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W16C

Appeal Filed: 9/18/2023
Action Deadline: 11/29/2023
Staff: Breylen Ammen - SC
Staff Report: 10/27/2023
Hearing Date: 11/15/2023

STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-3-PGR-23-0038

Applicant: City of Pacific Grove Public Works Department

Appellant: Anthony A. Ciani

Local Government: City of Pacific Grove

Local Decision: Coastal development permit application number 22-0318, approved by the Pacific Grove City Council on September 6, 2023

Location: The City's underground sewer pipelines in three discrete locations: 1) under Railroad Way between Jewell Avenue and Picos Avenue; 2) under Arena Avenue between Sunset Drive and Asilomar Boulevard; and 3) an underground utility easement between Sunset Drive and Asilomar Boulevard at 214 Asilomar Boulevard.

Project Description: Replacement of approximately 964 linear feet of sewer pipeline; installation of approximately 35 linear feet of new sewer pipeline; spot repairs to one segment of pipeline; construction, reconstruction, and removal of several manholes.

Staff Recommendation: No Substantial Issue

IMPORTANT HEARING PROCEDURAL NOTE

Please note that this is a substantial issue only hearing, and testimony will be taken *only* on the question of whether the appeal raises a substantial issue. Such testimony is generally limited to three minutes total per side (although the Commission's Chair has the discretion to modify these time limits), so please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government, the local government, and their proxies/representatives are allowed to testify during this substantial issue phase of the hearing. Other interested parties may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, then the Commission takes jurisdiction over the underlying coastal development permit (CDP) application and will then review that application at a future Commission meeting, at which time all persons are invited to testify. If the Commission finds that the appeal does *not* raise a substantial issue, then the local government CDP decision stands, and is thus final and effective.

SUMMARY OF STAFF RECOMMENDATION

The City of Pacific Grove approved a CDP for the replacement of and improvements to wastewater collection infrastructure in three separate locations within the City, including one location along the shoreline in the Asilomar Dunes neighborhood under and adjacent to Sunset Drive. At this location, which is the focus of the Appellant's contentions, Sunset Drive parallels the shoreline and will potentially be subject to coastal hazards and sea level rise within the next 100 years. Within this potentially hazardous area, the project includes the removal of one manhole, replacement with a new manhole in an adjacent location, and the installation of 35 linear feet of new sewer pipe to connect the new manhole to the broader system. The City-approved project is intended to replace sewer infrastructure with documented issues, including cracking that risks sewage leaks, and an awkward existing configuration that limits the City's ability to conduct routine maintenance. The City thus indicates the approved project is a much-needed fix to address core sewer infrastructure needs.

The Appellant contends that the City's approval of the project failed to evaluate the impacts associated with the abandonment of an old sewer overflow pipe and failed to evaluate potential coastal hazards and sea level rise impacts on the new manhole and pipeline. After reviewing the local record, Commission staff recommends that the Commission find that the City's CDP approval does not raise a substantial issue with respect to the project's conformance with the City's LCP.

While the Appellant raises valid arguments related to public infrastructure and coastal hazards resiliency planning, the project is urgently needed to eliminate the immediate risk of effluent leaks into the surrounding environment and the potential for associated impacts to coastal resources such as groundwater, sensitive habitats, and coastal water quality. The City-approved project is an important short-term step necessary to protect coastal resources and does not in any way frustrate longer-term and larger-scale adaptation planning efforts for the City's sewer system as whole. No matter how one reviews this project, it is very limited—only 35 linear feet out of a roughly one mile stretch of sewer pipeline under Sunset Drive. The project's purpose is to address this

particular problematic point and not to rethink and re-site the corridor's wastewater collection infrastructure outside of areas potentially subject to coastal hazards risks. That exercise is a much more complex endeavor that the City agrees needs to happen but will take some time through a public process to fully vet and carry out. Again, this project does not preclude that longer-term exercise.

And in terms of LCP consistency, the LCP also specifically allows this type of minor repair to existing critical infrastructure in areas potentially subject to coastal hazards risk. As described in more detail in this report, the LCP includes a policy hierarchy for development along the shoreline, with progressively stricter requirements depending on the type of development proposed. Minor repairs to existing public infrastructure, such as approved by the City in this case, are allowed, and in fact encouraged so as to avoid any catastrophic leaks/damage to ocean resources. In sum, the project represents an important fix to critical infrastructure, does not run afoul of the LCP's coastal hazards provisions, and thus does not raise any substantial LCP compliance nor coastal resource impairment issues.

