

City of Watsonville
MEMORANDUM



DATE: June 25, 2020

TO: Planning Commission

FROM: Suzi Merriam, Community Development Director
Justin Meek, AICP, Principal Planner

SUBJECT: Public Hearing to consider Special Use Permit with Design Review and Environmental Review (PP2019-18) to allow the establishment of a propane storage and transfer facility (aka bulk propane plant) on a 0.7± acre property located at 950 W Beach Street (APN 018-331-28; formerly APNs 018-331-05 and -06).

AGENDA ITEM: July 14, 2020 **Planning Commission**

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution approving Special Use Permit with Design Review and Environmental Review (PP2019-18) to allow the establishment of a propane storage and transfer facility (aka bulk propane plant) on a 0.7± acre property located at 950 W Beach Street (APN 018-331-28; formerly APNs 018-331-05 and -06).

The recommendation is based on the recommended findings and subject to the recommended conditions of approval, both attached.

BASIC PROJECT DATA

APPLICATION NO.: PP2019-18 **APN:** 018-331-28 (formerly 018-331-05 and -06)
LOCATION: 950 W Beach Street
LOT SIZE: 0.7± acre

PROJECT DESCRIPTION: The project involves the installation of a 50,000-gallon propane tank and appurtenant piping, a new railcar unloading tower, two new tank unloading stations, new asphalt-concrete (AC) paving for transporters vehicle access (e.g., bobtail propane trucks, intermediate semitrailers [WB-40]), new bollards, two new parking spaces, new fencing and gates, new lighting and security cameras, new landscaping, and new stormwater facilities. Future buildout includes the installation of four new 30,000-gallon tanks for a total expansion potential of an additional 120,000 gallons. Project entitlements consist of a Special Use Permit with Design Review and Environmental Review.

GENERAL PLAN: Industrial

ZONING: IG (General Industrial)

SURROUNDING GENERAL PLAN/ZONING: Industrial in the IG Zoning District (south, east, and northeast) and Industrial in the Manabe-Ow Business Park Specific Plan area (west and northwest)

EXISTING USE: Vacant

PROPOSED USE: Bulk propane plant

SURROUNDING USES: Industrial and vacant

FLOOD ZONE: The site is within the 100-year floodplain with a base flood elevation of 25± feet (FEMA Flood Map Panel 0394E, Map No. 06087C0394E, revised May 16, 2012)

CEQA REVIEW: The project qualifies for a “common sense” exemption from the provisions of the California Environmental Quality Act (CEQA), because it can be seen with certainty that there is no possibility the project would have a significant effect on the environment. CEQA Guidelines § 15061(b)(3). Technical studies have been prepared that provide substantial evidence in support of this finding.

APPLICANT: David Dauphin, C2G/Civil Consultants Group, Inc., 4444 Scotts Valley Drive, Scotts Valley, CA

PROPERTY OWNER: Richard Kojak, Mountain Propane Service, 6576 HWY 9, Felton, CA

BACKGROUND

The subject site was previously owned by Venture Oil Company and contained four underground fuel storage tanks. Investigation reports indicated that the tanks were leaking, and the project site was listed as a LUST Cleanup Site by the State Water Resources Control Board. Cleanup was completed under the review of the State Water Resources Control Board and the case closed in 2014 (Attachment 6). The site has been vacant for a number of years.

Up until recently, two properties comprised the 0.7± acre site (APNs 018-331-05 & -06). According to the County Assessor’s Office records, the two properties were sold by Venture Oil Company to Richard Kojak on January 9, 2017.

On June 8, 2017, Richard Kojak on behalf of Mountain Propane Service, Inc., a corporation (Mountain Propane) of Felton, California, applied for an Administrative Use Permit (PP2017-182) for temporary storage of an empty 50,000 gallon propane tank onsite. This application was not fully acted upon and expired on January 23, 2018.

On June 13, 2018, Santa Cruz County Regional Transportation Commission staff contacted City staff to inquire about a reported propane tank stored onsite. City staff visited the site on June 14, 2018, and confirmed the presence of an unpermitted storage tank (Figure 1). The same day, Code Enforcement staff issued a notice of violation, indicating that a propane tank was being stored without the required Administrative Use Permit.



FIGURE 1 Photograph of storage tank on the subject site

Source: Staff visit (June 14, 2018)

On July 3, 2018, Mountain Propane applied for an Administrative Use Permit (PP2018-181) to allow the temporary storage of a 50,000 gallon propane tank located at 950-950X West Beach Street. Mountain Propane's owner, Richard Kojak, said he planned to apply for a Special Use Permit with Design Review and Environmental Review to allow the establishment of a permanent propane storage tank facility onsite.

