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STAFF REPORT CDP APPLICATION

Application Number: 3-25-0865

Applicant: San Luis Obispo County Department of Airports

Project Location: Oceano County Airport, located at 561 Air Park Drive just north of the South San Luis Obispo County Sanitation District's wastewater treatment facility and the Lakeside Drive residential subdivision and just south of San Luis Obispo County's Oceano campground, and between Meadow Creek/Oceano Lagoon and Arroyo Grande Creek about 1,000 feet inland of the beach and shoreline in the unincorporated community of Oceano in southern San Luis Obispo County.

Project Description: Repairs, replacements, and improvements to several Airport facilities, including parking lot rehabilitation along Air Park Drive; multipurpose room/public restroom renovation; airplane hangar renovations; electric vault and miscellaneous airfield navigational aids installation; signage replacement; authorizations after-the fact for several past airport-related projects; and a 10-year general repair and maintenance program.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

San Luis Obispo County owns and operates the Oceano County Airport. Originally built in the 1950s, the airport is one of three airports serving the County, with the primary and largest of these located in the City of San Luis Obispo where it serves commercial flights mostly to and from cities on the west coast, whereas the Oceano Airport

3-25-0865 (Oceano Airport Renovations)

generally serves non-scheduled general aviation and cargo flights (via piston-engine aircraft with wingspans less than 49 feet). The airport's core infrastructure is comprised of a single asphalt runway that is 50 feet wide and almost a half-mile long, with several asphalt taxiways and aprons to accommodate aircraft circulation and a series of hangars and other support buildings/facilities (e.g., offices, vehicle parking area, fuel tank, aircraft tie-down areas, etc.). Overall, the airport occupies some 60 acres of land in Oceano, and is more broadly surrounded by residential and park development, the area's primary wastewater treatment plant, and the wetlands and riparian corridors associated with the Meadow Creek/Arroyo Grande Creek/Oceano Lagoon complex, where these two creeks meet and then venture to the ocean roughly 1,000 feet to the south of the airport.

The proposed project would repair, replace, and/or upgrade/improve several airport components, including rehabilitating the existing parking lot along Air Park Drive; renovating the existing multipurpose room/public restroom; replacing the airport's main hangar; installing a new electric vault and miscellaneous airfield navigational aids; and replacing the primary airport sign. The Applicant is also requesting after-the-fact (ATF) approvals for a series of improvements that have been undertaken over the years without the benefit of a CDP, including slurry seal and fog sealant applications on the runway, replacement of fuel tanks, new runway lighting, installation of automated weather observation systems and a beacon tower, and perimeter fencing.¹ And finally, the Applicant is also requesting pre-authorization for repair and maintenance activities for the next 10 years.

In general, the proposed development, including almost all of the proposed ATF development,² constitutes fairly straightforward improvements to an existing airport facility that result in fairly limited coastal resource impacts, where the impacts that occur can be fairly readily addressed by conditions (e.g., for construction and water quality BMPs, etc.). The primary Coastal Act issue is that the site is a low lying area at the confluence of two waterways that is subject to coastal hazard concerns, where such concerns are only expected to increase over time, including due to climate change and sea level rise factors. Such siting calls into question whether significant public infrastructure such as this is appropriately sited consistent with Coastal Act requirements to minimize risks, including without shoreline armoring. That is not to say that the airport is in danger now from such hazards, but it is to say that it may be in the future, and it will be important to monitor such conditions and to take appropriate and proactive actions when certain hazard triggers are met, including to avoid a scenario where the airport is threatened in such a way as to necessitate armoring to remain

¹ The Applicant indicates that it was unaware that CDPs were required for such work, and points to a CDP exemption it received from the Commission in the 1980s that it believed meant that subsequent and similar work was also exempted. The two problems with this line of reasoning are that (1) the 1980s era work was not actually exemptible given the site's location relative to wetlands and similar features, and thus the exemption determination at that time was in error; and (2) even if the 1980s era work was exemptible, such exemption was not and cannot act as an exemption for all time for subsequent future work. The Commission continues to track each of these development episodes as Coastal Act violations.

² With the exception of a perimeter airport fence that was installed in 1998 without a CDP, where that fence is partially located within a riparian ESHA area when that is not allowed by the Coastal Act or the LCP.

3-25-0865 (Oceano Airport Renovations)

viable.³ Thus, staff recommends a series of conditions that are designed to monitor coastal hazards risks and to develop non-armoring alternatives to address them as they become more apparent and problematic over time.⁴

Even though the Coastal Act issues associated with the proposed project may be limited, the airport has long been controversial for some in the community who have questioned the appropriateness of having an airport facility take up valuable real estate – not only in terms of the airport proper, but also in terms of land use and development limitations that adhere to surrounding areas due to FAA requirements – that some suggest could be put to better use for the community (e.g., for affordable housing, a town center, a public park, wetlands to buffer against flood risks, etc.). Inherent in this reasoning is the fact that the Oceano community is also predominantly a lower-income community of color, and it is currently directly affected by several forms of impactful development (e.g., industrial development, wastewater treatment plant development, air quality and beach access impacts attributable to recreational vehicular use on the beach and dunes, etc.) as well as the direct and indirect effects of airport operations themselves (e.g., noise, emissions, land use restrictions, etc.), all of which raise environmental justice concerns. The Applicant disagrees and considers the airport to be an important part of the community, including for emergency services in cases of accidents/disasters. That said, the Applicant recognizes such community voices, and has proposed a community engagement plan designed to allow the airport to bring more value to the community, where that plan would provide for a series of community events.⁵ To be clear, such concerns are not explicitly tied to the coastal resource impacts of the proposed project so much as what the presence of the airport itself means to the community, but staff appreciates the Applicant trying to address community concerns nonetheless, and notes that staff's recommended conditions specific to the airport parking lot will improve its aesthetics and water quality function, and the Applicant has also committed to looking into ways to better protect water quality in overall airport operations, all of which will benefit the community as well.

Either way, the Applicant's proposal and the CDP's conditions also help to start an important environmental justice conversation about the way in which the airport may or may not bring undue burdens to the Oceano community, particularly when considered cumulatively in terms of other sorts of burdens that this community faces. In fact, staff

³ To be clear, staff believes that the airport has been redeveloped, including by virtue of past work that exceeded redevelopment thresholds, which means that it does not constitute an existing structure under the Coastal Act that would allow for armoring to be considered here (see more detailed discussion on this point later in this report). Thus, it is all the more important that steps are taken in advance to ensure that future coastal hazard scenarios don't lead to unmanaged retreat, but rather can be planned for and implemented ahead of that time.

⁴ These conditions are modelled after similar conditions imposed on similar public infrastructure projects, including the adjacent South San Luis Obispo Wastewater Treatment Plant that shares a similar coastal hazard context.

⁵ Including an 'Oceano Airport Aviation Day'; 'Cleared for Cheer', an annual community celebration held at the airport featuring winter themed activities, local vendors, food and live entertainment; 'Aviation Career Day', an event targeted at students interested in pursuing careers in aviation; 'Girls in Aviation Day', an annual aviation outreach event to inspire children and youth to explore aviation and aerospace; 'Run the Runway' community fun run; and a 'Wings and Reels' community movie night.

3-25-0865 (Oceano Airport Renovations)

has worked with the Applicant and members of the public, including Oceano community members, throughout this CDP application process, including meeting in person in Oceano to understand and attempt to address community issues and concerns raised by this project and the airport more broadly. Importantly, the project's conditions related to longer term hazard resiliency planning are also intended to simultaneously result in a renewed community engagement and visioning process that necessarily starts with the Applicant engaging with the community. In that process, the direct and indirect effects of the airport on the community need to also be front and center, and decisions need to be made looking through the environmental justice lens as well.

Finally, the airport's future plans have been a concern, because it is one thing to maintain current levels of functionality (as proposed in this application), but it is quite another to pursue expansion and intensification of the airport use, where the latter would not only raise significant coastal hazard questions related to expanding significant public infrastructure in harm's way, but would only exacerbate the above types of community and environmental justice concerns. This issue too was raised by Commissioners in December 2023 during Commission debate on the Applicant's last CDP application (which was withdrawn by the Applicant at that time), where, at the time, the Applicant could not commit to a specific future outcome. In subsequent discussions since then, the Applicant has committed to maintaining its current functions and level of use intensity, and to foregoing any future expansion, and this CDP is conditioned to require same.

In sum, staff recommends approval with conditions that authorize the proposed project and allow the airport to function in a similar way as it has historically, to prohibit any future intensification of use or expansion, and to plan for and respond to coastal hazards without armoring.⁶ With respect to the latter specifically, such an effort will require the Applicant to take the necessary steps towards a visioning and planning exercise that evaluates the airport's compatibility with its location from a coastal hazards perspective, where it is inherent in that exercise that the environmental justice lens must be applied. The motion and resolution to effectuate this recommendation are found on page 6 below.