And finally, with respect to the Appellant's contentions relating to the abandoned sewer overflow pipe, the project scope does not include any work that will impact the overflow pipe, and the pipe has been plugged and abandoned for decades. While removal of the pipe would likely be beneficial, the pipe is not related to this project's purpose, which, as described above, is quite limited and implicates needed minor fixes to the primary sewer line under Sunset Drive. The project will not result in any adverse coastal resource impacts, and thus this contention too does not raise a substantial LCP conformance issue.

In conclusion, the City approved a relatively minor repair and enhancement project necessary to protect coastal resources from sewage leaks. The project appears consistent with the LCP and will benefit coastal resources. As such, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP 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 Location Maps
- Exhibit 2 – City Final Local CDP Action Notice with City-Approved Project Plans
- Exhibit 3 – Appeal of City CDP Decision
- Exhibit 4 – Applicable City of Pacific Grove LCP Provisions and Coastal Hazards Map
- Exhibit 5 – City of Pacific Grove Wastewater Collection Infrastructure Map

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-PGR-23-0038 **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-PGR-23-0038 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 Location and Description

The City-approved project is a sewer maintenance and improvement project intended to address cracked and potentially leaking sewer pipes and related infrastructure located in three separate locations within the City of Pacific Grove: the 'Railroad Way' segment is located under Railroad Way between Jewell Avenue and Pico Avenue; the 'Arena Avenue' segment is located under Arena Avenue between Sunset Drive and Asilomar Boulevard; and the 'Asilomar Dunes' segment is located in a utility easement under undeveloped dunes on private property at 214 Asilomar Boulevard between Sunset Drive and Asilomar Boulevard. The project elements in each of these segments are as follows:

1. **Railroad Way.** Replacement of approximately 537 linear feet of existing sewer pipeline via trenching, abandonment of approximately 292 linear feet of sewer pipeline, reconstruction of two manholes, and construction of one new manhole.
2. **Arena Avenue.** Replacement of approximately 332 linear feet of existing sewer pipeline.
3. **Asilomar Dunes.** Replacement of approximately 95 linear feet of existing sewer pipeline, one spot repair of 9 linear feet of existing sewer pipeline, reconstruction

of one manhole, removal of one manhole, and construction of two new manholes. One of the new manholes will serve to functionally relocate the manhole approved for removal. This relocated manhole and a new, 35-linear-foot section of pipeline needed to connect it to the system, are located under Sunset Drive.

See **Exhibit 1** for location maps and **Exhibit 2** for the City-approved project plans.

B. City of Pacific Grove CDP History and Approval

On July 13, 2023, the City of Pacific Grove Planning Commission approved the proposed project. That approval was then appealed to the City of Pacific Grove City Council who, after deliberation, upheld the Planning Commission's approval and denied the appeal on September 6, 2023, thus constituting the City's final decision on the proposed project. The Coastal Commission's Central Coast District Office received the City's Final Local CDP Action Notice (see **Exhibit 2**) on September 14, 2023, and the Commission's ten-working-day appeal period for this action began on September 15, 2023, and concluded at 5 p.m. on September 28, 2023. 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 City CDP decision is appealable to the Commission because portions of the project are located between the sea and first public road and within 300 feet of the inland extent of the beach and coastal bluff, because it constitutes a major public works project, and because it is located within the Asilomar Dunes, a defined sensitive coastal resource area (i.e., the Asilomar Dunes residential area) per the LCP's Implementation Plan (Section 23.90.100.c.1.c).

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP and/or to Coastal Act public access provisions. For appeals of a CDP denial, where allowed (i.e., such appeals are only allowed in extremely limited circumstances – see description of appealable actions, above), the grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions.

The Commission's consideration of appeals is a two-step process. The first step is determining whether the appeal raises a substantial issue that the Commission, in the exercise of its discretion, finds to be significant enough to warrant the Commission taking jurisdiction over the CDP application. This step is often referred to as the "substantial issue" phase of an appeal. The Commission is required to begin its hearing on an appeal, addressing at least the substantial issue question, within 49-working days of the filing of the appeal unless the applicant has waived that requirement, in which case there is no deadline.

The Coastal Act and the Commission's implementing regulations are structured such that there is a presumption of a substantial issue when the Commission acts on this question, and the Commission generally considers a number of factors in making that determination.¹ At this stage, the Commission may only consider issues brought up by the appeal. At the substantial issue hearing, staff will make a recommendation for the Commission to find either substantial issue or no substantial issue. If staff makes the former recommendation, the Commission will not take testimony at the hearing on the substantial issue recommendation unless at least three Commissioners request it, and, if no such hearing is requested, a substantial issue is automatically found. In both cases, when the Commission does take testimony, it is generally (and at the discretion of the Commission Chair) limited to three minutes total per side, and only the Applicant, persons who opposed the application before the local government, the local government, and their proxies/representatives are allowed to testify, while others may submit comments in writing.

