DRAFT

BEFORE THE TOWN OF MORAGA PLANNING COMMISSION

In the Matter of:

Approval of an application for a conditional use permit for the Town of Moraga Corporation Yard, including the storage of parks and public works equipment and materials in the enclosed side and rear yard areas and the storage of old Town files and records at 331 Rheem Boulevard.)

Resolution No. xx-2010 PC

File No. CUP 11-2009

Planning Commission Adoption Date: January 4, 2010

Effective date: January 14, 2010

WHEREAS, on December 2, 2009 the Town Council authorized the Town Manager to enter into a purchase agreement for 331 Rheem Boulevard for use as a Corporation Yard; and

WHEREAS, the Town's General Plan calls for the Town to pursue a permanent location for a corporation yard to serve as the Town's maintenance operations center and to use the Hacienda for recreation and community purposes; and

WHEREAS, in addition to use as a corporation yard, the property at 331 Rheem Boulevard could provide for overflow parking from the Town Office at 329 Rheem, storage of police vehicles, long term file storage and supplemental office space; and

WHEREAS, the Town has 60 days under the purchase agreement to complete its evaluation of the property at 331 Rheem Boulevard and to allow further community input, including consideration of the use permit by the Planning Commission before the Town Council decides whether to proceed with the purchase; and

WHEREAS, a Public Hearing Notice for the project was mailed to property owners within 300 feet of the property on December 23, 2009; and

WHEREAS, on January 4, 2010, the Planning Commission held a public hearing where testimony was heard from the applicant and interested parties; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the Town of Moraga hereby approves a conditional use permit for the Town of Moraga Corporation Yard, including the storage of old Town files and records and Police Department storage in accordance with the findings and conditions listed below:

PART I – USE PERMIT

SPECIFIC FINDINGS FOR APPROVAL OF THE CONDITIONAL USE PERMIT IN ACCORDANCE WITH SECTION 8.12.120 OF THE MORAGA MUNICIPAL CODE:

A. **The proposed use is appropriate to the specific location because** *the subject property on Rheem Boulevard is adjacent to other commercial and office uses and will not have any direct impact on any existing residential units. The location allows convenient access to*

Rheem Boulevard and the surrounding thoroughfares without traversing through any residential neighborhoods. The previous use of the property as a fire station and then as a contractors office and storage yard lends itself to the intended use as the Town's Corporation Yard. The site improvements previously installed by the swimming pool contractor for the circular driveway around the back of the building will allow for sufficient parking, storage and access areas.

B. **The proposed use is not detrimental to the health, safety, and general welfare of the Town because** *the Town's vehicles, trailers and other parks and public works equipment and supplies will be within a fully enclosed area behind the building and they will not be visible from Rheem Boulevard unless the driveway gates are left open. The proposed use will not create significant traffic either from the public or by the public works maintenance staff. Some hazardous materials, such as cleaning solvents, pesticides and fertilizers, will be stored, but not used at the property, with the exception of minimal amounts of regular household cleaning fluids for building maintenance. All stored hazardous chemicals will be stored in locking, spill control, secondary containment cabinets approved by UL and meeting all Fire Department and OSHA regulations. The "hazardous" chemicals are comparable to those already in the vicinity (i.e. gas stations, dry cleaners, drug store). The storage of old Town files and records will not be detrimental to the health or safety of the Town.*

C. **The proposed use will not adversely affect the orderly development of property within the Town because** *almost all of the surrounding property is already developed. There is one vacant Suburban Office zoned lot located to the southeast across Rheem Boulevard between the Rheem Theater and a private school. There are two large vacant MOSO zoned parcels located north of 331 Rheem Boulevard, which currently have approved use permits for two single family homes. The proposed use is similar to the previously approved contractor's storage yard for the fiberglass pool resurfacing contractor except that the Town's Corporation Yard would not require regular deliveries by a large trailer truck, which was a problem with the pool contractor's business.*

D. **The proposed use will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the Town because** *the property and landscaping will be maintained by the Town and the vehicles, equipment and materials stored in the rear and side yard areas will be screened from view by the fencing. Trash will be stored behind the building prior to being taken to the dump.*

E. **The proposed use is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan because** *the proposed uses at 331 Rheem Boulevard will comply with the requirements for a conditional use permit and will not substantially increase traffic, noise, glare. The use will not interfere with any existing businesses in the area. The proposed relocation of the Town's Corporation Yard complies with the 2002 General Plan goals and policies and conforms to the General Plan action program IP-K4 which calls for evaluation and consideration of alternate sites for the corporation yard location.*

F. **The proposed use will not create a nuisance or enforcement problem within the neighborhood because** *the properties that are located closest to the proposed Corporation Yard are zoned commercial or suburban office and no existing or proposed residential structures would be located close enough to the facility to be affected by the daily operations. The Corporation Yard will be required to screen the vehicles and*

business operations so that the property does not appear "industrial." The building will be locked during non-working hours.