⁶ As to past violations and ATF approvals, approval of this application pursuant to the staff recommendation, issuance of the CDP, and subsequent performance of the work authorized by the CDP in compliance with all terms and conditions of the CDP will result in resolution of almost all of the described violations, with the exception of the fence that was constructed in riparian ESHA, which is not approved herein, and will remain an open violation that staff will pursue with the Applicant separately.

TABLE OF CONTENTS

1. MOTION AND RESOLUTION 6

2. STANDARD CONDITIONS 6

3. SPECIAL CONDITIONS 7

4. FINDINGS AND DECLARATIONS..... 14

 A. Project Location, Background, and Description 14

 1. Project Location 14

 2. Project Background..... 15

 3. Project Description 15

 B. Standard of Review 16

 C. Coastal Hazards 16

 D. Habitat Resources 23

 E. Environmental Justice 24

 F. Other 29

 G. Violation..... 31

 H. California Environmental Quality Act (CEQA)..... 32

5. APPENDICES..... 33

 A. Substantive File Documents 33

 B. Staff Contact with Agencies and Groups 33

EXHIBITS

- Exhibit 1 – Regional Vicinity Map
- Exhibit 2 – Proposed Project Plans and Project Description
- Exhibit 3 – April 16, 2026 Letter from Director of Airports
- Exhibit 4 – Proposed Community Event Plan
- Exhibit 5 – Correspondence Received Prior to Staff Report Release

1. MOTION AND RESOLUTION

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

Motion: *I move that the Commission approve Coastal Development Permit Number 3-25-0865 pursuant to the staff recommendation, and I recommend a yes vote.*

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number 3-25-0865 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

2. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

3. SPECIAL CONDITIONS

This CDP is granted subject to the following special conditions:

- 1. Revised Plans.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two full size sets of Revised Plans to the Executive Director for review and written approval. The Revised Plans shall be: prepared by a licensed professional or professionals (i.e., geotechnical engineer, surveyor, etc.); based on current professionally surveyed and certified topographic elevations for the project area; and include a graphic scale. The Revised Plans shall be substantially in conformance with the proposed plans (dated received in the Coastal Commission's Central Coast District Office on December 9, 2025), except that they shall be modified to provide for and be consistent with the following:
 - a. EV Charging Parking Spaces.** The parking lot shall include 13 parking spaces with subsurface electrical infrastructure to support future electric vehicle (EV) charging stations, where 3 of these spaces shall be fully equipped and operational for EV charging within 2 years of CDP issuance (no later than August 12, 2028), and the remainder so equipped and operational within 5 years of CDP issuance (no later than August 12, 2031). The EV parking spaces shall be located in the least conspicuous part of the parking lot in its southeast corner, and all above-ground infrastructure shall be minimized to the maximum extent feasible and devoid of advertising materials.
 - b. ADA Parking Spaces.** The parking lot shall include at least 3 spaces for Americans with Disabilities Act (ADA) compliant parking, where 1 such ADA space shall be located on the northern side of the parking lot nearest Air Park Drive, and 2 such ADA spaces shall be located on the southern side of the parking lot nearest the airport entrance.
 - c. Landscaping.** At a minimum the unpaved area fronting Air Park Drive shall be landscaped with low water-using, native, and non-invasive species appropriate to the Oceano area, where the intent of the landscaping is to provide visual interest and consistency across this frontage, and such landscaping shall be maintained in a litter-free, weed-free, and healthy growing condition (including through replanting and/or remediation to achieve consistency with this condition). No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the site. Landscaping shall make use of irrigation systems that shall limit potable water use to the maximum extent feasible, including by using greywater as much as possible and using irrigation measures designed to facilitate reduced water use overall (e.g., microspray and drip irrigation, weather-based irrigation controllers, etc.); and that shall be hidden from view as much as possible.
 - d. Drainage and Runoff Control.** A post-construction drainage and runoff control system shall be provided in the parking lot area that is sited and designed: to

3-25-0865 (Oceano Airport Renovations)

collect, filter, treat, and direct all site drainage and runoff in a manner intended to protect and enhance coastal resources as much as possible; to prevent pollutants, including increased sediments, from entering the riparian area (located at the southeast end of the parking lot) as much as possible; to filter and treat all collected drainage and runoff to minimize pollutants as much as possible prior to infiltration or discharge from the site; to retain runoff from roofs, driveways, decks, and other impervious surfaces onsite as much as possible; to use low-impact development (LID) best management practices (BMPs) as much as possible; to be sized and designed to accommodate drainage and runoff for storm events up to and including at least the 85th percentile 24-hour runoff event (allowing for drainage and runoff above that level to be likewise retained and/or conveyed in a non-erosive manner); to direct all drainage and runoff not infiltrated on site to existing stormwater infrastructure able to handle the flows, and not directly to the riparian area (i.e., there shall be no new outfalls or other infrastructure that discharges directly into this area); and to include ongoing maintenance and management procedures (including at the least provisions for annual pre-storm season and post-storm event evaluation and repair/maintenance) that meet professional standards for maintenance of such systems, and that will apply for the life of the project. The plans shall also identify other best management practices that guard against adverse water quality impacts from general Airport operations (e.g., leak and spill prevention, proper disposal of wastes, good housekeeping measures, etc.). All drainage system elements shall be permanently operated and maintained, and the plans shall identify all maintenance parameters for all such measures, including based on manufacturers' recommendations, which shall be provided. It is the Permittee's responsibility to maintain the stormwater, drainage, and water quality protection infrastructure in a structurally sound manner and its approved state.

- e. **Utilities.** All utilities shall be installed underground.
- f. **ATF Perimeter Fence.** The request for after-the-fact authorization of the airport perimeter fence is not granted, and it shall not be provided for on the Revised Plans.
- g. **Required Construction Measures.** All requirements of the approved Construction Plans (see **Special Condition 7**) shall be identified as "Required Construction Measures" on the Revised Plans.

All requirements above and all requirements of the Executive Director-approved Revised Plans shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the Executive Director-approved Revised Plans.

- 2. **Coastal Hazards.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that:
 - a. **Coastal Hazards.** The airport site is subject to, and is likely to continue to be subject to in the future, coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms,

3-25-0865 (Oceano Airport Renovations)

tsunami, tidal scour, coastal flooding, landslides, bluff and geologic instability, bluff retreat, liquefaction and the interaction of same, many of which are likely to worsen with future sea level rise.

- b. Assume Risks.** The Permittee: assumes the risks to the Permittee and the property that is the subject of this CDP of injury and damage from coastal hazards in connection with the approved development; unconditionally waives any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; indemnifies and holds harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the CDP against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and accepts full responsibility for any adverse effects to people and/or property caused by the approved development.
 - c. CDP Intent.** The intent of this CDP is to allow for the airport and its facilities to be operated/used consistent with the terms and conditions of this CDP for only as long as such development remains safe for such operation/use without additional measures (such as shoreline armoring) beyond ordinary repair or maintenance to protect such development from coastal hazards.
 - d. Armoring Prohibited.** Armoring (including but not limited to seawalls, revetments, retaining walls, gabion baskets, tie backs, piers, groins, caissons/grade beam systems, etc.) shall be prohibited to protect any portion of the airport site. Any rights to construct shoreline armoring that may exist under Coastal Act Section 30235, the San Luis Obispo County LCP, or any other applicable laws are waived, and no portion of the airport site qualifies as an "existing structure" for purposes of Section 30235 and the LCP.
- 3. Coastal Hazards Monitoring Plan.** WITHIN ONE YEAR OF THE DATE OF THE APPROVAL OF THIS CDP (i.e., no later than August 12, 2027), the Permittee shall submit two copies of a Coastal Hazards Monitoring Plan to the Executive Director for review and written approval. The Monitoring Plan shall establish a framework and parameters for: (1) regularly monitoring flood and other coastal hazards at the site; (2) identifying how those hazards are affecting the operations of the airport; (3) identifying changes necessary to allow continued functioning of the airport in light of coastal hazard concerns/requirements; and (4) identifying flood/hazard 'triggers' to establish when actions (up to and including potential airport relocation, but not including any form of shoreline armoring) need to be pursued in response to specific flood/hazard events, flood management activities, and/or other coastal hazard concerns/requirements. The Plan may rely on data and other information from other regional coastal hazards monitoring programs, including for the South San Luis Obispo County Sanitation District's wastewater treatment plant (per CDP 3-16-0233), subject to the Executive Director's approval that such information/data is the best available science applicable to the airport site. At a minimum, the Monitoring Plan shall include metrics for assessing site conditions and potential responses related to flooding of the site from Arroyo Grande Creek and Meadow Creek as it

3-25-0865 (Oceano Airport Renovations)

may be influenced by coastal flooding and sea level rise during both typical and extreme storm events, including in relation to emergency response measures (e.g., lagoon management, levee expansion, etc.), flood-required repairs, incidents where prior flood-proofing failed, coastal habitat health, and other appropriate evaluation metrics. Upon Executive Director approval of the Monitoring Plan, the Permittee shall implement the monitoring and other measures identified in the Plan, and shall submit monitoring reports as established in the Plan as appropriate, but at least every 5 years, for Executive Director review and written approval, with the first monitoring report due by no later than August 12, 2031. Each such report shall include and describe changes since the prior report, as well as cumulatively describing changes over time.

