

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060-4508
 VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Barry and Vivian Branin

Mailing Address: P.O. Box 540

City: Morro Bay

Zip Code: 93442

Phone: 714.920.9226

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo Board of Supervisors

2. Brief description of development being appealed:

Los Osos Waste Water Project. Location of Treatment Plant on the Giacomazzi property.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

2198 Los Osos Valley Rd. (Know as the Giacomazzi site) APN 067.011.022

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-09-055
 DATE FILED: October 19, 2009
 DISTRICT: Central Coast

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 COASTAL COMMISSION
 CENTRAL COAST AREA

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5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: October 1, 2009

7. Local government's file number (if any): DRC 2008-00103

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

County of San Luis Obispo
Department of Public Works
976 Osos Street
Room 300
San Luis Obispo, CA 93408

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

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SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

1. Taking of Agricultural Land. The location of the treatment site on this property takes Agricultural land and disturbs Native American and current Cultural Resources. It will impact the adjacent Historic Los Osos Valley Cemetery, which is the site of more than 1100 Military graves.

2. Impact on Environmentally Sensitive Area. The Treatment Plant will be thirty (30) feet higher than Warden Lake which is only 600 ft away. Any overflow from the plant or pressure piping, or operator miscues will flow directly into Warden Lake which flows to the creek which leads directly into the Morro Bay Estuary.

3. If the plant is built as proposed it does not properly stop fugitive odors. The requirement for any treatment plant is that there shall be no odors escaping if there are adjacent residential properties. There are residential properties adjacent to the Giacomazzi property.

4. The location at the prior approved "Tri-W" site will reduce the potential impacts to the Cultural Resources and the Environmentally Sensitive Warden Lake. If the plant is located at the Giacomazzi site then the design should be such that there are no fugitive odors and there shall be a Tertiary impoundment wall constructed so that no waste can leak into the Lake and on to the Estuary due to pipe leaks, power failure or inundation due to a huge rain event. Rain events of more than 4 inches in a twenty four hour period happen approximately every 10 years.

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SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: October 14, 2009

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____



- Legend**
- Proposed Facilities
 - Inland Line
 - Treated Effluent
 - Canal - 5 Feet
 - Environmentally Sensitive Areas (ESA)
 - ESA 100-Foot Boundary
 - Property Lines
 - Site Boundary

0 150 300 Feet

**SITE LAYOUT PLAN
LOS OSOS WASTEWATER TREATMENT PLANT
COASTAL DEVELOPMENT PERMIT**