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Appeal Filed: 12/2/2020
Action Deadline: 2/9/2021
Staff: Brian O'Neill - SC
Staff Report: 12/18/2020
Hearing Date: 1/13/2021

STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-3-SLO-20-0072

Applicant: City of Pismo Beach

Appellant: Jeff Edwards

Local Government: San Luis Obispo County

Local Decision: Coastal development permit application number DRC2020-0050 approved by the San Luis Obispo County Board of Supervisors (on local appeal) on October 20, 2020.

Location: San Luis Obispo County Parks and Recreation Department's Coastal Dunes RV Park and Campground at 1001 Pacific Boulevard (APNs 061-111-017 and -018) just downcoast of the City of Grover Beach in the unincorporated Oceano area of San Luis Obispo County.

Project Description: Installation of two groundwater wells, a pipeline connection to an existing outfall, water tanks, a sound wall, an above-ground pipeline, and related development, all on a temporary basis to allow for monitoring and testing in support of a potential future project intended to provide for groundwater reinjection of treated wastewater as a means of increasing water supplies and water security in the five cities area (the "Central Coast Blue" Project).

Staff Recommendation: No Substantial Issue

IMPORTANT HEARING PROCEDURAL NOTE

This hearing is only on the question of whether or not the County's coastal development permit (CDP) decision raises a substantial issue with respect to conformance with San Luis Obispo County's Local Coastal Program (LCP), and testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Commission's Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government are qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the *de novo* phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony from all interested parties.

SUMMARY OF STAFF RECOMMENDATION

San Luis Obispo County approved the construction of two groundwater test wells and related development at the County-operated Coastal Dunes RV Park and Campground located at 1001 Pacific Boulevard just downcoast of the City of Grover Beach in the community of Oceano, just inland of Highway 1 and the Oceano Dunes State Vehicular Recreation Area. In total, the test wells would produce approximately 17.5 acre-feet of groundwater over an approximately one-month period, which will be monitored, tested, and then discharged to temporary storage tanks for release via an existing ocean outfall. The tests are designed to inform the feasibility of the Central Coast Blue ("CCB") project, a proposed multi-agency project being led by the City of Pismo Beach that is intended to use treated effluent from existing wastewater treatment plants for injection into the groundwater basin to help augment natural groundwater supplies and increase water supply security in the five cities area. Importantly, however, the project appealed here is *only* related to the temporary authorization of the two test wells for monitoring and testing purposes. The County approval does not authorize the use of these wells for any future CCB project. That future CCB project would require its own separate CDP that would be subject to its own appeal process in the future.

The Appellant contends that the County's approval of the project is inconsistent with San Luis Obispo County LCP policies related to allowed uses, noise, groundwater protection, and public access. After reviewing the local record, Commission staff recommends that the Commission find that the County's CDP approval does not raise a substantial issue with respect to the project's conformance with the County LCP.

Specifically, in terms of allowed uses, the temporary test wells do not fit neatly within any of the LCP's defined land uses, and the County reasonably determined that the proposed project has similar types of impacts and developmental scope as those associated with the "Water Wells and Impoundments" use, which is an allowed use within the project area. Turning to noise, the County found that the construction of a sound wall would ensure that the two weeks of construction-related noise would not exceed the LCP noise thresholds. With regards to groundwater basin protections, the project is limited to a one-time test well extraction of 17.5 acre-feet from the Santa Maria Groundwater Basin, which is well within the City of Pismo Beach's adjudicated water

allotment and a relatively small amount compared to the annual extraction level. Recent evidence suggests that current extraction levels are significantly below the water recharge rate and thus the one-time test well extractions are not expected to exceed safe yield or compromise the long-term integrity of the basin. It will also not impact the Oceano community's water supply, as Oceano currently derives its water supply from Lopez Lake and the State Water Project, not groundwater. Finally, in terms of public access, construction would impact 37 of the 192 campsites at the County Park for a period of approximately two months, but the project would have no permanent impacts. Construction would also take place during the off-peak season, when occupancy at the Park is typically around thirty percent. Thus, the project would not appear to lead to even a temporary shortage of available sites.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP (and/or Coastal Act access policies) conformance issue, and that the Commission decline to take jurisdiction over the CDP application for this project. The single motion necessary to implement this recommendation is found on page 5 below.