All requirements above and all requirements of the Executive Director-approved Coastal Hazards Monitoring Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the Executive Director-approved Coastal Hazards Monitoring Plan.

4. **Coastal Hazards Response Plan.** WITHIN FIVE YEARS OF THE DATE OF THE APPROVAL OF THIS CDP (i.e., no later than August 12, 2031), the Permittee shall submit two copies of a Coastal Hazards Response Plan to the Executive Director for review and written approval. The Response Plan shall build upon the provisions of the Executive Director-approved Coastal Hazards Monitoring Plan (**Special Condition 3**) to provide a clear long-term plan for addressing flooding and other coastal hazards at the airport over the long-term. The Response Plan shall, at a minimum, include a clear cost-benefit analysis comparing the costs and benefits of maintaining the airport at the present location versus (1) relocating the airport and/or its functions to an area safe from flooding and other coastal hazards; and/or (2) combining airport functions with other nearby airports (including the San Luis Obispo County Regional Airport in San Luis Obispo) in response to defined triggers (including at least the triggers identified in the Executive Director-approved Coastal Hazards Monitoring Plan per **Special Condition 3**). All expected costs/benefits shall be quantified, including in terms of airport relocation the costs/benefits of decommissioning the airport and restoring the site to its natural state and/or to a state intended to facilitate an LCP-priority use. The Plan shall include a timeline of potential major response events, including expected timeframes that can account for potential land acquisition, planning, permitting, design, construction and eventual operation of a relocated or combined airport. The Plan shall include a community outreach element to ensure that the Oceano community can provide input on future planning for the airport.

All requirements above and all requirements of the Executive Director-approved Coastal Hazards Response Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the Executive Director-approved Coastal Hazards Response Plan.

5. **Airport Operations.** Any increases in the intensity of use and/or capacity of the airport (e.g., new or significantly expanded runways) are prohibited.

3-25-0865 (Oceano Airport Renovations)

- 6. Construction Plan.** PRIOR TO ANY CONSTRUCTION, INCLUDING ANY CONSTRUCTION PURSUANT TO SPECIAL CONDITION 8, the Permittee shall submit a Construction Plan to the Executive Director for review and approval. The Construction Plan shall include, at a minimum, the following:
- a. Construction Areas.** All construction activity, staging, storage, and access corridor areas shall be clearly identified in site plan view, where construction areas shall be minimized to the maximum extent feasible, and shall be sited and designed to have the least impact on coastal resources (including by using on-site paved areas for these purposes unless it is impossible to do so). Construction, including but not limited to construction activities and materials and equipment storage, shall be prohibited outside of such defined construction areas.
 - b. Construction Methods.** All construction methods to be used, including all methods to be used to keep the construction areas separate from public recreational use areas as much as possible (including using unobtrusive temporary fencing or equivalent measures to delineate construction areas), and including verification that operation and storage of equipment and materials will not, to the maximum extent feasible, significantly degrade public views during construction, shall be clearly identified.
 - c. Construction Timing/Lighting.** All work shall take place during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset), except for interior work, and nighttime work (other than interior work) and lighting of the exterior work area are prohibited, unless due to extenuating circumstances the Executive Director authorizes such work or lighting in writing, and subject to all measures determined by the Executive Director to be necessary to ensure maximum coastal resource protection.
 - d. Construction Best Management Practices (BMPs).** All erosion control/water quality BMPs that will be implemented during construction to protect coastal resources shall be clearly identified, including at a minimum all of the following:
 - 1. Runoff Protection.** Silt fences, straw wattles, or equivalent apparatus shall be installed at the perimeter of the construction areas to prevent construction-related runoff and sediment from discharging from the construction areas or entering into storm drains or otherwise offsite. Special attention shall be given to appropriate filtering and treating of all runoff, and all drainage points, including storm drains, shall be equipped with appropriate construction-related containment, filtration, and treatment equipment.
 - 2. Equipment Provisions.** Equipment washing, refueling, and servicing shall take place at an appropriate on-site (or offsite and more inland, if more protective of coastal resources), hard-surfaced, level location where collection of materials is facilitated to help contain leaks and spills of hazardous materials to the project site.

3-25-0865 (Oceano Airport Renovations)

3. **Good Housekeeping.** The construction site shall maintain good construction housekeeping controls and procedures at all times (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site; establish a hazardous materials spill response protocol, and maintain appropriate materials to address spills; etc.).
 4. **Erosion and Sediment Controls.** All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.
 5. **Bird Protection.** If development within nesting season (from February 1st to September 1st) cannot be avoided, bird surveys shall commence no more than 30 days prior to the initiation of construction and occur weekly, with the last survey occurring no more than 72 hours prior to the start of construction. Surveys shall be completed by a qualified biologist with experience in breeding and nesting bird surveys, and shall extend at least 500 feet out from the disturbance area in all directions for raptors, and 300 feet in all directions for other migratory non-game species. For any active nests that are located, project activities within 500 feet of raptor nests or 300 feet of other species shall be postponed until juveniles have fully fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, and/or construction fencing shall be used to demarcate the boundary between project activities and the nest(s), and shall remain in place for as long as construction is occurring or until the nest is no longer active.
- e. **Construction Site Documents.** Copies of this signed CDP and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- f. **Construction Coordinator.** A construction coordinator shall be designated to be the main point of contact during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, a telephone number and email address that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible, along with an indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature

3-25-0865 (Oceano Airport Renovations)

of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. All complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis during construction.

- g. Construction Specifications.** All construction specifications and materials shall include appropriate penalty provisions that require remediation for any work done inconsistent with the terms and conditions of the CDP.
- h. Notification.** The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the Executive Director-approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the Executive Director-approved Construction Plan.

- 7. Community Event Plan.** The Permittee shall provide for community events as proposed in its Community Event Plan (CEP, see **Exhibit 4**). PRIOR TO CONSTRUCTION, the Permittee shall submit a CEP Outreach and Engagement Plan (OEP) for Executive Director review and written approval, with the goal and purpose of actively promoting and publicizing the availability of events in the CEP to reach underserved communities in Oceano and surrounding communities. The OEP shall include methods of outreach, including online advertisement, e-mail, and digital marketing campaigns. The OEP shall also identify organizations serving underserved communities, and identify ways in which the Permittee will seek to partner with them in outreach and event programming, including ongoing outreach to such organizations at least once per year for the duration of this CDP. All requirements above and all requirements of the CEP and the Executive Director-approved OEP shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition, the CEP, and the Executive Director-approved OEP.
- 8. Future Permitting.** All future proposed development related to this project, this project site, and/or this CDP shall require a CDP or a CDP amendment that is processed through the Coastal Commission, unless the Executive Director determines a CDP/CDP amendment is not legally required. This CDP authorizes future repair, maintenance, and/or improvement development that is determined by the Executive Director to: 1) fall within the overall scope and intent of this CDP; 2) be consistent with the San Luis Obispo County LCP; and 3) not have any significant adverse impacts to coastal resources. Any development that the Executive Director determines does not meet such criteria shall require a separate CDP or a CDP amendment, as directed by the Executive Director.
- 9. Minor Adjustments.** Minor adjustments to the terms and conditions of this CDP may be allowed by the Executive Director if the Executive Director determines that

3-25-0865 (Oceano Airport Renovations)

such adjustments: (1) are reasonable and necessary; (2) do not adversely impact coastal resources; and (3) do not legally require a CDP amendment or new CDP.

10. Other Agency Approvals. PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, or authorizations for the approved project have been granted by any other applicable agencies that may have such oversight over the approved development (including by the U.S. Federal Aviation Administration and San Luis Obispo County, etc.), or written evidence that no such permits, permissions, approvals, or authorizations are required by these agencies. Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.

11. Liability for Costs and Attorneys' Fees. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and/or (2) required by a court that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this CDP, the interpretation and/or enforcement of CDP terms and conditions, or any other matter related to this CDP). The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns. By acceptance of this CDP and its terms and conditions, the Permittee irrevocably agrees to this obligation, which shall be continuing in nature and remain in full force and effect regardless of whether this CDP approval is invalidated as the result of the litigation contemplated by this condition or otherwise changed in any way.

4. FINDINGS AND DECLARATIONS

A. Project Location, Background, and Description

1. Project Location

The Oceano County Airport is located in the unincorporated community of Oceano, seaward of Highway 1 and just south of Air Park Drive, where it occupies some 60 acres. The airport is more broadly surrounded by residential development (including the runway-side Lakeside Drive residential subdivision), the area's primary wastewater treatment plant (South San Luis Obispo County Sanitation District's Wastewater Treatment Plant), as well as wetlands and riparian vegetation of the Meadow Creek/Arroyo Grande Creek/Oceano Lagoon complex, where these two creeks meet and then venture to the Pacific Ocean about 1,000 feet to the south of the airport. Various recreational amenities are also present in the vicinity, including the San Luis

3-25-0865 (Oceano Airport Renovations)

Obispo County Parks-owned Oceano Park and Campground (located immediately adjacent to the airport's parking lot along Air Park Drive, which provides camping and RV space for overnight transient accommodations use), the County's Oceano Park (a neighborhood park with grass playing fields, playground, and outdoor basketball court located just across the street from the airport along Mendel Drive), and the camping, beach, and vehicular access at nearby Pismo State Beach and Oceano Dunes State Vehicular Recreation Area. See vicinity map in **Exhibit 1**.

