

CALIFORNIA COASTAL COMMISSION

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W27a**RECORD PACKET COPY**

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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number 3-01-015, Unocal Pier Reuse Project

Applicant California Polytechnic State University (Attn: Frank Lebens); Unocal Corporation (Attn: William Almas).

Project location Unocal Avila Beach Pier, Avila Beach Drive, Avila Beach, San Luis Obispo County (APNs: 076-173-003 and 076-174-010).

Project description Change of use of Unocal Pier from an inactive petroleum distribution facility to an educational/marine research facility.

Local approval Port San Luis Harbor District approval of lease and use permit, September 18, 2001; (Exempt from County land use permit requirements pursuant to CZLUO Section 23.03.040(d)(8)).

File documents Unocal Pier Reuse Project Initial Study and Mitigated Negative Declaration; Phase I Environmental Site Assessment; Limited Phase II Environmental Site Assessment; Ground Lease for Unocal Pier Area.

Staff recommendation... Approval with Conditions

Summary: Staff recommends that the Commission **approve, with conditions**, Unocal/California Polytechnic State University's proposal for a change in use of the Unocal pier from an inactive petroleum distribution facility to an educational/marine research facility. Improvements to the pier would be limited to repair of existing facilities, removal of existing petroleum transport equipment, internal improvements to the existing building at the end of the pier, and the addition of instrumentation equipment and water tanks.

Coastal issues raised by the proposed development include public access and potential impacts to biological resources in adjacent marine waters. This approval is conditioned to require submission of public access and lighting plans to the Executive Director for review and approval. As conditioned, the proposed use is consistent with the policies of Chapter 3 of the Coastal Act.



California Coastal Commission
November 2001 Meeting in Los Angeles

Staff: S. Craig Approved by *SC 11/25/01*

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I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number 3-01-015 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of



the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development 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 amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

II. Conditions of Approval

A. 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.

B. Special Conditions

1. **Public Access.** PRIOR TO OR CONCURRENT WITH A SUBMITTAL FOR AN AMENDMENT TO THIS PERMIT FOR FUTURE IMPROVEMENTS (as described in Section III(B)(2c)), BUT IN NO CASE LATER THAN NOVEMBER 1, 2002, California Polytechnic State University shall submit to the Coastal Commission for review and approval a



public access management plan that addresses the potential for general unmonitored public access, interpretative displays/signs, tours, long-term management and funding, etc., consistent with public safety, liability issues, and preservation of biological resources in the adjacent ocean waters. The plan shall also address the timing, intensity, and types of public use appropriate to this pier (e.g., hours of access, number of people allowed on tours of the educational/research facility, fishing from the pier, public parking, etc.). Cal Poly shall also provide an amended lease with Port San Luis Harbor District, if required and appropriate, to allow implementation of the public access program. The Public Access Plan shall be implemented no later than February 2003.

2. **Lighting Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** California Polytechnic State University shall submit a lighting plan to the Executive Director for review and approval. The lighting plan shall include the removal of the existing stadium lighting on the pier or evidence that the stadium lighting will not be used. The lighting plan shall provide for minimization of lighting along the perimeter of the pier and use of lighting fixtures that do not create offsite illumination into the adjacent ocean waters, other than that required to provide illumination for moored boats/ships, consistent with safety. All lighting shall be limited to the minimum necessary for public safety.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Standard of Review

The Unocal pier is located over state tidelands, which fall under the jurisdiction of the Port San Luis Harbor District. Areas landward of the mean high tide fall under the jurisdiction of the San Luis Obispo County General Plan and the Local Coastal Program. The pier is within the original jurisdiction of the Coastal Commission for the purposes of issuing a coastal development permit. Therefore, the standard of review for the project is the Coastal Act.

The project site is currently designated as an industrial use and is zoned for industrial use. The proposed marine research facility would not be considered an industrial use. However, pursuant to Section 23.03.040(d)(8) of the Coastal Zone Land Use Ordinance, public works projects where such development involves a state university and requires a permit from the Coastal Commission and meets the requirements of Chapter 3 of the Coastal Act are exempt from County land use permit requirements. The project, therefore, is exempt from land use permitting requirements from the County and is not subject to restrictions related to General Plan land use designations.



B. Project Description

1. Project Location

The Unocal Pier is located off Avila Beach Drive in San Luis Obispo County, about seven miles south of the City of San Luis Obispo (see Exhibits 1 and 2). It is the centermost of three piers located in Port San Luis Harbor. The project site includes a 0.4-acre gated parking area at the base of the pier, adjacent to Avila Beach Drive, as well as the pier itself, which extends approximately 3,000 feet into the Pacific Ocean (see Exhibit 3). The site is bounded by Avila Beach Drive and undeveloped bluffs to the north, undeveloped bluffs and seashore to the east and west, and the Pacific Ocean to the south, east, and west.

2. Project Description

a. Existing Facilities

The Unocal Corporation historically used the existing Unocal Pier for transfer of crude oil from Kern and Santa Barbara Counties to tankers, and also for receiving products for distribution to local markets. The pier's principal function was to carry oil from the storage tanks east of Avila Beach through several pipelines out to a tanker loading area, and to off-load gasoline and diesel fuel for distribution. The first pier at the site was originally constructed in 1914 by the Pacific Coast Railway, and was purchased by Unocal in 1941. The pier was destroyed in a storm in 1983. In 1984 the pier was replaced with the current concrete and steel pier in the same footprint as the previous pier. The facility ceased petroleum distribution operations in 1993. Although the pier is no longer used for such operations, Unocal continues to maintain the pier.