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EXHIBITS

- Exhibit 1 – Project Site Map
- Exhibit 2 – Project Site Images and Photographic Simulations
- Exhibit 3 – County Final Local CDP Action Notice
- Exhibit 4 – County Approved Project Plans
- Exhibit 5 – Appeal of County CDP Decision
- Exhibit 6 – LCP Table “O”

CORRESPONDENCE

1. MOTION AND RESOLUTION

Staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission would not take jurisdiction over the underlying CDP application for the proposed project and would not conduct further hearings on this matter, and that the local government CDP decision stands and is thus final and effective. To implement this recommendation, staff recommends a yes vote on the following motion which, if passed, will result in the recommended no substantial issue finding. If the motion fails, then the Commission will have instead found a substantial issue and will instead take jurisdiction over the subject CDP application for future hearing and action. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission determine that Appeal Number A-3-SLO-20-0072 **raises no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603, and I recommend a **yes** vote.*

Resolution to Find No Substantial Issue. *The Commission finds that Appeal Number A-3-SLO-20-0072 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

2. FINDINGS AND DECLARATIONS

A. Project Description and Location

The County-approved project is located at the County-operated Coastal Dunes RV Park and Campground located at 1001 Pacific Boulevard just downcoast of the City of Grover Beach in the unincorporated community of Oceano in San Luis Obispo County. The project site is a long and narrow parcel that lies just inland of Highway 1 and the Oceano Dunes State Vehicular Recreation Area. Further inland from the park are a variety of existing uses including industrial warehouses, residences, and active agriculture. The parcel is designated "Recreation" and allows for a variety of public access and recreational uses. The RV park is largely paved with landscaped grass pullouts.

The County-approved project includes the construction, testing, and monitoring of two temporary groundwater test wells and a 35-foot long pipeline connection to an existing City of Pismo Beach ocean outfall. The test wells would result in approximately 100 square-feet of disturbance and would include aboveground components, such as piping, that would be approximately three feet in height (with a welded cap after testing is complete) that would result in disturbance of an approximately 300-square-foot area. The project also includes a number of temporary ancillary features, including four 10,000-gallon water tanks; two 24-foot-tall sound walls; a 35-foot-tall drilling rig; a tool house and generator; and an 1,800-foot long above-ground pipeline connecting the well

locations to the outfall connection point. All of these ancillary project elements would be removed and the area restored following construction and completion of the monitoring and testing, which is expected to last approximately six months. The RV park is closed seasonally for much of the construction timeline. However, approximately 37 campsites would be temporarily impacted during the final two months of construction and initial testing. After testing is complete and ancillary equipment removed, there would be no permanent impacts and all of the sites would be reopened.

The two wells are proposed to conduct tests to inform the engineering feasibility and design of the Central Coast Blue (“CCB”) project, a multi-agency collaboration being led by the City of Pismo Beach that is intended to use treated effluent from existing wastewater treatment plants for injection into the groundwater basin to help augment natural groundwater supplies and increase water supply security in the five cities area. In total, the tests would produce approximately 17.5 acre-feet of groundwater, which would be monitored and tested, and then discharged to temporary storage tanks for release via an existing ocean outfall. Importantly, the project appealed here is *only* related to the temporary authorization of the two test wells for monitoring and testing purposes, and does not authorize the use of these wells for any future CCB project. The future proposed CCB project would be required to obtain its own separate CDP (which would likely be in an area that is appealable to the Coastal Commission).

The two test wells are intended to allow the City of Pismo Beach and the other CCB partners to investigate the subsurface hydrogeologic conditions within the project area, and to generate information that may further define the physical and technological constraints associated with the larger CCB project. The County’s permit only temporarily authorizes the two wells (and related development) for monitoring and testing purposes. The CDP does not authorize the use of these wells for the injection of treated wastewater or any other production-related function associated with the larger CCB project. Ultimately, and unless permanently approved by any other permits that might follow, the City of Pismo Beach would remove the wells and restore the project area to its prior condition.

See **Exhibit 1** for a location map, see **Exhibit 2** for photographs of the site and surrounding area, and see **Exhibit 4** for the approved project plans.