2. Project Background

The Airport is owned and operated by San Luis Obispo County. Originally built in the 1950s, the airport is one of three airports serving the County, with the primary and largest airport located in the City of San Luis Obispo approximately 10 miles from the Oceano Airport, where that airport serves commercial flights mostly to several cities in the western United States (with intrastate service to San Francisco, Los Angeles, and San Diego, and interstate service to Portland, Seattle, Phoenix, Denver, and Dallas).⁷ In contrast, the Oceano Airport serves general aviation and cargo flights (via piston-engine aircraft with wingspans less than 49 feet), and not commercial flights. While the airport doesn't have scheduled service like commercial service airports, it can be used for chartered flights or cargo service on aircraft that meet the wingspan requirement. It is typically used by private recreational pilots in fairly small aircraft. It can also be used in cases of emergency, allowing for quick deployment of aircraft of many sizes, and serving as an important backup to the San Luis Obispo Airport during natural disasters, including providing space for emergency operations directly in Oceano.

The Airport's core infrastructure is comprised of a single asphalt runway that is 50 feet wide and 2,325 feet long (almost half a mile), with several taxiways to accommodate aircraft circulation and a series of hangars and other support buildings/facilities (e.g., offices, vehicle parking areas, fuel tanks, aircraft tie-down areas, etc.). Again, see vicinity map in **Exhibit 1**.

3. Project Description

The proposed project would repair, replace, or upgrade/improve several airport components, including renovating and upgrading the existing parking lot, renovating the multipurpose room and public bathroom, replacing the primary airport hangar and signage, and upgrading utility infrastructure to serve airport facilities. The Applicant is also requesting after-the-fact (ATF) approvals for a series of improvements that have been undertaken over the years without the benefit of a CDP, including slurry seal and fog sealant applications on the runway, replacement of fuel tanks, new runway lighting, installation of automated weather observation systems and a beacon tower, and perimeter fencing. And finally, the Applicant is also requesting pre-authorization for repair and maintenance activities for the next 10 years, including for pavement

⁷ The City of Paso Robles also operates a small airport just outside of Paso Robles located approximately 50 miles from the Oceano Airport. In addition, the Santa Maria Airport in the City of Santa Maria in Santa Barbara County, located approximately 25 miles from the Oceano Airport, provides facilities for one airline and serves as home base for over 200 general aviation aircraft.

3-25-0865 (Oceano Airport Renovations)

preservation, fencing repair and replacement, fuel tank maintenance, and improvements to navigational aids.

More specifically, the approximately 33,300 square-foot parking lot fronting on Air Park Drive would be renovated to provide 65 total parking spaces, including three that are ADA accessible (where some of the grades around these spaces would also be modified to meet accessibility requirements). In addition, the Applicant would renovate the existing multipurpose room and bathroom. As to the replacement main hangar, it would be rebuilt in roughly the same place as the previous hangar, which was previously demolished due to extensive damage from strong storms in early 2023. The new replacement hangar would be about 25 feet tall and slightly larger than the prior hangar (with the new hangar measuring 128 feet by 35 feet, or about 4,500 square feet) and moved approximately 20 feet west from the existing footprint to accommodate the opening of the hangar doors. The concrete slab beneath the hangar would also be replaced to provide a sound footing for the new structure and planes within. The electrical vault replacement would entail the construction of the vault building, and all necessary and associated hardware, software, regulators, and FAA Airport Improvement Program (AIP)-eligible equipment to ensure a use life of approximately 10 years. The existing vault would be demolished as part of this project as it is beyond its useful life. The project also proposes to relocate the segmented circle and lighted wind cone to enhance safety by improving visibility for pilots taking off to the northwest as well as to replace the airport's primary signage. In addition, the Applicant has clarified that it has committed to maintaining its current functions and level of use intensity, and to foregoing any future expansion. See **Exhibit 2** for proposed plans and project description, and see **Exhibit 3** for the airport's commitment as it relates to future expansion.

Lastly, the Applicant proposes to implement a Community Event Plan that it indicates was designed to help weave the airport more fully into the broader community fabric as a type of community gathering space, where that Plan would provide for an 'Oceano Airport Aviation Day'; 'Cleared for Cheer', an annual community celebration held at the airport featuring winter themed activities, local vendors, food and live entertainment; 'Aviation Career Day', an event targeted at students interested in pursuing careers in aviation; 'Girls in Aviation Day', an annual aviation outreach event to inspire children and youth to explore aviation and aerospace; 'Run the Runway' community fun run; and a 'Wings and Reels' community movie night (see **Exhibit 4**).

B. Standard of Review

The proposed project site is located within historic tidelands and public trust lands that have since been filled in and around the Meadow Creek/Arroyo Grande Creek/Oceano Lagoon complex, where all such lands are located within the Coastal Commission's retained CDP jurisdiction. Thus, the standard of review for the proposed development is the Coastal Act, with the certified San Luis Obispo County LCP providing non-binding guidance.

C. Coastal Hazards

Applicable Coastal Act Provisions

3-25-0865 (Oceano Airport Renovations)

With respect to coastal hazards and flood risk, Coastal Act Section 30253 requires that new development minimize risk to life and property in areas of high flood hazard, and ensure long-term structural integrity without shoreline altering armoring. Section 30253 states:

Section 30253. *New development shall do all of the following: (a) minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. ...*

In addition, Coastal Act Section 30235 provides a counterpoint to Section 30253 inasmuch as while Section 30253 prohibits armoring and other hard protective devices to abate coastal hazards threats for new development, Section 30235 provides an ‘override’ of sorts that allows such protection for ‘existing’ structures, coastal-dependent uses, and public beaches in danger from erosion. Section 30235 states:

Section 30235. *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.*

Importantly, the Section 30235 override as applicable to non-coastal dependent uses only applies to “existing structures.” The issue of what constitutes an “existing structure” for Section 30235 purposes has been debated for many years, but was recently resolved by a Court of Appeal in the *Casa Mira* case.⁸ There, the court held that “the phrase ‘existing structures’ in Section 30235 refers to structures that existed prior to January 1, 1977, the Coastal Act’s effective date.”⁹ In addition, such pre-Coastal Act structures are no longer ‘existing’ under Section 30235 if they are modified in such a way that they are no longer the same structure, but rather a replacement structure (often referred to by the Commission as a ‘redeveloped’ structure).¹⁰ Coastal Act Sections 30235 and 30253 require new development to be

⁸ See *Casa Mira Homeowners Assn. v. California Coastal Com.* (2024) 107 Cal.App.5th 370, as modified on denial of rehearing (December 30, 2024), and where State Supreme Court review was denied (March 12, 2025).

⁹ *Casa Mira* at 388.

¹⁰ Coastal Act Section 30610(d) and Title 14 of California Code of Regulations (CCR) Section 13252(b) help define when structures meet or don’t meet the redevelopment threshold. CCR Section 13252(b) specifically states that replacement of 50% or more of a structure, including single-family residences, is not repair and maintenance under Coastal Act Section 30610(d) but instead constitutes a replacement structure that must be evaluated for Coastal Act compliance purposes. In applying Section 13252(b)’s 50% criteria, the Commission has, in the past, found that a structure will be considered a replacement structure (also referred to as redevelopment) if at least one of the following takes place: 1) 50% or more of the major structural components (i.e., including exterior walls, floor, roof structure, or foundation, where alterations are not additive between individual structural components) are altered; 2) there is a 50% or more increase in gross floor area; 3) alteration of less than 50% of a major structural component results in cumulative alterations exceeding 50% or more of that major structural component (taking into account

3-25-0865 (Oceano Airport Renovations)

safe from/minimize risk from coastal hazards in a manner that does not require shoreline armoring/protective devices to do so.

In addition, the San Luis Obispo County LCP, which acts as guidance for the proposed project, also includes a number of policies and standards designed to minimize risk of new development located in high flood hazard areas. Applicable here, the LCP includes a Flood Hazard (FH) combining, or overlay, designation that maps specific areas of the coastal zone where flooding raises potential hazards to life and property from inundation by a 100-year frequency flood or from other coastal hazards. The entirety of the airport facility is located within such mapped flood hazard area. As such, development within such area must comply with several hazards minimization and avoidance requirements, including Hazards Policy 1, which requires that all new development proposed within areas subject to natural hazards from geologic or flood conditions be located and designed to minimize risks to life and property.