On July 19, 2018, the Zoning Administrator approved Administrative Use Permit (PP2018-181) to allow the temporary storage of the empty 50,000 gallon propane tank located at 950-950X West Beach Street (APNs 018-331-05 & -06). A condition of approval required that Mountain Propane apply for a Special Use Permit with Design Review and Environmental Review for the establishment of a permanent propane storage and transfer facility (aka bulk facility plant). Another condition of approval required the applicant to obtain approval of a Lot Consolidation to consolidate the two subject parcels into one.

On July 20, 2018, the Community Development Director approved Lot Consolidation (PP2018-99) of APNs 018-331-05 and 018-331-06 into one parcel. The Lot Consolidation was so temporary storage of the propane tank would not cross existing property lines. The County of Santa Cruz assigned Assessor's Parcel Number (018-331-28) to the consolidated lot.

On January 18, 2019, an application for Special Use Permit with Design Review and Environmental Review (PP2019-18) to allow the establishment of a propane storage and transfer facility (aka bulk propane plant) on a 0.7± acre property located at 950 W Beach Street (APN 018-331-28; formerly APNs 018-331-05 and -06), was filed by David Dauphin with C2G, applicant, on behalf of Richard Kojak with Mountain Propane Service, property owner.

PROCESS

Special Use Permit

Pursuant to [Section 14-16.603\(b\)](#) of the Watsonville Municipal Code (WMC), petroleum products refining and storage (GLU 29) facilities are allowed conditionally in the IG Zoning District with issuance of a Special Use Permit. The Planning Commission is authorized to approve Special Use Permits in accordance with the procedures set forth in WMC Sections [14-12.509](#) through [14-12.512](#) if it can make the findings required by 14-12.513. The purpose of the Special Use Permit is to ensure the proper integration of uses which, because of their special nature, may be suitable only in certain locations or zoning districts or only provided that such uses are arranged or designed in a particular manner. [WMC § 14-12.500](#). This special review shall be for the purpose of determining that the proposed use is, and will continue to be, compatible with surrounding, existing, or planned uses; and for the further purpose of establishing such special conditions as may be necessary to ensure the harmonious integration and compatibility of uses in the neighborhood and with the surrounding area. [WMC § 14-12.501](#).

Design Review

All new construction, exterior remodeling, additions, or changes in use requiring additional parking, which involve structures used for multi-family residential, commercial, industrial or public purpose require a Design Review permit. [WMC § 14-12.400](#).

When considering applications for Design Review, the Planning Commission shall evaluate the impact of the Design Review on and its compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the development and make the findings set forth in [WMC Section 14-12.403](#). The findings for a Design Review Permit are the same as those required for Special Use Permits, except for the finding set forth in subdivision (e) of [WMC Section 14-12.403](#), which requires consideration of additional design elements to minimize adverse effects of the proposed development on adjacent properties.

Environmental Review

The California Environmental Quality Act requires local and state governments to consider the potential environmental effects of a project before making a decision on it. CEQA's purpose is to disclose the potential impacts of a project and suggest methods to minimize those impacts. Certain classes of projects, however, have been identified that do not have a significant effect on the environment, and are considered categorically exempt from the requirement for the preparation of environmental documents. [State CEQA Guidelines § 15300](#). In addition, a project is exempt from CEQA if the activity is covered by the commons sense exemption (i.e., CEQA applies only to projects which have the potential for causing a significant effect on the environment). Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. [State CEQA Guidelines § 15061\(b\)\(3\)](#).

STANDARD OF REVIEW & APPEAL PROCESS

The decision whether to approve this Special Use Permit with Design Review and Environmental Review is adjudicative, sometimes referred to as quasi-judicial. The

Commission is called upon to determine whether this project complies with State law and local ordinances.

Whether a particular decision is adjudicative or legislative determines the requirements for findings to support the decision. Legislative decisions involve the adoption of broad policies applicable to many situations (for example, general plan or zoning amendments). Legislative decisions generally require few, if any, findings.

Adjudicative (or “quasi-judicial”) decisions, on the other hand, are not policy decisions. Adjudicative/quasi-judicial decisions apply already adopted policies or standards to individual cases, such as a variance or conditional use permit application. Adjudicative/quasi-judicial decisions are based on evidence and must always be supported by findings.¹

The decision before the Planning Commission—a Special Use Permit with Design Review—is an adjudicative/quasi-judicial decision and requires findings, either for denial, or as recommended, for approval and be supported by substantial evidence. *Toigo v Town of Ross* (1998) 70 Cal App 4th 309

If the Planning Commission’s decision is appealed, the City Council will consider whether the action taken by the Planning Commission was erroneously taken and may sustain, modify or overrule the action. To be overturned by on appeal, the City Council must find that the action taken by the Planning Commission was taken erroneously and was inconsistent with the intent of the Zoning District regulations that regulate the proposed action. [WMC § 14-10.1106\(c\)](#)

A lawsuit is required to challenge a Council’s decision. A reviewing court will consider whether an adjudicative/quasi-judicial decision by the Council was supported by adequate findings. Courts scrutinize adjudicative/quasi-judicial decisions closely. An action may be overturned if the City (1) exceeded its authority, (2) failed to provide a fair hearing, or (3) or made a decision not supported by substantial evidence (also called “a prejudicial abuse of discretion”).