B. San Luis Obispo County CDP Approval

On September 4, 2020 the San Luis Obispo County Planning Department approved a CDP for the proposed test wells. The Planning Department approval was appealed by the current Appellant to the Board of Supervisors which, after deliberation, upheld the approval and denied the appeal on October 20, 2020, thus finalizing the Planning Department’s original CDP decision. The County’s Final Local CDP Action Notice (see **Exhibit 3**) was received in the Coastal Commission’s Central Coast District Office on November 16, 2020, and the Coastal Commission’s ten-working-day appeal period for this action began on November 17, 2020 and concluded at 5 p.m. on December 2, 2020. One valid appeal (discussed below) was received during the appeal period.

C. Appeal Procedures

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is not designated as the principal permitted use under the LCP and because it is a major public works project.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b)(2) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that “no substantial issue” is raised by such allegations.¹ Under Section 30604(b), if the Commission conducts the de novo portion of an appeal hearing (upon making a determination of “substantial issue”) and finds that the proposed development is in conformity with the certified LCP, the Commission may issue a CDP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea and thus this additional finding would not need to be made if the Commission were to approve the project following the de novo portion of the hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons opposed to the project who made their views known before the local government (or their representatives), and the local government.

¹ The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (California Code of Regulations, Title 14, Section 13115(b)). Section 13115(c) of the Commission's regulations provides, along with past Commission practice, that the Commission may consider the following five factors when determining if a local action raises a significant issue: 1) the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP; 2) the extent and scope of the development as approved or denied by the local government; 3) the significance of the coastal resources affected by the decision; 4) the precedential value of the local government's decision for future interpretations of its LCP; and 5) whether the appeal raises only local issues, or those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

Testimony from other persons regarding the substantial issue question must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal (if applicable).

D. Summary of Appeal Contentions

The Appellant contends that the County-approval of a CDP for the project raises LCP consistency questions relating to allowed uses, noise standards, groundwater protection, and public access. Specifically, the Appellant contends that the approved project would violate applicable LCP policies because: 1) test wells are not an allowed use in the Recreation land use designation; 2) construction related noise will exceed the noise allowed by the LCP; 3) the project will adversely impact the Santa Maria Groundwater Basin; and 4) the temporary project impacts to the campground do not maximize public access as required. Please see **Exhibit 5** for the appeal contentions.

E. Substantial Issue Determination

1. Allowed Uses

The County LCP includes Table “O,” which provides for the “principally permitted” and “special” uses that are allowed in various land use categories. The subject parcel is designated “Recreation,” which includes several principally permitted public access and recreational uses, as well as a large variety of “special” uses ranging from communications facilities to animal raising. The County found that the project was consistent with the uses allowed in Table O because “water wells and impoundments” are an allowed special use in the recreation land use category and because the project would not permanently interfere with the existing principally permitted campground use. See **Exhibit 7** for LCP Table O.

The Appellant contends that the approved project raises LCP consistency questions relating to allowed uses because the project does not fit within the “water wells and impoundments” use, which Table O defines as “water extraction uses or structures for small scale domestic or agricultural use including wells, ponds, water tanks, and distribution facilities.” Because the wells will not be for residential or agricultural uses, the Appellant argues that the project should be categorized as a “Public Utility Facilities” use, which is not allowed within the Recreation land use category.²

Table O states that Public Utility Facilities “include any of the following facilities: ... public water system wells, treatment plants and storage; and community wastewater treatment plants, settling ponds and disposal fields.” However, the definition further

² The Appellant also argues that the project is not consistent with County Ordinance 1215, which restricts uses in this area to RV parks. However, County Ordinance 1215 was adopted in 1972, prior to the Coastal Act, and it was never incorporated into the LCP, and thus is not part of the standard of review for this CDP application. Regardless, the purpose of Ordinance 1215 appears to have been designed to ensure that an RV park was established on the parcel, and that no other uses that would conflict with that main objective would be allowed, not to prohibit any and all uses except RV parking as the Appellant suggests. As explained in this section, the approved project will not lead to any permanent impacts to the existing RV park and does not conflict with the ongoing RV park use. Thus, even if Ordinance 1215 were a standard of review, the County’s approval of the project would not raise a substantial issue on this point.

states that “[t]hese uses **do not include** those uses that are not directly and immediately used for the production, generation, storage, or transmission of water ...” (emphasis added). Thus, the definition appears to be directed toward large, permanent public infrastructure facilities associated with public water systems.