Analysis

Flood Risks

As discussed earlier, the airport is located in a low-lying area that was once an estuarine environment formed by the confluence of Meadow Creek and Arroyo Grande Creek, but that was filled in the 1950s to accommodate the airport when it was initially constructed. Given the area's topography, the airport is subject to flood risks, including as mapped in the LCP as described above. As part of its 2017 CDP approval for significant wastewater treatment infrastructure upgrades at the immediately adjacent (and essentially equivalent location-wise/topographically) South San Luis Obispo County Sanitation District's wastewater treatment plant (WWTP) (CDP 3-16-0233), the Commission found that:

...the WWTP (and other development in this area [e.g., the Airport]) is subject to flooding in three main ways: 1) existing and future coastal flooding and erosion impacts associated with wave overtopping of the Arroyo Grande Creek levee and into the Meadow Creek Lagoon complex; 2) fluvial flooding on Arroyo Grande Creek, associated with extreme rainfall-runoff events, which overtops the levee; and 3) estuarine flooding caused by elevated water levels in Meadow Creek Lagoon, and associated with moderate fluvial flows in combination with a closed and elevated Arroyo Grande Creek Lagoon. According to the SLR analysis, the primary flood mechanism that will increase due to climate change will be the estuarine flood. (emphasis added)

The coastal hazards reports prepared in conjunction with that application found that the WWTP and surrounding area currently suffered from periodic, albeit then currently fairly rare, flooding events, including one such event in 2010 that damaged critical wastewater treatment infrastructure and resulted in a raw sewage spill. The hazards

previous replacement work undertaken since January 1, 1977); and 4) a less than a 50% increase in floor area where the alteration would result in a cumulative addition of 50% or more of the floor area, taking into account previous additions to the structure since January 1, 1977 (see, for example, LCP amendments LCP-2-MAR-13-0224-1 Part A and LCP-3-MRB-21-0047-1).

3-25-0865 (Oceano Airport Renovations)

modeling suggested that such events would be more common in the future. The Commission further found that:

By 2100 (83 years from now), however, under the “high” SLR scenario (66 inches of SLR), adjacent residential areas and the WWTP’s two access points would again be routinely flooded, and the WWTP itself would see “nuisance” flooding from even moderate-size storms, such as those with an annual (or even more common) return period.

In short, the Commission found the WWTP was located in an area where such critical infrastructure is expected to be at risk from significant flooding events. As such, the Commission imposed several special conditions that, among other things, limited the duration of CDP approval to 30 years. In that time, special conditions required the Sanitation District to prepare coastal hazards reports and relocation plans, including a ‘long-term solution’ that includes “evaluation of the eventual relocation of the plant to an area that is safe from these and other coastal hazards, and to an area that does not require protective devices or substantial alterations of rivers and streams, including lagoon breaching and other lagoon management.”

While the Applicant did not prepare an airport-specific evaluation of the coastal hazards risks affecting the site as part of this project’s CDP application, given the adjacency to the WWTP and essentially the same topography, it can be reasonably construed that the same types of flood risks that applied (and apply) to the WWTP apply in similar ways to the airport. As a result, it is clear that the airport is in a high flood hazard area. As such, the Coastal Act requires the proposed development to “minimize risks to life and property” (Section 30253).

Existing Structure Status

As to the manner in which the airport can seek to minimize such risks, it is important to first understand its ‘existing’ status as it relates to Section 30235. However, the question of when an airport is modified by 50% or more, and thus becomes a ‘replacement airport’ under the Coastal Act and the Commission’s regulations, is not something that the Commission has considered in the past. In other words, while the Commission has evaluated the threshold for redevelopment of houses, and even other types of public infrastructure (like wastewater treatment plants, such as occurred with the above described 2017 WWTP CDP), the Commission is not aware of a precedent for applying its redevelopment methodology to multi-structure developments of similar size and scale to the airport (e.g., whether the 50% applies to alterations to overall square footage, to numbers of buildings, to overall structural components, to its capacity, intensity of use, etc.). Nevertheless, the Commission can apply a similar methodology of evaluating the airport’s primary physical facilities, like the runway, taxiway, and apron, as a proxy for a residential structure’s ‘major structural components’.

In other words, when the Commission evaluates whether a home is redeveloped, it looks to the elements that give the home physical structure and usability as a residence. That is, things like the foundation and structural walls and roof that keep a residence upright and habitable, rather than windows, doors, and other more cosmetic elements. Applying this framework to an airport would suggest the Commission look at the

3-25-0865 (Oceano Airport Renovations)

structures that make an airport operational, like the runway, taxiway, apron system, as these are the primary components that keep an airport functioning as a facility to handle airplane takeoffs and landings. Another way to assess an airport's redevelopment is to look at the cumulative repairs and improvements over the years to structures that aid in an airport's operability, like air traffic control buildings and fuel tanks, and/or the replacement of and/or new individual structures. And yet another way could be looking at changes in an airport's capacity and/or intensity of use. And in all cases, the exercise includes identifying how all such different potential methodologies interrelate with one another, as well as any currently proposed projects like the one before the Commission currently, in addition to past developments post-Coastal Act.

The proposed development before the Commission in this CDP application does not appear to significantly modify any of the airport's primary runway, taxiway, or apron facilities, but instead is a relatively modest ensemble of repairs, replacements, and improvements to other sorts of facilities (e.g., only three of the roughly 15 structures/buildings on site are being altered/replaced). Based on this metric, the proposed project would not meet the 50% threshold. However, as described previously, when establishing the 'existing' vs. 'replaced' threshold, the Commission also looks at past cumulative development since the enactment of the Coastal Act in 1977, including any ATF development as is proposed to be recognized here. The Commission makes its redevelopment finding by looking at all such projects cumulatively, and not just what is currently proposed.

In this case, such an evaluation requires a review of past airport projects to understand the degree and scope of previously performed development. While the Applicant has performed a series of repairs and improvements over the years,¹¹ many of which appear relatively minor in scope (e.g., spot asphalt repairs, etc.), the Applicant has substantially modified the airport's runway, taxiway, and apron network over the years. In fact, in 1984 the runway and taxiways were repaved with an entirely new layer of asphalt, and in 1999, the runway's lighting system was fully replaced. In 2004, the Commission approved CDP 3-04-031-W, which replaced the entirety of the airport apron (i.e., the asphalted area that connects the hangars and other buildings with the runway/taxiway). This project was not simply a cosmetic repair, like a fog seal or cold patch. It went a step further and replaced the entire runway surface, which included ripping up the existing asphalt surface, trucking out the old asphalt/base/soil, re-grading the soil upon which the base rests, trucking in new aggregate to serve as a foundation, and repaving with an entirely new layer of asphalt. This project alone fully replaced about 45 percent of the runway, taxiway, and apron system, and when understood in conjunction with the other past runway, taxiway, and apron projects, clearly modified more than 50 percent of this key airport component.¹²

In addition, and as discussed in the Violation findings below, the airport has undergone a number of other repair, maintenance, and improvement projects over the years

¹¹ Again, some without requisite CDPs, and some with, as described herein.

¹² The airport's main runway, taxiway, and apron network surface area totals 380,259 square feet. The apron is approximately 171,900 square feet or 45% of this total, while the runway and taxiways together are 208,359 square feet and are 55% of this total area.

3-25-0865 (Oceano Airport Renovations)

without the benefit of a CDP, but which are proposed to be recognized by this CDP application. These include some relatively minor projects, such as fog sealing on some of the various airport components, to more major new structure and replacement projects, such as a new airport beacon tower in 1999 and the removal of an underground 12,000-gallon fuel tank and replacement with a new above-ground 8,000-gallon fuel tank and dispensing equipment in 2004.

Thus, and based on this cumulative analysis, the Commission finds that the airport as it exists today has been redeveloped and is not 'existing' as that term is understood in Section 30235,¹³ where it tipped the 50% threshold some two decades ago in the 2000s. As a result, the airport cannot invoke the Section 30235 override to allow protective devices as a means of minimizing its hazards risk; not now, and not in the future.

Minimizing Coastal Hazards Risk

When applying such understandings to both this proposed project and the airport as a whole, new development, such as proposed in this application, in a low-lying flood prone area, particularly for public infrastructure, raises questions about whether doing so minimizes risk to life and property, as required by Section 30253. In fact, adding any new development, especially development that adds significant investment to the site (including in terms of size, scope, and cost, etc.) can be understood to actually increase risk to life and property at an already inherently risky location. It's also true, however, that the airport is currently operational and the flood risk is currently relatively low, and the proposed development would help provide needed upgrades and repairs to the use and enjoyment of this public asset. In addition, the frequency of flooding is not expected to be significant for several decades, and the airport would appear to have the adaptive capacity to weather most strong storms since it is normally exposed to the outside elements. Thus, the Commission finds that the proposed project is consistent with the Coastal Act hazards policies, but only if the project is conditioned to ensure robust coastal hazards monitoring and adaptation planning for the longer term, thereby ensuring that the proposed development and redeveloped airport minimize risks to life and property.