G. **The proposed use will not encourage marginal development within the neighborhood because** *most of the property in the immediate vicinity is already developed. The vacant property located southeast and across the Rheem Boulevard from the proposed Corporation Yard is zoned Suburban Office and would not be adversely affected because the existing landscaping across the frontage of 331 Rheem Boulevard will be maintained and possibly improved to enhance the screening of the side and rear yard storage areas.*

H. **The proposed use will not create a demand for public services within the Town beyond that of the ability of the Town to meet in the light of taxation and spending restraints imposed by law because** *the relocation of the Corporation Yard will not increase the number of maintenance staff employees or increase the existing demand for parks and public works maintenance services beyond that which currently exist. The required maintenance of the relatively small amount of landscaping at the front of 331 Rheem Boulevard could be reduced substantially if the turf areas are replaced with drought tolerant shrubs and trees.*

I. **The proposed use is consistent with the Town's approved funding priorities because** the improvements made by the two previous owners of the building will substantially meet the Town's needs and very few alterations will be necessary for the uses proposed for the corporation yard and storage of Town files. The purchase of the building and minor alterations to some interior partitions and doors are possible within the current financial resources of the Town because a favorable loan can be secured for the building and the sale of underutilized Town property is expected to generate a significant portion of the cost of acquiring 331 Rheem Boulevard.

CONDITIONS OF APPROVAL:

1. Any exterior changes to the front of the building shall be submitted to the Design Review Board for approval. If new signs are proposed to identify the Corporation Yard facility, they shall also be submitted for approval to the Design Review Board because the building can be seen from the Rheem Boulevard scenic corridor.

2. This Use Permit is for the relocation of the Town's Corporation Yard and storage of old Town records and files. The use permit does <u>not</u> include any provision for sublease of space within the building or for any other tenants within the building. The Town has no records of a use permit for the current tenant. All existing vehicles, equipment and storage of materials not owned by the Town of Moraga shall be removed from the property prior to occupancy by the parks and public works staff.

3. In order to reduce the use of water in accordance with EBMUD guidelines, serious consideration shall be given to replacement of the turf areas at the front of the building with drought tolerant ground cover, shrubs and trees conforming to the Town's Design Guidelines for scenic corridor landscaping. Additional trees shall be added to the front planters to enhance the screening of the rear storage yard areas. The revisions to the landscaping plans, including the planting and staking details for the trees and the irrigation system plans, shall be submitted to the Design Review Board for approval.

4. In order to provide adequate sight distance for motorists entering and exiting the site in accordance with MMC Section 8.80.010-B, all shrubs within the “sight distance” triangle on either side of the driveways shall be trimmed to a maximum height of 3-feet and all low branches on trees shall be trimmed to 8-feet above the ground. The sight distance triangle is formed by lines along the side of the driveway and the back edge of the sidewalk and a line connecting the two points that are 15-feet from the intersection of the driveway and the back edge of the sidewalk.

5. The low rock retaining walls around the planting areas at the east side of the property shall be repaired as necessary to prevent the spilling of dirt onto the sidewalk and the existing dirt on the sidewalk shall be removed.

6. A total of 8 parking spaces shall be provided based upon 1000 square feet of office area, 1000 square feet of service and repair area and 1,400 square feet of storage area.

7. The trash dumpster shall be kept behind the fence area. If the trucks that pick-up the trash cannot make the turn around the building, then the dumpster can be wheeled to the gate at the front when the trash is collected.

8. Any new air conditioning units, heat pumps or other exterior mechanical equipment shall be located at the sides or back of the building behind the fenced area or in the roof well behind the roof parapets.

9. Equipment, such as air compressors, capable of generating noise and vibrations shall be properly insulated and shall not generate noise levels in excess of 55 dba during the daytime hours or 50 dba during the nighttime hours in accordance with MMC Section 8.36.020-B-5.

10. Any hazardous chemicals, such as cleaning solvents and pesticides, shall be stored in compliance with Fire District standards and kept within approved containment lockers.

11. That the project comply with the requirements of the Moraga-Orinda Fire District from the previously approved use permit at 331 Rheem Boulevard, which include:
    a. The Fire District shall have the ability to access the rear of the building through the proposed rolling doors or gates at the driveways. This will be accomplished by providing a KNOX Box on the building (as designated by the Fire District) with necessary keys in the box. Information shall be obtained from the Fire District.
    b. The Town shall obtain all required permits from the Fire District for the storage and use of hazardous materials. Building owner shall provide the Fire District with a current chemical inventory prior to having the proposed storage cabinets installed on site.
    c. That the subject applicant shall submit the design review fee to the Fire District prior to approvals.

12. If the lighting inside the building exceeds 20 foot candles of illumination measured outside the building at 10-feet from the surface of the front windows, then interior window blinds or glare reducing film shall used on the windows in compliance with MMC Section 8.88.110.

13. Any new utility distribution facilities including electric, telephone and cable television systems shall be installed underground from point of connection.

14. The Parks and Public Works Maintenance Staff and any contractors doing work at the Corporation Yard shall be responsible for preventing spills of soil, rock or other debris on to the Town's streets. If any spills occur, the maintenance staff or contractor will be required to immediately cleanup the spill and repair any damage to the streets to the satisfaction of the Town Engineer.

15. During project construction (installation of new partition walls or doors, etc.) and landscaping installation, the hours of work shall be limited to the hours from 8 a.m. to 5 p.m. as required by the Town's Noise Ordinance.

16. This permit and each condition contained herein shall be binding upon applicant and property owner and any transferor, or successor in interest.

17. If the building permit for the interior modifications is not issued within one year from the date of final action, the use permit becomes null and void. However, the use permit may be extended by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

PASSED AND ADOPTED by the Planning Commission of the Town of Moraga on January 4, 2010 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

_____
Jim Obsitnik, Chairman

ATTEST:

_____
Lori Salamack, Planning Director