

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142

RECORD PACKET COPY

Filed: 7/3/00
49th Day: 8/21/00
180th Day: N/A
Staff: S. Hudson
Staff Report: 7/20/00
Hearing Date: 8/8/00
Commission Action:

**STAFF REPORT: APPEAL**
Substantial Issue

LOCAL GOVERNMENT: City of Carpinteria

LOCAL DECISION: Denied

APPEAL NO.: A-4-CPN-00-154

APPLICANT: Union Pacific Railroad

APPELLANTS: Union Pacific Railroad

PROJECT LOCATION: Union Pacific Railroad Right of Way (from a point 460 ft. west of the Dump Road crossing and extending east 3,268 ft. to a point due south of Bailard Road) Carpinteria; Santa Barbara County.

PROJECT DESCRIPTION: Construction of a 3,268 ft. long railroad track siding.

SUBSTANTIVE FILE DOCUMENTS: City of Carpinteria Local Coastal Program; City of Carpinteria Coastal Development Permit Application File No. 99-883-CDP.

STAFF RECOMMENDATION

Staff recommends that the Commission **open and continue** the public hearing to determine whether *Substantial Issue* exists with respect to the grounds on which the appeal has been filed.

Section 30621 of the Coastal Act requires that an appeal must be heard within 49 days from the date that an appeal of a coastal development permit, which has been approved/denied pursuant to a certified Local Coastal Program, is received. However, in this case, the applicant/appellant (Union Pacific Railroad) has indicated that they wish to submit additional information and have requested additional time to prepare for a public hearing. The applicant/appellant has submitted two consecutive letters respectively dated July 13 and 14, 2000, waiving their right to a hearing of the above referenced coastal development permit appeal within the required 49 day period required by Section 30621 of the Coastal Act (Exhibits 1 & 2).

Staff is recommending that the Commission open and continue this item in order to accommodate the applicant/appellant's request and to allow for adequate review of the administrative record for City of Carpinteria Coastal Development Permit Application File No. 99-883-CDP.

STATE OF CALIFORNIA - THE RESOURCES AGENCY

DAVE DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
18 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 941-8142

**Waiver of 49 Day Rule for Coastal Development Appeal**Application: A-4-CPN-00-154 (U.P. Railroad)Appeal Filing Date: July 3, 2000Waiver Date: July 13, 2000

I hereby waive my right to a hearing of the above referenced Coastal Development Permit Appeal within 49 days after the appeal has been filed as established by Public Resources Code Sections 30281 and 30265(a). I understand that the first Coastal Commission hearing on my item may only be to open and continue the matter pending review of the full local record by the Coastal Commission or a determination as to whether the appeal raises "substantial issue." If substantial issue is found, the de novo hearing on the merits of the permit may be continued to a subsequent meeting. Although I understand that the Commission may not be able to honor my scheduling requests, I request that the referenced application be scheduled for September, 2000

[Applicant or applicant's authorized representative must sign below.]

Applicant's Signature: _____

Date: _____

Applicant's Representative: _____

Date: 7/13/00

This waiver is to allow the project proponents to submit additional documentation regarding the project. Also, I will not be able to attend the Commission's August hearing.

EXHIBIT 1**CDP A-4-CPN-00-154 (Union Pacific Railroad)****Waiver of Time**

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July 12, 2000

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RECEIVED

JUL 14 2000

Steven Hudson
California Coastal Commission
89 South California Street, Suite 200
San Buena Ventura, CA 93001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: The UP Carpinteria Siding Project: Appeal No. A-4-CPN-00-154

Dear Mr. Hudson:

This follows our recent phone conversation regarding the appeal submitted by Union Pacific Railroad ("UP") and the California Department of Transportation ("Caltrans") concerning the Carpinteria Siding Project in Carpinteria, Santa Barbara County. As we discussed, the Commission is required by statute to hold a hearing within 49 days of the Commission's filing the appeal, which you stated occurred on July 3. The Commission's next monthly hearing is in early August, and you stated that staff would need to begin preparing the staff report on the appeal now in order to have it ready for the August hearing.

The project proponents have requested additional time to submit a number of additional documents, including a study of the potential impacts of the project on harbor seals, an arborist's report on the eucalyptus windrow, a geologist's report on bluff retreat, and a revegetation plan for the site. They have also requested that the appeal and the permit for the project be consolidated and have yet to file the permit application documentation. You have also requested additional information regarding potential alternative sites for the project.

Since it will not be possible to submit all this documentation in time for the appeal and the application to be heard at the August hearing, the project proponents have agreed to waive the 49-day hearing deadline, pursuant to Public Resources Code § 30625(a).

EXHIBIT 2

CDP A-4-CPN-00-154 (Union Pacific Railroad)

Waiver of Time

LAW OFFICES OF PAUL M. MINAULT

Steve Hudson
July 12, 2000
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Please do not hesitate to call me with any questions regarding this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'P. Minault', with a stylized, sweeping flourish extending from the end.

Paul Minault
Counsel for Union Pacific Railroad

Cc: Kevin Hicks
Pat Merrill, Caltrans
Paul Kermoyan, City of Carpinteria