If, following testimony and a public hearing, the Commission determines that the appeal does not raise a substantial issue, then the first step is the only step, and the local government's CDP decision stands. However, if the Commission finds a substantial issue, the Commission takes jurisdiction over the underlying CDP application for the proposed project, and the appeal heads to the second phase of the hearing on the appeal.

In the second phase of the appeal, if applicable, the Commission must determine whether the proposed development is consistent with the applicable LCP (and in certain circumstances the Coastal Act's public access and recreation provisions). This step is often referred to as the "de novo" review phase of an appeal, and it entails reviewing the

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 substantial issue..." (California Code of Regulations, Title 14, Section 13115(b)). Section 13115(c) of the Commission 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 and the Coastal Act's public access provisions; (2) the extent and scope of the development; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government's decision for future interpretation 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.

proposed project in total. There is no legal deadline for the Commission to act on the de novo phase of an appeal. Staff will make a CDP decision recommendation to the Commission, and the Commission will conduct a public hearing to decide whether to approve, approve with conditions, or deny the subject CDP. Any person may testify during the de novo phase of an appeal hearing (if applicable).

D. Summary of Appeal Contentions

As described above, the City-approved project includes sewer infrastructure work at three separate locations. The only location subject to the Appellant's contentions is the Asilomar Dunes segment, and even more specifically, the appeal relates to the relocation of the manhole under Sunset Drive and the installation of the 35-foot section of new pipe needed to connect it to the larger wastewater collection system.

The Appellant contends that the project raises an LCP consistency issue relating to the evaluation of coastal hazards. Specifically, the Appellant contends that the City inadequately analyzed the potential impacts of sea level rise and associated coastal hazards. The Appellant also contends that the City's analysis of the project did not consider environmental and public access impacts potentially associated with the abandonment of a section of sewer overflow pipe, and that such analysis is required under the LCP. Please see **Exhibit 3** for the appeal contentions.

E. Substantial Issue Determination

1. Coastal Hazards and Sea Level Rise

As discussed previously, the City's approval authorizes sewer repairs at three separate locations. The appeal focuses on a portion of the work near the shoreline under Sunset Drive, which involves the relocation of a manhole (i.e., removal of the existing manhole and installation of a new manhole adjacent to it), and the installation of 35 linear feet of new sewer line to connect the new manhole to the sewer system. According to the City, relocation of the manhole is necessary because the existing configuration presents maintenance challenges; specifically, the pipeline connected to the manhole includes a 45-degree bend as it nears Sunset Drive (see **Exhibit 2**), and maintenance equipment is not able to navigate the turn. Relocation of the manhole will allow the sewer line to form a straight line between manholes, enabling the City to conduct necessary routine maintenance and thus avoid pipeline problems or failures.

Sunset Drive parallels the shoreline of western Pacific Grove and is immediately adjacent to Asilomar State Beach, and as such, the project location raises questions regarding coastal hazards threats in terms of coastal erosion and other climate change and sea level rise related risks. Indeed, the LCP's flood hazard mapping shows that by 2100, much of the road may be subject to coastal flood hazards (see **Exhibit 4**). The existing manhole proposed for removal is within this potentially hazardous area, and the replacement manhole and new section of sewer line are also in this area.

The Appellant contends that because the City-approved project includes development within this potentially hazardous area, the project is inconsistent with LUP Policy HAZ-9

which requires development to be sited and designed to avoid impacts from coastal hazards, and IP Section 23.90.140(b)(2) which requires a coastal hazards analysis for development located in areas that may be subject to coastal hazards risks. In essence, the appeal questions whether it is appropriate to repair this segment of public infrastructure or whether it should be relocated out of harm's way.

Sea level rise adaption planning for the long-term resiliency of the Pacific Grove sewer system is indeed an important issue, and such an effort is indeed called for by the LCP (Land Use Plan Section 3.4.1):

The City has significant wastewater infrastructure potentially at risk under combined sea level rise and coastal storm flooding, but duplication of this infrastructure would be infeasible at the current time and relocation to higher elevations would be difficult to accomplish. Phased and prioritized relocation of sewer lines would be more feasible to accomplish and could potentially be coordinated with long-term system maintenance or capital investment. A plan that took into account age and condition of the infrastructure, capacity and functionality of the infrastructure, and susceptibility to damage, would need to be developed in order to establish priorities for system relocation...

