

Application No: PP2019-18

APN: 018-331-28

Applicant: Richard Kojak

Hearing Date: January 19, 2021

SPECIAL USE PERMIT FINDINGS (WMC § 14-12.513)

The purpose of the Special Use Permit is to allow the establishment of a propane storage and transfer facility, pursuant to WMC Sections 14-16.603(b).

1. **The proposed use at the specified location is consistent with the policies embodied in the adopted General Plan and the general purpose and intent of the applicable district regulations.**

Supportive Evidence

The project site is designated Industrial on the General Plan Land Use Diagram and is within the General Industrial (IG) Zoning District. The purpose of the Industrial designation is to allow various types of industrial uses, including general manufacturing, heavy commercial, storage, and related uses, that serve the industrial needs of the community.

The proposed project is consistent with the following General Plan goals, policies, and implementation measures 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.

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 bulk station and terminal* type use (DLU 152)—a conditionally permitted use—on a property in an industrial area and protect the district and adjacent land uses by adhering to safety regulations.

2. **The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods.**

Supportive Evidence

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 businesses and/or vacant land intended for future industrial park development and is not next to any light- or noise-sensitive land uses, such as residential development and wildlife habitat. The project would adhere to state regulations 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.

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 and provide freeway access. These roadways can accommodate the 15 trips generated by the project, and no roadway improvements are needed to control traffic.

3. **The proposed use will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.**

Supportive Evidence

The project involves the construction of a propane storage and transfer facility. 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. Nearby roadways include West Beach Street, Industrial Road, Ohlone Parkway, and Riverside Drive (SR 129), which 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 and provide freeway access.

4. **The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets.**

Supportive Evidence

The project does not involve the construction of a new access road or alteration of existing 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. 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 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.

5. **The proposed use incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed special use on adjacent properties.**

Supportive Evidence

The project involves the establishment of a propane storage and transfer facility on land designated for industrial development. The project site is surrounded by industrial development or vacant land and is not next to any light- or noise-sensitive land uses. The project site is approximately 580 feet away from the Watsonville Slough, and the nearest residence is over 700 feet to the northwest of the site. Therefore, the project would not create a visual or noise impact on sensitive land uses, such as residential development or wildlife habitat.

In addition, the propane storage tanks, liquefied propane gas (LPG) piping and appurtenance equipment would be installed and maintained in accordance with California Code of Regulations, Title 8, Article 7, Section 536. 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.

6. **The proposed special use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed special use and uses within the applicable base zoning district.**

Supportive Evidence

As conditioned, the project complies with other City requirements, such as post-construction stormwater and water efficient landscaping regulations.

7. **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.**

Supportive Evidence

The project involves the establishment of a propane storage and transfer facility on land designated for industrial development. The proposed use is compatible with existing warehousing and other industrial development nearby. The addition of new landscaping would enhance the appearance of the site from the rail/trail corridor. Therefore, the project would not materially damage or prejudice other property in the vicinity.

In addition, the propane storage tanks, LPG piping and appurtenance equipment would be installed and maintained in accordance with California Code of Regulations, Title 8, Article 7, Section 536. 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.

Propane storage tanks are required to be separated from nearby buildings and adjoining property. In accordance with the Liquefied Petroleum Gas Code (NFPA 58), Table 6104.3, the proposed 30,000- and 50,000-gallon storage tanks must be at least 50 and 75 feet, respectively, away from the nearest building and/or property boundary. The Site Plan and Phasing Plan indicate that the siting of the proposed tanks can maintain these distances. A condition of approval requires their installation shall be signed off by a fire protection engineer to ensure compliance with NFPA 58 and all other relevant provisions of the adopted Fire Code.

DESIGN REVIEW FINDINGS (WMC § 14-12.403)

- 1. The proposed development is consistent with the goals and policies embodied in the adopted General Plan and the general purpose and intent of the applicable district regulations.**

Supportive Evidence

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- **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.
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2. **The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes**

improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods.

