

MEETING DATE: March 25, 2015

PREPARED BY: S. O'Rourke

PRESENTED BY: S. O'Rourke

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Design Review 1-15 (DR 1-15), 1-29-2015

FILE NUMBER(S): DR 1-15

APPLICANT: Eel River Fuels

OWNER: Patricia K. Osterhout

AGENT: Ken Foster

PROJECT: Design Review for the installation of a new 30,000 gallon propane storage tank at an existing petroleum storage facility. The project also includes the removal and demolition of existing fuel storage tanks and an existing structure.

LOCATION: 635 N. Franklin Street, Fort Bragg, CA 95437

APN: 008-048-10

LOT SIZE: 0.49 acres

ZONING: Heavy Industrial (IH)

ENVIRONMENTAL DETERMINATION: This project is exempt from further environmental review pursuant to CEQA Guidelines Section 15301(I)(3) and Section 15302(b).

SURROUNDING LAND USES: NORTH: Bush Street, Mendocino County Maintenance Yard
EAST: Franklin Street, Coastline Products
SOUTH: Mendocino Railway Rail Line
WEST: Mendocino County Roads Dept.

APPEALABLE PROJECT: ☒ Can be appealed to City Council

PREVIOUS PERMITS

S & A 3-86 – Site and Architectural Review for improvements to an existing structure. File not clear on whether these improvements were approved.

PROJECT DESCRIPTION

The project site is located on the west side of Franklin Street at the intersection of Franklin and Bush Streets. The applicant is requesting Design Review approval to allow for the installation of a new 30,000 gallon propane storage tank at an existing propane storage and distribution facility. The project also includes the removal and demolition of an existing building and existing fuel storage tanks.

The existing fuel storage and distribution facility has been operated by Walsh Oil; Eel River Fuels is now taking over operation of the facility. The site currently includes: an office building, garage/storage building, and seven (7) fuel storage tanks. Eel River Fuels has proposed to install one (1) 47 foot x 11 foot propane tank with a capacity of 30,000 gallons. In order to meet the required Fire Department setbacks, the applicant must remove the existing storage tanks and the existing offices along Franklin Street as indicated on the site plan (see Attachment #2). The existing garage on the Bush Street frontage will remain.

Site Photo - Intersection of Franklin and Bush Streets



CONSISTENCY WITH PLANNING POLICIES

Land Use. The project site is located within the Heavy Industrial (IH) zoning district which allows petroleum product storage and distribution with approval of a Design Review Permit through the Fort Bragg Planning Commission. Petroleum product storage and distribution is defined in the Inland Land Use and Development Code (ILUDC) as follows:

Petroleum Product Storage and Distribution. Wholesale establishments engaged in the storage and sale of gasoline, oil, butane, propane, and liquefied petroleum gas (LPG) and similar products, to

retailers. Does not include the sale of gasoline at a service station ("Service Stations"), or the retail sale of fuel for space heating ("Fuel Dealer").

The minimum setbacks in the IH zoning district for new structures is a setback of at least 15 feet from the front, 15 feet from the street side, 10 feet from the interior side, and no requirement for rear property lines. The new tank will be 58 feet from Bush Street, 50 feet from Franklin Street, 50 feet from the railroad tracks, and 50 feet from the interior side in compliance with the IH setback requirements. The new tank will be on skids with a height of 11 feet to the top of the tank and 19 feet to the top of the vents (see Attachments 3 and 4).

The proposed use would include refueling propane delivery trucks at the site that will make daily deliveries. The applicant anticipates that one (1) 3,000 gallon delivery vehicle would be utilized for deliveries and estimates that the delivery vehicle would make no more than one trip per day to the site to re-fuel. The delivery vehicle will be stored on-site. The 30,000 gallon tank would be refilled by a transport vehicle, approximately 8,500 gallons per delivery, and typically no more than 2 times per month during the winter season.

Design Review Analysis

The project includes commercial structures, and therefore, requires Design Review per Section 17.71.050 of the ILUDC. As conditioned below, the proposed project would meet all of the review criteria.

Project Review Criteria. The review authority shall evaluate each application to ensure that the project:

1. Complies with the purpose and requirements of this Section.

The proposed design, as conditioned below, is consistent with the purpose and requirements of Design Review.

2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.

As part of the project, both the existing building along Franklin Street will be removed as well as the existing fuel storage tanks. Removal of the existing storage tanks will improve the visual impacts from the public right-of-way, as these tanks are more visually impactful than the proposed tank. Nevertheless, staff recommends Special Condition 1.

Special Condition 1: The applicant shall secure a demolition permit for the removal and demolition of the existing storage tanks and existing structure, prior to issuance of the building permit for the new tank.

3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.

