BOARD OF SUPERVISORS

Board of Supervisors Chambers
400 County Center, Redwood City

ITEM #14

Owner: ..... **Buck's Butane-Propane Services**

Applicant: ..... **Charles Eadie**

File Number: ..... **PLN 2018-00057**

Location: ..... **399 Airport Street, Moss Beach**

APN: **047-300-050**

Project Description:

Appeal of the Planning Commission's approval of a Coastal Development Development Permit to legalize site improvements to an existing propane distribution facility.

PROJECT SCOPE

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 Street in unincorporated Moss Beach.



PROJECT BACKGROUND

1964	-	County rezoned property from H-1 to M-1 to accommodate propane storage and distribution use, consisting of two 7,500-gallon tanks, to serve adjacent manufactured home park and residents and businesses in the area.
1983	-	Adjacent manufactured home park obtained natural gas supply; propane storage and distribution facility become a stand-alone use.
1985	-	County legalized project parcel and recognized two liquid petroleum tanks, 3,000-gallon and 15,000-gallon. (3,000-gallon tanks has since been removed).
Post-1987	-	Site improvements made without benefit of a CDP.

PROJECT BACKGROUND

2015	-	County determined a CDP for Post-1987 site improvements was required.
2016 - 2017	-	Amerigas pursued feasibility of potential relocation to neighboring Big Wave project's South Parcel; relocation determined infeasible.
2017	-	Amerigas pursued feasibility of potential relocation to the County Transfer Station in Pescadero; relocation determined to be infeasible.
2018 – 2019	-	CDP application submitted.
2022	-	Application deemed complete.

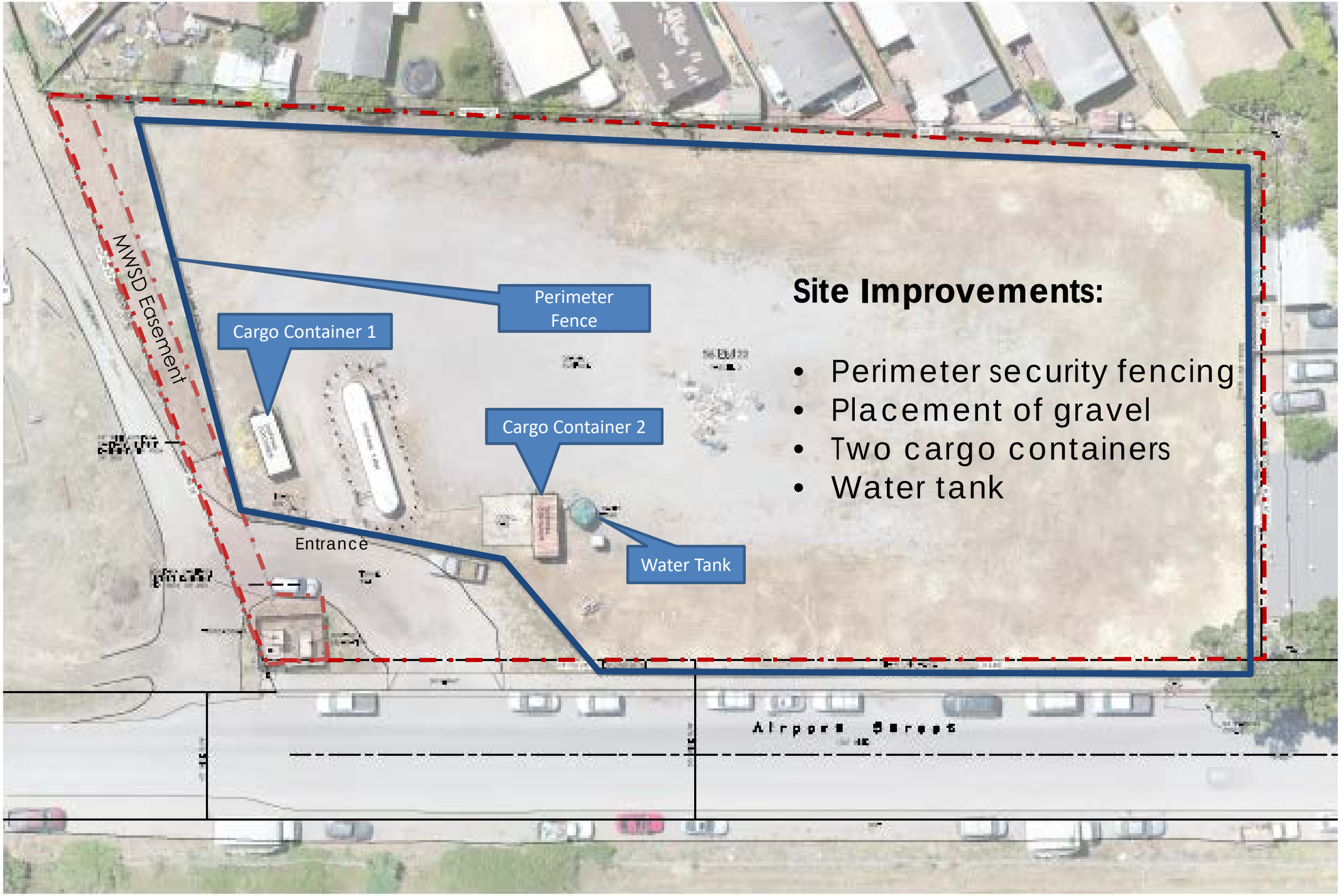
PROJECT BACKGROUND

April 27, 2022 - Planning Commission hearing.