Another important difference between legislative and adjudicative/quasi-judicial decisions is the substantial evidence standard: in weighing evidence of what happened at the Council meeting, courts go beyond whether a decision was “reasonable” (the legislative standard). Court’s reviewing adjudicative/quasi-judicial decisions look to make sure the decision is supported by substantial evidence. Denied applicants argue the substantial evidence does not support the decision. Cities usually assert there is substantial evidence to support the decision and rely on (1) the written words in the staff findings, (2) the statements by those presenting at the hearing, and (3) the words of the Planning Commission or Council.

¹ Quasi-judicial decisions require the decision-making body to take evidence and use its judgment to make factual as well as legal determinations about whether a particular property or project meets the standards established by the land use ordinance.

DISCUSSION

Existing Site

The project site is a single 0.7± acre parcel located at 950 West Beach Street. While now vacant, the site was previously developed and has remaining impervious surfaces of pavement and concrete (Attachment 2, sheet C1.1). An empty 50,000-gallon propane tank currently exists on the site. The site is bordered by a rail spur that connects to the Santa Cruz Branch Rail Line owned by the Santa Cruz County Regional Transportation Commission.² The Monterey Bay Sanctuary Scenic Trail (MBSST) Network Final Master Plan indicates that new trail will follow this rail line.³ The City's Public Works Department is working on securing funding and permits to construct the trail.

The surrounding area is predominantly industrial. To the south and east of the project site are existing industrial businesses on land designated for industrial use. To the north and west of the project site is vacant land that is part of the Manabe-Ow Business Park Specific Plan and intended for future industrial park development. No development is currently proposed on this portion of the Specific Plan area.