The subject property consists of a steel and concrete pier (APN 076-173-003) located on a submerged land lease issued to Unocal by the Port San Luis Harbor District. The pier extends from the shore southward into San Luis Bay. The pier is approximately 3,000 feet long and 21 feet wide, with a 160-foot long by 96-foot wide platform at the southern end of the pier (see Exhibit 3). A two-story office and control building, a storage shed, and four hoists are located on the platform. The office/control room contains the following facilities: office quarters, laboratory, air compressor room, electrical room, change room, pantry, bedroom, and water closet. One parcel of land (APN 076-174-010) located at the pier landing and adjacent to the ocean is approximately 0.4 acres in size and is also part of the subject property.

b. Proposed Project

The proposed project involves a change of use from an inactive petroleum distribution facility to an educational/marine research facility operated by California Polytechnic State University (Cal Poly). The existing 2,000 square foot, two-story building at the end of the pier would be reused for educational facilities, including offices, a laboratory, a shop, and/or a conference room (see Exhibit 6 for plans). In addition, the existing boathouse, two hoists (one for gangways and one for launching boats), stadium lighting, and walk-down water access would be reused for educational purposes. Under the proposed



project, improvements to the pier would be limited to repair of existing facilities, removal of existing hydraulic cranes, removal of petroleum transport equipment on the pier, internal improvements to the existing building at the end of the pier, and the addition instrumentation equipment and several water tanks outside the existing building. Two to three light watercraft would be stored on deck and used frequently. Larger ships may occasionally be moored in the mooring area, as designated by the Harbor District. In addition, Cal Poly intends to seek collaboration with the University National Oceanographic Laboratory Systems (UNOLS) national research fleet for use of the facility as a docking location for small cargo transfers, loading and offloading of small quantities of critical supplies, and for medical emergencies.

The existing gated parking area at the base of the pier, adjacent to Avila Beach Drive (see Exhibit 2), would be reused for Cal Poly bus and other vehicle parking. The existing utilities, personal facilities, and fire protection system would not be altered as a result of project implementation.

It is anticipated that the proposed educational/marine research facility will be used on a daily basis by one faculty researcher and two staff members. Although the majority of research activities at the facility would occur during the daytime, research activities would occasionally extend into evening and night periods. It is anticipated that classes containing approximately 10-40 students would be transported to the facility by bus approximately twice weekly.

c. Proposed Future Improvements

Future planned improvements to the existing facilities on the pier include suction and discharge equipment to fill and drain the water tanks, and the addition of safety barriers. The specifications for these improvements are not available at this time and therefore these improvements have not been included in this Coastal Development Permit application. It is the intention of Cal Poly to submit a CDP amendment request once these specifications become available.

C. Coastal Development Permit Determination

1. Land Use Priorities

Coastal Act Section 30006.5 states, in part:

The Legislature further finds and declares that sound and timely scientific recommendations are necessary for many coastal planning, conservation, and development decisions and that the commission should, in addition to developing its own expertise in significant applicable fields of science, interact with members of the scientific and academic communities in the social, physical, and natural sciences so that the commission may receive technical advice and recommendations with regard to its decision making...

Coastal Act Section 30012(a) states, in part:



(a) *The Legislature finds that an educated and informed citizenry is essential to the well-being of a participatory democracy and is necessary to protect California's finite natural resources, including the quality of its environment. The Legislature further finds that through education, individuals can be made aware of and encouraged to accept their share of the responsibility for protecting and improving the natural environment.*

Coastal Act Section 30255 states:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Coastal Act Section 30101 states:

"Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Sections 30006.5 and 30012(a) of the Coastal Act emphasize the important role that science and education play in fostering sound decision-making for the management of coastal resources. Accordingly, efforts to expand the scientific understanding of marine and coastal resources and to educate the public are priorities of the Coastal Act. The proposed educational/marine research facility will help foster greater understanding of coastal and marine resources and educate the public in that regard. The proposed project would help further the goals and policies of the Coastal Act as they relate to scientific research and education. Thus, the proposed project is consistent with Sections 30006.5 and 30012(a) of the Coastal Act.

Section 30255 of the Coastal Act specifies that coastal-dependent developments are among the highest priority Coastal Act uses. The proposed educational/marine research facility will allow direct student and faculty access to the coastal environment, including a protected intertidal habitat at the pier's base, the opportunity for deep water sampling and monitoring at the pier's end, and the ability to accommodate vessels for more extensive ocean investigations. Accordingly, the Commission finds that that proposed project supports high-priority coastal-dependent uses and, therefore, is consistent with Section 30255 of the Coastal Act.

2. Public Recreation and Access

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road. Coastal Act Sections 30210 through 30214, 30220, and 30221 specifically protect public access and recreation. In particular:



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(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred ...

Section 30214(in part): (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics; (2) The capacity of the site to sustain use and at what level of intensity; (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses; (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

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 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.

Piers provide valuable coastal recreation and access opportunities for the public to experience the marine and natural environment at close hand. The Unocal Pier is located over public tidelands and submerged lands. Unocal performed petroleum distribution operations on the pier from 1941 until 1993 and has maintained the pier since 1993. Given that Unocal's initial use of the pier predates the Coastal Act and that the industrial use of the pier was not conducive to public access, Unocal has not provided any public access to the pier. Two other piers in San Luis Bay, however, are accessible to the public.