The Commission therefore imposes a series of special conditions requiring the Applicant to acknowledge, plan for, and abate coastal hazards risks both now and in the future. First, **Special Condition 2** identifies that the entire airport, including the approved improvements, are subject to coastal hazard risks, requires the Applicant to assume all such risks and indemnify the Commission against any liabilities for the approved project, and prohibits any future armoring to protect such development.¹⁴ Moreover, **Special Conditions 3 and 4** require a longer-term adaptation planning assessment of the airport and how it will respond to coastal hazards risk into the future

¹³ Put another way, and as the Commission has described 'redeveloped' wastewater treatment plants and other public facilities in the past, while an airport has existed here in Oceano since the 1950s, this particular airport in its current configuration has not since the original airport has been cumulatively replaced.

¹⁴ Such a condition is similar to that the Commission imposed for the San Diego International Airport in its Terminal 1 replacement project (CDP 6-20-0611).

3-25-0865 (Oceano Airport Renovations)

in a manner without armoring and other coastal resource impacts. This set of conditions mirrors that which the Commission required of the adjacent WWTP, and is key in evaluating how the airport will respond to such hazards in the longer term. Specifically, **Special Condition 3** establishes the framework for understanding what hazards are present and how they may impact airport facilities. To ascertain such information, the conditions require the preparation of a monitoring plan to establish the framework and parameters for: (1) regularly monitoring flood and other coastal hazards at the site and management responses to those hazards both on and off-site (e.g., lagoon management, levee expansion, etc.); (2) identifying how those hazards are impacting and affecting the operations of the airport; (3) identifying changes necessary to allow continued appropriate and required functioning of the airport; and (4) identifying flood/hazard 'triggers' to establish when changes (including up to and including airport relocation) need to be pursued in response to specific flood/hazard events or flood management activities.

And **Special Condition 4** requires a coastal hazards response plan. Such plan is intended to synthesize the findings and analyses from **Special Condition 3's** monitoring plan to provide a clear long-term plan for addressing flooding and other coastal hazards at the airport over the longer term. The coastal hazards response plan would build upon an evaluation of the costs of maintaining the airport at the present location by requiring an assessment of costs and benefits of relocating the airport and/or its functions (or combining functions with other airports, such as the County's primary airport in San Luis Obispo) to an area safe from flooding and other coastal hazards over time. The analysis would include: expected costs of purchasing land for a relocated airport, as well as expected costs to decommission the existing airport and to restore the site to its natural state; and a timeline of potential major relocation events, including expected timeframes for land acquisition, planning, permitting, design, construction and eventual operation, of a relocated and/or combined airport and/or airport functions.

And finally, in terms of recognizing and assuming hazard risks, the Commission's experience in evaluating proposed developments in areas subject to hazards has been that applicants continue to pursue development despite periodic episodes of heavy storm damage and other such occurrences. Development in such dynamic environments is susceptible to damage due to such long-term and episodic processes. Past occurrences statewide have resulted in public costs (through low interest loans, grants, subsidies, direct assistance, etc.) in the tens to hundreds of millions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden for damages onto the people of the State of California, applicants are regularly required to acknowledge site hazards and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, this approval is conditioned for the Applicant to assume all risks for developing at this location (see **Special Condition 2(b)**).

In conclusion, the site is in an area of flood hazard that will be flooded more frequently over time due to sea level rise. Special conditions are included to ensure that the project appropriately minimizes risk as required, including through implementing a longer term coastal hazards monitoring and response plan. Therefore, with respect to coastal

3-25-0865 (Oceano Airport Renovations)

hazards, the project, as conditioned, can be found consistent with Coastal Act Sections 30253.

D. Habitat Resources

Applicable Coastal Act Provisions

In terms of the surrounding aquatic habitats, Coastal Act Sections 30230 and 30231 protect such resources,¹⁵ including through requirements to protect water quality and to site development in such a way as to maintain and enhance biological productivity. Coastal Act Sections 30230 and 30231 provide:

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. *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 through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

And to the extent any such resources qualify as environmentally sensitive habitat areas (ESHAs), Section 30240 also applies, and it states:

Section 30240. *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Analysis

As described earlier, the areas in and surrounding the airport that have not been filled still contain and support a mix of creek, riparian, and lagoon environments, all of which constitute ESHA under the Coastal Act and the LCP. As a general rule, all proposed improvements are located well more than 100 feet from such resources, with the

¹⁵ Coastal Act Section 30233 also protects against development located in open coastal waters, wetlands, estuaries, and lakes, and Section 30236 regulates substantial alterations of rivers and streams, but neither are proposed in this application, and these provisions are thus not cited here.

3-25-0865 (Oceano Airport Renovations)

exception of a portion of the existing parking lot and the proposed hangar building, which are located adjacent to (but not within) a wetland/riparian area that appears to be a remnant of the habitats that previously occupied the airport site overall. That wetland/riparian area also constitutes ESHA under both the Coastal Act and the County's LCP. And while the Coastal Act does not impose specific setback distances to meet the requirements of Sections 30230, 30231, and 30240, the LCP requires a setback of at least 50 feet, which setback can be adjusted down to as little as 10 feet if certain criteria are met, including if all adverse environmental effects are mitigated.¹⁶

The Commission's staff ecologists have evaluated the relevant project materials, and believe that the appropriate setback for this particular wetland/riparian feature is 10 feet. The edge of the eastern side of the existing parking lot is 10 feet away from the edge of the riparian habitat, and the new hangar building will be located over 25 feet from the riparian vegetation on existing paved areas. Thus, the proposed improvements meet such setback requirements and can be found consistent with the Coastal Act provided project runoff – especially related to the parking lot, where more sensitive water quality measures are critical – is appropriately filtered, treated, and managed; and provided appropriate water quality and other construction BMPs are applied. Thus, **Special Condition 1** requires that the project be modified in these ways, and **Special Condition 6** imposes such construction requirements.

As to the proposed ATF perimeter fence, it appears clear that it was constructed at least partially in a riparian ESHA area along the northern and southwestern perimeter of the airport. Neither the Coastal Act nor the LCP allow for such perimeter fence development in riparian ESHA, and thus this component of the proposed project cannot be approved, and will remain a violation (see also Violation finding that follows). **Special Condition 1(f)** omits approval of this fence.

Therefore, with respect to habitat resources, the project, as conditioned, can be found consistent with the cited Coastal Act provisions.

E. Environmental Justice

Applicable Coastal Act Provisions

In terms of environmental justice, the Coastal Act explicitly identifies the need to ensure equality and environmental justice, and allows the Commission to consider coastal resource issues and impacts through that lens. The Coastal Act states:

Section 30107.3: (a) "Environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, and incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (b) "Environmental justice" includes, but is not limited to, all of the following: (1) The availability of a healthy environment for all people. (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities. (3)

¹⁶ See LCP Section 23.07.174.

3-25-0865 (Oceano Airport Renovations)

Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process. (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

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

To implement its Coastal Act environmental justice authority, the Commission adopted an Environmental Justice Policy (“EJ Policy”) to guide and inform its decisions and procedures in a manner that is consistent with the provisions in, and furthers the goals of, the Coastal Act and certified LCPs. The EJ Policy further articulates environmental justice concepts, including stating:

The term “environmental justice” is currently understood to include both substantive and procedural rights, meaning that in addition to the equitable distribution of environmental benefits, underserved communities also deserve equitable access to the process where significant environmental and land use decisions are made.

Thus, the Commission’s EJ policy underscores the importance of both substance (i.e., evaluating whether projects do or do not disproportionately distribute environmental benefits and burdens) and process (i.e., ensuring that those potentially affected by proposed development have an equitable opportunity to participate in a transparent public process). This provides a framework to consider fair outcomes and requires the Commission to reach out to and include the voices of environmental justice communities (or communities of concern) who have been historically marginalized in the governmental review process, and/or whose households have been disproportionately burdened by environmental hazards, often stemming from forms of development with significant burdens (e.g., industrial development). The goal is to make sure these voices are thoughtfully considered by the Commission during the decision-making process.

Analysis

Identifying Communities of Concern

In past actions, the Commission has considered the Oceano community to be an environmental justice community. Oceano is an unincorporated community with a population of roughly 7,200. According to CalEnviroScreen, 32.6% of individuals live below twice the federal poverty level.¹⁷ About 36% of Oceano’s population identify as Hispanic or Latino, and nearly a quarter of the community (22.6%) speaks a language

¹⁷ Because the federal poverty level applies nationwide, areas with a higher cost of living, such as California (and particularly coastal California), often use the number of households or individuals with incomes below twice the federal poverty level as an indicator of poverty.

