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September 29, 2016

San Luis Obispo County Department of Planning and Building
976 Osos St., Room 200
San Luis Obispo, CA 93408
Attention: Ryan Hostetter

**RE: Phillips 66 Company Rail Spur Extension Project and Vertical Access
Project Assessment Findings & Conditions of Approval SCH #2013071028
Development Plan/Coastal Development Permit ED12-201 (DRC2012-00095)
Planning Commission hearing October 5, 2016**

Dear Ms. Hostetter,

Please consider the following comments as they relate to the consideration of the Findings and Conditions of Approval for the above referenced project at the Santa Maria Refinery (SMR) including potential vertical public access for multiple uses. Specifically, I object to Finding "H" of Exhibit A. The vertical coastal access condition associated with the 2013 Throughput Project is inadequate. Likewise, the proposed Condition No. 94 of Exhibit B-1 retains the physical dimensions of an access easement and limits vertical public access to "docent led pedestrians and no motor vehicles or bicycles. I am left to assume equestrians would not be allowed either.

I respectfully request the commission modify Finding "H" and Condition No. 94. The finding should not limit any potential uses from a prospective future vertical public access. Likewise, condition No. 94 should be broadly crafted to replace the public access condition established for the 2013 Phillips 66 Throughput project (i.e. 10 foot wide). The subject rail spur extension is a separate project from the Throughput project and as such, the provisions for vertical public access to the coast may be expanded. The new vertical public access condition should require a minimum twenty-five (25) year offer-to-dedicate (OTD) for a land dedication only and no physical improvements required. The design, planning, permitting, construction and operation of any public access at this location then could be pursued by the California State Parks (State Parks) for the Oceano Dunes State Vehicular Recreation Area (ODSVRA) at their discretion with some guidance from the California Coastal Commission.

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State Parks, Oceano Dunes District commissioned an Alternative Access Study (Access Study) dated November 15, 2006 prepared by Condor Environmental Planning Services, Inc. The Phillips 66 SMR (Conoco-Phillips) site ranked highest among the undeveloped alternatives as suitable for a new permanent access to the ODSVRA.

The primary objections to a full multi-purpose vertical access, especially for off-highway motor vehicles entering the ODSVRA is "public safety, military security and the need for the protection of fragile coastal resources". I believe safety and Environmentally Sensitive Habitat Areas (ESHA) concerns are misplaced in this instance. Currently the existing road at this location is used by Phillips 66 staff to service the ocean outfall that serves the refinery. The road is also used routinely by State Parks and as Cal Fire personnel for emergency response into the ODSVRA. The existing road is the quickest and most direct connection to the ODSVRA. Safety and ESHA issues will be discussed in more detail below.

I respectfully submit, vertical coastal public access including a new entrance to the ODSVRA is appropriate for the SMR site and is consistent with the standards of Section 23.04.420 of the Coastal Zone Land Use Ordinance. A future project that proposes physical improvements at the SMR for access to the ODSVRA is an issue for State of Parks and would specifically be addressed in an amendment to their existing Coastal Development Permit (CDP) issued by the California Coastal Commission (CCC) in 1982.

There is a direct connection between the subject application and the ODSVRA which is operated by State Parks. Presently, 630 acres of the Phillips 66 land holding that lies westerly of the Union Pacific Railroad tracks is included in the ODSVRA. This land is administered by State Parks under a 1998 Agreement and Grant of Development Rights. Fully two-thirds, or approximately, one-mile of a potential future vertical coastal access alignment would occur in the existing ODSVRA area under State Parks control. The Vertical Access Assessment fails to account for these facts.

The decision related to the provision and type of vertical public coastal access by necessity requires the consideration of a much larger geographical area. The community of Oceano and Pier Avenue is the subject of Coastal Development Permit (CDP) #4-82-300 and specifically, Special Condition 1. B. regarding, "A permanent staging area site" and access into the ODSVRA was established by the CCC.

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Impacts from the OHV activity and the adverse effects on the community of Oceano are well documented. Incessant loud noise, traffic congestion, sand track-out, litter and dust generation are a few of the convenience and health & safety issues which collectively result in a reduction in the quality of life for the residents of Oceano. In the event, another staging and access were provided to the ODSVRA at the SMR it would allow Pier Avenue to remain open for day use only, similar to Grand Avenue. This would have the effect of eliminating many of the adverse impacts that continue to plague the community of Oceano. Without these impacts, the community could attract more private investment, which when combined with other programs in place, such as the Oceano Revitalization Plan, the community would have an opportunity to become more competitive economically with the surrounding cities of Grover Beach, Arroyo Grande and Pismo Beach. A higher quality of life for the residents of Oceano coupled with an "economic renaissance" could be fully realized.

