

COASTAL CONSERVANCY

Staff Recommendation
March 10, 2005

**AVILA BEACH MARINE RESEARCH
AND EDUCATION CENTER DISPLAYS**

File No. 05-003

Project Manager: Timothy Duff

RECOMMENDED ACTION: Authorize disbursement of up to \$120,000 to the Port San Luis Marine Institute to fabricate and install marine education displays in the new Avila Beach Marine Research and Education Center.

LOCATION: Avila Beach waterfront, northern end of San Luis Bay near Point San Luis, San Luis Obispo County (Exhibit 1).

PROGRAM CATEGORY: Public Access

EXHIBITS

- Exhibit 1: Project Location Map
- Exhibit 2: Conceptual Displays
- Exhibit 3: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400-31409 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred twenty thousand dollars (\$120,000) to the Port San Luis Marine Institute (the “Institute”) to fabricate and install marine education displays in its education center in Avila Beach.

1. Prior to the disbursement of funds for construction, the Institute shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. Evidence that the Institute has obtained all necessary permits and approvals, and all other funds necessary to complete the project.
 - b. A final work program, including a budget, schedule, and names of any contractors and subcontractors to be employed for these tasks.
 - c. A signing plan for the project acknowledging Conservancy participation.

2. The Institute shall enter into an agreement sufficient to protect the public interest in any improvement or development constructed as part of this proposed project, in accordance with the requirements of Public Resources Codes Section 31116(c).”

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Sections 31400-31409 of Division 21 of the Public Resources Code regarding coastal access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Port San Luis Marine Institute is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.

PROJECT SUMMARY:

Providing \$120,000 to the Port San Luis Marine Institute (the Institute) to fabricate and install marine education displays in the Avila Beach Marine Research and Education Center currently under construction will help establish a first-class community-based marine science research and education facility along the Avila Beach waterfront in San Luis Obispo County. Conservancy funds will be directed specifically to the fabrication and installation of the center’s educational displays that will provide visitors with a dynamic, interactive marine educational experience.

The Avila Beach Community Services District (CSD) owns the property where the new visitor center is located, and has entered into a ten-year lease agreement with the Institute to operate and maintain the new facilities at a cost of \$1 per year. The CSD has indicated that it intends to renew the agreement with the Institute at the end of the ten-year period as long as the Institute adheres to the lease terms during this period. In addition to visitor use of the historical maritime and interpretive displays, aquariums, and public meeting facilities, the center will also provide laboratory space for research and the rearing of various species of sea life to restore and rebuild local fisheries in the area, while educating students about the value of marine resources. The research and laboratory facilities will be made available to students and faculty from Cal Poly State University, local community colleges, high schools and grade schools. Government agencies, including the Department of Fish and Game and the Regional Water Quality Control Board, are also expected to utilize the center’s facilities, along with community and nonprofit groups such as Central Coast Salmon Enhancement.

The Institute has demonstrated the capacity required to raise and manage the funds needed to design, permit, and construct the new visitor center. Between 2000 and 2004 the Institute obtained over \$520,000 from the State Department of Fish and Game’s Unocal Settlement Fund for Avila Beach for the construction phase of the new visitor center. Since 1998, the Institute has offered interactive learning programs in the fields of marine biology and oceanography to school groups throughout San Luis Obispo and northern Santa Barbara Counties, and has developed strong relationships with local officials, nonprofits, school districts and businesses throughout

the region that have become actively involved in supporting the Institute's ongoing marine education programs.

Site Description: The facility in which the displays will be installed is located on a 3,000 square foot site situated within a 40,000 square foot community park recently developed on the Avila Beach waterfront that features parking, playgrounds, landscaped grounds, and a variety of public access amenities including picnic tables, benches, and bathrooms. The site has direct access to the beach and the immediate ocean area, and is within walking distance to the San Luis Obispo Creek estuary, Avila Beach Pier and the town's adjacent commercial district.

Project History: The town of Avila Beach was dramatically impacted by Unocal Oil Company's operations as a result of oil leaking into the town's soil and groundwater that forced closure of its beaches, the evacuation of many of its residents, and an abrupt halt to nearly all of its tourism and real estate market activities between 1998 and 2002. When Unocal's clean up efforts were completed in 2003, the beach was re-opened to the public and a variety of redevelopment projects have since served to restore the area's attraction as a safe and vital tourist destination, as well as a pleasant place to live and work. The Avila Beach Marine Research and Education Center now under construction represents a continuation of this revitalization effort. Situated within a large community park completed in 2003 on the Avila Beach waterfront, the proposed new visitor center is another key component in a redevelopment plan aimed at encouraging the return of visitors to this once-popular beach community.

In March of 2000, the Conservancy authorized \$55,000 to the Institute for the preparation of final construction drawing and bid specifications and for processing of permits to construct the new center. In addition, the Institute has obtained another \$138,000 in in-kind services from local architects and builders to help design and construct the new facility. By the summer of 2004, the Institute had completed the planning and design phase, and obtained all the required construction permits. In October 2004 construction began, and the new center is expected to be completed and open to the public this summer.