Cal Poly's original proposal to convert use of the pier to an educational/marine research facility did not include public access to the pier or to the proposed marine research facilities. The Initial Study,



however, states that provisions have been incorporated into the terms of the lease with the Port District to allow limited and regulated public access to the pier under certain circumstances. Specifically, the lease states that "Cal Poly may make the pier available for public meetings, events, and seminars to persons or entities with 100 attendees or less engaged primarily in the promotion of higher education activities without prior consent from the Harbor District." The lease does not specifically allow for general unmonitored public access to the pier, but states that in the event that other uses of the premises and pier are proposed or requested, Cal Poly shall confer with the Harbor District and obtain prior written consent of the Harbor District (see Exhibit 4).

Although the Unocal Pier has historically not been available for public access, the change of use from a former petroleum distribution site to an educational/marine research facility provides an opportunity to make this pier available for general public access. Cal Poly initially proposed no public access to the pier due to concerns regarding liability and safety issues given the design of the pier and because modification of the pier to address safety concerns would be beyond the university's current resources. The pier was built as a marine terminal and was not designed for pedestrian access. Specifically relating to safety and liability issues, Cal Poly is concerned that the height and construction of the handrails are not adequate to ensure public safety and that handrails are not present in certain sections of the pier. Furthermore, Cal Poly is concerned about the potential for public parking demand associated with public access to the pier. Cal Poly is also concerned regarding the potential for disruption of marine experiments or damage to instrumentation equipment at the platform end of the pier, due to unmonitored public access. However, in response to Commission staff's request for a public access plan, Cal Poly recently submitted a preliminary public access plan (see Exhibit 7) that calls for limited public access to the pier in the form of tours and field trips, but does not provide for general unmonitored public access.

Coastal Act Section 30210 requires maximum public access consistent with public safety needs. Given the pier's location over public tidelands and submerged lands, public access should be a component of this change of use. However, further evaluation is needed of the appropriateness of general pedestrian public access to the pier in terms of safety and liability issues, consistent with Coastal Act Section 30210. It is Cal Poly's intention to submit a CDP amendment request for future planned improvements (see page 6). Given the above-stated uncertainty regarding safety and liability issues relating to general unmonitored public access to the pier, it is appropriate that Cal Poly submit a more detailed public access plan with the amendment request. Therefore, **Special Condition #1** requires submittal of an access management plan concurrent with submittal of the amendment for proposed future improvements, but in no case later than November 2002. This additional time will allow for further evaluation of the potential safety and liability issues regarding general unmonitored public access to the pier, as well as evaluation of the timing, intensity, and types of public use that may be appropriate on this pier. As conditioned, the proposed project is consistent with Coastal Act Sections 30210 through 30214, 30220, and 30221.

3. Traffic/Parking

Coastal Act Section 30252 states, in part:



The location and amount of new development should maintain and enhance public access to the coast by (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

Avila Beach Drive is the only access road to Port San Luis and the Unocal Pier (see Exhibit 3). Beach use of this road has grown considerably in recent years and traffic is a limiting factor to the continued development of the Port area. Current traffic levels on Avila Beach Drive are approaching a level of service (LOS) D during peak summer weekends. A recent traffic analysis estimated that additional development could be allowed to generate only another 1,100 trips per day before the LOS E capacity would be exceeded during peak recreational periods in the summer.

The Unocal facility on the pier ceased petroleum distribution operations in 1993. Thus, existing trips generated by the pier facility are limited to occasional maintenance vehicles. The proposed project would generate short-term traffic during implementation of the facility conversion, as well as long-term traffic during operation of the educational/research facility. Conversion of the facility would be limited to repair of existing facilities, removal of existing hydraulic cranes, removal of petroleum transport equipment on the pier, internal improvements to the existing building at the end of the pier, and the addition of several water tanks outside the existing building. This aspect of the project is not expected to generate substantial short-term traffic. Furthermore, trips generated during operation of the proposed facility would be limited to daily commute trips for one to three faculty and/or staff, and a student bus trip to and from the site approximately twice per week. The maximum number of trips generated on a given day would be five trips. Avila Beach Drive carries approximately 1,240 trips during the afternoon weekday peak hour. The five additional trips, if they were all to occur during that hour, would increase the traffic volume by less than one half of one percent, which is well within the capacity standard for Avila Beach Drive. Therefore, the proposed project is not expected to generate significant long-term traffic and would not significantly affect the level of service of Avila Beach Drive.

As stated above, the project site includes a 0.4-acre gated parking area at the base of the pier. Existing parking at this pier landing area is limited to approximately eight unstriped vehicle spaces. Parking demand generated by the proposed project is not anticipated to exceed three cars or trucks and one bus at any given time. Therefore, the existing facility parking would be sufficient to accommodate the parking demand by the project.

In conclusion, the proposed project will not generate significant long-term traffic and will not significantly affect the level of service of Avila Beach Drive. Also, the existing parking facility is sufficient to accommodate the facility's expected parking demand. Thus, the proposed project is consistent with Coastal Act Section 30252.

4. Marine Resources

Coastal Act Sections 30230 and 30231 afford protection of marine resources and their associated biological productivity, and state:



Section 30230. *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 (in part). *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored...*

a. Biological Resources

The project site is predominately paved. No locally designated species (e.g., heritage trees) or sensitive habitat, including wetlands, is located on the site. The pier extends approximately 3,000 feet over the Pacific Ocean, which is sensitive habitat. Several special status species, including California brown pelican and California sea otter, occur in the marine environment surrounding the site.