In 2011, the San Luis Obispo County Air Pollution Control District, in recognition of particulate matter emission from the ODSVRA, established Rule 1001 that requires the preparation of a Particulate Matter Reduction Plan (PMRP). State Parks has spent over \$5 million attempting to comply with Rule 1001. Notwithstanding great expense, State and Federal air quality exceedances continue. A significant amount of particulate matter is generated from traffic along the "Sand Highway" which is the primary artery that vehicles travel from Pier Avenue to the ODSVRA riding area. By establishing a staging and access for the ODSVRA at the SMR, it would have the effect of reducing the number of vehicle trips and miles traveled substantially through the most dust emissive areas. This new access would also have the effect of eliminating all creek crossings at Arroyo Grande Creek. In a time of anticipated sea-level-rise and the need for "planned retreat" an alternative access at the SMR would be prudent to insure the long-term popularity of the ODSVRA. The millions of dollars spent each year by State Parks could easily fund a new state-of-the-art entrance to the ODSVRA including a safe railroad crossing. Coincidentally, the County of San Luis Obispo owns the 600 acre La Grande Tract which lies in the middle of the ODSVRA. Please see the attached map. The land which is currently rented to State Parks on a month-to-month basis could be deeded to the State as an incentive to relocating the entrance to the ODSVRA at the SMR.

The 2006 Access Study was clear, in that State Parks will not use the power of "eminent domain" to secure land necessary for an alternative access. With available

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land, and funds needed to address the particulate matter issue this would be an ideal combination to develop a new coastal access to the ODSVRA at the SMR.

The California Coastal Commission, at its January, 2017 meetings in Pismo Beach will further consider condition compliance issues relative to the 1982 CDP. First and foremost will be the consideration of Special Condition 1.B and the issue of a new permanent access to the ODSVRA.

The Final EIR includes an extensive discussion about the sensitive plant species in the area yet there is an absence of discussion regarding invasive plant species in the vicinity of the vertical access alignment. The 2006 Access Study on page 80 it is reported that Purple Veldt Grass (*Ehrharta calycina*) was observed and "was particularly prevalent in the Conoco/Phillips corridor". The control of veldt grass in the area could be accomplished with mitigation measures attached to the vertical access improvements. Another example of a highly sensitive newly constructed public access road is in Montana de Oro State Park in Los Osos. The Coastal Development Permit for this project is #4-91-61. This is an example of how mitigation associated with new coastal public access can be successfully implemented to address sensitive coastal resources and at the same time expand public access. On a related note, ground disturbance induces veldt grass expansion. Having a paved vertical access road to the beach, which would also serve as the Phillips 66 outfall maintenance road, no ongoing grading of the maintenance road would be required. Also, the Final EIR fails to analyze the benefits to Arroyo Grande Creek/Lagoon and the Federal Endangered Species present i.e. Tidewater Goby and Steelhead Trout, by providing a permanent alternative access at Phillips 66. This would reduce the vehicle creek crossings by hundreds of thousands over the course of a year and have a favorable effect on sensitive coastal resources in the lagoon.

An important regional traffic and circulation question associated with off highway vehicle access to the ODSVRA at this location has emergency response implications. In the case of a plant emergency, vehicles could exit at Pier or Grand Avenues. This would provide two ways in and two ways out in contrast to the current situation. The recent completion of the Willow Road interchange with US HWY 101 now provides direct access to the SMR. The circulation improvements provide a direct access from US 101 to the SMR entrance at HWY 1, which is a distance of approximately 5 miles.

With regard to motor vehicle access that an "access road could result in significant biological impact to sensitive species....semi aquatic wildlife species, and wetlands."

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This conclusion fails to take into consideration the benefits that may likely outweigh the temporary impacts. The removal of invasive veldt grass and the creation of a permanent outfall maintenance road would improve biological health overall. Additionally, beneficial impacts to coastal resources including endangered species would result from the elimination of creek crossings at the Arroyo Grande Creek Lagoon.

Finally, significant overall reductions in particulate matter emissions in the area may result from reduced vehicle miles traveled if vertical motor access were available at the SMR. The idea of regional cumulative beneficial impacts for air quality, biology, public safety, etc. should be considered with the approval of the rail spur extension project.

