DESIGN REVIEW COMMITTEE
AGENDA ITEM

AGENDA DATE:	MAY 2, 2012
TO:	Chair Woollett and Members of the Design Review Committee
THRU:	Leslie Aranda Roseberry, Planning Manager
FROM:	Robert Garcia, Associate Planner
SUBJECT:	DRC No. 4580-11 – RYDER NATURAL GAS

SUMMARY

A proposal to construct a natural gas fueling station at an existing Ryder truck facility. The facility would contain two fueling areas, one of which would be located in front of the facility, accessible to the public.

RECOMMENDED ACTION—RECOMMENDATION TO COMMUNITY DEVELOPMENT DIRECTOR

Staff recommends the Design Review Committee (DRC) recommend approval of the proposal to the Community Development Director (CDD), subject to conditions of approval contained in the staff report and any conditions that the DRC determines appropriate to support the required findings.

BACKGROUND INFORMATION

Applicant/Owner:	Scott Perry, Ryder Truck Rental, Inc.
Property Location:	1440 N. Main Street
General Plan Designation:	I (Industrial)
Zoning Classification:	M-2 (Industrial Manufacturing)
Existing Development:	Ryder truck facility
Property Size:	3.5 acres
Associated Applications:	MNSP No. 0665-11

Previous DRC Project Review: None

PUBLIC NOTICE

No Public Notice was required for this project.

ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15332 (Class 32 – In-Fill Development) because the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. There is no public review required.

PROJECT DESCRIPTION

The proposed project includes the storage of Liquefied Natural Gas (LNG) and Compressed Natural Gas (CNG) and fuel dispensers for LNG and CNG fueling of vehicles. The area for the storage of the fuel will be approximately 35 feet wide by 45 feet long to be located behind security gates.

- One (1) LNG storage tank, which will hold 15,000 gallons, with a height of 45 feet and a 10 foot diameter.
- Three (3) CNG storage spheres will have a height of 8 feet, 25 feet in length, and 4 feet in width.
- Associated mechanical equipment, including compressors, vaporizers, and LNG dispenser not open to the public.
- Two (2) CNG dispensers, one behind the security gates for use by Ryder and one public dispenser in the existing customer parking area outside the security gate.
- Two (2) new 25 foot tall light stanchions will provide lighting over the CNG fuel dispensers.

EXISTING SITE

The site is currently developed with a Ryder truck facility consisting of a 13,890 square foot office/maintenance building. The facility includes a 4,395 square foot existing diesel fueling station and vehicle wash facility.

EXISTING AREA CONTEXT

The site is surrounded by a mixture of industrial commercial properties. The property directly to the west is the Kinder Morgan facility site which hosts 9 petroleum storage tanks.

EVALUATION CRITERIA

Orange Municipal Code (OMC) Section 17.10.070 establishes the general criteria the DRC should use when reviewing the project. This section states the following:

The project shall have an internally consistent, integrated design theme, which is reflected in the following elements:

1. **Architectural Features**.
    a. The architectural features shall reflect a similar design style or period.
    b. Creative building elements and identifying features should be used to create a high quality project with visual interest and an architectural style.

2. **Landscape**.

   a. The type, size and location of landscape materials shall support the project's overall design concept.

   b. Landscaping shall not obstruct visibility of required addressing, nor shall it obstruct the vision of motorists or pedestrians in proximity to the site.

   c. Landscape areas shall be provided in and around parking lots to break up the appearance of large expanses of hardscape.

3. **Secondary Functional and Accessory Features**.

   a. Trash receptacles, storage and loading areas, transformers and mechanical equipment shall be screened in a manner, which is architecturally compatible with the principal building(s).

ANALYSIS/STATEMENT OF THE ISSUES

The proposed project would be visible from the surrounding industrial and commercial facilities to the north, east, south and west potentially causing an aesthetics concern. The site frontage within the parking area will have CNG public fueling dispenser placed on it. The dispenser will be partially hidden from view by the existing and replacement landscaping along Main Street. The 45 foot tall LNG storage tank will be located approximately 220 feet from Main Street behind a 6 foot high masonry wall approximately 80 feet from Main Street but it will be visible from Main Street.