The project description, however, includes the continued use of stadium lighting for educational purposes. The Negative Declaration prepared for this project did not address the potential effect of nighttime offsite stadium lighting on animal species in the surrounding ocean waters. Nighttime offsite illumination into the adjacent marine habitat can have a negative effect on wildlife¹. Therefore, **Special Condition #2** requires submission of a lighting plan that includes removal or non-use of the stadium lights, minimization of lighting along the perimeter of the pier, and use of lighting fixtures that do not create offsite illumination into the adjacent marine habitat. With this condition, the proposed project is consistent with Coastal Act Sections 30230 and 30231 regarding protection of biological resources.

b. Water Quality

As stated above, the project site is currently predominately paved. The proposed project does not involve the addition of any paved or otherwise impervious surfaces and will not alter the existing topography of the site. Therefore, the proposed project will not affect the rate or volume of runoff from the site.

The project site includes a 0.4-acre gated parking area at the base of the pier, which will be adequate to

¹ There is extensive literature on the effects of lighting on natural systems, including marine habitats, e.g. see Borg, V. (1996). Death of the night. *Geographical Magazine*. 68: 56; Peters, A. and K. J. F. Verhoeven (1994). Impact of artificial lighting on the seaward orientation of hatchling loggerhead turtles. *Journal of Herpetology* 28(1): 112-114; White, A. G. (1974). Excessive light as a form of urban-created pollution: a selected bibliography. Monticello, Ill., Council of Planning Librarians; Verheijen, F. J. (1985). Photopollution: Artificial light optic spatial control systems fail to cope with. Incidents, causations, remedies. *Experimental Biology* 1985: 1-18.



provide parking for faculty, staff, and students. Individual cars will not be permitted to park on the platform at the end of the pier. Thus the proposed project will not increase the amount of parking on the pier and will not result in any additional runoff from vehicles.

The proposed change of use from an industrial facility to an educational marine research facility should result in beneficial water quality impacts by eliminating a petroleum-related use. Also, in March 2001 a coastal development permit (E-01-010-W) was issued to Unocal Corporation that allowed for petroleum pipeline cleaning and decommissioning of petroleum operations and removal of equipment. This work has been completed. Furthermore, the Port San Luis Harbor District conditioned its approval to require that operation of the proposed marine facility comply with all relevant provisions of the National Pollutant Discharge Elimination System as determined by the State Water Resources Control Board (see Exhibit 5).

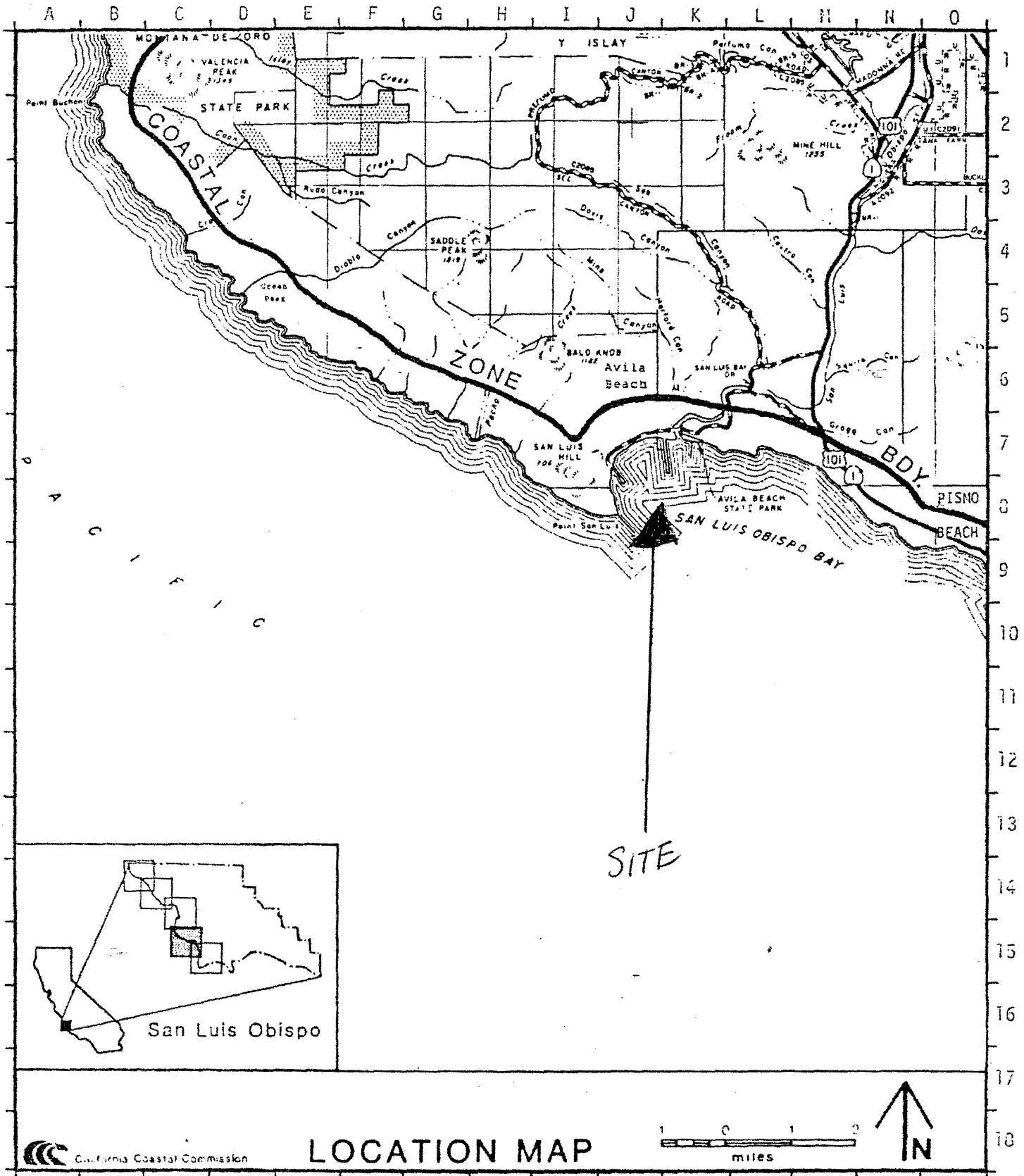
In conclusion, the proposed change of use from a petroleum-related use to an educational marine research facility will not affect the rate or volume of runoff and will not result in additional runoff from vehicles. Also, pipeline cleaning and decommissioning/removal of petroleum equipment has been completed. Thus, the proposed project is consistent with Coastal Act Sections 30230 and 30231 regarding protection of water quality.

5. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

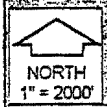
The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions that implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.





County of San Luis Obispo

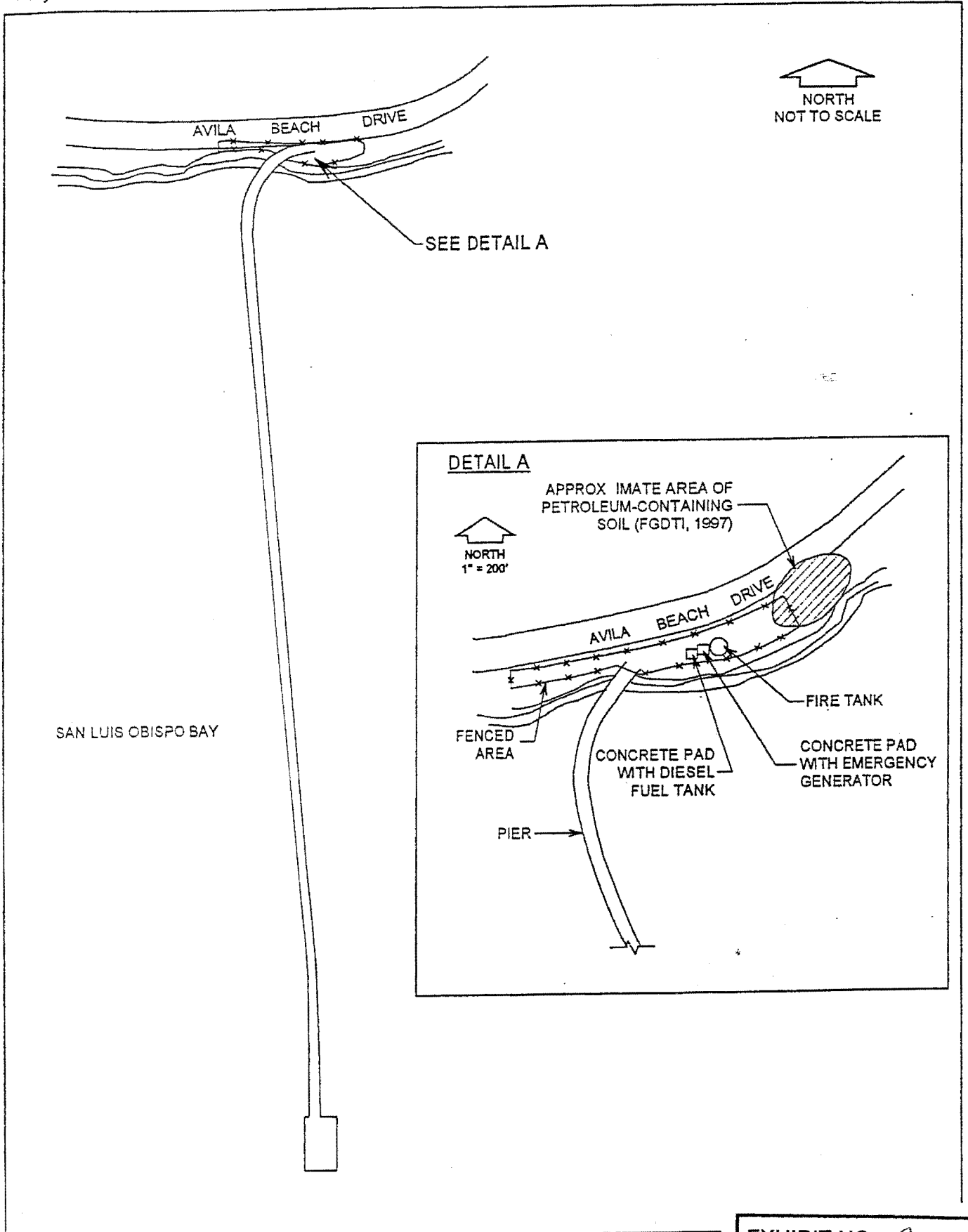
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California Coastal Commission	



Source: USGS, Pismo Beach, Ca
Quadrangle, 1965, Photo Revised 1994

padre
associates, inc.
ENGINEERS, GEOLOGISTS &
ENVIRONMENTAL SCIENTISTS
Unocal Pier, Avila Beach, Ca

EXHIBIT NO. 2
APPLICATION NO.
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of the educational and research benefits to California State University, the grantors for research and the public benefit derived. It is also agreed that the immediate and ultimate objectives of this Lease are consistent and compatible with the goals and objectives of the Harbor District. The Parties further agree that research vessels in support of the University mission will be utilizing the Premises from time to time. Accordingly, Cal Poly covenants and agrees that Cal Poly will operate the Premises fully and continuously to the end that the California State University, and the public they serve, will enjoy benefits for the purposes set forth herein.