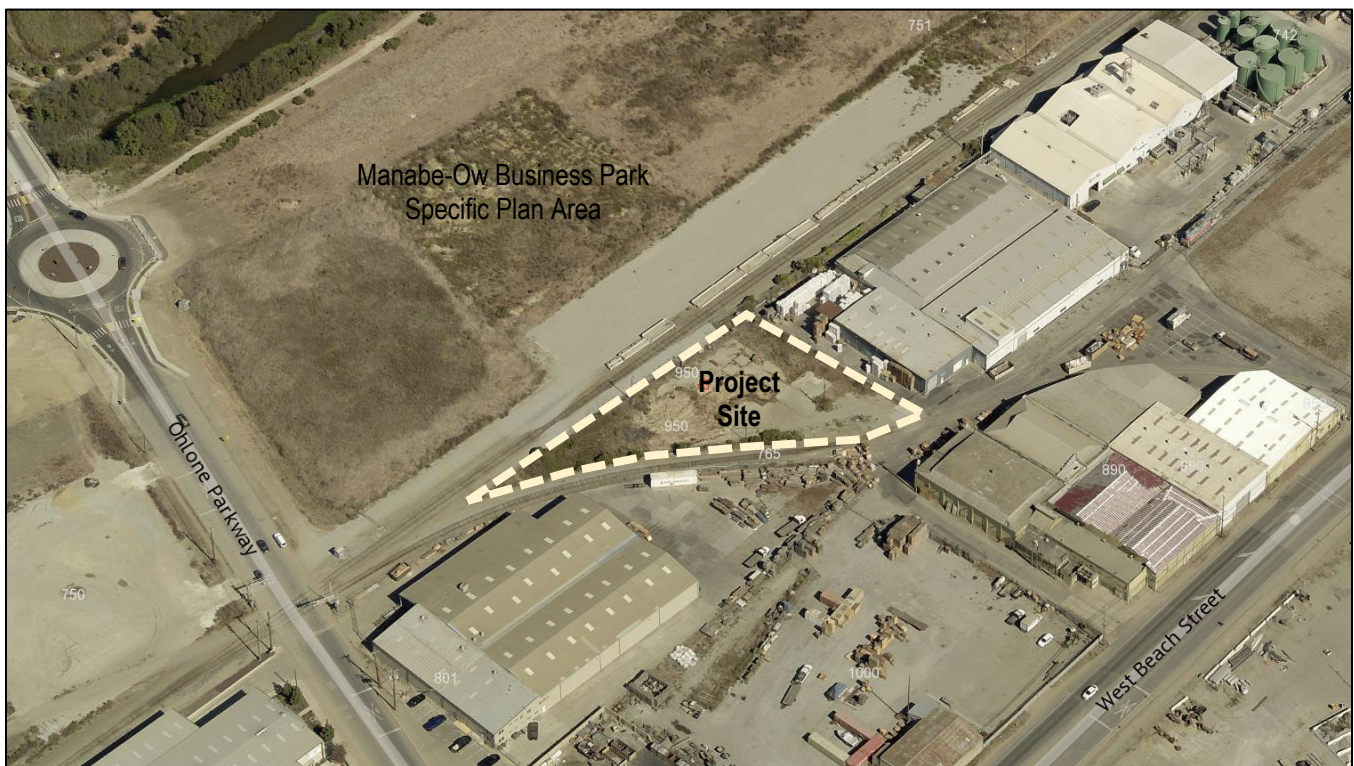


FIGURE 2 Aerial view of the project site and surrounding area

Source: EagleView ConnectEmployer (2016)

The site and surrounding area is a FEMA designated 100-year flood zone (Zone AE).

² SCCRTC website, <https://sccrtc.org/projects/rail/rail-line-purchase/> (visited on June 19, 2020)

³ SCCRTC website, <https://sccrtc.org/projects/multi-modal/monterey-bay-sanctuary-scenic-trail/mbsst-master-plan/> (visited on June 26, 2020)

The project site is located approximately 580 feet away from the Watsonville Slough, an estuarine habitat that supports many federal and state listed threatened and endangered species. The Watsonville Sloughs ecosystem is recognized as the largest and most significant wetland habitat between Pescadero Marsh (San Mateo County) and Elkhorn Slough (Monterey County).⁴

Proposed Project

The applicant proposes to relocate the onsite 50,000-gallon propane storage tank to the middle of the project site for establishing a propane storage and transfer facility (Attachment 2, sheet C2.1). The project also includes the installation of four new 30,000-gallon propane storage tanks to occur in future phases, resulting in a total of 170,000 gallons of storage at project buildout (Attachment 2, sheet C0.2). The tanks would cover 1,750± square feet and are 15 feet in height. Approximately 156 cubic yards of fill would be brought to the site to create a finished grade of 21 feet above mean sea level (AMSL) for installing the tanks, which together with 5± feet tall concrete piers would bring the bottom of the tank to approximately 26 feet AMSL or one foot above the base flood elevation of 25± feet AMSL (Attachment 2, sheets C3.1 & C5.1).

The proposed project would use an adjacent rail line for delivering propane to the site for storage and subsequent transfer to bobtail trucks or larger transporter trucks (i.e., intermediate semitrailers [WB-40]) for final delivery to customers. Additional site improvements include asphalt paving, bollard installation, foundation construction for the propane tanks, tank unloading stations, irrigation, landscaping, gate, and fencing installation, liquefied petroleum gas (LPG) piping and appurtenance installation, and private fire hydrant installation. A 1,076± square-foot infiltration area and three 3,525-gallon, below-ground cisterns would serve to collect and store rainwater for irrigating the landscape area (Attachment 2, sheet C4.1).

The project would be implemented in two phases.

- Phase 1 involves relocating the existing 50,000-gallon storage tank and installing the aforementioned site improvements this year (2020).
- Phase 2 involves adding 120,000 gallons of storage (in four new 30,000-gallon tanks) and would be implemented within 2-3 years, contingent on the market demand for propane.

At full buildout, the project is anticipated to generate 10 roundtrips for bobtail trucks, four daily roundtrips for passenger vehicles, and up to one heavy-duty truck trip daily. These 15 roundtrips would occur throughout the workday for the purpose of filling and distributing propane to and from the onsite storage tanks and customers.

Project Operations and Safety Measures

The propane storage tanks and LPG piping and appurtenant equipment would be installed and maintained in accordance with the piping standards set forth in Title 8 of the California Code of

⁴ The Watsonville Sloughs include approximately 800 acres of freshwater marsh, seasonal wetland, and estuarine habitat with six major slough branches, which drain to the Pajaro River. The slough system supports over 249 permanent and migratory bird species, 5 federally listed fish and wildlife species, and 16 species of special concern, including the federally threatened California red-legged frog, California species of special concern tricolored blackbird, and the federally listed endangered Santa Cruz tarplant.

Regulations [Section 536](#) under Article 7 (Compressed and Liquefied Natural Gas System). The tanks and LPG piping would be equipped with redundant safety valves and systems that are designed to prevent any major release of propane. The systems would also be equipped with low emission fittings and equipment that keeps errant propane from being released. The site would be under video monitoring when company personnel are not onsite and throughout the evening.

The transport rail and truck facilities would be operated and maintained in accordance with Title 49, Code of Federal Regulations, [Part 174](#) (Carriage by Rail) and CHP [Form 800C](#) (Vehicles Transporting Hazardous Materials).