Here, the proposed project consists of temporary test wells and related development that is not authorized for the production of community water and are not connected to or a part of the public water system. As such, the proposed project does not fit neatly within the public utility facilities use. However, the project also does not fit squarely within the water wells and impoundments use either because it is not designed for domestic or agricultural consumption. It appears that test wells and related development are simply something that is not explicitly identified in the LCP one way or the other, despite their use over time in multiple contexts as a means of acquiring data to support numerous projects countywide. Despite this technical inconsistency with the water well and impoundments use, the proposed project is limited to running tests that will lead to a relatively small level of water extraction (approximately 17.5 acre-feet) in relation to overall basin extractions (i.e., approximately 3,320 acre-feet annually) that will not be used as community water, and is thus more akin to the type of impacts associated with small-scale agricultural production than full-scale public water system production. Thus, although not specifically accounted for by the LCP, it was reasonable for the County to determine that the project can be found to be similar to types of impacts associated with the water wells and impoundments uses that are allowed within the Recreation land use category, particularly due to the temporary nature of the project and the lack of permanent impacts to the underlying principally permitted campground use.³

For the above reasons, the County’s approval of a CDP for the proposed project does not raise a substantial issue of LCP conformance with respect to allowed uses.

2. Noise Standards

Section 23.06.040 of the LCP’s Coastal Zone Land Use Ordinance (CZLUO) includes noise standards, including thresholds that noise from temporary construction may not exceed. These standards state that daytime exterior noise may not exceed an hourly equivalent of 50 decibels or a maximum of 70 decibels, and that nighttime exterior noise may not exceed an hourly equivalent of 45 decibels or a maximum of 65 decibels. The CZLUO includes the following exterior noise level chart:

³ As explained above, the County’s approval was limited to well tests and does not authorize permanent production. If the Applicant intends to permanently keep the wells as part of the larger CCB project, the County would need to reconcile the potential LCP inconsistency by re-designating a portion of the lot or amending the allowed uses in Table O.

EXTERIOR NOISE LEVEL STANDARDS		
	Daytime (7 a.m. to 10 p.m.)	Nighttime ¹ (10 p.m. to 7 a.m.)
Hourly Equivalent Sound Level (L _{eq} , dB)	50	45
Maximum level, dB	70	65

Notes:

1. Applies only to uses that operate or are occupied during nighttime hours

The Appellant contends that the approved project includes 24-hour construction over a two-week period that is likely to exceed the CZLUO noise standards.

The project includes installation of a temporary 24-foot-tall sound barrier during construction and well testing activities that will be constructed of material with a minimum weight of two pounds per square foot and a minimum Sound Transmission Class rating of 29. This barrier will break the line-of-sight between heavy-duty equipment and nearby sensitive receivers (i.e., Oceano Inn to the west, residences to the west and south, and campsites to the north). The Environmental Impact Analysis prepared to support the City's Categorical Exemption determination under CEQA found that, with use of the temporary sound barrier, the project would not exceed the CZLUO noise standards. The County's CDP decision relied on this evidence to find that the proposed development meets the LCP's noise standards requirements. Therefore, the County's approval of a CDP for the project does not raise a substantial issue of LCP conformance in terms of noise.

3. Groundwater Basin Protections

Much of the County is served by water that is extracted from various groundwater basins. Water extractions beyond the safe yield from these groundwater basins have the potential to lead to adverse impacts to sensitive habits, including seawater intrusion into freshwater habitats and reducing flow in creek and riverine systems. The LCP includes policies designed to protect groundwater basins and the watersheds that rely on them, including:

Policy 1: Preservation of Groundwater Basins. *The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted.*

Policy 2: Water Extractions. *Extractions, impoundments and other water resource developments shall obtain all necessary county and/or state permits. All pertinent information on these uses (including water conservation opportunities and impacts on in-stream beneficial uses) will be incorporated into the data base for the Resource Management System and shall be supplemented by all*

available private and public water resources studies available. Groundwater levels and surface flows shall be maintained to ensure that the quality of coastal waters, wetlands and streams is sufficient to provide for optimum populations of marine organisms, and for the protection of human health.

The Appellant contends that the approved project is inconsistent with the LCP's groundwater basin protection policies because the wells can pump up to 1,500 gallons per minute, which could lead to pumping of up to 185 acre-feet (AF) per month. This would be more than what the entire community of Oceano extracts in a one-year period. The Appellant further claims that the water extractions could lead to adverse impacts to the Oceano water supply, which raises environmental justice concerns because Oceano is a Disadvantaged Community⁴ that will not receive any benefits from the project.⁵

The project is located within, and would extract water from, the Santa Maria Groundwater Basin, which is an adjudicated basin. All extractions are thus subject to a 2008 adjudication dictated by courts. The City of Pismo Beach has an annual allocation of 700 AF per year, of which the City typically extracts less than 300 AF. In 2019, the City extracted 44 AF. The total amount extracted from the basin by all users in 2019 was 3,320 AF.