2.3 Marine Related Public Use. Cal Poly may make the Pier available for public meetings, events, and seminars to persons or entities with One Hundred (100) attendees or less engaged primarily in the promotion of higher education activities without prior consent of the Harbor District. The Harbor District may request Cal Poly to accept reasonable restrictions and conditions on the time, manner, frequency and duration of such public events. Cal Poly may charge a fee to such entities for use of the Pier to compensate Cal Poly for costs incurred including clean up and security. At least once each calendar year, Cal Poly shall submit a written report to Harbor District describing educational programs, research projects and each event of this kind held on the Pier during the preceding year. The parties acknowledge that Cal Poly sponsored events, classes, courses, and student projects offered by Cal Poly are not considered to be marine-related "Public Use" and therefore the provisions in this section do not apply to such offerings.

2.4 Other Uses. In the event that Other Uses of Premises and Pier are proposed or requested, Cal Poly shall meet and confer with the Harbor District to determine if such use would be beneficial to Cal Poly, and not in conflict with the intent of this lease, or the Harbor District's operations. Other Uses shall require the prior written consent of Harbor District. Such approval shall not be unreasonably withheld. Notwithstanding anything to the contrary in this paragraph 2.4, Harbor District shall have no obligation to approve any other use which results in the commercial use at the Premises which is not ancillary to the use authorized by paragraph 2.1 of this Lease. Cal Poly is aware of the Port San Luis Harbor District's and County's ordinances, which requires a vote of the people for any proposed offshore oil uses at the Pier facility. The Premises may be used by vessels owned or operated by, or on behalf of any federal or state entity or local public agencies without the prior notification or written approval of the Harbor District. The Parties agree that research vessels in support of the University mission will be utilizing the Premises from time to time. The use of the premises by government maritime operations shall be limited to non-public activities, except in the event of emergencies, public unrest, labor disputes, acts of god, or war. Failure of Cal Poly to receive prior written approval for Other Uses described herein shall constitute a default of this lease, which is cause for termination if said default is material and is not cured within sixty (60) days after receiving written notice from Harbor District. All Other Uses shall first obtain any governmental approvals required for such new use. All Cal Poly pre-authorized expenses of the Harbor District shall be borne by Cal Poly for any new Other Use proposed.

2.5 Reservation of Rights. Harbor District reserves the right to further develop, improve, construct, modify, repair, replace, remove or restrict the use of any or all of the other structures, improvements, areas and the Public Areas which lies outside the Premises as Harbor

Attachment A

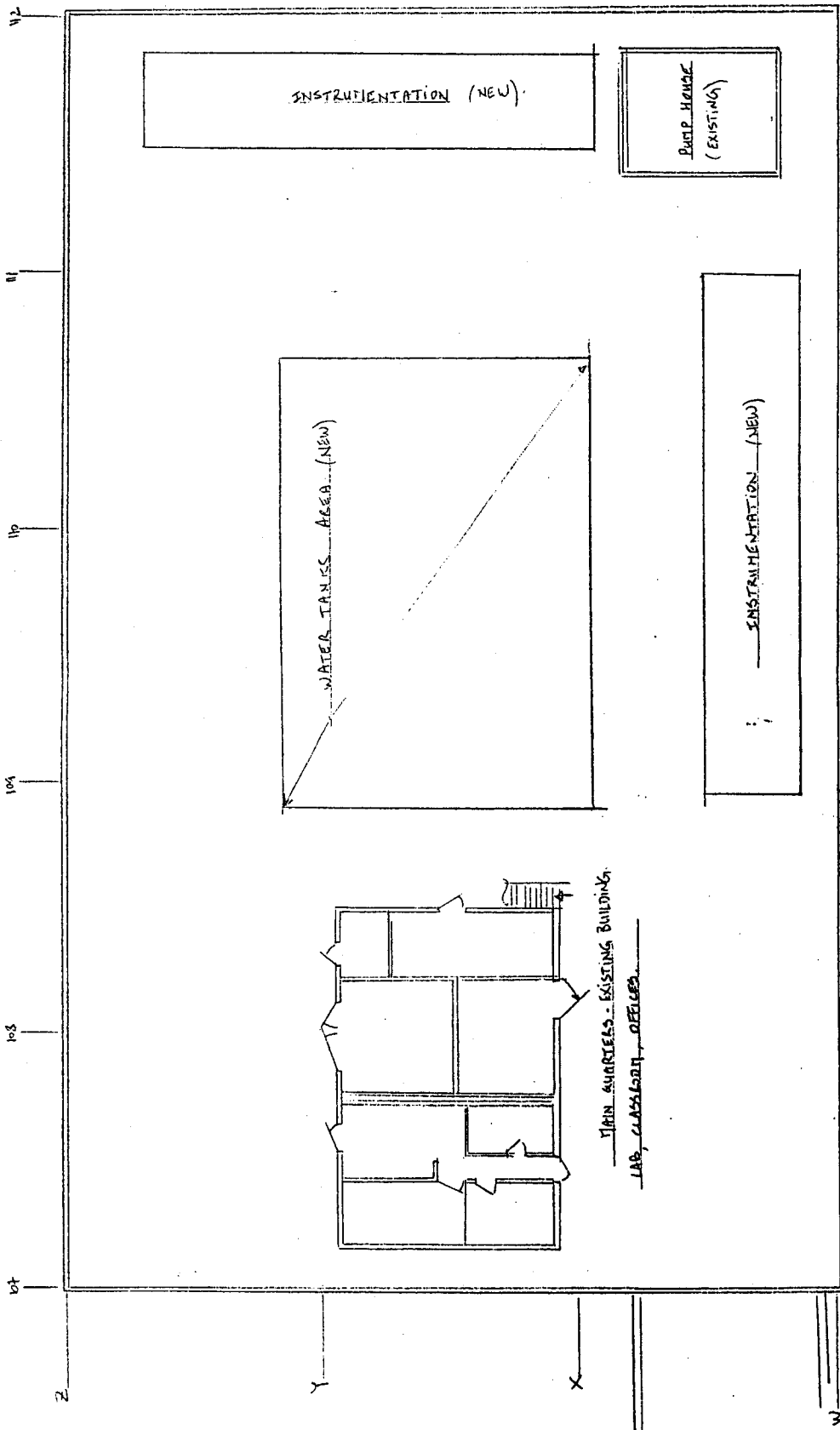
Findings for Approval of Lease, Use Permit and Port Master Plan Text Amendments