Supportive Evidence

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Supportive Evidence

The project does not involve the construction of a new access road or alteration of existing 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. 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 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.

5. **The proposed development incorporates features to minimize adverse effects including visual impacts of the proposed development on adjacent properties:**
- a) **Harmony and proportion of the overall design and the appropriate use of materials;**
 - b) **The suitability of the architectural style for the project; provided, however, it is not the intent of this section to establish any particular architectural style;**
 - c) **The sitting of the structure on the property, as compared to the sitting of other structures in the immediate neighborhood;**
 - d) **The size, location, design, color, number, and lighting; and**
 - e) **The bulk, height, and color of the project structure as compared to the bulk, height, and color of other structures in the immediate neighborhood.**

Supportive Evidence

The project involves the establishment of a propane storage and transfer facility on land designated for industrial development. At full buildout, five storage tanks totally 170,000 gallons would be installed onsite. These tanks are approximately 15 feet in height and would be setback at least 50 feet from the nearest property towards the middle of the site.

The project site is surrounded by industrial development or vacant land and is not next to any light- or noise-sensitive land uses. The project site is approximately 580 feet away from the Watsonville Slough, and the nearest residence is over 700 feet to the northwest of the site. Therefore, the project would not create a visual or noise impact on sensitive land uses, such as residential development or wildlife habitat.

6. **The proposed development complies with all additional standards imposed on it by the particular provisions of this chapter, any City of Watsonville architectural guidelines, development and public improvement standards, and all other requirements of this title applicable to the proposed development.**

Supportive Evidence

As conditioned, the project complies with other City requirements, such as post-construction stormwater and water efficient landscaping regulations.

7. **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.**

Supportive Evidence

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APN: 018-331-28

Applicant: Richard Kojak

Hearing Date: January 19, 2021

**SPECIAL USE PERMIT WITH DESIGN REVIEW
CONDITIONS OF APPROVAL**

General Conditions:

1. **Approval.** This approval applies to the Plan Set identified as "Tentative Site Improvement Plans" for Mountain Propane Company located at 950 West Beach Street, Watsonville, CA 95076, dated and received by the Community Development Department on January 20, 2020, and filed by David Dauphin with C2G on behalf of Richard Kojak with Mountain Propane Service, applicant and property owner. (CDD-P)
2. **Conditional Approval Timeframe.** This Special Use Permit with Design Review (PP2019-18) shall be null and void if the first phase of project development is not acted upon within **12 months** from the effective date of the approval thereof. Thereafter, the second phase must be completed within **36 months** from the effective date of the approval. Time extensions may be considered upon receipt of written request submitted no less than forty-five (45) days prior to expiration and in accordance with the provisions of Section 14-10.1201 of the Watsonville Municipal Code (WMC). (CDD-P)
3. **Permit Term.** This Special Use Permit with Design Review (PP2019-18), if acted upon as specified in Condition no. 2, shall be valid for **20 years** after the effective date of the approval thereof. A new Special Use Permit with Design Review shall be required if there is a change of ownership or other substantial change in the mode or character of operation. (CDD-P)
4. **Modifications.** Modifications to the project or conditions imposed may be considered in accordance with WMC Sections 14-12.1000 and 14-10.1305. All revisions shall be submitted prior to field changes and are to be clouded on the plans. (CDD-P)
5. **Substantial Compliance.** Project development shall be accomplished in substantial accordance with the approved Plan Set. Any required revisions to the Plan Set shall be completed to the satisfaction of the Community Development Director or designee. (CDD-P)
6. **Grounds for Review.** The project shall be in compliance with the conditions of approval, all local codes and ordinances, appropriate development standards, and current City policies. Any deviation will be grounds for review by the City and may possibly result in revocation of the Special Use Permit or Design Review Permit,

pursuant to Part 13 of WMC Chapter 14-10, or other code enforcement actions, pursuant to WMC Chapter 14-14. (CDD-P)