May 11, 2022 - Appeal of the Planning Commission's decision filed.

Sep. 13, 2022 - Board of Supervisors' hearing.


Moss Beach
MOSS BEACH
(UNINC)
Cabrillo Highway
Seal Cove
UNINCORPORATED
James V. Fitzgerald Marine Reserve
Airport Street
Half Moon Bay Airport
Montara State Marine
PROJECT LOCATION
Amerigas Facility
399 Airport Street,
Moss Beach
EL GRANADA
(UNINC)
PRINCETON
(UNINC)
CA 1
El Granada
Quarry Park
Obispo Road
MIRAMAR
(UNINC)


MWSD Easement
Perimeter Fence
Cargo Container 1
Cargo Container 2
Water Tank
Entrance
Airport Street
Site Improvements:
• Perimeter security fencing
• Placement of gravel
• Two cargo containers
• Water tank

REGULATIONS CONFORMANCE

General Plan

- Vegetative, Water, Fish and Wildlife Resources
  - *Monthly weed management maintenance visits.*
- Natural Hazards - Fire
  - *Conditional approval from Coastside Fire including for compliance with California Fire Code and National Fire Protection Association standards.*
- Man-made Hazards – Airport Safety and Hazardous Materials
  - *No policy conflicts with Half Moon Bay Airport Land Use Compatibility Plan.*
  - *Conditional approval from Coastside Fire and Environmental Health.*

REGULATIONS CONFORMANCE

Local Coastal Program (LCP)

- Locating and Planning New Development
  - *Site improvements require a CDP.*
- Visual Resources
  - Project site located in Cabrillo Highway County Scenic Corridor, but not distinguishable from any points along Cabrillo Highway and not highly visible from other public viewpoints.
- Shoreline Access
  - *Existing nearby access not impacted or impeded.*



REGULATIONS CONFORMANCE

General Plan/ Local Coastal Program (LCP)

- Visual Resources







REGULATIONS CONFORMANCE

General Plan/ Local Coastal Program (LCP)

- Visual Resources







March 2022

REGULATIONS CONFORMANCE

Zoning Regulations

- M-1 Zoning (*Light Industrial*)
  - *Permitted Uses: Distribution plants, including bulk petroleum plants, provided the use is carried on in a manner that is, in the opinion of the Planning Commission not objectionable from the standpoint of odor, dust, smoke, gas, noise or vibration.*
  - *No zoning setbacks and specified fence height limit.*

REGULATIONS CONFORMANCE

No internal cleaning or flaring occurs onsite as has been performed in the past to avoid repeating past concerning events.





RECENT SITE CONDITION







March 2022

MIDCOAST COMMUNITY COUNCIL

The Midcoast Community Council (MCC) has expressed opposition to allowing the "grandfathering" use of the bulk storage tank to continue at the project site and opposition to allowing an expansion of the use as a depot for smaller tanks due to a history of odor and leak concerns and unsafe conditions to the adjacent residential Pillar Ridge Manufactured Home community.

At the April 2022 Planning Commission hearing, the applicant retracted the proposal to use the site for temporary and periodic storage of smaller individual tanks.

ENVIRONMENTAL REVIEW

Categorically exempt pursuant to Section 15303, Class 3, of the California Environmental Quality Act (CEQA) Guidelines for new small structures and equipment on an urban lot and Section 15311, Class 11, for placement of minor structures accessory to existing industrial uses including but not limited to signs and small parking lots.

PLANNING COMMISSION PUBLIC HEARING

Planning Commission hearing – April 27, 2022:

- Public opposition due to safety hazard concerns of the use.
- Applicant retracted the proposal for temporary and periodic storage of individual used propane tanks onsite.
- Planning Commission approved (3-1) with modified conditions.

PLANNING COMMISSION PUBLIC HEARING

Planning Commission approved (3-1) with modified conditions:

- Limited to 6 ft. in height with the option for several strands of barbed wire located vertically above.
- Slats shall be dark brown or green in color to blend in with the surrounding natural area.
- Move fence on north and west sides of property to maintain a 4-ft. space to the existing adjacent Pillar Ridge fence for maintenance.
- Relocate fence along Airport Street out of the right-of-way and connect directly to the Pillar Ridge fence at the northeast corner to prevent trespass between fences.
- No overnight parking of vehicles containing propane or related fuels for storage or delivery.

APPEAL POINT

The existing 15,000-gallon propane storage tank requires a CDP and without one, the subject project to legalize improvements should be denied.

- *Propane storage and distribution use of the site was established around 1964.*
  - *Two 7,500-gallon propane tanks to serve the manufactured home park and residents and businesses in the area, occupied 50-ft. x 60-ft. area. Rezone approved by the County to accommodate the use.*

- *1983 – County records described the parcel as containing two existing tanks.*
  - *3,000-gallon and 15,000-gallon (current site contains one 15,000-gallon tank)*
  - *Shown in aerial photography dating back to 1972.*

APPEAL POINT

The existing 15,000-gallon propane storage tank requires a CDP and without one, the subject project to legalize improvements should be denied.

- *Based on substantial evidence in light of the whole record, staff concludes the use of the site for bulk propane storage was legally established in 1963 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 in April 1981.*

RECOMMENDATION

That the Board of Supervisors deny the appeal and uphold the Planning Commission's decision to approve the Coastal Development Permit, PLN2018-00057, by making the required findings and adopting the conditions of approval listed in Attachment A of the staff report.

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