1. The proposed lease, use permit and Port Master Plan text amendments allowing the Cal Poly Marine Science Lab are consistent with the goals, policies, and standards of the Port Master Plan, the Harbor District Code of Ordinances, the San Luis Obispo County General Plan and Local Coastal Program.
2. The proposed use is appropriate at the proposed location and will not adversely affect the health, safety, welfare, and convenience of persons working or residing in the area.
3. Based on the evidence provided in the draft Negative Declaration, the Board concludes that adverse impacts are mitigated to the maximum extent feasible. Consequently, no additional environmental review is required.
4. The Board has considered the Negative Declaration and any comments received on said Negative Declaration and has exercised its independent judgment in concluding that adverse environmental impacts are mitigated to the maximum extent feasible.

Use Permit Conditions

1. Use of the pier shall be conducted in full compliance with the conditions of this use permit and the terms and conditions of a lease executed between the applicant and the Port San Luis Harbor District. Failure to comply with the conditions of approval and the terms of the lease shall be cause for revocation of the use permit in accordance with relevant provisions of the Port San Luis Code of Ordinances.
2. Cal Poly, or an authorized agent thereof, shall prepare a Lead-Based Paint Operations and Maintenance Plan for the management of lead-based paint at the pier structure in accordance with state and federal lead regulations, prior to project occupancy. The plan shall include procedures for paint stabilization activities conducted as part of regular maintenance or repair of the pier.
3. Prior to project occupancy, all areas of asbestos-containing roof sealant material shall be removed and disposed of in compliance with applicable State laws.
4. Operation of the proposed marine science facility shall comply with all relevant provisions of the National Pollutant Discharge Elimination System (NPDES) as determined by the State Water Resources Control Board.