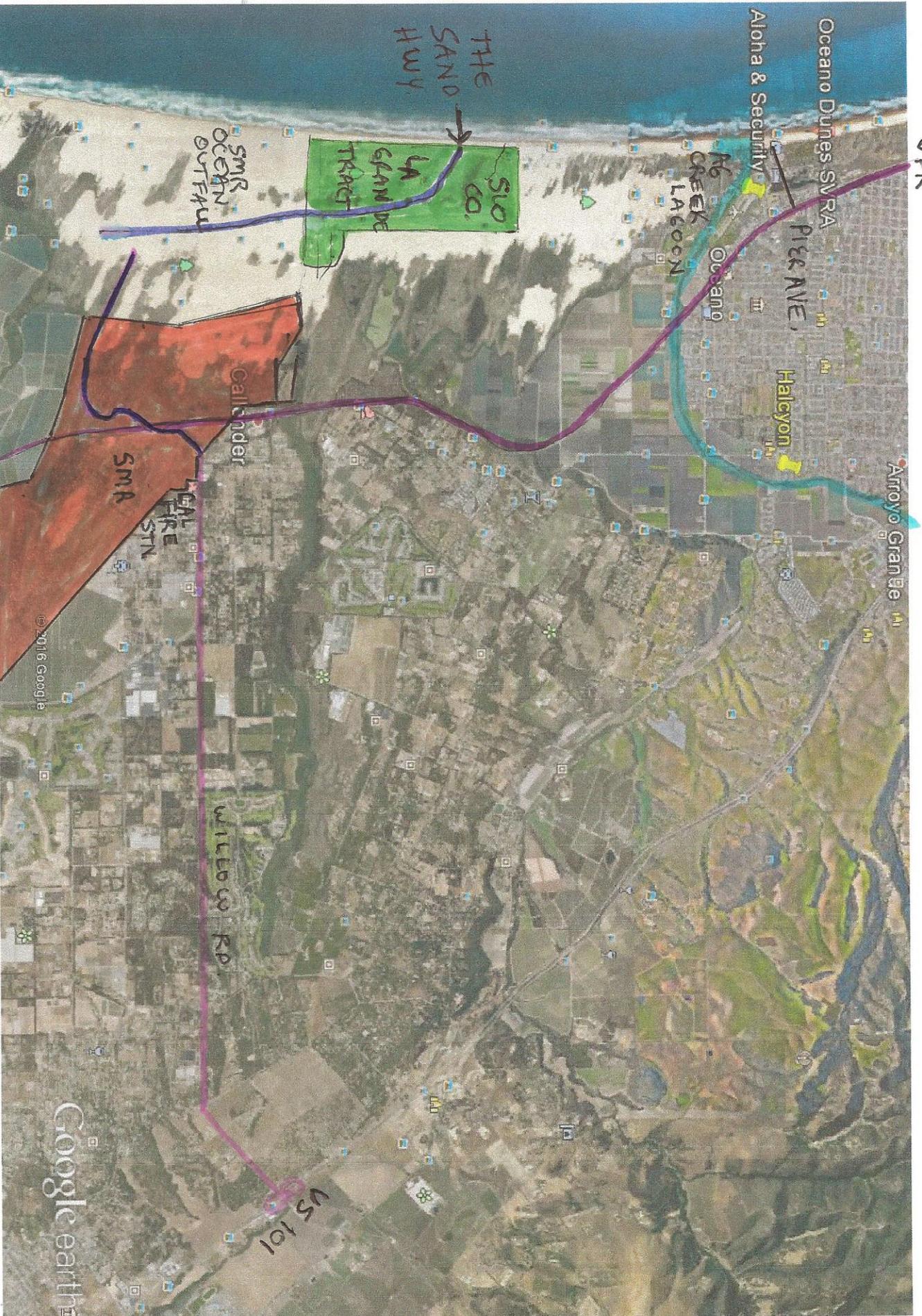
In conclusion, please replace the Throughput vertical public access with a new Condition No. 94 to include a 100 foot wide vertical access and staging area for multi-purpose including motor vehicles, long-term offer-to-dedicate (OTD) easement available for State Parks to exercise.

Please feel free to contact me with any questions you may have.
Sincerely,

Jeff Edwards
Jeff Edwards

c- SLO County APCD, Larry R. Allen, APCO
California Coastal Commission, Yair Chaver, Coastal Program Analyst

Attachment



Google earth



9/25/16

PC 10/5/16

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