

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF REPORT

March 10, 2015 Hearing

Property Owner / Operator:

David & Nancy Jensen
3009 Manhattan Avenue
La Crescenta, CA 91214

Case Type/No:

Conditional Use Permit 510

Applicant:

FirstElement Fuel
2549 Eastbluff Drive, Suite 334
Newport Beach, CA 92660

Project Address:

550 Foothill Boulevard

Project Planner:

Roger Cantrell,
Consulting Architect/Planner



1. Request

The applicant is requesting a Conditional Use Permit (CUP) to permit a hydrogen fueling facility at the Arco station, in the Downtown Village Specific Plan (DVSP) zone).

2. Location

The site is located at the southeast corner of Foothill Boulevard and Woodleigh Lane.

3. Staff Recommendation

It is recommended that the request **BE APPROVED**, subject to the attached conditions.

4. Project Area

Project Site: 17,556 sf

Existing Building & Canopy Area: 3,618 sf

Proposed Enclosure Area: 879 sf

Total Roofed Area after Project: 4,497 sf * (25.6% of lot area; code maximum is 50%)

** The project enclosure is shown largely unroofed. This number would apply to the event of a redesign resulting in the maximum increase of roofed area.*

5. General Plan/Zoning/Existing Land Use

The General Plan Land Use Map designates the site as Commercial. The site is zoned Mixed Use 2 within the DVSP Zone. The property is developed with a self-service gasoline station.

6. Environmental Impact Review

Based on the review of the Initial Study Questionnaire and related materials, staff has determined that the site is Categorically Exempt from the provisions of the California Environmental Quality Act under the following classes of the City Guidelines for the Implementation of CEQA: 2.5(c)(5)(Accessory Building) / 2.5(d)(5)(Minor Alterations to Land -- Trenching). These categories are consistent with the CEQA determination by the California Energy Commission (included in application materials).

7. Previous Actions

Conditional Use Permit 425 (2007) – allowing cleanup of soil contaminants

8. Pending and Potential Actions

Design Review approval for signage and structure; Building & Safety and Public Works plan check.

9. Staff Analysis

A. Context:

Since the introduction of the 210 Freeway, Foothill Boulevard gasoline stations have survived with mostly local customer traffic. With the introduction of fuel cell cars served by a very limited number of hydrogen fueling locations, the station at Foothill and Woodleigh will be pulling in customers from afar.

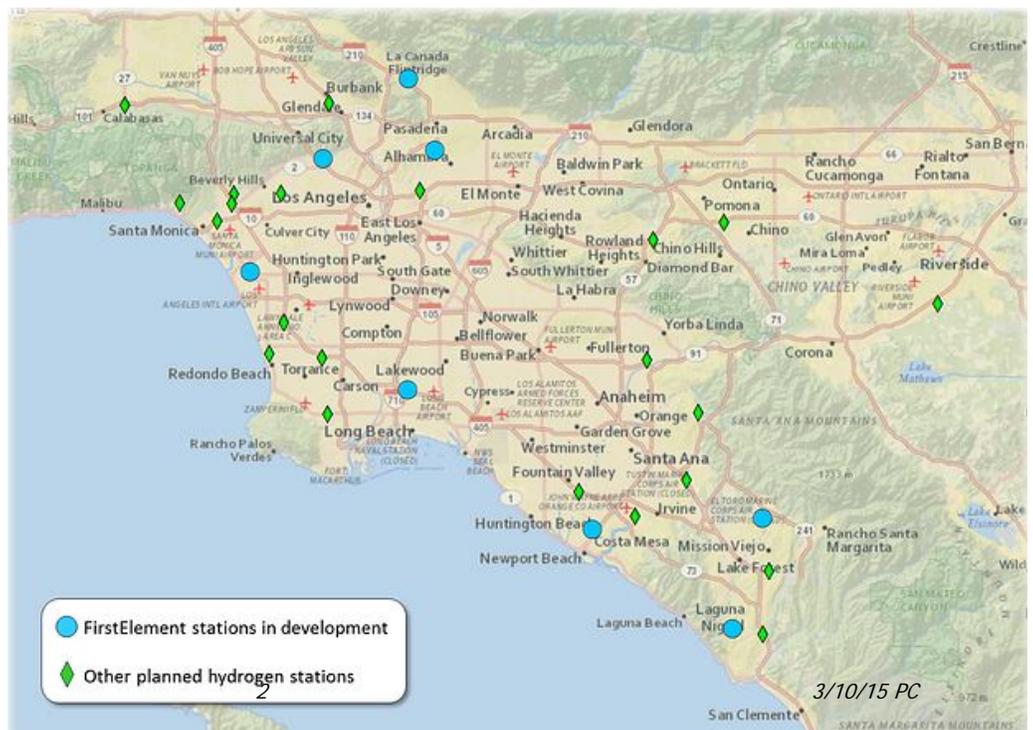
Planned Hydrogen Stations:

Southern California:

*La Canada Flintridge
Los Angeles
Long Beach
Costa Mesa
San Diego
South Pasadena
Laguna Niguel
Lake Forest
Santa Barbara*

Northern California:

*Hayward
Coalinga
Truckee
So. San Francisco
Saratoga
Campbell
Redwood City
Mill Valley*



San Jose

The site has proven adequate for the gas station use. The gas pumps are separated from the venerable Thursday Club to the south by the Arco building and by the large Thursday Club parking lot. The Christian Science Church is distant, across Woodleigh to the west. To the east is the only close neighbor, a two-story office building six-foot lower elevation. While it is set back far from the street and the gasoline pumps, its front corner is quite close to the project area. The subject property includes a landscape planter along the east property line, currently containing very low growth aside from a large canopy tree near the rear of the adjacent building, and offering the opportunity to screen the use from its nearest neighbor to the appropriate extent.

In all, the gas station is surrounded by uses that pose little circulation conflict to the use, or proximity to its occasional existing noise, congestion, and gasoline odors.

The traffic pattern is complex, with Foothill's north side's short block between Rinetti and Indianola offset to Woodleigh. Just to the east is Gould, with its freeway access.

B. Project Description:

FirstElement Fuel has an aggressive program of hydrogen fueling station installations, with government funding recently supplemented by Honda, a pioneer in fuel cell car development. It is a welcome development in that it would provide local residents with an advanced and exotic transportation alternative. In the short term, it would bring fuel cell drivers from considerable distances into the city regularly to fill up. Those would tend to be affluent and adventurous consumers who could also create a positive spillover effect for nearby businesses as those drivers pass through town, although for most that would be limited to the one-block trip to Gould Avenue. Over a longer timeframe, more stations could be anticipated if fuel cells survive the marketplace with or without subsidies.

Operational information:

Hours: Self-service 24/7, remotely monitored

Fueling time: under 5 minutes

Anticipated customer volume: 8.6 customers per day, increasing to 37.1 by 2020

Anticipated fuel truck volume: 1.2 trucks per week, increasing to 5.0 by 2020

Dimensional information:

Length: 40 feet

Width: enclosure – 12-23 feet
total, to edge of pad – 40 feet

Height: stack – 20 feet
Tank – 13 feet
canopy – 12 feet
partial roof – 12 feet
enclosure – 8 feet

C. Conditional Use Permit:

Objectives

When the Mixed Use zone requirements were formulated for the Downtown Village Specific Plan, the City continued to apply the Conditional Use Permit requirement for gasoline stations that the predecessor CPD zone had contained. In distinguishing between the more central (Mixed Use 1) and the more peripheral areas (Mixed Use 2) of the zone, the DVSP recognized that more flexibility is appropriate farther away from the center.

In addition to concern about how a gasoline station can affect the urban fabric around it in terms of aesthetics and urban/pedestrian vitality, there were basic potential concerns of the use regardless of location: safety, traffic generation, noise, parking, and odors.