A condition of approval requires the applicant to obtain a permit to store hazardous materials from Santa Cruz County Environmental Health prior to storing propane at the site.

General Plan

The project site is designated Industrial on the General Plan Land Use Diagram. Categories of allowed uses for Industrial designated land include:

- whole-sale sales, storage, heavy commercial, transportation services, warehousing;
- construction, fabrication and trade shops;
- general manufacturing;
- food processing; and
- related services, businesses and uses.

The intent of the Industrial land use category is to serve the industrial needs of the community. The building intensity in these areas are permitted to have a Floor Area Ratio up to 1.50.

General Plan Consistency

The proposed project is consistent with the following General Plan goals and policies concerning industrial land uses, land use suitability, and site improvement.

- **Goal 4.4 Industrial Land Use** – Achieve economic diversification, living wage employment, the preservation of the agricultural economic base of the Pajaro Valley, and maintain a balance among jobs, housing, and other urban land uses.
- **Policy 4.D Industrial Land Use** – The City shall promote modernization of existing industrial plants and the location of new industrial facilities on lands planned for industry in *Watsonville 2005*.
- **Implementation Measure 4.D.1 Modernization** – The City shall encourage existing industrial plants to maintain high standards for public safety and environmental quality consistent with economic feasibility. These standards include emission reduction, noise reduction, built-in fire protection, water conservation, and the safe use, storage, and disposal of hazardous materials.

- **Implementation Measure 4D.2 Design and Open Space** – The City shall require that new industrial development be designed to blend with the natural environment and incorporate adequate open space and landscaping to provide an aesthetically pleasing buffer from residential land use. Additionally, on-site recreational space for employees and resource protection for environmentally sensitive habitats shall be required, where appropriate.
- **Goal 4.7 Land Use Suitability** – Ensure that the orderly development of land for the needs of the existing and projected population within in the City limit and Sphere of Influence is based on the land’s overall suitability, including: the accessibility of existing and proposed public facilities, services, and utilities, physical and financial constraints; and/or growth inducing impacts.
- **Policy 4.G Land Use Suitability** – The City shall encourage the development of urban uses on those lands best suited for urban uses and discourage it on lands unsuited for urban uses.

The proposed project would establish a propane storage and transfer facility on land designated for industrial uses. The project site is surrounded by existing industrial uses and/or vacant land intended for future industrial park development. The project would adhere to state and federal law concerning the safe transport of propane and preventing its accidental release from storage tanks.

In addition to being compatible with other industrial uses in the area, the proposed use is well suited for this location, in that it would take advantage of the existing rail line bordering the site. Propane would be delivered by train to the site for storage and subsequent transfer to trucks for delivery to customers via arterial roadways.

While not directly abutting any residential properties, the project design includes landscaping along the property boundary facing the Santa Cruz Branch line to enhance views of the site and thereby provide an aesthetically pleasing buffer between a propane storage/transfer facility and the adjacent rail/trail corridor.

The project is not anticipated to result in growth inducing impacts, as it does not include residential development or involve any extension of roadways or other public infrastructure. In addition, the project would generate only a small amount of traffic and not be a regionally significant employer.

In summary, the proposed project, with implementation of conditions of approval, would be generally consistent with policies in the 2005 General Plan. Because general plans often contain numerous policies emphasizing differing legislative goals, a development project may be consistent with a general plan, taken as a whole, even if the project appears to be inconsistent with some of its policies. Based on a review of the General Plan’s goals and policies, the proposed project is in harmony with the overall intent of the City’s General Plan goals and policies, including those pertaining to industrial land uses, land use suitability, and site improvement. It is within the Planning Commission’s adjudicative authority to decide if the

proposed project is consistent or inconsistent with any applicable City goals or policies. The Commission would have to make findings to deny. Based on the analysis presented above, however, the project complies with the City’s General Plan goals and policies.

Zoning

The Zoning Ordinance implements the General Plan, regulates the future growth of the City, and promotes orderly community development.⁵ It includes the Zoning Map, which establishes zoning districts throughout the community. The proposed project is located within the IG Zoning District.

The purpose of the IG Zoning District is to provide and protect an environment which will encourage sound industrial development. [WMC § 14-16.600](#). The regulations set forth for the IG zone are intended to facilitate industrial operations to the highest degree while protecting the district and adjacent land uses, persons, and property from excessive noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy traffic, and other objectionable influences and from fire, explosion, fumes, radiation, and other hazards.

The proposed project is consistent with the list of allowable uses for and general purpose of the IG Zoning District, in that the project would allow the establishment of a *petroleum products refining and storage* type use (GLU 29)—a conditionally permitted use—on a property in an industrial area and protect the district and adjacent land uses by adhering to safety regulations.

Conformity with Zoning District Regulations

The proposed project is consistent with all development regulations for the IG Zoning District. Table 1 provides a summary.

