DESIGN REVIEW BOARD STAFF REPORT

MEETING DATE: **February 8, 2010** REPORT WRITTEN: January 28, 2010

ITEM NUMBER: V.B. – DESIGN REVIEW

FILE NUMBER: **DRB 02-10 – American Petroleum Environmental Construction (Applicant) Russell J. Bruzzone, Inc. (Owner), 1410 Moraga Road**
Application for approval of a Hirt thermal oxidizer and related equipment for an enhanced vapor recovery (EVR) system at the Lamorinda Gas station at 1410 Moraga Road. APN 255-321-010

ZONING: CC (Community Commercial)

CEQA STATUS: The project is categorically exempt under CEQA Guidelines Section 15301 Existing Facilities, subsection (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;

APPLICATION SUMMARY:
This application requires Design Review Board approval because it is an exterior modification of an existing commercial building. The Lamorinda Gas station at 1410 Moraga Road is adjacent to the Moraga Road scenic corridor. The Hirt thermal oxidizer unit measures 2-feet 9-inches wide by 2-feet deep and approximately 2-feet high, but the unit must be mounted at least 4-feet above the ground and there is a small vent pipe that projects about a foot above the unit. The Hirt unit would be located at the northwest side of the service station building. There is an existing 5-foot 6-inch wood fence enclosure that will screen the view of most of the unit, but the top will be visible over the fence. The unit is designed to capture and burn vapors from the expansion and contraction of the underground gasoline storage tanks in accordance with California Air Resources Board Executive Order VR-207-A. The project also includes new hanging hardware on the existing gas dispensers.

PUBLIC NOTICE AND MAILING LIST:
In accordance with Moraga Municipal Code Section 8.72.130(A)(1), written notice of the application was mailed to all property owners within three hundred (300) feet of the subject property on Friday, January 29, 2010. A map showing the area of notice and a copy of the mailing list is attached as **EXHIBIT A**. At the time this report was written, no correspondence from residents has been received. Any correspondence that may be received prior to the meeting will be brought to the meeting by staff.

PROJECT LOCATION:
The project site is at the north end of the Moraga Shopping Center, about 500-feet south of the intersection of Moraga Road with St. Mary's Road and across from Alta Mesa Drive. The fenced enclosure at the northwestern side of the building is located adjacent to the northern

entrance road to the shopping center. The gas station will partially block the view of the Hirt unit from the scenic corridor. The location of the project is shown on the GIS aerial photo map below:

BACKGROUND SUMMARY:
The use permit for the Lamorinda Gas station, UP 09-98, was amended on June 7, 1999 to allow a small food mart, with sale of snack foods, candy, chips, beverages and automobile oil. The use permit prohibits sale of alcoholic beverages, hot food items or perishable items such as milk, eggs and vegetables. The conditions of approval are listed in Planning Commission Resolution 14-99, which is attached as **EXHIBIT B**. Condition number 6 required submittal of a landscape and irrigation plan to include additional landscaping along Moraga Road if it was physically possible. Some additional landscaping was approved and installed, but it was relatively small due to the site constraints for maneuvering the fuel tanker trucks on site.

An enhanced vapor recovery (EVR) system is required by the California Air Resources Board for all service stations. The Lamorinda Gas station at 1410 Moraga Road is the third application reviewed by the Design Review Board in Moraga; however, the inspector for the Bay Area Air Quality Management District, Chris Berglund, informed me that he has inspected EVR installations at two other stations. The proposed Hirt Thermal Oxidizer Unit will enhance compliance with MMC Section 8.36.020-B.7, which reads "The use will not generate glare, electrical interference, odor, vibration, brilliant light, dust, smoke, fumes or have other characteristics that are otherwise offensive to the senses to the extent that there is interference with the development or enjoyment of other property in the vicinity." The fumes from the underground tanks will not be vented directly to the atmosphere. The Hirt Thermal Oxidizer unit will essentially burn the venting gas from the expansion of the

underground tanks. This type of system can be used when the volume of gas storage is smaller. When the previous Chevron and Shell ERV systems were approved, the only certified EVR system was the large 10-foot 6-inch high internal bladder tank system.

DESIGN ASPECTS:

The design aspects listed in MMC Section 8.72.080-A are discussed in **EXHIBIT C**. The location of the Hirt Thermal Oxidizer Unit complies with the required building setbacks because the minimum side yard setback in the Community Commercial district is zero. The exterior side yard is 50-feet, except that the entrance driveway to the shopping center is not a public street. The proposed Hirt unit will extend about 1-foot above the existing fence enclosure and the top of the unit and vent stack could be seen from the scenic corridor. There is an existing planting island on the northeast side of the fence enclosure, which is in need of refurbishment and re-planting. If a tree and some shrubs were installed in the planter, then the view of the fenced enclosure would be partially screened from the scenic corridor as shown in the photos below:

Scenic Corridor View from North of the Lamorinda Gas Station
Hirt Unit would be within fenced area at right side of the building

North View of existing planter near fenced enclosure

East View of planter and fence

APPLICABLE TOWN DESIGN GUIDELINES:
Staff comments with regard to design guidelines that are applicable to the project have been listed in **EXHIBIT D**. Staff has noted recommendations for the following design guidelines:

Guidelines SRC7, L3.2 and CC1.2: The existing landscape island at the northeast side of the fenced enclosure should be refurbished with at least one 15-gallon non-deciduous broadleaf tree and three large shrubs to enhance the screening of the proposed Hirt Thermal Oxidizer unit and the vent pipes along the wall of the service station.

Guidelines L1.3, SC1: It appears that some of the existing landscaping may have been damaged by the severely cold weather or is not getting enough water. Plants that have died should be replaced.

Guideline CC1.1: The proposed Hirt Thermal Oxidizer Unit enclosure is a required engineering component for operation of the service station. It will be 90% screened from view by the existing wood fence enclosure, which will help reduce the visual impact from the scenic corridor. As previously recommended, the landscaping in the existing planting island at the northeast side of the fenced enclosure could be enhanced with a new tree and some large shrubs to help block views of the Hirt unit from Moraga Road.

Guideline CC1.3: If the fenced enclosure at the northwest side of the building was originally intended as a trash enclosure for the service station, then it may need to be enlarged to accommodate both the trash cans or dumpsters and the Hirt Thermal Oxidizer unit.

PERMIT STREAMLINING ACT:
The application for the installation of the Hirt Thermal Oxidizer unit was submitted on January 22, 2010. The Permit Streamlining Act requires a decision on the project within ***60 calendar days*** after a project has been found to be exempt from CEQA or a negative declaration is adopted for the project. The staff report was written on January 28, 2010 at which time the project was determined to be exempt from CEQA. Therefore, the application must either be approved or disapproved by March 29, 2010 unless both the Town and the applicant agree to a one time 90-day extension.

RECOMMENDATION:
Staff recommends approval of the project with the findings and conditions listed in the draft action memorandum attached as **EXHIBIT E**. The suggested conditions of approval include a requirement for the applicant to refurbish the existing landscape planter at the northeast side of the fenced enclosure.

Prepared by Richard Chamberlain, Senior Planner

EXHIBITS:
A – Notice Area Map, Mailing List and Public Notice
B – Planning Commission Resolution 14-99 for Lamorinda Service Station
C – Design Aspects to be considered for 1410 Moraga Road Hirt Thermal Oxidizer Unit
D – Applicable Town Design Guidelines for 1410 Moraga Road Hirt Instillation
E – Draft Action Memorandum
F – Applicant's Plans