The project is anticipated to pump approximately 0.9 AF during construction of the monitoring well, approximately 10.8 AF of water during construction of the groundwater well, and approximately 5.7 AF during well testing activities for a total onetime extraction of 17.4 AF of water through the duration of the construction and data gathering phases. The estimated extraction is well within the City's adjudicated water allotment of 700 AF and would represent just 0.5% of overall basin withdrawals. Because the project only authorizes a relatively small level of extraction and for the limited purpose of conducting tests (rather than continuous production-level extractions), the proposed project's impacts in the context of overall community consumption appears to be negligible.

Moreover, recent evidence has demonstrated that the basin water storage has improved in recent years. The *Northern Cities Management Area 2019 Annual Groundwater Monitoring Report*, prepared by GSI Water Solutions Inc. in April 2020, states that groundwater storage within the basin increased by approximately 1,500 AF from 2018 to 2019. This suggests that the current level of pumping has not crossed beyond the safe-yield threshold and groundwater recharge has significantly outpaced extractions.⁶ This suggests that the 17.5 AF that would be extracted by the project

⁴ Oceano is recognized as a disadvantaged community by the State of California for having a median household income less than 80% of the state average. Oceano is also federally recognized as a "Qualified Opportunity Zone" because it is considered an economically distressed community due to low household income.

⁵ The Appellant also raises issues regarding the impacts of the CCB project and Oceano's lack of participation that project thus far. As explained above, the County-approved project is limited to the two test wells and the CCB project must receive separate authorization. Accordingly, this report is limited only to the appeal contentions and project impacts related to the two test wells.

⁶ The report notes that although the amount of recharge in 2019 was encouraging, this was due to a combination of a relatively wet rainfall year and predominantly voluntary reductions in pumping. The basin

would not be expected to lead to an exceedance of safe yield, and the temporary nature of the authorization would not be expected to impact the long term integrity of the basin. Thus, the County's approval does not raise substantial issues with respect to LCP groundwater protection policies.

Finally, the Oceano Community Services District (OCSD) states that the community currently receives all its water needs through surface water that is stored at Lopez Lake and its rights to water deliveries from the State Water Project, thus the community does not currently need or utilize any of its groundwater allocations. Additionally, OCSD submitted an analysis from their consultants confirming that the limited scope of the proposed project would not adversely impact the community's water supply in the short or long term, even if Oceano were to need groundwater in the future.⁷ In short, it appears that the project will not adversely impact Oceano's water supply, let alone impact it at all, and there are no other impacts to the community that have been identified. The County's approval therefore does not raise LCP environmental justice concerns.

For the above reasons, the County's approval of a CDP for the project does not raise a substantial issue of LCP conformance with respect to groundwater basin protection.

4. Public Recreational Access

The LCP includes a series of policies that protect existing public recreational access and require new development to provide maximum public recreational access, including:

Recreation and Visitor Serving Facilities Policy 1: Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means.

Public Access Policy 1: Development shall not interfere with the public's right of access to the sea where acquired through historic use or legislative authorization. These rights shall be protected through public acquisition measures or through permit conditions which incorporate access measures into new development.

Public Access Policy 2: Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development.

is still fragile and under threat from periods of prolonged drought and/or increased pumping. However, as explained above, the limited duration and relatively small level of extraction authorized by the current project is not expected to impact the long-term integrity of the basin.

⁷ The OCSD letter shows support the subject test well project, and although not currently a partner of the future CCB project, the OCSD Board is currently considering executing a Memorandum of Agreement to join the cities of Pismo, Arroyo Grande, and Grover Beach in the project.

The Appellant contends the County-approved project would have significant impacts to lower-cost visitor-serving accommodations, including the 37 camp sites at the existing campground that would be temporarily displaced, and noise related impacts to surrounding overnight accommodation uses. The Appellant also states that lower-cost visitor-serving accommodations are presently in short supply due to closures related to COVID-19. Although the appeal does not cite specific LCP policies, the appeal generally claims that the project does not maximize public recreational access and protect lower-cost public recreational opportunities consistent with Coastal Act requirements.