TABLE 1 Proposed project conformity with development regulations

Regulation	Standard	Proposed Project
Maximum Development Intensity (FAR) ¹	1.50	0.10 ²
Maximum Building Height (feet) ³	35	15
Minimum Building Setbacks (feet)		
Front/Exterior Side ⁴	0	n/a ⁶
Rear/Interior Side ⁵	0	15 to 30 ⁷

Notes:

1. The intensity of use of land for industrial or commercial development is described as a floor area ratio (FAR). FAR is defined as the total floor area of a building (or structure) on a lot divided by the total area of the lot. For land with an Industrial designation, the maximum FAR is 1.50.
2. FAR calculation: tanks floor area ÷ site area = 2,919 sf ÷ 30,149 sf = 0.10.
3. The maximum building height permitted within the IG Zoning District is 35 feet, except as may be approved by exception by Special Use Permit, pursuant to WMC § 14-16.604(c).
4. There is no minimum front and exterior side yard setback requirement for buildings or structures within the IG Zoning District, pursuant to WMC § 14-16.604(b).

⁵ The General Plan and Zoning are not the same. A general plan is a set of long-term goals and policies that a community uses to guide development decisions. Although the plan establishes standards for the location and density of land uses, it does not directly regulate land use. Zoning, on the other hand, is regulatory. Under the zoning ordinance, development must comply with specific, enforceable standards such as maximum building height, minimum building setback, minimum lot size, and a list of allowable uses.

5. There are no required interior side or rear yard setbacks, unless when the property abuts the boundary of any other zoning district, then not less than the minimum yard required to the adjacent yard in said abutting zoning district.
6. The site does not abut a street and is over 200 feet from W Beach Street (Attachment 2, Site Plan Access, sheet C2.2.).
7. The proposed tanks are located towards the middle of the site and range from 15 to 30 feet from the interior side and rear property lines (Attachment, Phasing Plan, sheet C0.2).

Vehicle Access/Circulation

The project does not involve the construction of a new access road or alteration of nearby roadways. The project site is currently accessed via an existing driveway off West Beach Street and 30' private right-of-way across the properties at 890 and 1000 West Beach Street (Attachment 2, sheet C2.2; Attachment 3). A secondary access is provided from a driveway/road located near the Industrial Road/West Beach Street intersection, which parallels the railroad spur that runs to the site. Nearby primary roadways that may be used to travel to and from the project site include West Beach Street, Industrial Road, Ohlone Parkway, and Riverside Drive (SR 129). These roadways are designated major or minor arterials in the City's General Plan and are intended to move large to medium volumes of traffic within an urbanized area and provide freeway access. These roadways can accommodate the 15 trips generated by the project, and no roadway improvements, traffic control devices, or access restrictions to control or divert traffic traveling to and from the site are needed.

Parking

No parking is required for the proposed project. The project does involve constructing a building with an office space or manufacturing area and, therefore, does not trigger the parking requirement of 1 space for each 200 square feet of office area and 1 space per 800 square feet of indoor product manufacturing area for a *petroleum products refining and storage* type use (GLU 29), pursuant to [WMC Section 14-17.501\(i\)](#). Employees of the bulk propane plant would primarily visit the site by truck for the purpose of transferring propane to and from the storage tanks and delivering it to customers; occasional employee trips by passenger vehicle may use the two parking spaces provided.

Landscaping

The project involves installing new landscaping along the rear property line bordered by the Santa Cruz Branch Rail Line (Attachment 2, sheet C2.1). The proposed plant list includes a mix of grasses, groundcovers, shrubs and trees, including blue fescue (*festuca ovina 'glauca'*), giant ryegrass (*elymus condensatus*), salt grass (*distichlis spicata*), common rush (*juncus patens*) society garlic (*tulbaghia violacea*), winter creeper (*euonymus fortunei 'emerald gaiety'*), Japanese barberry (*berberis thunbergii 'atropurpurea'*), escallonia (*escallonia rubra*), Pacific wax myrtle (*myrica californica*), and crape myrtle (*lagerstroemia hybrid 'tuscarora'*). The proposed landscape area is 10 feet in width and would enhance the public view of the site from the rail/trail corridor.

All proposed plantings have low to moderate water demands and would be irrigated using a drip irrigation system. A condition of approval requires that the landscaping and irrigation design comply with the California Model Water Efficient Landscape Ordinance, in accordance with [WMC Section 6-3.801](#).

A condition of approval requires that all plants be maintained in a healthy and growing condition. Therefore, if there is inadequate precipitation to fill the cisterns for meeting the irrigation demand, the property owner shall be responsible for trucking water to the site to fill the cisterns to full capacity and ensure they can provide an adequate water supply for irrigating landscaped areas.