7. **Appeal Period/Effective Date.** This Special Use Permit with Design Review shall not be effective until **14 days** after approval by the decision-making body or following final action on any appeal. (CDD-P)
8. **Necessary Revisions.** The applicant shall make and note all revisions necessary to comply with all conditions of approval. The applicant shall certify in writing below the list(s) of conditions that the building plans comply with the conditions of approval. (CDD-P)
9. **Conditions of Approval.** A copy of the final conditions of approval must be printed on the first or second sheet of plans submitted for future permits. ***Plans without the conditions of approval printed directly on the first or second page will not be accepted at the plan check phase.*** (CDD-P)
10. **Required Statement.** The applicant and contractor who obtains a building permit for the project shall be required to sign the following statement, which will become conditions of the building permit:

“I understand that the subject permit involves construction of a building (project) with an approved Special Use Permit with Design Review. I intend to perform or supervise the performance of the work allowed by this permit in a manner which results in a finished building with the same level of detail, articulation, and dimensionality shown in the plans submitted for building permits. I hereby acknowledge that failure to construct the building as represented in the building permit plans, may result in delay of the inspections process and/or the mandatory reconstruction or alteration of any portion of the building that is not in substantial conformance with the approved plans, prior to continuation of inspections or the building final.”

Signature of Building Contractor

Date

Building and Fire-related Conditions:

11. **Required Permits.** The applicant shall obtain all required building permits (Building, Electrical, Plumbing, Mechanical, Grading, etc.) for this project. (CDD-B-E)
12. **Building Code.** Project construction shall comply with the California Building Code as adopted by the City. (CDD-B)
13. **Fire Code.** Project construction shall comply with California Fire Code as adopted by the City. Because the project involves the storage and transfer of propane—a hazardous material—special design, special inspections and/or testing may be

required to demonstrate compliance with the Liquefied Petroleum Gas Code (NFPA 58) and all other relevant provisions of the adopted Fire Code. (WFD)

14. **Energy Efficiency.** The project design shall conform with energy conservation measures articulated in Title 24 of the California Administrative Code and will address measures to reduce energy consumption such as low-flow shower heads, flow restrictors for toilets, low consumption lighting fixtures, and insulation and shall use drought tolerant landscaping. (CDD-B)
15. **Floodplain Development Permit.** The applicant shall obtain a Floodplain Development Permit prior to issuance of a building permit, in accordance with WMC Section 9-2.400. (CDD-E, PW)

Prior to or concurrent with the issuance of a Building Permit, the following requirements shall be met:

16. **Landscaping & Irrigation Plan.** The applicant shall submit three copies of the final Landscaping and Irrigation Plan for review and approval by the Community Development Director prior to issuance of a building permit. The Landscaping Plan shall provide drought-tolerant plants suitable for the Central Coast region. The Irrigation Plan shall provide an automatic water system (e.g., drip system) to irrigate all landscape areas. (CDD-B-E-P)
 - a. **LANDSCAPING** – The Landscape Plan shall indicate the types, quantities, locations and sizes of all plant material, including any existing major vegetation designated to remain and method of protecting planting areas from vehicular traffic. The Landscape Plan shall be drawn to scale, and plant types shall be clearly located and labeled. The plant list shall give the botanical name, common name, gallon sizes to be planted, and quantity of each planting. A minimum of 25 percent of all shrub material shall have a minimum 5-gallon container size. (CDD-E-P)
 - b. **IRRIGATION SYSTEM** – Automatic, low-flow irrigation system(s) shall be installed in all landscaped areas. Irrigation shall be programmed for night or early morning hours in order to minimize evaporation. (CDD-P)
 - c. **WATER CONSERVATION** – The project shall utilize water conservation, water recycling, and xeriscaping to the maximum extent possible. Irrigation systems shall be designed and maintained to avoid run-off, over-spray, or other similar conditions where water flows to waste. (CDD-B-E-P)
 - d. **NEW TREES** – As proposed in the preliminary landscape plans, the project shall provide a minimum of **26 trees**. (CDD-P)
 - e. **LANDSCAPE & IRRIGATION INSTALLATION** – All landscaping and irrigation shall be approved and installed prior to occupancy of the project. (CDD-P)
 - f. **WATER EFFICIENT LANDSCAPE ORDINANCE** – The applicant shall submit a landscape documentation package and demonstrate compliance

with the California Model Water Efficient Landscape Ordinance, pursuant to WMC Section 6-3.801. (CDD-P-E)