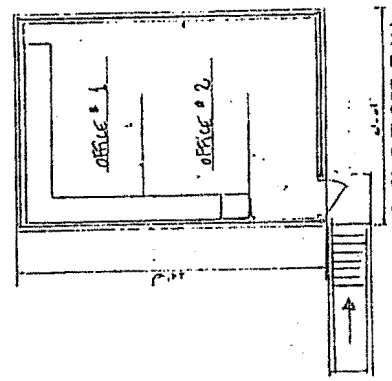
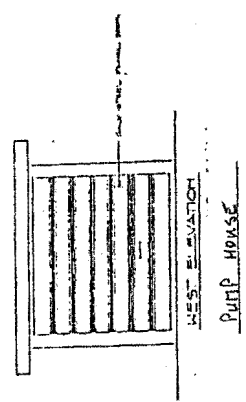
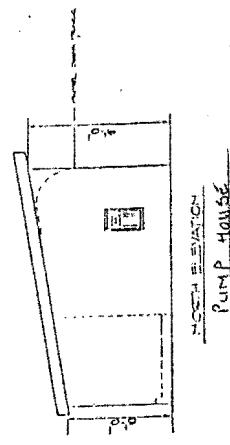
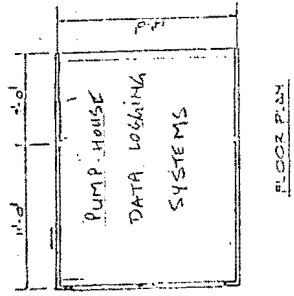
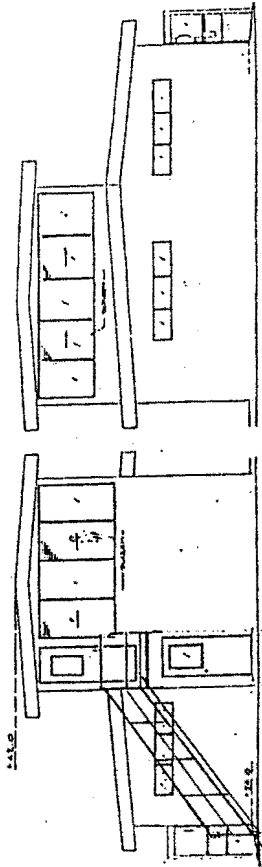
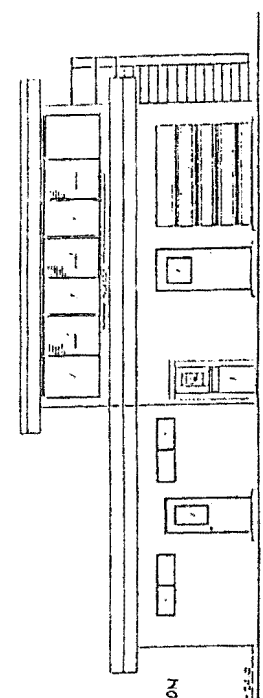
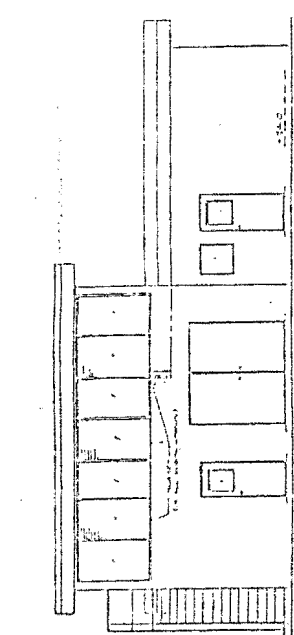
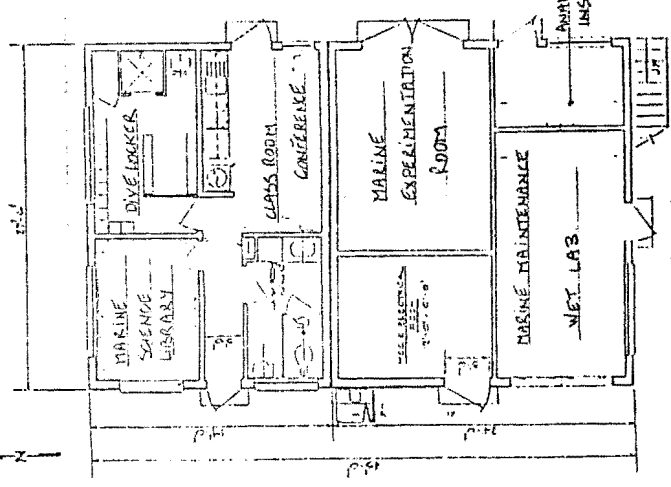
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ALL PUMP ENGINE LABORATORIES - AVILA

 PROPOSED PAD LAYOUT.

EXHIBIT NO. 6
APPLICATION NO.
3-01-015
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RESIDENTIAL BUILDINGS

Project Name	Address	City	State	Zip	Scale	Date	Author	Checker
CAL POLY MARINE LABORATORIES AVILA								

Exhibit 6
3-01-015
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Cal Poly

Marine Science Education and Research Center

College of Science and Mathematics
California Polytechnic State University
San Luis Obispo

A Unocal Endowed Facility

Public Access Plan for the Pier

This public access plan is presented in response to request from the California Coastal Commission. In developing this plan, consideration is given to the fact that the Unocal Pier and the wooden pier before it were both used for petroleum transport during most of the past century. Public access was not conducive to this purpose nor did the construction plans consider this as a function.

As a marine science education and research facility, public access opportunities are more reasonable and the University intends to provide such. However, prior to allowing general public access, Cal Poly needs to begin conversion of the facility into the new education and research program and address liability and safety issues. Following is our initial plan for public access.

- 1. Initiation of General Public Access:** Access by the general public will probably not be offered until a year following acceptance of ownership of the pier by Cal Poly so the University can focus on developing the pier as an education and research center and making it suitable for access by the general public.
- 2. Conditions of Public Access:** All public access will be consistent with Cal Poly's ground lease agreement with the Port San Luis Harbor District and policies of Cal Poly and the California State University System.
- 3. Frequency of Public Access:** Initially we plan to have opportunities for public access quarterly consistent with the academic quarter calendar of Cal Poly. Depending on interest, we will be pleased to consider increasing the frequency of public visitation opportunities. Other opportunities might include special occasions such as Cal Poly's Poly Royal/Open House or similar occasions associated with the local community. Requests for special field trips will also be considered.
- 4. Conduct of Public Visits:** Normally public visits will be opened to pre-registered visitors so we can control the number of visitors and provide sufficient number of guides and hosts to conduct tours safely and in an interesting manner. Special

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occasions could be an exception. Tours will be conducted by faculty and staff members, students involved in class work and research on the pier, and by the College of Science and Mathematics Ambassadors, a student group that represents the college at various events and hosts guests to the campus. We anticipate the tour will give public visitors an opportunity to experience the view from the large platform at the end of the 0.6-mile pier and to visit appropriate education and research facilities and activities as they become developed.

The long-range plans for developing the Cal Poly Marine Science Education and Research Center include the possibility of developing a marine education center for K-12 school children in conjunction with San Luis Obispo County Schools at the pier. This certainly will give an important public access to our facility. In addition, Cal Poly students will be using the pier for education and research purposes.

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