Harford Pier and Harford Landing. The Harford Pier is an approximately 1,400-foot-long public pier that houses several restaurants, a fresh fish market, several commercial fishing operations, and that also provides general public access out over the ocean, including 16 currently free and unrestricted public parking spaces. At the base of the pier is an area known as Harford Landing that includes 250 free public parking spaces, dry boat storage, a small craft rental facility, a café, and public restrooms.

According to the Applicant's parking demand study, the 50 parking spaces included in the proposed program are overutilized as compared to other parking spaces in the

vicinity due to their proximity to commercial businesses. The study suggests that the project area does not suffer from parking scarcity generally, but that this small subset of parking spaces is in high demand. The intent of the proposed parking program is to relieve congestion and create turnover in these 50 most congested parking spaces located closest to the commercial businesses, as well as to provide revenue to fund Port District projects that provide and maintain public recreational access facilities and programs, all while maintaining a significant supply of free unrestricted public access parking (i.e., 216 such spaces).

The use of a fee system for public parking areas nearly always raises a threshold question of whether such a parking fee program would have an adverse impact to public recreational access that cannot be reconciled with the Coastal Act. Coastal beach and shoreline areas provide an important public recreational function and free parking access is often in high demand. Thus, any imposition of a cost for parking access must be thoroughly reviewed each time it is proposed. This review must involve particular scrutiny regarding a parking fee's impacts on underserved communities, who have often faced disproportionate burdens in accessing the California coastline due to geographic, economic, social, cultural, and physical barriers.

In this case, the preservation of 216 free parking spaces at Harford Pier and Landing, as well as the availability of free street parking along Avila Beach Drive, are a critical aspect necessary to find the program consistent with the public recreational access and environmental justice policies of the Coastal Act. Due to the limited scope of the program, the fees are focused on parking spaces that mostly serve fee-based activities (e.g., restaurant dining or chartering a boat) rather than parking that serves the free recreational activities available on the pier and at the adjacent shoreline and sandy beaches. In fact, the 50 fee-based spaces included in the proposed program are the spaces located farthest away from the beach and shoreline area. Because the proposed program includes preserving a significant amount of existing free and unrestricted spaces, and because these spaces appear to be adequate to meet existing demand, the proposed program does not raise significant public access and environmental justice concerns in its current form. To further ensure the program meets its proposed intent and to be consistent with the Coastal Act, this approval is conditioned to authorize the fees/timing restrictions for the 50 fee-based spaces (and to recognize that the other 216 spaces are to remain free and unrestricted), but to limit the duration of such fees/restrictions to the time period from 8 am to 8 pm, and to require annual reporting to confirm that all parking fee revenues are reinvested in public recreational access facilities and enhancements at Port San Luis.

In some ways, the parking fee program here is a model of how such a fee program can be found consistent with Coastal Act objectives as the program is limited in scope to address a specific identified parking problem, maintains a significant supply of free public parking, and invests all funds into the care and maintenance of public recreational access opportunities at the Port. Therefore, as conditioned, the project can be found consistent with the Coastal Act, and staff recommends **approval** of the CDP as modified. The motion is found on page 4 below.

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EXHIBITS

- Exhibit 1 – Project Vicinity Map
- Exhibit 2 – Project Area Photo and Parking Configuration
- Exhibit 3 – Project Site Plans

1. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission **approve** Coastal Development Permit Number 3-20-0520 pursuant to the staff recommendation, and I recommend a **yes** vote.*

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number 3-20-0520 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

2. STANDARD CONDITIONS

This permit is granted subject to the following 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 on which the Commission voted on the application. 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. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. 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.
- 5. 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.

3. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

- 1. Approved Project.** This CDP authorizes a parking fee program for 14 spaces on Harford Pier and 36 spaces at Harford Landing (as shown in **Exhibit 3**), installation of program signage and two pay stations, and demarcation of the fee-based spaces. Parking at the identified fee-based spaces is allowed to be limited to two hours at a time for a flat-rate of \$3.00 per each two hours, which shall not be modified (unless it is to reduce the number of fee-based spaces, to reduce the fee, and/or to eliminate the timing restriction). The remaining two handicapped parking spaces on Harford Pier and the 214 parking spaces at Harford Landing shall remain open, unrestricted, and free to the public at all times, which shall not be modified.
- 2. Parking Fee Hours.** Parking fees at the identified 50 fee spaces shall only be collected between the hours of 8 am and 8 pm, which shall not be modified (unless it is to reduce the duration of fee collection between those times). All parking program signage shall clearly indicate that free and unrestricted parking is available in the 50 fee spaces from 8 pm to 8 am.
- 3. Annual Project Revenue Reports.** By July 1st of each year, the Permittee shall submit for Executive Director review and approval an annual project report for each year that the program is in effect. The report shall confirm that all parking revenue has been earmarked for maintenance, operation, and/or improvements to public recreational access facilities and/or programs at Port San Luis. The annual project report shall, at a minimum, include an accounting of all revenues and expenditures associated with the pay parking program. At a minimum, the accounting shall be broken down by both the month and year of the amount of fees collected, as well as the expenditures from collected fees broken down by category (e.g., parking lot maintenance, beach maintenance, etc.).

4. FINDINGS AND DECLARATIONS

A. Project Location and Description

1. Project Location

Port San Luis is situated on the northern portion of San Luis Bay, a hook-shaped bay delineated by upcoast Point San Luis and by downcoast Fossil Point. Port San Luis Harbor is a commercial fishing/small craft harbor adjacent to the unincorporated coastal community of Avila Beach on the south coast of San Luis Obispo County. The Port is both a major commercial fishing harbor and a popular sport fishing site. The Port San Luis Harbor District (or "Port District") was created in 1954 to repair and maintain the piers in the area, and also to support commerce associated with oil and gas extraction (since ceased), movement of passengers and cargo, and commercial fishing in the harbor.

The Harford Pier is an approximately 1,400-foot-long public pier that houses several restaurants, a fresh fish market, commercial public charter boats, several commercial fishing operations, harbor patrol facilities, and also provides general public access in the form of walking, wildlife viewing, and free pier fishing. There are 16 free and unrestricted public parking spaces toward the end of the pier, including two handicapped spaces. At the base of the pier is an area known as Harford Landing, which includes a 250-space free and unrestricted public parking lot, dry boat storage, a small craft rental facility, a café, and public restrooms. The parking lot is directly adjacent to Fisherman's and Old Porte Beaches. The Port District owns, manages, and maintains the entire Harford Pier and Landing area. See **Exhibit 1** for the project site location map and **Exhibit 2** for site photographs.

2. Project Description

The proposed project is to implement a year-round 24-hour parking program that will limit parking to two hours at a time and charge a flat fee of \$3 per each two hours per space at 36 of the existing 250 free parking spaces on the surface lot at Harford Landing and at 14 of the existing 16 free parking spaces on Harford Pier. The remaining 214 spaces at Harford Landing and two handicapped spaces on Harford Pier would remain free, unrestricted, and open to public, with no timing limitation. The project also includes demarcation of the paid spaces, program signage, and installation of two solar-powered pay stations. See **Exhibit 3** for the project plans.

B. Standard of Review

The proposed project is located atop current and historical tidelands and thus is within the Commission's retained CDP jurisdiction area. As a result, the standard of review for this application is the Chapter 3 policies of the Coastal Act.

C. Public Access and Recreation

Applicable Coastal Act Provisions

The Coastal Act protects public recreational access to the coast, including parking

access. Relevant Chapter 3 policies include:

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 30212.5. *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

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 ...*

Section 30223. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Section 30240(b). *Development in areas adjacent to... parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those... recreation areas.*

Section 30252. *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...*

In addition to these Chapter 3 policies, the Coastal Act also speaks to the need to ensure that coastal development does not unduly burden any particular segment of the population with adverse environmental impacts and reflects a focus on explicitly

requiring fair treatment to all people in the application of the Coastal Act and LCPs. This includes the “equitable distribution of environmental benefits throughout the state,” as follows:

Section 30107.3. *“Environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.*

Section 30604(h). *When acting on a coastal development permit, the issuing agency, or the Commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.*

Among the most important goals and requirements of the Coastal Act is the mandate to protect, provide, enhance, and maximize public recreational access opportunities to and along the coast. Within this guiding framework, the protection of, and priority for, lower cost visitor and recreational facilities is explicitly identified. Further, Coastal Act Section 30210 directs the Commission to maximize access, representing a different threshold than to simply provide or protect such access and is fundamentally different from other like provisions in this respect. In other words, it is not enough to simply provide access to and along the coast or to simply protect access. Rather, such access must also be maximized. This terminology distinguishes the Coastal Act in certain respects and provides fundamental direction with respect to projects along the California coast that raise public access issues, like this one.