While the appeal raises valid questions about critical public infrastructure and how such infrastructure is to respond to coastal hazards, it is also true that the City-approved project is a needed short-term—and very minor—fix. Phased adaptation, as encouraged by the LCP, is a much longer-term process, and it is still important to repair and maintain existing infrastructure in the interim to ensure the protection of coastal resources and public health. Furthermore, while the LCP does speak to overall minimizing coastal hazards risk, Policy HAZ-9, as described by the Appellant, is actually inapplicable to this type of public infrastructure project. Policy HAZ-9, which applies to new private development, requires avoidance of coastal hazards as well as a deed restriction acknowledging the site is subject to coastal hazards, and, along with Policy HAZ-14, prohibits shoreline armoring now and in the future to abate such hazards risks. But Policy HAZ-8 differentiates between private development and existing public infrastructure along the shoreline, including Sunset Drive itself, public utilities under the road, and public recreational access facilities along it (including the popular Asilomar Coastal Trail). For such public infrastructure, Policies HAZ-10 and HAZ-11 are the applicable regulatory provisions. These policies recognize the existing development patterns along the shoreline and allow for minor repairs of existing infrastructure including the type the City-approved. The policies allow development in areas potentially subject to such coastal risk so long as such risks and impacts are limited. The policies also differentiate between “major” new critical infrastructure, such as new water and wastewater treatment facilities, and minor ones. For the former, Policy HAZ-11 does not allow them seaward of Ocean View Boulevard or Sunset Drive, whereas the latter type of minor repairs are not so restricted. In sum, the LCP includes a policy hierarchy that gets progressively stricter for different types of development.

In this case, the proposed repairs meet these LCP objectives, since the project's purpose is to fix an immediate need regarding existing sewer pipeline so as to avoid

sewage leakage. And no matter how one evaluates this project, it is quite limited. The project constitutes a small fraction of the City's sewer infrastructure. Indeed, it only implicates a single manhole and 35 linear feet of sewer line (see **Exhibit 5**). While the Coastal Act and LCP include provisions that reflect replacement of 50% or more of a structure to constitute 'redevelopment,' this project clearly does not raise to that threshold. It only comprises some 4% of the total length (roughly 875 feet) of the pipeline between Asilomar Avenue and Sunset Drive, and well below that when compared with the City's sewer system as a whole. In short, the project is a needed and very minor fix to existing critical infrastructure. It also does not include any form of shoreline armoring, and is buried below the roadway and located some 150 feet inland from the shoreline, and therefore will not be subject to direct ocean forces. It thus appropriately meets LCP requirements to limit coastal hazards risk and does not raise any LCP conformance problems.

While sea level rise adaptation planning for the long-term resiliency of the Pacific Grove sewer system is clearly an important issue, and one which the City agrees needs to be holistically undertaken, such a planning effort is outside of scope of this particular project. The analysis and implementation of potential changes, including infrastructure relocation inland and away from coastal hazards risk is a complex endeavor that must be thoroughly vetted by the City in a public process. But this project will not in any way prejudice that longer-term effort. It affects only a discreet segment of infrastructure to provide for needed repairs and ensure that, in the short-term, existing sewer infrastructure is in a state of good repair to protect coastal resources. The City-approved project is part of a routine maintenance and monitoring process whereby the City identifies repair needs and seeks to address them. Swift implementation of the project is critical from a coastal resource perspective, as it will address sewer infrastructure issues that currently pose risks to groundwater resources, sensitive habitats, coastal water quality, and public safety. Furthermore, the longer-term resiliency of the system is benefited by the project; intact and well-maintained infrastructure is more resilient and presents less of a risk of failure when subjected to coastal hazards. The City-approved project is both allowed under the LCP and does not frustrate longer-term and larger-scale adaptation approaches.

In conclusion, while the Appellant does raise valid points regarding the project's coastal hazards risk, the LCP allows this type of much-needed and minor repair to critical infrastructure. As such, and for the reasons described above, the City's approval of a CDP for the proposed project does not raise a substantial issue of LCP conformance.

2. Abandoned Overflow Pipe

As described above, the City-approved project includes the relocation of an existing manhole located within Sunset Drive to an adjacent location also within Sunset Drive, and the installation of 35 linear feet of pipeline to connect the new manhole to the sewer system. Connected to the to-be-removed manhole is a sewer overflow pipe that connects to an old brick manhole and then leads directly to the ocean. The pipe was constructed in the early 1900s prior to modern environmental laws, including the Coastal Act, and served to carry untreated sewage directly into coastal waters. Sewage

is now properly collected and treated at the Monterey One Water Regional Treatment Plant in Marina, and the pipe has not been used in decades. To avoid any latent sewage from leaking from the pipe, the City plugged it decades ago. According to the City, the plug was installed when the overflow pipe was empty, and no remaining sewage exists in the pipe. The plug is located at the manhole proposed for relocation. Relocation of the manhole will, once and for all, fully disconnect the overflow infrastructure from the sewer system.