PROJECT FINANCING:

Coastal Conservancy	\$120,000
State Department of Fish and Game	520,300
Institute (in-kind contributions)	<u>35,000</u>
Total Project Cost	\$675,300

The expected source of Conservancy funds for this project is the FY 03/04 appropriation to the Conservancy from the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50). Proposition 50 authorizes the use of funds for development of facilities to promote public access to and participation in the conservation of land, water, and wildlife resources (Water Code, Section 79571(b)), and requires that no less than ten percent of the amount appropriated to the Coastal Conservancy be directed to facilities such as research and/or nature centers. Eligible projects under § 79571 include both research facilities for watershed protection and conservation and nature centers that are in or adjacent to watersheds and wetlands and provide wildlife viewing, outdoor experiences, and conservation education programs.

Funding priority is to be given to nature center projects operated by a nonprofit organization that provide educational opportunities to children from urban areas that lack access to such opportunities.

Consistent with these requirements, the Avila Beach Marine Research and Education Center will provide facilities for research and education, focusing on marine habitat, water quality, and related issues on the central coast. It will provide educational opportunities for students from Cal Poly State University, local community colleges, high schools and grade schools.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is consistent with Chapter 9 of the Conservancy's enabling legislation, Public Resources Code Section 31400 regarding public access, which directs the Conservancy to have a principal role in the implementation of public accessways along the state's coastline. In undertaking that role pursuant to Section 31400.1, the Conservancy may award grants to a nonprofit organization to develop, operate, or manage lands for public access purposes to and along the coast. To this end, Public Resources Code Section 31400.3 authorizes the Conservancy to "provide such assistance as is required to aid public agencies and nonprofit organizations in establishing a system of public coastal accessways, and related functions necessary to meet the objectives of this division." Development of environmental education and interpretive facilities at Avila Beach will enhance public access opportunities while increasing the public's knowledge of and appreciation for the area's unique resource protection needs. The historical maritime and aquatic resource displays are particularly important to this area given its past role in supporting oil storage and transport facilities and the resulting impacts these activities have had on the region's coastal environment.

Consistent with Section 31400.2, staff recommends approval of this project after evaluating the amount of funding provided by the Conservancy in light of the total amount of available for coastal public accessway and urban waterfront projects, the fiscal resources of the grantee, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the Conservancy for the purpose of determining project eligibility and priority. The proposed authorization would leverage matching funds by providing eighteen percent of the total amount needed to complete the center.

The proposed project is consistent with the San Luis Obispo County Local Coastal Program Area Plan for Avila Beach as described in the Consistency with Local Coastal Program Policies below.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2 Objective D**, the proposed project will result in increased recreational opportunities for residents and visitors by completing the construction of a regional marine research and education center.

Consistent with **Goal 3 Objective A**, the project will increase and promote public access to and tourism along the Avila Beach waterfront.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** This project has widespread support, including that of Congresswoman Lois Capps, State Senator Abel Maldonado, Assemblyman Sam Blakeslee, the County of San Luis Obispo, and the Avila Beach Community Services District (Exhibit 3).
4. **Location:** The proposed project would be located within the coastal zone of San Luis Obispo County.
5. **Need:** Funds are needed to fabricate and install the center's educational displays.
6. **Greater-than-local interest:** The center will provide interactive learning programs in the fields of marine biology and oceanography to school children, their parents, and educators from throughout San Luis Obispo and northern Santa Barbara Counties. Government agencies, including the Department of Fish and Game and the Regional Water Quality Control Board, are also expected to utilize the center's facilities.

Additional Criteria

7. **Urgency:** Construction of the new center began last fall and is expected to be completed by this summer. Funds are urgently needed to fabricate and install the center's educational displays.
8. **Leverage:** See the "Project Financing" section above.
9. **Realization of prior Conservancy goals:** See "Project History" above.
10. **Cooperation:** The project is a cooperative effort between the State Department of Fish and Game, San Luis Obispo County, Avila Beach CSD, the board and staff of a small, yet dedicated nonprofit organization, and private donors.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposal facility is consistent with the San Luis Obispo County Local Coastal Plan (LCP) San Luis Bay Planning Area (dated 1/1/87) policies which give public coastal recreation and visitor-serving facilities priority over non-coastal dependent uses along the Avila Beach waterfront. Specifically, LCP Chapter 8 ("Planning Area Standards", Section D, "Avila Beach Urban Area Standards" for "Commercial Retail", Section 5, "Priority and Protection of Visitor-

Serving Uses”) states that “Priority shall be given to visitor-serving uses along Front Street [and] low-cost visitor-serving facilities shall be protected, encouraged, and where feasible, provided.” In addition, the visitor center facility is consistent with Avila Beach Specific Plan, incorporated by amendment into the San Luis Bay Area Plan component of the LCP and approved by the Coastal Commission on June 15, 2000. Specifically, the Plan recommends a community park and marine education visitor center on the Avila Beach waterfront.

COMPLIANCE WITH CEQA:

The project is categorically exempt from the provisions of CEQA under Title 14 California Code of Regulations Section 15301 which exempts the “minor alteration of existing public or private structures or facilities” when the project involves “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” The project involves no expansion of previously planned use, and the proposed improvement, the displays, will be made to an existing structure. The project is also categorically exempt from the provisions of CEQA under Title 14 California Code of Regulations Section 15311 which exempts construction of minor structures accessory to existing facilities. The educational displays will be installed within, and be accessory to, an existing facility. Finally, the proposal to fabricate and install marine education displays within an existing visitor center building is categorically exempt from the provisions of CEQA under Title 14 California Code of Regulations Section 15303 which exempts the construction and location of limited numbers of new, small facilities or structures, including the installation of small new equipment and facilities. Upon approval, staff will file a Notice of Exemption.