Analysis

As described above, the Harford Pier and Landing area is located atop historic tidelands that are owned and managed by the Port District. The land was granted to the Port District by the State of California in 1957 by statute to promote navigation, commerce, fisheries, public parks, and public recreation. The grant reserves the public’s right of convenient access to the water and the right to fish. The Port District is required to operate and maintain the Harbor area consistent with the purposes of the State grant.

The Harford Pier and adjacent beach areas are quite popular tourist destinations throughout the year, but particularly during peak summer months. Free public parking is currently available at Harford Pier and Landing, in addition to the free public parking that is available along Avila Beach Drive between the pier and the town of Avila. According to a 2013 Port District parking study (see **Appendix A**), the 50 proposed fee-based parking spaces included in this program are overutilized as compared to parking spaces along Avila Beach Drive due to their proximity to commercial businesses. The study found that utilization of the spaces in this program can reach upwards of 90% during peak times, while utilization of the existing free beach parking spaces along Avila Beach Drive often hovers around 50%. The study suggests that the area does not suffer from parking scarcity generally, but that there is a small subset of parking spaces that are in high demand. The proposed parking plan only impacts the spaces that were identified in the study as those that are in the most demand.

The intent of the proposed parking program is to relieve congestion and create turnover in the most congested parking spaces that are located closest to the commercial businesses, as well as to provide revenue to fund Port District projects that provide and maintain public recreational access facilities and programs. Thus, the fee program is intended to create turnover in overutilized spaces and provide revenue to maintain public facilities, while maintaining a vast majority of the parking as free for general public access.

The use of a fee system for public parking areas usually raises a threshold question of whether such a parking fee program would have an adverse impact to public recreational access that cannot be reconciled with the Coastal Act. Coastal beach and shoreline areas provide an important public recreational function, and free parking access (such as the parking that has historically been provided at all the spaces on Harford Pier and at Harford Landing) is often in high demand. Thus, any imposition of a cost for parking access to coastal areas and the way such fee collection affects site resources, such as lower-cost visitor-serving opportunities, must be thoroughly reviewed each time it is considered for permitting.

Many areas of the California coastline have some form of parking fee or program. These are generally driven by a mix of public safety, public access regulation, and revenue generation objectives. The cited Coastal Act policies make clear that maximum recreational access must be provided for all segments of society. Those policies also require that lower-cost visitor and recreational facilities be protected and that adjacent park and recreation areas, such as beaches, be protected from the effects of adjacent development. Another concern with parking regulations and fees, such as these, is the cumulative impacts of individual projects like this on the ability of the public to readily park and access the beach and shoreline more broadly. Over time, the establishment of parking regulations can lead to a diminishing number of free and/or lower-cost parking spaces for prime visitor destinations.

There is a “slippery slope” concern that the establishment of one parking program may lead to an increase in pay parking programs in immediate surrounding areas. Therefore, the cumulative impact of the parking program must also be considered, especially for those who depend on lower cost facilities to access the coast at all. Where the Commission has acted to approve parking fee programs, applicants have often been required to relocate or provide free parking elsewhere.¹ Even in cases where the proposed parking restrictions were limited to timing restrictions (and not fees), the Commission has often required offsetting mitigation in the form of ensuring the continuation of free unrestricted parking nearby.²

Relatedly, parking fees also raise issues related to environmental justice. Throughout California’s history, lower-income communities, communities of color, and other

¹ See, for example, previous Commission actions on CDPs 3-04-027 (City of Pacific Grove), 5-84-236 (City of Hermosa Beach), 5-98-42 (City of Long Beach), 5-02-380 (City of Santa Monica), and 5-02-422 (City of Seal Beach).

