

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
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Filed: 10/03/95
49th Day: 11/21/95
180th Day: 3/31/96
Staff: SG-SC
Staff Report: 10/25/95 1718P
Hearing Date: 11/15/95
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: San Luis Obispo County

DECISION: Approved with Conditions, 9/05/95

APPEAL NO.: A-3-SLO-95-69

APPLICANT: CAMBRIA COMMUNITY SERVICES DISTRICT

PROJECT LOCATION: Desalination Plant: East of San Simeon State Park campground, south of San Simeon Creek Road, two miles north of Cambria. Transmission lines: State/County road rights-of-way between plant site and the Pacific Ocean, San Luis Obispo County, APNs: 013-051-016, -017, -024.

PROJECT DESCRIPTION: Construction of a sea water desalination plant with a potable water production capacity of 1,008,000 gallons per day and seawater intake and brine disposal lines.

APPELLANTS: (1) Commissioners Giacomini and Glickfeld; (2) James Stotter, Hollie Stotter, Arlie Green, and Nancy Green; and (3) the Cambria Legal Defense Fund.

SUBSTANTIVE FILE DOCUMENTS: San Luis Obispo County Local Coastal Program, Final EIR and Addendum for Cambria Desalination Facility, San Luis Obispo County Coastal Development Permit D940095D, Coastal Commission Coastal Development Permits 131-20 and 132-18.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission open and continue the public hearing to determine whether a substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons:

Pursuant to Section 30621 of the Coastal Act, an appeal must be heard within 49 days from the date an appeal of a Coastal Development Permit issued pursuant to a certified Local Coastal Program is received. An appeal of the above described decision was received in the Commission office and filed effective on October 3, 1995. While the 49th day falls after the Commission's November meeting, the applicant also has applied to the

SUMMARY OF STAFF RECOMMENDATION: (Continued)

Commission for a coastal development permit for a portion of the proposed desalination facility that consists of the intake and disposal lines and structures that are proposed offshore, seaward of the mean high tide line. It is appropriate for the Commission to hear the appeal and the permit application at the same meeting in order to ensure that both parts of the proposal are coordinated.

In accordance with the section 13112 of the Commission's Administrative Regulations, staff requested on October 3, 1995, that the local government forward all relevant documents and materials regarding the subject permit. These documents had not yet been received as of the date of this report. Without the information from the County, it is not possible to prepare a staff report that adequately analyses the issues for the Commission. Given that the appeal and the permit request are part of one proposal, they logically ought to be heard together. Additionally, the applicant has submitted a written waiver of the requirement to hear the appeal and the application within the 49 day period. Accordingly, the appeal is tentatively scheduled for a full substantial issue hearing, along with the permit request, at the Commission's meeting of December 12 - 15, 1995, in San Francisco.