Existing Use

Since the proposal is to add onto an existing use, the City should first ascertain whether there are current use issues to resolve. The longstanding service station use is proven as compatible. Staff has received no complaints about its operation, and the Sheriff's Department reports no history of accidents at the intersection.

Safety

Dispensing gasoline has long been a routine operation despite the extremely hazardous nature of the material. The application materials indicate that hydrogen can be regarded similarly.

Voluminous materials have been submitted which are interesting with regard to the new technological frontier that has come early to La Canada Flintridge. For the most part, those address questions of hazard, since the fuel is still largely new to consumers. Hydrogen is nontoxic, but flammable at a lower temperature than is gasoline. The applicant reports that it has been used industrially for nearly 100 years, and the fire regimen is well-established (NFPA2). Online sources also stress the different behavior of the two substances, with hydrogen rising rapidly and gasoline falling, such as the demonstration comparing gasoline and hydrogen behavior (right).

(Source: <http://evworld.com/article.cfm?storyid=482>)

From the National Highway Safety Administration:

Federal Motor Vehicle Safety Standards (FMVSS) for fuel system integrity set limits for fuel spillage during and after crashes to reduce the occurrence of deaths and injuries from fire. FMVSS 301 and 303 respectively specify post-crash limits for liquid fuels and compressed

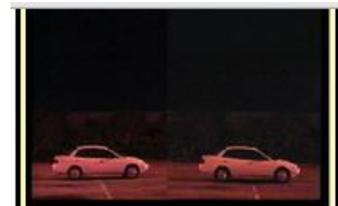


Photo 1 - Time: 0 min, 0 sec - Hydrogen powered vehicle on the left. Gasoline powered vehicle on the right.



Photo 2 - Time 0 min, 3 seconds - Ignition of both fuels occur. Hydrogen flow rate 2100 SCFM. Gasoline flow rate 650 cc/min.

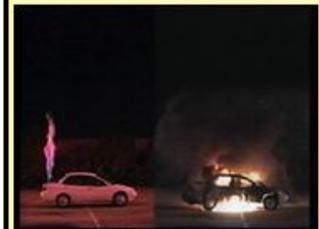


Photo 3 - Time: 1 min, 0 sec - Hydrogen flow is subsiding, view of gasoline vehicle begins to enlarge



Photo 4 - Time: 1 min, 30 sec - Hydrogen flow almost finished. View of gasoline powered vehicle has been expanded to nearly full screen



Photo 6 - Time: 2 min, 20 sec - Deflagration in the interior, following frame shows flames exiting around edges of trunk lid.

natural gas (CNG). These limits have been used as a benchmark for setting leakage limits for hydrogen, based on energy equivalence, in industry standards and proposed or enacted international regulations. However the properties of hydrogen with regard to leak behavior and combustion are very different from those of liquid fuels or CNG. Gasoline will pool and dissipate slowly. CNG and hydrogen will rise and dissipate more rapidly. Hydrogen has a much wider range of flammability in air than most fuels, including CNG: 4% to 75% for hydrogen versus 5% to 15% for CNG. Therefore, a research program was developed and executed to assess the safety of the proposed allowable leak rate for hydrogen, through leak and ignition experiments in and around vehicles and vehicle compartment simulators.

(Source: <http://mcs.nhtsa.gov/index.cfm/product/960/post-crash-hydrogen-leakage-limits-and-fire-safety-research.cfm>)

