

#805



COASTAL APPEAL FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION

Name: Phillips 66

File Number: DRC2008-00146

Type of permit being appealed:

- Plot Plan
- Site Plan
- Minor Use Permit
- Development Plan/Conditional Use Permit
- Variance
- Land Division
- Lot Line Adjustment
- Other: CDP

The decision was made by:

- Planning Director (Staff)
- Building Official
- Planning Department Hearing Officer
- Subdivision Review Board
- Planning Commission
- Other _____

Date the application was acted on: 12/13/12

The decision is appealed to:

- Board of Construction Appeals
- Board of Handicapped Access
- Planning Commission
- Board of Supervisors

DEC 19 PM 4:24
SLO COUNTY
PLANNING/BUILDING
DEPT

BASIS FOR APPEAL

State the basis of the appeal. Clearly state the reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed). (Attach additional sheets if necessary)

see attached - CZLVO Section 23.04.420 et seq.

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number 17 Reason for appeal (attach additional sheets if necessary)
see attached 23.04.420 d.(2), e., k.

APPELLANT INFORMATION

Print name: Jeff Edwards
Address: P.O. Box 6070, Los Osos, CA 93412
Phone Number (daytime): 805-235-0873

We have completed this form accurately and declare all statements made here are true.

Signature: _____ Date: 12/19/12

OFFICE USE ONLY
Date Received: 12/19/12
Amount Paid: 0

By: [Signature]
Receipt No. (if applicable): [Signature]

J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN

December 19, 2012

San Luis Obispo County Board of Supervisors c/o Planning Department

Re: Request by PHILLIPS 66 for a Development Plan / Coastal Development Permit

Attention: Murray Wilson

Dear Mr. Wilson,

As you know, the Planning Commission approved the above referenced project on December 13, 2012. As you are also aware, I submitted a letter in connection with the subject application dated December 12, 2012 for consideration by the Planning Commission.

I do hereby appeal the decision rendered by the Planning Commission on that date. I respectfully submit the decision was overly broad and lacked the specificity to adequately implement Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.420-Coastal Access.

Presently Condition #17 of the approval regarding public access provides as follows:

Prior to issuance of the Notice to Proceed authorizing an increase in Refinery throughput, the applicant shall comply with Section 23.04.420 – Coastal Access Required. Construction of improvements associated with vertical public access (if required) shall occur within 10 years of the effective date of this permit (including any required Coastal Development Permit to authorize such construction) or at the time of any subsequent use permit approved at the project site, whichever occurs first. The approximate location of the vertical access required by this condition of approval shall be located within or immediately adjacent to the existing maintenance road as shown in Exhibit D – Project Graphic (Coastal Access Location Map 1 and 2).

I have three (3) points of contention to be considered in connection with the subject appeal:

1. CZLUO Section 23.04.420 d.(2)-Vertical access dedication. The minimum width of 10-feet for the vertical access is inadequate. An offer of dedication can be reduced in width; however it cannot easily be enlarged in the future. Consequently I recommend a 100-foot wide offer of dedication as a condition of approval.

P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 julietacker@charter.net
ACQUISITION MARKETING LAND USE REDEVELOPMENT

J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN

2. CZLUO Section 23.04.420 e.-Timing of access requirements. Condition #17 requires the applicant to dedicate and construct improvements to be determined. I submit an offer of dedication as suggested in contention #1 above would fulfill the requirements for coastal access without any continued obligation to construct and/or maintain the public accessway. In this event, it makes the ten (10) year provision currently in condition #17, moot. Moreover, by requiring only an offer of dedication, it creates a greater certainty relative to the obligations of the applicant in the future. Requiring more than a dedication of land may exceed the thresholds contemplated for "rough proportionality" with regard to exactions and dedications under State law.

3. CZLUO Section 23.04.420 k.-Sighting [sic] criteria for coastal accessway. Presently, Condition #17 requires the access follow the existing maintenance road of approximately 7,500 linear feet. I agree that the public access should be conterminous with the existing maintenance road to minimize potential environmental effects; therefore the siting has been predetermined. With regard to the intensity of use, the 100-foot wide accessway likely would be sufficient to accommodate any number of uses including, but limited to, pedestrian, equestrian, bicycle, emergency and off-highway vehicle access to the adjacent State Vehicular Recreation Area. As you know, the extension to Willow Road and the associated improvements are complete. With the interchange at Highway 101 an important new circulation component serving the Nipomo Mesa is in place. The approximate distance between the refinery and the highway is 5 miles.

Finally, as staff and the Board of Supervisors considers the subject appeal and the suggested modification to condition #17, please include additional Findings to support the changes.

My understanding is the hearing before the Board of Supervisors will be de novo. Notwithstanding this fact, my intention is not to oppose the project but to ensure that the approval provides the optimal situation to effectuate public access to the coastline at this location. Given the Coastal Act issues raised herein there is no fee applicable to the subject appeal.

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

Sincerely,

Jeff Edwards

Jeff Edwards