² See, for example, CDP A-3-STC-07-057 (City of Santa Cruz).

marginalized populations have often faced disproportionate burdens in accessing the California coastline due to geographic, economic, social, cultural, and physical barriers. Ensuring maximum and equitable public access to the California coastline (as required by the Coastal Act, including Sections 30210 and 30213) is consistent with environmental justice principles reflected in the Coastal Act. As indicated above, Coastal Act Section 30604(h) provides that the Commission may consider environmental justice issues when considering CDP applications, such as this one.³

Towards this end, the Commission also adopted an environmental justice policy in 2019.⁴ This committed the agency to considering environmental justice principles consistent with Coastal Act policies in the agency's decision-making process to ensure the benefits of coastal resources and coastal resource protection are accessible to everyone.

In approving the policy, the Commission recognized that equitable coastal access is encompassed in, and protected by, the public access policies of Chapter 3 of the Coastal Act. It found that:

The Coastal Act's mandates to provide maximum access and recreational opportunities for all, and to protect, encourage, and provide lower-cost visitor and recreational opportunities embody fundamental principles of environmental justice. The Commission reaffirms its longstanding commitment to identifying and eliminating barriers, including those that unlawfully privatize public spaces, in order to provide for those who may be otherwise deterred from going to the beach or coastal zone. The coast belongs to everyone, and access cannot be denied or diminished on the basis of race, ethnicity, income, socio-economic status, or place of residence or other factors...

Understanding that even nominal costs can be barriers to access, preserving and providing for lower-cost recreational facilities is also an environmental justice imperative. This includes recreational opportunities such as parks, trails, surf spots, beach barbecue and fire pits, safe swimming beaches, fishing piers, campgrounds, and associated free or low-cost parking areas.

Including as embodied in the Commission's adopted environmental justice policy, the term "environmental justice" is currently understood to mean equitable distribution of environmental benefits, including equitable opportunities for coastal access and recreation for all. In California, equitable coastal access and recreational opportunities for all have been elusive goals in certain areas and for certain populations, especially due to historic and social factors, such as discriminatory land use and economic policies

³ Government Code Section 65040.12(e) defines environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."

⁴ *California Coastal Commission Environmental Justice Policy* (March 8, 2019), https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf.

and practices.⁵

In this case, the proposed parking fee program is limited in scope as it only impacts 50 of the existing 266 existing free and unrestricted parking spaces at the Port, and the program is targeted at an explicitly identified problem (i.e., overutilization of the parking spaces that are in close proximity to commercial businesses). The program should be able to ensure adequate turnover to alleviate congestion in these identified problem areas and will benefit local businesses, including those that support the commercial fishing industry, while still maintaining a significant supply of free public beach and shoreline parking.⁶ Additionally, although a fee of any amount can act as a barrier to some segments of the population, and the proposed fee of \$3.00 for each two hours is not insubstantial, the rate is comparable to many other fee-based coastal parking programs (e.g., such as the flat rate of \$10 to park for any amount of time at many lots operated by the California Department of Parks and Recreation). Most importantly, access users have a choice to pay the fee to use the subset of fee-based parking spaces nearest to the commercial establishments or can choose to park for free closer to the shoreline and beach. In other words, the remaining free and unrestricted public parking spaces (and there would be a total of 216 free spaces as compared to the 50 fee-based spaces) provide a significant supply that is adequate to address identified demand, and it would appear that all access users that want to park for free at the Port would have that option.

To that point, the continuation and preservation of the free and unrestricted parking spaces at Harford Landing and along Avila Beach Drive are critical to the Commission being able to find the fee-based program consistent with the public recreational access and environmental justice policies of the Coastal Act. Due to the limited scope of the program, the fees are focused on parking spaces that mostly serve fee-based activities (e.g., restaurant dining and chartering a boat), rather than the free recreational activities available at the shoreline and adjacent sandy beaches (including wildlife viewing, swimming, and spending a day at the beach). In fact, all the fee-based spaces are located farthest away from the shoreline and the sandy beaches (see **Exhibit 3**). Importantly, the program also maintains the two existing free handicapped parking spaces on the pier itself, which will ensure that disability status will not be a factor in accessing the length of the 1,400-foot-long pier.

Thus, this approval allows for a fee-based (i.e., \$3.00 per two hours) and time restricted (i.e., allowing each car to park for two hours at a time) parking program for 14 spaces on Harford Pier and 36 spaces at Harford Landing (as shown in **Exhibit 3**), installation of program signage and two pay stations, and demarcation of the fee-based spaces.

