

RESOLUTION NO. 16 - 20 (PC)

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WATSONVILLE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT A RESOLUTION DENYING A SPECIAL USE PERMIT WITH DESIGN REVIEW AND ENVIRONMENTAL REVIEW (PP2019-18) TO NOT ALLOW THE ESTABLISHMENT OF A PROPANE STORAGE AND TRANSFER FACILITY (AKA BULK PROPANE PLANT) ON A 0.7± ACRE PROPERTY LOCATED AT 950 WEST BEACH STREET, WATSONVILLE, CALIFORNIA (APN 018-331-28; FORMERLY APNS 018-331-05 & -06)

**Project: Propane Storage and Transfer Facility
APN: 018-331-28 (formerly APNs 018-331-05 and -06)**

WHEREAS, 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. The site has been vacant for a number of years; and

WHEREAS, on July 19, 2018, the Zoning Administrator approved Administrative Use Permit (PP2018-181) to allow the temporary storage of an 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 requires the removal the propane tank from the site if a Special Use Permit is not approved; and

WHEREAS, on January 18, 2019, an application for a 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 West Beach Street, Watsonville, California, was filed by David Dauphin with C2G on behalf of Richard Kojak with Mountain Propane Service, applicant and property owner; and

WHEREAS, the project site is designated Industrial on the General Plan Land Use Diagram and is within the General Industrial (IG) Zoning District; and

WHEREAS, pursuant to Sections 14-16.603(b) of the Watsonville Municipal Code (WMC), petroleum bulk station and terminal (DLU 152) facilities are allowed conditionally in the IG Zoning District with issuance of a Special Use Permit; and

WHEREAS, Ordinance No. 851-90 (CM) concerning onshore oil facilities stipulates that the City Council shall consider a request for a Special Use Permit for development involving the storing, transporting, or processing of liquid petroleum products; and

WHEREAS, pursuant to WMC Section 14-12.400, development subject to Design Review include all new construction, exterior remodeling, additions, or changes in use requiring additional parking, which involves structures used for multi-family residential, commercial, industrial or public purpose; and

WHEREAS, when denying a project, the City does not need to make a determination on the appropriate level of environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA); and

WHEREAS, notice of time and place of the hearing to consider Special Use Permit with Design Review and Environmental Review (PP2019-18) was given at the time and in the manner prescribed by the Zoning Ordinance of the City of Watsonville. The matter called for hearing evidence both oral and documentary introduced and received, and the matter submitted for decision; and

WHEREAS, the Planning Commission has considered all written and verbal evidence regarding this application at the public hearing and has made Findings, attached hereto and marked as Exhibit "A," not in support of the Special Use Permit with Design 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 West Beach Street, Watsonville (APN 018-331-28; formerly APNs 018-331-05 and -06).

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Watsonville, California, as follows:

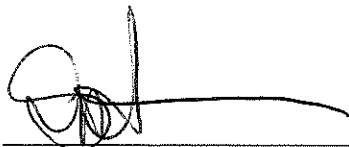
Good cause appearing, therefore, the Planning Commission of the City of Watsonville does hereby recommend the City Council deny the Special Use Permit with Design Review (PP2019-18) to allow the establishment of a propane storage and transfer facility (aka bulk propane plant) on a 0.7± acre property.

I HEREBY CERTIFY that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Watsonville, California, held on the 1st day of September, 2020, by Commissioner Sarmiento, who moved its adoption, which motion being duly seconded by Commissioner Veitch-Olson, was upon roll call, carried and the resolution adopted by the following vote:


Ayes: Commissioners: Acosta, Dorantes-Pulido, Kammer, Sarmiento,
Veitch-Olson, Jones

Noes: Commissioners: None

Absent: Commissioners: None



Suzi Merriam, Secretary
Planning Commission



Matthew H. Jones, Chairperson
Planning Commission

Application No: PP2019-18

APN: 018-331-28

Applicant: Richard Kojak

Hearing Date: September 1, 2020

SPECIAL USE PERMIT FINDINGS (WMC § 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.

The Planning Commission in recommending, and the City Council in making a final decision, shall render its decision based on making findings in WMC Section 14-12.513 and conditions necessary to make the use compatible with surrounding uses. If the appropriateness of the use cannot be assured at the proposed location, the application for a Special Use Permit shall be denied as being incompatible with existing uses or uses permitted by right in the district. WMC § 14-12.510.

Two of the basic criteria guiding the Planning Commission in discharging its function are the "compatibility between the proposed development and adjacent development and neighborhoods" and "protection of the health, safety and general welfare of the citizens of the City." WMC § 14-10.800.

The concept of public welfare is broad and inclusive. Were the Planning Commission in recommending, and the City Council in making the final decision to determine, based on substantial evidence, that it could not make the finding that the project is compatible with adjacent development or protects public health, safety and welfare, it could not support approval of the project. The failure to find this or any one of the required findings would cause denial of the requested Special Use Permit.

- g. The proposed special use will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.**

Non-Supportive Evidence

The project involves the establishment of a propane storage and transfer facility on land designated for industrial development. Propane is an explosive petroleum-based fuel and the project is located in an industrial zone with other existing facilities that produce, store and/or wholesale large quantities of petroleum products. A manufacturing plant that produces approximately 65,000 gallons of biodiesel a day is located approximately 300 feet away. Its proximity to the project

site presents a potential safety hazard. In the case of an accidental release from or failure of the proposed propane storage tank(s) that results in a fire or explosion, this in turn might result in a larger and more catastrophic fire and property damage and/or loss of life were it to spread to the nearby biodiesel plant. Under this scenario, the proposed project would be considered an incompatible land use as it would be detrimental to the public health, safety and welfare.

DESIGN REVIEW FINDINGS (WMC § 14-12.403)

- g. The proposed development will not be materially detrimental to the public health, safety, convenience and welfare or result in material damage or prejudice to other property in the vicinity.**

Non-Supportive Evidence

The project involves the establishment of a propane storage and transfer facility on land designated for industrial development. Propane is an explosive petroleum-based fuel and the project is located in an industrial zone with other existing facilities that produce, store and/or wholesale large quantities of petroleum products. A manufacturing plant that produces approximately 65,000 gallons of biodiesel a day is located approximately 300 feet away. Its proximity to the project site presents a potential safety hazard. In the case of an accidental release from or failure of the proposed propane storage tank(s) that results in a fire or explosion, this in turn might result in a larger and more catastrophic fire and property damage and/or loss of life were it to spread to the nearby biodiesel plant. Under this scenario, the proposed project would be considered an incompatible land use as it would be detrimental to the public health, safety and welfare.