3-25-0865 (Oceano Airport Renovations)

other than English at home.¹⁸ The community was also designated as an “Opportunity Zone” by Governor Jerry Brown in 2018 in an effort to increase private sector investment in it.¹⁹ Furthermore, Oceano is designated a low-income community,²⁰ and 40% of Oceano’s housing units are occupied by renters.²¹ Oceano is bordered by agricultural lands, with Highway 1 and the Union Pacific Railroad running through its central area. Seaward of the highway and tracks are the airport (60 acres), the regional wastewater treatment plant (11 acres), and a small County park. Pier Avenue provides one of two primary access routes to Pismo State Beach and the Oceano Dunes State Vehicular Recreational Area. On peak days, Pier Avenue traffic, often RVs and trucks towing trailers, can gridlock local streets and idle for extended periods. Residents have long expressed concerns that heavy vehicle use at Oceano Dunes limits ‘normal’ beach use and passive public access by turning the beach into a highway for cars, making Oceano a beach town without a usable beach, while dust emissions further pollute the community. These issues have been expressed to (and identified and known by) the Commission for many years.²²

Taken together, Oceano hosts multiple impactful land uses – wastewater treatment, heavy vehicle traffic to Oceano Dunes, vehicles on Oceano’s beach, and dust emissions related to OHV activity. The airport adds additional direct and indirect impacts to Oceano related to noise, emissions, land use restrictions,²³ and general compatibility. In many respects, the Oceano community is a classic case of a lower-income community of color disproportionately suffering from land use incompatibilities. These demographic, socioeconomic, and environmental factors warrant the designation of Oceano as an EJ community.

Procedural and Substantive Concerns

To better understand the environmental justice issues in this community, Commission staff attended a public workshop in Oceano organized by the Applicant in November 2022 where various community members expressed concerns regarding the proposed project, the airport’s location, and its continued operation in this community. Many

¹⁸ See U.S. Census Bureau, 2020-2024 American Community Survey Data, 5-year estimate, Table S1601.

¹⁹ The “Opportunity Zone” designation is pursuant to the Tax Cuts and Jobs Act of 2017.

²⁰ Assembly Bill (AB) 1550 defines “Low-income communities” as census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093.

²¹ See U.S. Census Bureau, 2020-2024 American Community Survey Data, 5-year estimate, Table DP04.

²² And were part of the series of issues that led to the Commission’s 2021 decision to phase out off-highway vehicular (OHV) use at Oceano Dunes by 2024, which decision was subsequently overturned at the Superior Court level, and which Superior Court decision was affirmed by the Court of Appeal. As a result, OHV use at Oceano Dunes, and its attendant impacts, including as it relates to the Oceano community, continues to this day.

²³ It is not just the 60-acre airport, but the fact that the areas adjacent to it are also encumbered by restrictive land use and development limitations (e.g., height limits to ensure compatibility with airport operations, limitations on use/development in identified airplane ‘turning’ zones, etc.) due to FAA requirements.

3-25-0865 (Oceano Airport Renovations)

residents expressed that the publicly funded airport provides little benefit to Oceano, occupies valuable public land, and should be relocated or repurposed for other sorts of community uses (such as affordable housing, parks, a town center, emergency facilities, and wetlands restoration).²⁴ Further, Commission staff met with other community groups²⁵ who also stressed their opinion that the airport is an exclusive playground of wealthy hobbyists who are removed from the community, and it provides no significant benefits to Oceano.²⁶ And Commission staff most recently re-engaged with some of these groups and the sentiments remained the same,²⁷ with the addition that some commenters believe that recent airport events have not been inclusive, and have requested that the airport be modified to a less impactful aviation use (e.g., a helicopter only facility for emergency purposes), or to 'open up' the airport's facilities to more community uses. Another recurring concern has been the airport's future plans and potential expansion, conversion into a commercial aviation space, or intensification of its operations. This issue too was raised by Commissioners in December 2023 during Commission debate on the Applicant's last CDP application (which was withdrawn by the Applicant at that time), where at the time, the Applicant could not commit to a specific future outcome. In subsequent discussions since then, the Applicant has committed to maintaining its current functions and level of use intensity, and to foregoing any future expansion (see **Exhibit 3**), and this CDP is conditioned to require same.

The Applicant disagrees that the Airport does not serve an important community function,²⁸ and argues that there is some disagreement in the community about the appropriateness of the airport.²⁹ That said, the Applicant recognizes such community

²⁴ These concerns are echoed in correspondence received on this CDP application from the Oceano Advisory Council, the Oceano Economic Development Council, and Oceano Beach Community Association (see **Exhibit 5**). It should be noted that since receipt of the Oceano Advisory Council's letter in July 2022, the County's Board of Supervisors dissolved that Council as an official advisory arm of the County in terms of advocating for Oceano's interests and needs. The Oceano Economic Development Council and the Oceano Beach Community Association are independent non-profit community groups unaffiliated with the County.

²⁵ Commission staff also had Zoom meetings with representatives of local community groups, including the Oceano Beach Community Association, the Oceano Economic Development Council, and the Latino Outreach Council.

²⁶ While it hasn't been directly raised by members of the community, the Commission also notes that airports tend to have large environmental footprints, including in terms of noise, air pollution, and even leaded gasoline in smaller airplanes, all of which may adversely impact the health and welfare of the surrounding local population (see, for example, <https://www.epa.gov/newsreleases/epa-determines-lead-emissions-aircraft-engines-cause-or-contribute-air-pollution>).

²⁷ In 2026, Commission staff met with OCBA, the local chapter of Sierra Club, and the Surfrider Foundation.

²⁸ The Applicant notes that, as a general aviation airport, it can be used as an important hub during emergency situations due to its close proximity to the community, for quick deployment of aircraft of many sizes, and as an important backup to the San Luis Obispo County Regional Airport during natural disasters. The Applicant further notes that it has been and continues to be used by agencies such as California Highway Patrol Sheriff Aero Squadron, Civil Air Patrol, U.S. Coast Guard, Life-flight, and Angel Flights.

²⁹ The Applicant notes that, in November of 2022, the Oceano Economic Development Council and the Cal Poly San Luis Obispo City and Regional Planning Department completed a survey that showed that,

3-25-0865 (Oceano Airport Renovations)

voices, and has proposed a Community Event Plan (CEP, see **Exhibit 4**) designed to allow the airport to bring more value to the community, where the purpose of the CEP is to expand opportunities for public access, recreation, and community engagement at the airport in an effort to better serve the Oceano community. As proposed, the CEP includes several events that are intended to draw the community to the site to learn more about aviation, and to make a closer connection to the airport. These events include an 'Ocean Airport Aviation Day'; 'Cleared for Cheer', an annual community celebration held at the airport featuring winter themed activities, local vendors, food and live entertainment; 'Aviation Career Day', an event targeted at students interested in pursuing careers in aviation; 'Girls in Aviation Day', an annual aviation outreach event to inspire children and youth to explore aviation and aerospace; 'Run the Runway' community fun run; and a 'Wings and Reels' community movie night. **Special Condition 7** codifies the CEP, and includes the Commission's typical outreach provisions designed to actively promote and publicize the availability of such events to underserved communities in Oceano and surrounding areas.

Conclusion

Some in the community want the Commission to take the opportunity of this CDP application to eliminate the airport use, and to require that the site be repurposed for other community benefits. However, and as indicated earlier, the proposed development constitutes fairly straightforward improvements to an existing airport facility that result in fairly limited coastal resource impacts, where the impacts that occur can be fairly readily addressed by conditions (e.g., for construction and water quality BMPs, etc.), and where coastal hazards risks can be minimized by other conditions (e.g., for hazards monitoring and response plans). As a result, because of the more limited scale and scope, and the fact that Coastal Act concerns can be readily addressed, this application is simply not the vehicle to ask and answer those larger – and more existential for the airport, the Applicant, and the County – questions. And to be clear, any larger questions regarding whether the airport should stay or go and in what forms are simply better addressed by the County Board of Supervisors, the Applicant, and Oceano residents.

At the same time, however, this CDP can support these types of important conversations through the coastal hazard monitoring and response conditions imposed on the project. In fact, the project's longer-term resiliency planning conditions provide an opportunity to start an important environmental justice conversation about the way in which the airport may or may not bring undue burdens to the Oceano community, particularly when considered cumulatively in terms of other sorts of burdens that this community faces. Specifically, such an effort will require the Applicant to take the necessary steps towards a visioning and planning exercise that evaluates the airport's compatibility with its location from a coastal hazards perspective, where it is inherent in that exercise that the environmental justice lens must be applied. The cost and benefit analysis that is required by these conditions explicitly provides the opportunity to rethink how and whether the airport could/should coexist with its community, whether certain

when asked about what uses/issues the Oceano community needs, survey respondents indicated a strong preference for more jobs, more housing, increased sidewalk access, and a new town center. The survey results showed that many respondents were either opposed or were neutral to repurposing the 60 acres that the Airport currently occupies to other uses.