⁵ See, for example, *Free the Beach! Public Access, Equal Justice, and the California Coast*, Robert Garcia and Erica Flores Baltodano, *Stanford Journal of Civil Rights and Civil Liberties* (143, 2005); and *Coastal Access Equity and the Implementation of the California Coastal Act*, Reineman, et al, *Stanford Environmental Law Review Journal* (v. 36, pages 96-98, 2016).

⁶ Although there is some concern that almost all of the currently free and unrestricted public parking spaces on the pier itself would become fee based and time delimited (i.e., 14 out of the 16 spaces), the fact that over 200 free public parking spaces would continue to be provided at the base of the wharf, as would the two ADA spaces on the wharf itself, helps to temper that concern.

Parking at the identified fee-based spaces is allowed to be limited to two hours at a time for a flat-rate of \$3.00 per each two hours, which shall not be modified (unless it is to reduce the number of fee-based spaces, to reduce the fee, and/or to eliminate the timing restriction). The remaining two handicapped parking spaces on Harford Pier and the 214 parking spaces at Harford Landing shall remain open, unrestricted, and free to the public at all times, which shall not be modified. The above limitations on the fees, fee areas, and restrictions are an important component of the Commission being able to approve this project. Further, the retention of the existing free and unrestricted parking spaces is a critical component of the Commission being able to find this project consistent with the Coastal Act at all. See **Special Condition 1**. These requirements appropriately circumscribe the project, which is necessary not only in terms of the project area itself, but also to address the potential cumulative impact on parking and the proliferation of parking fees in the area.

Although the proposed program as conditioned by Special Condition 1 broadly speaks to the applicable Coastal Act requirements, the proposed program also requires some additional modifications to ensure that the program *maximizes* public recreational access, and particularly lower cost access, as required by the Coastal Act. Specifically, the program charges a fee for almost all spaces on the pier and is proposed to operate 24 hours a day, despite the fact that the stated reason for the program is to create turnover for commercial businesses that do not operate 24 hours a day. The program can be more specifically tailored to the identified problem (i.e., limited to business hours), thus continuing to meet program objectives at the same as reducing its potential impacts on public recreational access users. Thus, **Special Condition 2** limits the fee parking program to between the hours of 8 am to 8 pm, which generally corresponds to when most of the existing businesses are open to the public (and which time frame shall not be modified unless it is to reduce the duration of fee collection between those times). The condition will ensure that free parking, particularly on the pier for early morning fisherman and those wishing to view the sunrise or sunset from the pier, is available for at least a portion of the day.

Finally, the Port District states that the project could provide funds for the maintenance of public facilities and alternative transportation options, but the application does not include a firm commitment or reporting mechanism to ensure that is the case. **Special Condition 3** ensures that all parking fee revenues would be exclusively used for maintenance, operation, and/or improvements to public recreational access facilities and/or programs at Port San Luis. As such, the project will enhance and preserve public recreational access opportunities, including maintenance of the no-cost parking access and all of the existing pier facilities that support a wide range of coastal-dependent recreation. **Special Condition 3** also requires the Port District to submit an annual accounting of the program to ensure revenues are used for these purposes.

Therefore, given that the project is conditioned to be limited in scope and duration, including to continue to provide a substantial amount of free and unrestricted public parking spaces for general public use, and to ensure that project revenues are directly used for public recreational access improvements, the Commission finds the proposed project consistent with the Coastal Act's public recreational access requirements, as

cited above, and finds that it is not inconsistent with the Coastal Act's environmental justice objectives (including those associated with the Commission's adopted environmental justice policy).

D. California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The Port District, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15301 (as a minor alteration to existing facility with no expansion of use), and thus the Port District did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has analyzed the relevant coastal resource issues with the proposal and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All above findings are incorporated herein in their entirety by reference.

Accordingly, the Commission finds that only as modified and conditioned herein will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

5. APPENDICIES

A. Substantive File Documents⁷

- CDP Application 3-20-0520
- *Parking Management Plan for the Port San Luis Harbor District*, C2 Consulting. May 2013.

B. Staff Contact with Agencies and Groups

- Port San Luis Harbor District

⁷ These documents are available for review from the Commission's Central Coast District office.