As explained above, approximately 37 campsites of the 192 campsites would be physically impacted and unavailable to the public during construction and the initial test period. The entire campground is closed annually by the County from mid-September until March 31. Construction of the project is scheduled to occur from January through May, meaning that the construction impacts would be limited to 37 campsites for a period of approximately two months. The County found that only thirty percent of campsites at the park are typically occupied during this off-peak non-summer season, which equates to approximately 71 campsites. This means that over 150 campsites would still be available at all times during the project when demand is typically around 71 campsites. Based on these numbers, the County found that the project would not lead to even a temporary shortage of available sites. Moreover, the project would not result in any permanent impacts and all 192 campsites would be restored and available to the public for the peak summer season following project completion.

For these reasons, the County's approval of a CDP for the project does not raise a substantial LCP or Coastal Act conformance issue with respect to public recreational access.

5. Other Contentions

The Appellant also contends that the City already has sufficient information regarding the feasibility of the CCB project and therefore the project is not necessary and has no purpose. However, the only appropriate grounds for an appeal to the California Coastal Commission are issues related to the project's consistency with the certified LCP and the Coastal Act's public access policies. The appellant does not cite any such policies in making this contention. Thus, such contentions regarding the necessity of the project are not appropriate grounds for this appeal.

6. Conclusion

When considering a project on appeal, the Commission must first determine whether the project raises a substantial issue of LCP conformity or public access, such that the Commission should assert jurisdiction over the CDP application for such development. At this stage, the Commission has the discretion to find that the project does or does not raise a substantial issue of Coastal Act public access and/or LCP conformance. In the past, the Commission has considered the following five factors in its decision of whether the issues raised in a given case are "substantial": the degree of factual and legal support for the local government's decision; the extent and scope of the development as

approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

In this case, these five factors, considered together, support a conclusion that the County's approval of a CDP for this project does not raise a substantial issue of LCP conformance. First, in terms of the allowed uses, the County reasonably found that the project is more akin to small-scale water wells due to the limited nature of the approval, which is an allowed use within the recreation land use category. So, while technically an LCP inconsistency, the expected types and nature of impacts are contemplated in this land use category. Regarding the Appellant's noise contentions, the County relied on the Applicant's evidence that the temporary sound wall will ensure that construction related noise will not exceed LCP noise limits. Turning to groundwater supply, the County found that the project is within the City's adjudicated water allotment and the relatively small one-time water extraction would not lead to adverse groundwater basin impacts. Finally, the County determined that based on prior occupancy numbers at the RV park during the off-peak season, the project's temporary impacts to 37 campsites will not lead to a shortage of available campsites at the project site and therefore can be found consistent with Coastal Act and LCP public access and recreation policies. Thus, there is adequate factual and legal support for the County's decision.

In addition, the proposed project is temporary and will extract a small amount of water on, thus the extent and scope of the project are small, and the coastal resources impacted by the project are not significant. These factors also weigh towards a finding of no substantial issue. While the project does not fit squarely within the uses defined in the County's LCP, it is akin to one type of use allowed on the project site, and this type of project is not very common in the County. This decision is therefore of limited precedential value.

Finally, the project does not raise issues of regional or statewide significance (other than potentially its support of reuse of treated wastewater, which is something that is becoming important in the coastal zone as communities grapple with resource protection and water supply security issues, which this project is in support of).

Thus, the County's approval of a CDP for the proposed project does not raise a substantial LCP or Coastal Act conformance issue. The proposed project is a temporary authorization to allow for limited groundwater well testing and is not expected to lead to significant adverse impacts to coastal resources. It is important to note that this finding is limited to the temporary groundwater well testing facilities and does not analyze potential impacts from utilizing the wells permanently as part of the CCB project.

For the reasons stated above, the Commission finds that Appeal Number A-3-SLO-20-0072 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

3. APPENDICES

A. Substantive File Documents⁸

- San Luis Obispo County Minor Use Permit File DRC2020-0050
- Central Coast Blue Project Draft Environmental Impact Report, City of Pismo Beach. July 17, 2020.

B. Staff Contacts with Agencies and Groups

- San Luis Obispo County Planning and Building
- City of Pismo Beach
- Oceano Community Services District

⁸ These documents are available for review from the Commission's Central Coast District office.