The surrounding building heights range approximately from 18 feet to 27 feet. The Kinder Morgan storage tanks are about 25 feet in height. Although the facility will be visible from the public right-of-way and the neighboring properties, the facility will not be visible from the nearest residential area which is approximately 0.6 miles away and the closest school which is 2.5 miles away. Given the nature of the facility and its proposed location, staff believes that the proposal in general is appropriate given the location of the site.

The proposal as currently submitted indicates that the proposed project meets the Orange Municipal Code including, but not limited to the industrial development standards, parking standards and landscape standards.

ADVISORY BOARD RECOMMENDATION

The Staff Review Committee (SRC) reviewed the proposal on May 24, 2011, October 26, 2011, and on February 1, 2012 and provided comments to the applicant on the proposal. On April 18, 2012, the SRC reviewed the proposal and made a recommendation to approve with conditions.

STAFF RECOMMENDATION AND REQUIRED FINDINGS

The courts define a "Finding" as a conclusion which describes the method of analysis decision makers utilize to make the final decision. A decision making body "makes a Finding," or draws a conclusion, through identifying evidence in the record (i.e., testimony, reports, environmental documents, etc.) and should not contain unsupported statements. The statements which support

the Findings bridge the gap between the raw data and the ultimate decision, thereby showing the rational decision making process that took place. The "Findings" are, in essence, the ultimate conclusions which must be reached in order to approve (or recommend approval of) a project. The same holds true if denying a project; the decision making body must detail why it cannot make the Findings.

The Findings are applied as appropriate to each project. Based on the following Findings and statements in support of such Findings, staff recommends the DRC recommend approval to the CDD with recommended conditions.

1. *In the Old Towne Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the DRC or other reviewing body for the project (OMC 17.10.070.F.1).*

   The project is not located in the Old Towne Historic District; therefore this Finding does not apply to the application at hand.

2. *In any National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines (OMC 17.10.07.F.2).*

   The project is not located in the National Register Historic District; therefore this Finding does not apply to the application at hand.

3. *The project design upholds community aesthetics through the use of an internally consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards, and their required findings (OMC 17.10.07.F.3).*

   The proposal visually adapts to the surrounding industrial area. Further it will not be visual to the nearest residential areas. The M-2 zone is the most appropriate land use for an LNG and CNG storage and fueling facility. The landscaping and parking areas are consistent with the applicable design standards.

4. *For infill residential development, as specified in the City of Orange Infill Residential Design Guidelines, the new structure(s) or addition are compatible with the scale, massing, orientation, and articulation of the surrounding development and will preserve or enhance existing neighborhood character (OMC 17.10.07.F.4).*

   The project is not infill residential development; therefore this Finding does not apply to the application at hand.

CONDITIONS

Staff recommends that the DRC recommend approval of this project to the CDD subject to the following conditions and any other conditions that the DRC deems appropriate:

1. All construction shall conform in substance and be maintained in general conformance with plans and exhibits date labeled May 2, 2012, including modifications required by conditions of approval, and as recommended by the Design Review Committee.
2. Modifications to the approved architecture and color scheme shall be submitted for review and approval to the Community Development Director or designee. Should the

modifications be considered substantial, the modifications shall be reviewed and approved by the Design Review Committee.