3-25-0865 (Oceano Airport Renovations)

changes could/should be made to the airport and/or airport operations to address identified hazard concerns (which can encompass community concerns) and whether and when the airport and/or its functions might need to be relocated (or combined with the primary airport in San Luis Obispo etc.). And that exercise allows for the Applicant, the County, and the community to grapple with County and community desires as it relates to the airport site. And the hope is that this effort also provides an opportunity for the Applicant to more closely partner with the community, including building upon and expanding its community event plan.³⁰

F. Other

Parking and VMTs

The proposed project includes resurfacing the airport's 65-space parking lot, with the same amount of parking spaces at 65, with three of those being ADA accessible.³¹ The 65 parking spaces are likely well in excess of what might be required to serve the airport,³² but that is not so much a Coastal Act problem as it is an opportunity for the Applicant and the community to consider other potential uses/activities there, including as lessons are learned about the community event plan, and as resiliency planning commences. In other words, there may be a higher and better use for such a scarce public land than accommodating excess parking. That said, the proposed project does not include any electric vehicle charging stations, and it does not appear that it includes any measures to "minimize energy consumption and vehicle miles traveled" as is required by Section 30253(d).³³ Thus, **Special Condition 1** requires that EV parking be provided at the ratios required of the California Green Building Code, which is 13 EV-capable spaces today, with three of those turning into EV-charging spaces within 2 years and the remainder within 5 years.³⁴

Other Agency Approvals

The proposed project may require authorization from several other entities, including the U.S. Federal Aviation Administration and San Luis Obispo County. To ensure that the proposed project is authorized by all applicable agencies, **Special Condition 10** requires the Applicant to submit written evidence of these other agencies authorizations

³⁰ It is also noted that there are obviously other ways to address coastal hazards and their intersection with EJ issues in this approval, including requirements only allowing the subject improvements on a temporary basis, and/or requiring that longer term decisions about the airport be made by a shorter term date certain. These types of requirements could also address the issues identified herein, as well establishing explicit limits of sort on the future use of public dollars and public land for the continuation use of the airport. However, the Commission does not believe that such requirements are warranted at this time, including given the relative scope and degree of Coastal Act Chapter 3 issues raised by the proposed project don't really lend themselves to such definitive conclusions, and also because such requirements could be so prescriptive as to unduly impact and prejudice the necessary community, Applicant, and County conversation that is necessary.

³¹ The three spaces out of a total of 65 meets the LCP's ADA parking requirements.

³² The LCP does not have a specific numeric parking standard for airports, but rather is determined on a case-by-case basis by the Planning Commission (see LCP Section 23.04.166(c)(10)).

³³ Section 30253(d) states "New development shall... minimize energy consumption and vehicle miles traveled."

³⁴ See California Green Building Code Standards Table 5.106.5.3.1.

3-25-0865 (Oceano Airport Renovations)

of the project (as conditioned and approved by this CDP) or evidence that such authorizations are not required.

Future Development

With respect to the Applicant's request for a 10-year repair and maintenance program, this CDP authorizes future repair, maintenance, and/or improvement development that are determined by the Executive Director to: 1) fall within the overall scope and intent of this CDP; 2) be consistent with the San Luis Obispo County LCP; and 3) not have any significant adverse impacts to coastal resources. In that way, the Commission can streamline such minor projects. At the same time, although the current project and such future authorization of minor projects are appropriately addressed here in that way, future more substantial projects need to be evaluated for their own Coastal Act consistency, especially anything that comes out of discussions by and between the Applicant, the County, and the community, including as part of the required resiliency planning effort. Thus, it is critical that any such future development associated with the approved development and the site be evaluated for Coastal Act consistency so that all of that context can inform decisions. Thus, any and all future proposed development related to this project, this project area, and/or this CDP will require new CDPs or CDP amendments that are processed through the Coastal Commission, unless the Executive Director determines that such CDPs or CDP amendments are not legally required (see **Special Condition 8**).

Minor Adjustments

Oftentimes minor unforeseen issues present themselves in projects of this nature, particularly as construction gets underway, and it is important that the CDP is nimble enough to account for potential minor changes. Thus, minor adjustments to the proposed project that do not require CDP amendments or new CDPs (as determined by the Executive Director) may be allowed by the Executive Director if the Executive Director determines that such adjustments: (1) are deemed reasonable and necessary; (2) do not adversely impact coastal resources; and (3) do not legally require a CDP amendment or new CDP (see **Special Condition 9**).

Indemnification

Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications.³⁵ Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its actions on the pending CDP applications in the event that the Commission's action is challenged by a party other than the Applicant. Therefore, consistent with Section 30620(c), the Commission imposes **Special Condition 11** requiring reimbursement for any costs and attorneys' fees that the Commission incurs in connection with the defense of any action brought by a party other than the Applicant challenging the approval or issuance of this CDP, or challenging any other aspect of its implementation, including with respect to condition compliance efforts.

³⁵ See also California Code of Regulations Title 14 Section 13055(g).

3-25-0865 (Oceano Airport Renovations)

G. Violation

Violations of the Coastal Act exist on the subject property, including, but not necessarily limited to: application of fog seal to the entire asphalt surface in 1979; installation of an underground storage tank in 1990; application of fog seal over the entire airport asphalt and parking surface in 1990; slurry seal of the airport apron in 1993; replacement of the entire airport perimeter fencing in 1998; removal and replacement of the lighting system in 1999; erection of a new beacon tower and foundation and demolition of the old tower in 1999; removal and reconstruction of the lighted wind cone and segmented circle in 1999; replacement of the 12,000 gallon underground fuel storage tank and dispensing apparatus with an 8,000 gallon above-ground tank and dispensing equipment in 2004; and installation of an automated weather observation system and a new rotating beacon and removal of the old beacon and tower in 2017.

The Applicant appears to have undertaken such development based on the mistaken assumption that they were exempt from CDP requirements.³⁶ In fact, all of the above-described projects constitute development under the Coastal Act, and due to the airport's location in and adjacent to sensitive habitat types, including ESHA and wetlands, as well as the fact that some are improvements to public facilities that are not allowed to be exempt under the Coastal Act and its regulations, these projects have the potential to cause significant impacts to coastal resources and thus are not eligible for exemption.³⁷ However, importantly, this application is seeking after-the-fact (ATF) approval for this to-date unpermitted development. The terms and conditions specified herein, including provisions for coastal hazards planning and for community engagement, ensure the ATF components can be found consistent with the Coastal Act, with the exception of the fencing replacement. Specifically, the fencing replacement appears to have occurred in and adjacent to riparian ESHA, it is not approved ATF under this CDP (see **Special Condition 1(f)**), and that violation has been referred to the Commission's enforcement division to consider options for future actions to address this violation. In addition, to mitigate for the impacts of unpermitted development and to resolve penalty liabilities, the Applicant has proposed a Community Event Plan (CEP) that aims to expand opportunities for public access, recreation, and community engagement at the airport in an effort to better connect with and serve the Oceano community (see **Special Condition 7**). The Applicant is also required to apply water quality protections for its airport operations (see **Special Condition 1(d)**). The Applicant has also agreed to not increase the intensity of use and/or capacity of the airport, which is codified by **Special Condition 5**. Finally, recommended conditions specific to the airport parking lot will improve its aesthetics and water quality function, all of which will benefit coastal resources as well (see **Special Condition 1**). Thus, issuance of the CDP, the subsequent performance of the work authorized by the CDP in compliance

³⁶ The Applicant indicates that it was unaware that CDPs were required for such work, and points to a CDP exemption it received from the Commission in the 1980s that it believed meant that subsequent and similar work was also exempted. The two problems with this line of reasoning are that (1) the 1980s era work was not actually exemptible given the site's location relative to wetlands and similar features, and thus the exemption determination at that time was in error; and (2) even if the 1980s era work was exemptible, such exemption was not and cannot act as an exemption for all time for subsequent future work. The Commission continues to track each of these development episodes as Coastal Act violations.

³⁷ See Title 14, California Code of Regulations Sections 13250-13253.

3-25-0865 (Oceano Airport Renovations)

with all of the terms and conditions of the CDP, will result in resolution of all of the violations described above with the exception of the perimeter fence.

Although development has taken place prior to submission of this CDP application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Importantly, Commission review and action on this CDP does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations), nor does it constitute an implied statement of the Commission's position regarding the legality of the development undertaken on the subject site without a CDP, or of any other development, other than the development approved herein, or as otherwise expressed herein. In fact, approval of this CDP is possible only because of the terms and conditions included herein, and the Applicant's presumed subsequent compliance with said terms and conditions, and failure to comply with these terms and conditions in conjunction with the exercise of this CDP would also constitute a violation of this CDP and of the Coastal Act. Accordingly, the Applicant remains subject to enforcement action just as it was prior to this CDP approval for engaging in unpermitted development related to the fence, and remains subject to that same kind of enforcement action related to the other violations unless and until the terms and conditions of this CDP are satisfied.

H. California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. San Luis Obispo County, acting as the CEQA lead agency, determined the proposed development to be categorically exempt from CEQA review under CCR Sections 15302(c) and 15303(c)(d) in June 2022.

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

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

5. APPENDICES

A. Substantive File Documents

- CDP 3-22-0463 File
- CDP 3-16-0233 File
- CDPs 4-82-300 and 3-12-050 Files, as amended
- Shape Oceano's Future – Door-to-Door Survey Results

B. Staff Contact with Agencies and Groups

- San Luis Obispo County Department of Airports
- San Luis Obispo County Department of Planning and Building
- Oceano Advisory Council
- Oceano Beach Community Association
- Oceano Economic Development Council
- Latino Outreach Council
- Sierra Club
- Surfrider Foundation