Fencing

The project includes add new fencing and gates. A 50-foot wide (double leaf) sliding gate would be installed at the main entrance to the site with cyclone fencing 6 feet in height on either side to connect to existing fencing nearby. An 8-foot high black no-climb metal fence and 12-foot wide swing gate are proposed along the rear property line bordering the Santa Cruz Branch Line (Attachment 2, sheet C2.1). All fencing along the entire perimeter would include barbed wire for security (Attachment 2, sheets C2.3 and C6.1).

Lighting/Visual Impact

Nighttime illumination has the potential to change ambient lighting conditions and create a visual nuisance or hazard. The impact of nighttime lighting depends upon the type of use affected, the proximity to the affected use, the intensity of specific lighting, and the background or ambient level of the combined nighttime lighting. Nighttime ambient light levels may vary considerably depending upon the age, condition, and abundance of point-of-light sources present in a particular view. The use of exterior lighting for security and aesthetic illumination of architectural features may contribute substantially to ambient nighttime lighting conditions.

Spillover of light onto adjacent properties ("light trespass") may interfere with certain activities including vision, sleep, privacy and general enjoyment of the natural nighttime condition. Light sensitive uses include residential, some commercial and institutional uses and natural areas. Changes in nighttime lighting may significantly impact sensitive land uses if a project increases ambient lighting conditions beyond its property line and project lighting routinely spills over into adjacent light-sensitive land use areas.

The proposed project includes the installation of five pole-mounted light fixtures and security cameras. As shown on the Security and Lighting Plan, they are located along the perimeter of the site to illuminate the propane tanks and entrances and deter trespassing (Attachment 2, sheet C2.3).

The project site is located in an industrial area and is not next to any light-sensitive land uses. The project site is approximately 580 feet away from the Watsonville Slough. The nearest residence is over 700 feet to the northwest of the site. Therefore, the project is not anticipated to create a glare nuisance.

Drainage

In 2014, the City adopted post-construction stormwater management requirements (PCRs) for applicable new development and redevelopment construction projects (Ordinance No. 1299-14; Resolution No. 4-14). [WMC § 6-3.535](#). The project must comply with the PCRs. The primary objective of the PCRs is to ensure the reduction of pollutant discharges to the maximum extent possible and prevent stormwater runoff from causing or contributing to a

violation of water quality standards. The PCRs categorize projects into four primary tiers based mainly on the net increase in impervious surfaces that would result from a project (i.e., the amount of new and replaced impervious surfaces). Each PCR tier is linked to increasingly stringent performance requirements for stormwater management and treatment. Each PCR tier is subject to the performance requirements of that tier, plus the performance requirements of the lower tiers, as applicable. Attachment 4 provides a summary of these PCR tiers and their associated performance requirements for stormwater management and treatment.

The proposed project includes the removal of 7,617± square feet of pavement and concrete and the installation of 4,780± square feet of pavement and, therefore, is a PCR tier 2 type project, as it would create and/or replace between 5,000 and 15,000 square feet of impervious surfaces on the project site. As such, the project is subject to compliance with the performance requirements of PCR tier 1 and 2. The project plans include a preliminary Grading Plan and preliminary Site Utility Plan (Attachment 2, sheet C3.1 & C4.1) and Storm Water Control Plan. As shown on these plans, proposed drainage facilities and post-construction features include dividing the site into three drainage management areas (DMAs), directing runoff to the infiltration pit, and providing three underground storage cisterns. These drainage management features are intended to control the flow rate and pollutant load to pre-project levels.

Flood Hazard Prevention

The project site is in a Federal Emergency Management Agency (FEMA) flood zone. As shown on Figure 3, the entire project site is within FEMA Zone AE and therefore is in an area prone to flooding. Zone AE represents the 100-year floodplain with an established base flood elevation of approximately 25 feet AMSL. As such, the project must minimize potential flood damage by elevating the proposed storage tanks. In compliance with the City's provisions for flood hazard reduction, codified in [WMC Section 9-2.500](#), the tanks would be elevated on concrete piers to an elevation of 26± feet AMSL and thereby provide a one-foot freeboard above the base flood elevation (Attachment 2, sheets C3.1 & C5.1).