17. **Lighting.** Plans submitted for building permit issuance shall show the locations and details of any exterior lighting fixtures. All lighting shall be downward facing and/or shielded and shall not spillover onto adjacent property, public roadways, and/or riparian habitat. (CDD-P)
18. **Photometric Plan.** The applicant shall submit a Photometric Plan for review and approval by the Zoning Administrator. (CDD-P)
19. **Post Construction Stormwater Ordinance.** The project is subject to the WMC Section 6-3.535 (Post Construction Requirements). The applicant shall prepare a stormwater control plan (SWCP) that demonstrates compliance with the ordinance to the satisfaction of the City Engineer, prior to issuance of a building permit. (CDD-E)
20. **Ensure Avoidance of California Red-legged Frog, Western Pond Turtle, and Special Status Plants.** The following measures shall be implemented to ensure avoidance of individual California red-legged frog (CRLF) and western pond turtle (WPT) in the remote instance individuals were to disperse onto the site in the future in advance of or during construction.
 - *Pre-construction surveys for CRLF and WPT:* Pre-construction surveys shall be conducted by a qualified biologist within 48-hours of the start of construction activities to make sure that these species are not present on site. Surveys of open areas and any debris piles or crevices where a CRLF could take refuge and sandy soils where WPT could nest shall be surveyed. If any CRLF or WPT individuals or WPT nests are located, a buffer shall be established to protect it. Any animal(s) found during surveys shall be allowed to leave the property of its own accord. Construction may not start until the animal(s) has/have left the property.
 - *Pre-Construction survey for Special Status Plants:* Although no special status plants are expected to be present on the property, a qualified biologist shall survey the site prior to construction. If a special status plant occurs on site, the plant and immediate surrounding area shall be flagged and protected from impacts. If there is no way to protect the plant(s), construction shall be put on hold while the biologist consults with USFWS and/or CDFW (depending on the listing agency) for guidance. If this occurs, it is likely that mitigation would be needed, including removing and saving topsoil from graded areas and replacing it on open areas within the project site, and future management of the site to protect the species. (CDD-P-B, PW)
21. **Ensure Avoidance of Nesting Birds.** To protect nesting birds, no project activities shall be completed from February 1 through August 31 unless the following Avian Nesting Surveys are completed by a qualified biologist:

- *Survey for Birds of Prey:* Typically, a survey for nesting birds of prey is conducted prior to project construction to ensure that active raptor nests are not impacted by construction activities. Because there is a 500-foot avoidance buffer required for active nests of birds of prey, and the closest trees that could support nesting raptors are in the riparian corridor associated with Watsonville Slough, approximately 580 feet north of the project site, no surveys for nesting raptors are included for this project.
 - *Survey for Other Avian Species.* A qualified biologist shall survey for nesting activity within the project site and a 250-foot radius within 7 days prior to starting project activities. If any nesting activity is detected, the qualified biologist shall designate nests and nest substrate (trees, shrubs, ground, or burrows) as an Environmentally Sensitive Area (ESA) and protected with a minimum 250-foot buffer until young have fledged and are no longer reliant on the nest site or parental care. Additional surveys would be needed if construction is halted for 7 days or more. (CDD-P-B, PW)
22. **Education Materials and Training.** A binder with information containing environmental requirements for the project, including avoidance of special-status species, shall be created and kept at the project site at all times. In addition, prior to starting the project, all employees, contractors, and visitors who will be present during project construction shall receive training from a qualified biologist on the contents of the binder, including species identification, avoidance and minimization measures, and stop work and reporting requirements (if any). (CDD-P-B, PW)
23. **Wildlife Exclusion/Protective Fencing.** Protective fencing to exclude special status species shall be installed after the completion of preconstruction surveys for CRLF and WPT, and the qualified biologist has determined that no special status species are present on site. Protective fencing shall be constructed to provide a solid barrier that will not allow the passage of sensitive species into the project site during construction (similar to the one shown in Figures 14-16 in the Biotic Resources Technical Memorandum). The qualified biologist shall delineate where the contractor shall install fencing and inspect the fencing prior to construction to ensure that the fencing was installed correctly. Fencing shall be inspected daily for integrity by a designated and qualified individual, and any necessary repairs shall be made prior to the start of construction that day.
- If any CRLF or WPT are found within the project site at any time, the contractor shall stop work immediately and contact a qualified biologist, who shall inspect the animal and site to ensure that it leaves of its own volition (no animals may be picked up and moved). Work shall restart when the biologist deems the site clear. The regulatory agencies shall then be consulted, and daily monitoring of the site may be required. (CDD-P-B, PW)
24. **Work Timing.** Many of the special-status animals with a potential to occur within the project site are active at dusk and during the night. To avoid impacts to these species, all work activities shall be confined to daylight hours (between 7:00 a.m. and 7:00 p.m.) per the City's Noise Ordinance. (CDD-P-B, PW)

Prior to permit issuance, the following conditions shall be addressed:

25. **Preconstruction Meeting.** Prior to issuance of a building permit or the commencement of any site work, the project applicant and the general contractor shall attend a pre-construction meeting with the Building Official and City staff to discuss the project conditions of approval, working hours, site maintenance and other construction matters. The general contractor shall acknowledge that he/she has read and understands the project conditions of approval, particularly those pertaining to construction practices and site safety, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction. (CDD-P-B-E)
26. **Avoidance Measure Implementation.** The applicant shall prepare a list identifying the individuals responsible for implementing the Avoidance Measures included herein. The applicant shall provide upon request by the City a compliance log demonstrating all measures have been implemented. (CDD-P)
27. **Solid Waste Service Plan.** Solid waste generated during the construction shall be serviced by the City of Watsonville Solid Waste Division. Applicant shall submit a Solid Waste Service Plan on the City form for review and approval. (CDD-E)

During construction, the following conditions shall be adhered to:

28. **Superintendent.** Applicant shall have onsite at all times, a superintendent that shall act as the applicant's representative and as a point of contact for the City's Public Works Inspector. The superintendent shall be authorized by the Owner to direct the work of all contractors doing work on public and private improvements. (CDD-E, PW)
29. **Best Management Practices (BMPs).** Provide BMPs during construction to prevent sediment, debris and contaminants from draining offsite. BMPs shall comply with the City of Watsonville Erosion Control Standards and the Erosion and Sediment Control Field Manual by the California Regional Water Quality Control Board, San Francisco Region, latest edition. All erosion control shall be installed prior to October 15 and be maintained in place until April 15. Provide a note on the improvement plans stating that construction should take place between April 15 and October 15. The applicant shall ensure that all contractors are aware of all erosion control standards and BMPs. (CDD-E)
30. **Solid Waste Disposal.** All solid waste generated inside City limits must be hauled from the site of generation by the City of Watsonville Solid Waste Division, pursuant to Chapter 3 (City Utilities) of Title 6 (Sanitation and Health) of the Watsonville Municipal Code. This includes all wastes generated at construction sites, excavation projects, land clearing, demolition, earthwork projects, remodels, grading, and tenant improvement projects as well as ongoing business/residential use on the premises. Applicant shall comply with all applicable requirements for removal and disposal of hazardous materials. (PW)