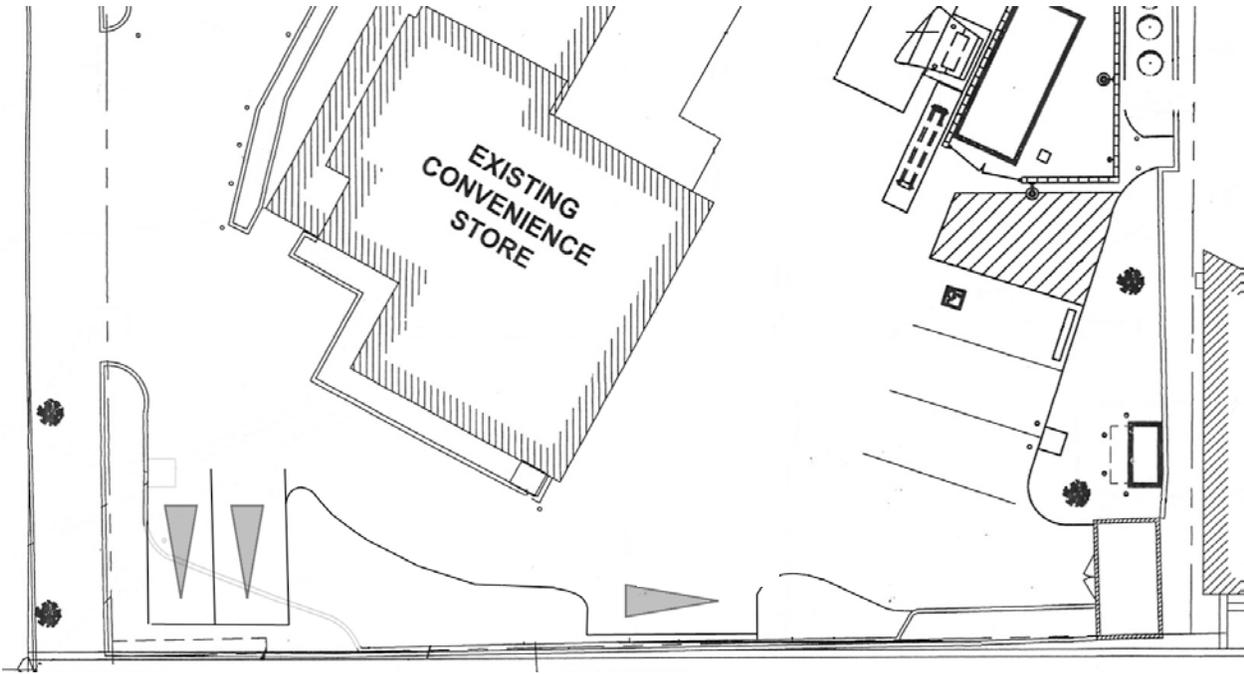
Parking

The site is in an area with ample street parking, though it is not needed because the gas station and mini market use have not generated demand exceeding the seven existing spaces.

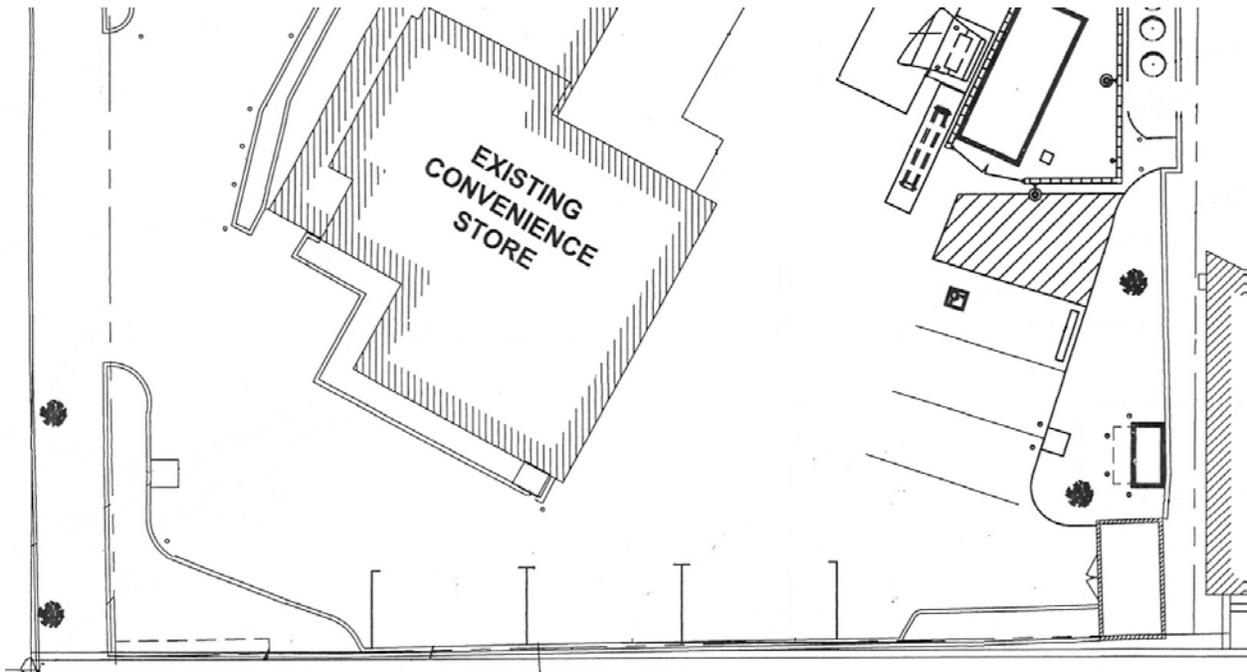
For service station uses, there is no parking standard specified in the Zoning Code; instead, the Conditional Use Permit process, with its flexible authority on parking requirements, is relied upon. The gasoline sales component of the use takes care of itself, with gas customers parking and in some cases queuing at the pumps independent of the rest of the site. For the retail component independent of the gas sales, one analytic approach would be to simply assign the retail parking ratio of 4 spaces per 1,000 sf floor area, resulting in a seven-space requirement. Intuitively, this seems overly stringent, because most of the store's customers are gas customers, with very few parking outside of the pump areas. Also, within the 1,728 sf building this particular Arco has a smaller store than currently typical for gas stations, with a very small inventory or selection of merchandise. Any future expansion of the retail use would be subject to CUP evaluation, including parking.