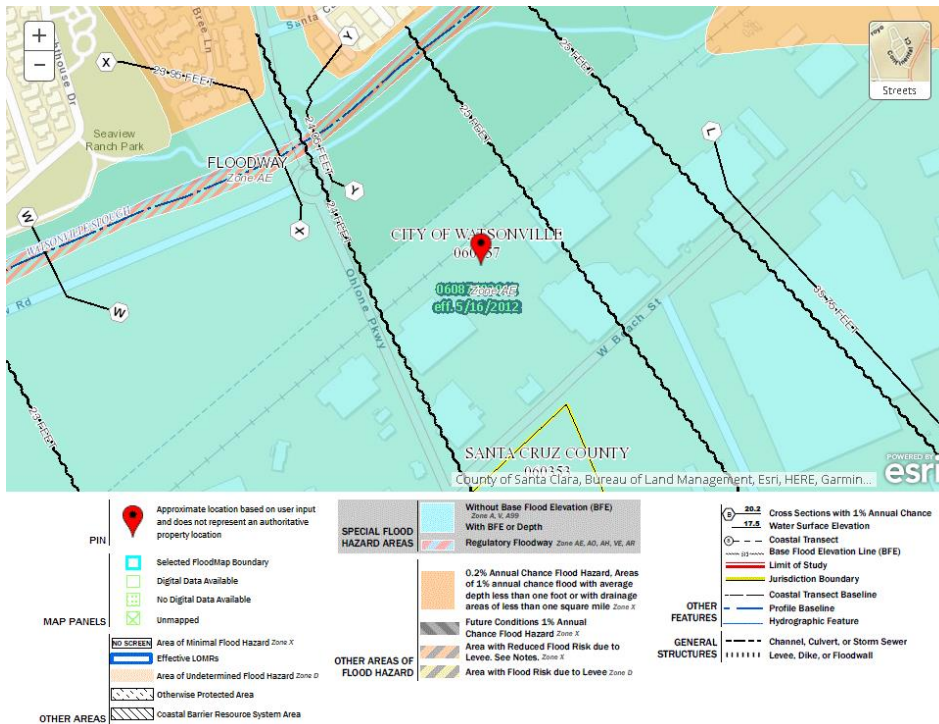


FIGURE 3 FEMA flood zone map

Source: FEMA Flood Map Service Center, Flood Map no. 06087C0394E (05/16/2012)

In accordance with [WMC Section 9-2.400](#), a condition of approval requires the applicant to obtain a Floodplain Development Permit before a building permit will be issued.

Environmental Review

The proposed project is exempt from the California Environmental Quality Act (CEQA), in that the action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. [CEQA Guidelines § 15061\(b\)\(3\)](#).

To confirm whether or not the “common sense” exemption applies, a review was conducted of the following five environmental topics based on the questions outlined in CEQA Guidelines Appendix G, Environmental Checklist Form:

- Air Quality/Greenhouse Gases
- Archeological/Cultural Resources
- Biological Resources
- Hazardous Materials
- Traffic/Transportation

Results from this review are documented in technical memoranda (Attachment 5). The analyses all conclude that the project would have either “no impact” or a “less than significant impact” on the environment. No mitigation measures are recommended or required to reduce potential impacts to a less than significant level for any of the environmental topics analyzed.

Therefore, it is clear, based on the evidence on the record, that the project can be considered exempt from CEQA under Section 15061(b)(3)—the “common sense” exemption— as it can be seen with certainty that there is no possibility that the activity (project) in question would have a significant effect on the environment.

Best Management Practices and Avoidance Measures

Where applicable, the technical memoranda provided recommended best management practices and avoidance measures. All recommended measures are included as conditions of approval, including taking appropriate precautions if contaminated soils are encountered during excavation activities, obtaining a hazardous materials storage permit from Santa Cruz County Environmental Health, conducting a preconstruction surveys for California red-legged frogs, Western pond turtle, nesting birds and special status plants, presenting a construction education program by a qualified biologist for all construction workers and site visitors before the start of construction, and installing fencing to exclude special status species during construction activities.

CONCLUSION

Approval of the Special Use Permit with Design Review and Environmental Review (PP2019-18), subject to the recommended conditions would allow the establishment of a propane storage and transfer facility (aka bulk propane plant) on a 0.7± acre property located at 950 W Beach Street (APN 018-331-28; formerly APNs 018-331-05 and -06). The project is consistent with the General Plan regarding industrial land uses, and a *petroleum products refining and storage* type use is a conditionally permitted use in the IG Zoning District. The project is compatible with existing nearby industrial development, and it can be seen with certainty that there is not possibility that the project would have a significant effect on the environment. Therefore, staff recommends that the Planning Commission approve the project entitlements upon making the recommended findings and subject to the recommended conditions.

ACTION

1. Public Hearing - Accept public testimony
2. Special Use Permit with Design Review - Adoption of Resolution

ATTACHMENTS

1. Site and Vicinity Map
2. Plan Set
3. Reference maps and recorded documents showing site access
4. Post-construction Stormwater Requirements Summary
5. Mountain Propane Environmental Guidance Memorandum (dated June 4, 2020)
6. Water Board Case Closure Transmittal (dated July 15, 2014)

Electronic copies of the above attachments for the Mountain Propane project at 950 W Beach Street are available on the City's website at:

<https://www.cityofwatsonville.org/DocumentCenter/Index/157>