31. **Work Hours.** No work for which a building permit is required shall be performed within the hours of 7 p.m. to 7 a.m., Monday through Friday, nor prior to 8 a.m. or after 5 p.m. on Saturday. No Work shall occur on Sundays or holidays. A sign shall be posted at a conspicuous location near the main entry to the site, prominently displaying these hour restrictions and identifying the phone # of the Job superintendent. (CDD-B)
32. **Dust Control.** To minimize dust/grading impacts during construction the applicant shall:
- a. Spray water on all exposed earth surfaces during clearing, grading, earth moving and other site preparation activities throughout the day to minimize dust.
 - b. Use tarpaulins or other effective covers on all stockpiled earth material and on all haul trucks to minimize dust.
 - c. Sweep the adjacent street frontages at least once a day or as needed to remove silt and other dirt which is evident from construction activities.
 - d. Ensure that construction vehicles are cleaned prior to leaving the construction site to prevent dust and dirt from being tracked off-site.
 - e. The City shall have the authority to stop all grading operations, if in opinion of City staff, inadequate dust control or excessive wind conditions contribute to fugitive dust emissions. (CDD-E)
33. **Unanticipated Discovery of Contaminated Soils.** In the unlikely event that contaminated soils are discovered during the earth-moving activities, all development activities shall cease immediately and remain stopped until an assessment has been completed by a geotechnical firm approved by the City. If remediation is necessary, the applicant shall enter into a Remedial Action Agreement with the Santa Cruz County Environmental Health Service Agency. (CDD-P-E)

Construction notes to be included with the Improvement Plans:

34. **Damaged Public Facilities.** Existing public facilities damaged during the course of construction or in an existing state of disrepair shall be repaired by the applicant, at the applicant's expense, to the satisfaction of the City. (CDD-E)
35. **Inspection Notice.** Contractor shall provide a minimum of 48 hours notice in advance of any required inspection. Any temporary suspension of work or returning to work for any reason shall be cause for the developer or contractor to telephone the Public Works Inspector at 831-768-3100. (CDD-E)
36. **Underground Utilities.** Prior to excavation, contractor shall locate all existing underground utilities. Call Underground Service Alert (U.S.A.) at 1-800-642-2444 to have utilities located and marked in the field. (CDD-E)

Prior to Final Inspection or Certificate of Occupancy, the following conditions shall be met:

37. **Statements of Compliance.** All project designer professionals who prepared plans for the project (e.g., civil, structural, and geotechnical engineers) shall

provide statements of compliance attesting that they have reviewed the completed project and that it was constructed in conformance with their recommendations and plans. Where special inspections and testing were involved, the letters of compliance shall be accompanied by inspection logs, testing and analysis that support the engineer's conclusions. (CDD-B-E)

38. **Fire Protection Inspection.** A Fire Protection Engineer shall inspect the installation of all storage tanks and appurtenance equipment for compliance with NFPA 58 and all other relevant provisions of the adopted Fire Code. (WFD)
39. **Landscaping Installation.** All landscaping and irrigation shall be installed and approved by Community Development Department staff. (CDD-P-E)
40. **Trash Removal.** All trash and construction debris shall be removed from the site. (CDD-B, PW)

Ongoing Conditions:

41. **Hazardous Material Permit.** Prior to storing propane at the site, the property owner must obtain a permit to store hazardous materials from Santa Cruz County Environmental Health. To obtain a hazardous materials permit, the property owner must create an account on the CERS (California Environmental Reporting System) website (<https://cers.calepa.ca.gov/>) and submit a Hazardous Materials Management Plan online. For additional information contact the Environmental Health office at (831) 454-2200 and ask to speak to one of the Hazardous Materials Inspectors or Hazardous Material Program Manager. A copy of the permit shall be provided to the Community Development Department. (CDD-P)
42. **Post Construction Stormwater Ordinance – Inspection, Maintenance and Annual Reporting.** Applicant shall perform inspections, maintenance to the post-construction stormwater management facilities and report to the City each year on these activities. (CDD-E, PW)
43. **Solid Waste Service.** All trash, recycling and greenwaste materials generated onsite shall be disposed of at a City-approved landfill or recycling center. The applicant shall contact the Solid Waste Division of the City Public Works Department to coordinate disposal of all trash, recycling and greenwaste materials. (PW)
44. **Trash Enclosure Maintenance.** Trash and recycling enclosure shall be maintained to the satisfaction of Watsonville Municipal Services. (PW)
45. **Lighting and Landscape Maintenance.** Lighting, landscaping and all other site improvements shall be maintained in perpetuity. Landscaping shall be maintained in good growing condition by a professional landscape maintenance company; and such maintenance shall include, where appropriate, weeding, mowing, pruning, cleaning, fertilizing and regular watering. All dead, dying and diseased vegetation shall be immediately replaced in kind. (CDD-P)

