

Board Meeting Date: September 13, 2022
Special Notice / Hearing: 10-Day Notice
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: EXECUTIVE SUMMARY: Consideration of an appeal of the Planning Commission's approval of a Coastal Development Permit to legalize improvements to an existing propane distribution facility at 399 Airport Road in unincorporated Moss Beach. The project is appealable to the California Coastal Commission.

County File Number: PLN 2018-00057 (Bucks Butane/Amerigas)

RECOMMENDATION:

Recommendation to:

- A) Open public hearing.
- B) Close public hearing.
- C) Deny the appeal and uphold the Planning Commission's decision to approve the Coastal Development Permit (PLN 2018-00057), by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND:

Project Proposal: The applicant is requesting a Coastal Development Permit (CDP) to legalize improvements that expand an existing propane distribution facility's use on a 1.47-acre parcel located on the west side of Airport Street in the unincorporated area of Moss Beach. The improvements include perimeter security fencing, graveling of the parcel, two cargo containers used to store tools and miscellaneous business-related storage, and the placement of a water tank (8-foot diameter).

At its public hearing on April 27, 2022, the Planning Commission considered the project, heard testimony from members of the public that oppose the project due to their concerns about safety hazards caused by the existing use, and heard testimony from the applicant, including retraction for proposed temporary and periodic storage of used propane tanks on the site. The Planning Commission approved (3-1) the CDP by adopting the required findings and modified conditions of approval (Attachment B).

On May 11, 2022, the appellant filed an appeal (Attachment C) of the Planning Commission's approval asserting that the fact that the existing 15,000-gallon propane storage tank and associated operations were never established with a CDP is grounds for denial of the current proposal to legalize improvements to the existing propane distribution facility.

DISCUSSION:

The propane storage and distribution use was established on the project site around 1964 and consisted of two 7,500-gallon liquid propane tanks to serve the manufactured home park and residents and businesses in the area. At the time the propane storage and distribution use was established, the property was re-zoned from H-1 (Limited Highway Frontage) Zoning District to the current M-1 (Light Industrial) Zoning District to accommodate the use (County File No. X7C2A).

In 1983, in association with the legalization of the subject parcel (County File No. SMN 83-1), County records described the subject parcel as containing two (2) existing liquid petroleum tanks, including one (1) 3,000-gallon tank and one (1) 15,000-gallon tank, serving the adjacent manufactured home park. The current site contains one (1) 15,000-gallon tank. Aerial photography as far back as 1972 appear to show a larger and smaller propane tank on the site; the larger tank being in the same location as the current 15,000-gallon propane tank on the site.

Based on the substantial evidence in light of the whole record, staff has concluded that use of the site for bulk propane storage was legally established in 1964 and the 15,000-gallon propane tank was legally established prior to 1976, when the California Coastal Commission commenced issuing CDPs, a responsibility subsequently assumed by the County of San Mateo in April 1981. Sometime after June 1987, the propane storage and distribution use expanded with improvements to the parcel as described in the Background section above; such improvements were made without the benefit of obtaining the required CDP, which the applicant is seeking under the subject project.

As currently proposed and conditioned, the project will comply with the development standards of the respective M-1 (Light Industrial) zoning district and applicable visual resource policies of the Local Coastal Program. Additionally, the Coastside Fire Protection District has reviewed and conditionally approved the project for fire hazard safety compliance with California Fire Code and National Fire Protection Association (NFPA) 58 standards.

The memorandum and the recommended findings and conditions of approval have been reviewed and approved by the County Attorney's Office as to form.

FISCAL IMPACT:

None.