The site contains an existing chain link fence around the majority of the site except where the existing office building along Franklin Street is located. The applicant has stated that new slats will be added to the existing fence along the Bush and Franklin Street frontages

and a new fence consistent with the ILUDC fencing requirements will be installed where the current office building is located. The addition of the new slats and fencing will help to soften the impact from the public right-of-way. Staff recommends Special Condition 2.

Special Condition 2: The applicant shall prepare a fencing plan for approval of the Community Development Director, consistent with the ILUDC fencing requirements that illustrates the addition of new slats to the existing chain link fence and installation of new fencing to provide screening and security upon removal of the office building. Installation of the fence and fence slats shall occur prior to the final on the building permit.

The applicant proposes to paint the proposed 30,000 gallon propane tank a tan color to minimize the visual impact of the tank from the public right-of-way as well as adjacent properties. Staff recommends Special Condition 3.

Special Condition 3: The new propane storage tank shall be painted a tan color consistent with the paint sample submitted to the Community Development Department on January 29, 2015. The storage tank shall be painted prior to final building inspection.

4. Provides efficient and safe public access, circulation, and parking.

Propane delivery and fueling trucks will continue to enter and exit from existing driveways on Bush and Franklin Streets, thus the proposed project will have the same operating characteristics from a traffic safety perspective as the existing operation. The new tank will be setback approximately 75 feet from the Mendocino Railway Rail line which is protective of train safety, as a 25 foot setback from the train tracks is required by state and federal law. Project parking will be accommodated on site.

5. Provides appropriate open space and landscaping, including the use of water efficient landscaping.

The site is developed as an industrial use over the entire footprint. The addition of open space or landscaping is not necessary.

6. Is consistent with the Inland General Plan, any applicable specific plan, and the certified Local Coastal Program if located in the Coastal Zone; and the project is consistent with the General Plan.

The project is consistent with the Inland LUDC and the Inland General Plan policies related to economic vibrancy and industrial uses in industrial areas.

7. Complies and is consistent with the City's Design Guidelines.

As conditioned, the project is consistent with the Citywide Design Guidelines.

Environmental Determination. The project is Categorically Exempt from the California Environmental Quality Act (CEQA), meeting the 15301(l)(3) demolition and removal of existing facilities exemption and 15302(b) replacement of structures.

PLANNING COMMISSION ACTION

1. Hold a hearing, close the hearing, deliberate, and make a decision regarding the Design Review Permit at this Planning Commission meeting.

ALTERNATIVE ACTION

2. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.
3. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain, the Commission may then deliberate and make a decision.
4. Deny the Design Review Permit.

RECOMMENDATION

Staff recommends approval of **Design Review 1-15 (DR 1-15)** for the project based on the following findings and subject to the conditions cited below:

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC), and the Fort Bragg Municipal Code;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located; and
4. For the purposes of environmental determination, the project is exempt from CEQA, pursuant to the California Environmental Quality Act (CEQA) 15301(l)(3) demolition and removal of existing facilities exemption and 15302(b) replacement of structures.

DESIGN REVIEW FINDINGS

1. The project complies with the purpose and requirements of ILUDC Section 18.71.050 Design Review;

2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
4. The project provides efficient and safe public access, circulation, and parking;
5. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. The project is consistent with the Inland General Plan, any applicable specific plan, and the ILUDC; and
7. The project complies and is consistent with the Citywide Design Guidelines.

SPECIAL CONDITIONS

1. The applicant shall secure a demolition permit for the removal and demolition of the existing storage tanks and existing structure prior to issuance of the building permit for the new tank.
2. The applicant shall prepare a fencing plan for approval of the Community Development Director, consistent with the ILUDC fencing requirements that illustrates the addition of new slats to the existing chain link fence and installation of new fencing to provide screening and security upon removal of the office building. Installation of the fence and fence slats shall occur prior to the final on the building permit.
3. The new propane storage tank shall be painted a tan color consistent with the paint sample submitted to the Community Development Department on January 29, 2015. The storage tank shall be painted prior to final building inspection.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the ILUDC.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the installation, maintenance, operation, and removal of the existing storage tanks and structures as well as the installation, maintenance, and operation of the new storage tank from all agencies having jurisdiction over fuel storage tanks, including without limitation the Fort Bragg Fire District. This permit shall also be subject to full compliance with all city, county, state, and federal regulations regarding the installation, maintenance, operation, and removal of fuel storage tanks. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.

7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - (a) That such permit was obtained or extended by fraud.
 - (b) That one or more of the conditions upon which such permit was granted have been violated.
 - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
 - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Inland Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070(B).

ATTACHMENTS

1. Site Location Map
2. Site Plan
3. Tank Schematic
4. Photo of Tank
5. Paint Sample
6. Letter from Janet Kabel