3. Final landscape and irrigation plans are to be submitted to the City for review and approval. The landscape plan planting legend shall include a symbol and name, quantity and size for plant material and more detail indicating plant placement, location and spacing on plan.
4. All landscape areas shall be shall be maintained in a neat and healthy condition. Should the plant material die, the business owner/operator shall replace it with new plant material.
5. All mechanical and air conditioning equipment shall be shielded and screened from view from adjacent streets and properties. The screening shall be integrated architecturally with the building.
6. Graffiti shall be removed from the exterior walls and windows of the licensed premises within 72 hours of discovery.
7. Prior to the issuance of any grading permits the applicant shall submit a Priority Project WQMP for review and approval to the Public Works Department that:
   - Prioritizes the use of Low Impact Development principles as follows: preserves natural features; minimizes runoff and reduces impervious surfaces; and utilizes infiltration of runoff as the method of pollutant treatment. Infiltration BMPs to be considered include the use of permeable materials such as concrete and concrete pavers, infiltration trenches, infiltration planters, and other infiltration BMPs as applicable,
   - Incorporates the applicable Routine Source and Structural Control BMPs as defined in the Drainage Area Management Plan (DAMP),
   - Maintains the hydrologic characteristics of the site by matching time of concentration, runoff, velocity, volume and hydrograph for a 2-year storm event,
   - Minimizes the potential increase in downstream erosion and avoids downstream impacts to physical structures, aquatic and riparian habitat,
   - Generally describes the long-term operation and maintenance requirements for structural and Treatment Control BMPs,
   - Identifies the entity or employees that will be responsible for long-term operation, maintenance, repair and or replacement of the structural and Treatment Control BMPs and the training that qualifies them to operate and maintain the BMPs,
   - Describes the mechanism for funding the long-term operation and maintenance of all structural and Treatment Control BMPs,
   - Includes a copy of the forms to be used in conducting maintenance and inspection activities,
   - Meets recordkeeping requirements (forms to be kept for 5 years).

- Includes a copy of the form to be submitted annually by the project owner to the Public Works Department that certifies that the project's structural and treatment BMPs are being inspected and maintained in accordance with the project's WQMP.

8. Prior to the issuance of certificates for use of occupancy, the applicant shall demonstrate the following to the Public Works Department:
   - That all structural and treatment control best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with the approved plans and specifications,
   - That the applicant is prepared to implement all non-structural BMPs described in the Project WQMP,
   - That an adequate number of copies of the project's approved final Project WQMP are available for the future occupiers.
9. Prior to the issuance of certificates for use of occupancy or final signoff by the Public Works Department, the applicant shall demonstrate to the satisfaction of Public Works, that the preparer of the WQMP has reviewed the BMP maintenance requirements in Section V of the WQMP with the responsible person and that a copy of the WQMP has been provided to that person. A certification letter from the WQMP preparer may be used to satisfy this condition.
10. Prior to issuance of building permits, the applicant shall review the approved Water Quality Management Plan (WQMP) and grading plan to ensure the structure's downspouts or drainage outlet locations are consistent with those documents. Copies of the building or architectural plans specifically showing the downspouts and drainage outlets shall be submitted to the Public Works Department for review.
11. The project applicant shall maintain all structural, treatment and low impact development BMPs at the frequency specified in the approved WQMP. Upon transfer of ownership or management responsibilities for the project site, the applicant shall notify the City of Orange Public Works Department of the new person(s) or entity responsible for maintenance of the BMPs.
12. For those projects installing a tank or pipelines: Prior to issuance of certificates of use and occupancy or building permits for individual tenant improvements or construction permits for a tank or pipeline, uses shall be identified and, for specified uses, the applicant shall propose plans and measures for chemical management (including, but not limited to, storage, emergency response, employee training, spill contingencies and disposal). The chemical management measures shall be incorporated as an element of a Project WQMP and shall be subject to the approval of the Public Works Department and other specified agencies such as the City of Orange Fire Department, the Orange County Health Care Agency and sewering agencies (as appropriate) to ensure implementation of each agency's respective requirements. Certificates or permits may be ministerially withheld if features needed to properly manage chemicals cannot be incorporated into a previously completed building, center or complex.

13. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permits, save and except that caused by the City's active negligence. The City shall promptly notify the applicant of any such claim, action, or proceedings and shall cooperate fully in the defense.
14. The applicant shall comply with all federal, state, and local laws, including all City regulations. Violation of any of those laws in connection with the use will be cause for revocation of this permit.
15. Building permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building Division. Failure to obtain the required building permits will be cause for revocation of this Design Review Permit.
16. These conditions shall be reprinted on the first page of the construction documents when submitting to the Building Department for the plan check process.

ATTACHMENTS

1. Vicinity Map
2. Existing Aerials and Proposed Visual Simulations
3. Plans date labeled May 2, 2012

cc: Scott Perry
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