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Town of Moraga

PLANNING DEPARTMENT
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(925) 888-7050

DESIGN REVIEW BOARD ACTION MEMORANDUM

On February 8, 2010, the Town of Moraga Design Review Board considered the application described below:

> **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 all related equipment for an enhanced vapor recovery (EVR) system at the Lamorinda Gas station at 1410 Moraga Road. The Hirt unit would be located at the northwest side of the service station within an existing 5-foot 6-inch wood fence enclosure. The unit is designed to capture and burn vapors from the expansion and contraction of the underground gasoline storage tanks. The project also includes new hanging hardware on the existing gas dispensers. APN 255-321-010

DESIGN REVIEW BOARD ACTION:

The DESIGN REVIEW BOARD hereby grants approval of the project in accordance with the following findings and conditions of approval:

PART 1: DESIGN REVIEW FINDINGS:

In accordance with Moraga Municipal Code Section 8.72.080(B), the following findings must be made in order to approve an application for design review in the Community Commercial land use district:

1. The proposed structure conforms with good taste, good design and in general contributes to the character and image of the Town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality because the proposed Hirt Thermal Oxidizer unit is a mandated public health and safety installation and it will be located at a relatively unobtrusive location behind an existing wood fence at the side of the service station building. The screening of the equipment will be

enhanced with additional landscaping in an existing planting island at the northeast side of the fenced enclosure.

2. The structure will be protected against exterior and interior noise, vibrations and other factors, which may tend to make the environment less desirable because the proposed Hirt Thermal Oxidizer unit does not have any pumps or compressors that would generate noise levels in excess of fifty-five (55) dba during the daytime hours, or fifty (50) dba during the nighttime hours and would be in compliance with Moraga Municipal Code (MMC) Section 8.36.020-B.5.

3. The exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value because the proposed Hirt Thermal Oxidizer unit will be 90% screened from view by an existing wood fence enclosure and the unit will be painted to match the existing building color.

4. The structure is in harmony with proposed developments on land in the general area because all the gasoline service stations in Moraga are required to install enhanced vapor recovery (EVR) systems in accordance with California Air Resources Board Executive Order VR-207-A and the landscaping will be improved in the existing planter at the northeast side of the fenced enclosure for the Hirt unit.

PART 2: CONDITIONS OF APPROVAL:

1. The location of the Hirt Thermal Oxidizer unit shall be in accordance with the plans stamped “official exhibit” for the Design Review Board and dated February 8, 2010.

2. The existing planting island at the northeast side of the fenced enclosure shall be re-planted with at least one 15-gallon non-deciduous tree selected from the species in Appendix B of the Town’s Design Guidelines and at least three 5-gallon shrubs around the tree. This new landscaping shall be maintained. To help increase the growth rate of the new tree, soil amendments equal to three times the size of the root ball shall be added at the time the new tree is planted.

3. Any existing landscaping in the previously approved landscaped areas that has died shall be replaced.

4. The hand painted sign that reads “Caution Slow” at the rear (southwest) side of the fenced enclosure shall be replaced with a standard “Caution” advisory sign with a Caltrans yellow background. It is recommended that the message could be “Caution REDUCE SPEED Stop Ahead”.

5. The applicant shall provide confirmation from the Moraga-Orinda Fire District that they have reviewed the proposed installation of the Hirt Thermal Oxidizer unit prior to receiving Planning Department approval of the building permit plans and that the wood fence enclosure is acceptable to them. If the Moraga-Orinda Fire District requires a non-combustible enclosure, then the fence should be replaced by a slump block wall to match the color and materials of the service station building.

6. The sheet metal exterior of the Hirt Thermal Oxidizer unit shall be painted to match the color of the building to comply with Design Guideline CC2.1.

7. If the fenced enclosure at the northwest side of the building was intended as the trash enclosure for the service station, then this enclosure will need to be enlarged if it cannot accommodate both the trash cans or dumpsters and the Hirt Thermal Oxidizer unit.

8. The applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.

9. The project is not required to submit a Construction and Demolition Debris Recycling Waste Management Plan unless the cost of the project exceeds $250,000.00. Nevertheless, the Town encourages all applicants to divert fifty-percent (50%) of all project waste from landfills by reuse and/or recycling. The applicant should review the Contra Costa Builder's Guide for a listing of the materials that can be recycled and the places where they can be recycled.

10. If any work is necessary within the right-of-way of Moraga Road (i.e. storm drain, utility trench, curb and gutter improvements, etc.), the applicant or service station owner shall obtain an encroachment permit from the Town prior to undertaking such work.

11. The construction contractors working on the installation of the Hirt Thermal Oxidizer unit and landscape contractors working on refurbishment of the planting island shall be responsible for preventing spills of soil, rock or other debris on to the Town's streets. If any spills occur, the grading contractor and the applicant will be required to immediately cleanup the spill and repair any damage to the streets to the satisfaction of the Town Engineer.

12. During project construction, the hours of operation shall be limited to the hours from 8 a.m. to 5 p.m. in accordance with the Town's Noise Ordinance.

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

14. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed 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.

Design Review Board action is appealable to the Planning Commission within 10 calendar days after the date of the decision. If you have any questions regarding the action of the Board, please contact the Moraga Planning Department at (925) 888-7050.