The Appellant contends that because the overflow pipe will be disconnected from the sewer system, the City should have considered physical removal of the pipe, and at a minimum the City's analysis of the project should have included any potential impacts of its abandonment on public safety, public access, public views, water quality, and sensitive habitats. The Appellant appears to be concerned with the possibility of untreated sewage remaining in the overflow pipe as well as the potential for the remaining infrastructure to deteriorate and become exposed debris in the intertidal and coastal bluff areas.

While it is true that the possibility exists that the aging and abandoned infrastructure may become more damaged and/or more exposed as a result of continued aging and/or coastal processes, it has been in place in its current state for decades and its removal is beyond the scope of this urgently needed repair and maintenance project. Removal of this element and other similarly abandoned infrastructure is a priority for the City and is called for in the City's Shoreline Management Plan, prepared by the Public Works Department in June 2020 (not a part of the certified LCP):

Debris removal. As stunning as Pacific Grove's shoreline is, it is marred at a number of locations by the presence of construction debris and abandoned structures. There are numerous examples. For example, construction debris in the form of concrete slabs and concrete or asphalt paving can be found at the north cove of Lovers Point Beach; Sea Palm Beach; Lucas Point Beach and tidepools; and Coral Street cove. Abandoned structures include irrigation, drainage or sewer pipes at various locations. The city should remove these examples of construction debris and abandoned structures along the coast provided that they do not play a role as habitat for shoreline creatures.

The City acknowledges that removal of abandoned infrastructure such as this will necessitate environmental review and permitting, given the sensitive locations and resources that surround these structures. While it is true that such derelict infrastructure should be removed from the City's bluffs and shoreline, the City's rationale for why it is not doing so as part of this project (again, the scope of this one being limited and targeted needed repairs) appears sound and will not introduce any risk of new impacts to coastal resources. As such, the abandoned overflow pipe is outside the project scope of this project and does not raise any LCP conformance problems.

3. Conclusion

When considering a project on appeal, the Commission must first determine whether the project raises a substantial issue of LCP conformity and/or Coastal Act public

access conformity, 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. The Commission's regulations lay out the following five factors that it may consider when determining whether the issues raised in a given appeal are "substantial" (14 CCR section 13115(c)): 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 City's approval of a CDP for this project does not raise a substantial issue of LCP conformance.

As described above, the City has a reasonable and supportable record based on both facts and the law, indicating that the abandoned overflow infrastructure falls outside the project scope and that the relocation of the manhole within an area potentially subject to coastal hazards is the sole project alternative capable of rapidly addressing coastal resource impacts associated with faulty sewer infrastructure. Furthermore, the scope of development under appeal in this case is quite limited, involving the relocation of a manhole and the installation of a short section of sewer line. While the appeal underscores the vital issue of sewer system climate adaptation, there exists a significant disparity between the project scope and the extent of adaptation planning necessary to relocate all sewer infrastructure to areas outside of potentially hazardous. Consequently, while the appeal does touch upon an issue of statewide significance, namely sea level rise, as described in the preceding analysis, the City-approved project is both allowed under the LCP and does not frustrate longer-term and larger-scale adaptation approaches. Indeed, it underscores the importance of avoiding deferred maintenance on wastewater systems, even if, over the long term, these systems will require much larger-scale projects to withstand the impacts of climate change and sea level rise. Regarding potential impacts on coastal resources, the City-approved project represents an essential component of the Pacific Grove sewer system's maintenance, effectively mitigating the risk of substantial coastal resource impacts linked to sewer leaks. Although the abandoned outflow infrastructure may indeed have some degree of impact on coastal resources, it is beyond the project's scope to address. Finally, in terms of the project's precedential value, the project does not appear to raise any significant LCP conformance problems for which an adverse precedent is set. Thus, the five factors, both individually and when considered together, stand for a no substantial issue conclusion.

For the reasons stated above, the Commission finds that Appeal Number A-3-PGR-23-0038 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 Documents²

- Project file for appeal number A-3-PGR-23-0038
- City of Pacific Grove Local Coastal Program
- City of Pacific Grove Shoreline Management Plan

B. Staff Contacts with Agencies and Groups

- City of Pacific Grove – Community Development Department, Planning Division
- City of Pacific Grove – Public Works Department

² These documents are available for review from the Commission's Central Coast District office.