46. **Ongoing Maintenance.** Any and all common areas, landscaping, street trees, paving, driveways, parking spaces, walks, fences and walls shall be maintained on an ongoing basis by the property owner(s) for the entire development area. Maintenance activities shall include, but are not limited to: repaving, weeding, repairing damaged fencing, and removing trash, litter and/or other debris. (CDD-P)
47. **Ongoing Irrigation.** To ensure all plants are maintained in a healthy and growing condition, the water levels in the underground cisterns shall be monitored on a quarterly basis to ensure they can provide an adequate water supply for irrigating landscaped areas. If in the event that there is inadequate precipitation to fill the cisterns, such as during drought conditions, and/or the water level in the cisterns drops below 10 percent of capacity, the property owner(s) shall be responsible for transporting water to the site by truck to fill the cisterns to half full. (CDD-P-E)
48. **Security Cameras.** The security camera monitoring system shall be maintained in good working order and shall not be recorded over within 30 days after initial recording. The system shall support slow motion and high-speed playback with high-resolution zoom capability. (CDD-P, WPD)
49. **Graffiti.** The property owner shall cause to remove and/or paint over any graffiti. (CDD-P)

Future Sign Permit:

50. **Sign Permit.** Any new or proposed changes in the exterior signage for the premises shall require Sign and Building Permits through the Community Development Department. (CDD-P-B)

Indemnity Provision:

51. **Indemnity Provision.** The applicant shall sign a defense and indemnity contract agreeing to defend, indemnify, and hold harmless the City of Watsonville, its elected and appointed officials, officers, employees, and agents arising out Special Use Permit with Design Review and Environmental Review (PP2019-18), including but not limited to any approval or condition of approval of the City of Watsonville Planning Commission or City Council. The City shall promptly notify the applicant of any claim, action, or proceeding concerning this permit and the applicant and City shall cooperate fully in the defense of the matter. The City reserves the right to select counsel in the defense of the matter. (CA)

Key to Department Responsibility

CDD-B	–	Community Development Department (Building)
CDD-P	–	Community Development Department (Planning)
CDD-E	–	Community Development Department (Engineering)
PW	–	Public Works Department
WFD	–	Watsonville Fire Department
WPD	–	Watsonville Police Department
CA	–	City Attorney

Application No: PP2019-18
APN: 018-331-28
Applicant: Richard Kojak
Hearing Date: January 19, 2021

Applicant: Richard Kojak
Property Owner: Richard Kojak
Address: 6576 HWY 9, Felton, CA 95076
Project: Special Use Permit with Design Review and Environmental Review
Location: 950 West Beach Street, Watsonville, CA 95076
Purpose: Allow the establishment of a propane storage and transfer facility, consisting of one 50,000-gallon tank and four 30,000-gallon tanks totaling 170,000 gallons of storage capacity

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 (APN 018-331-28; formerly APNs 018-331-05 and -06), was reviewed by the Planning Commission at a public hearing on September 1, 2020, for making a recommendation to City Council, was reviewed by the City Council at a public hearing on January 19, 2021, and was conditionally approved by adoption of City Council Resolution No. _____ (CM) based on the findings hereto and identified as Exhibit A and subject to the conditions of approval attached hereto and identified as Exhibit B and by this reference made a part of this Permit.

CITY OF WATSONVILLE
City Council

Suzi Merriam
Community Development Director