The hydrogen facility would replace the four upper spaces. The application seeks to mitigate that by showing three parallel parking spaces at the south end of the site. This does not involve any additional parking area, but merely striping of space that is already available for parking. Since the upper parking would be displaced, it becomes more likely that the area at the south edge would be used, and the addition of striping would encourage that by clarifying a currently ambiguous situation. However, the southeast corner of the Arco building is only 18'-8" from the south wall, and the spaces are of less than the required width (12 feet, due to the adjacent wall). The need to maintain a 12-foot-wide driving aisle for one-way circulation exacerbates the inadequacy of the parking plan. Instead, staff recommends a plan in which three perpendicular spaces are used (see next page). This would necessitate the relocation of the donation bin, which can be accommodated in a variety of ways.



Three parking spaces at south of site: City Alternate (above); as proposed (below)



Currently, the three service bays accessed from the east side of the Arco building are unused. Expanded use of the service portion of the station could increase parking demand and complicate circulation with cars awaiting service. Mr. Jensen, who owns the property and operates the business, states that plans include reopening the southernmost bay, with the future use of the other two bays undetermined at this point. Minor automotive repair is allowed in the Mixed Use 2 Zone with a Conditional Use Permit. If that review occurs after initiation of the hydrogen fueling

station use, the Commission could have a more definitive idea of any possible circulation problems.

Aside from determining whether the reduced parking would be adequate for the current operation, the Commission should consider whatever parking demand increase, if any, would result from the hydrogen dispensing operation. From the anticipated customer volume as submitted, staff is confident that parking demand outside of the fueling area would be insignificant.

This assessment was reinforced by positive reviews by both the former and the current City Traffic Engineers.

Circulation

The circulation would be tight if this were merely another gas pump. Instead, it is a new technology anticipated to have a very small market for the next few years. The Conditional Use Permit approval should look beyond the projections to address possible circulation problems in case of significantly increased demand. A scenario in which hydrogen use is statistically significant could reasonably be expected to coincide with decreased demand for gasoline, in which case hydrogen pumps could substitute for gasoline pumps with no significant effect for local customers. For customers driving in from the greater region, this scenario would also likely include a tighter network of hydrogen stations.

Two awkward considerations should initiate discussion of onsite circulation. First, the pump is accessible from one side only. Thus drivers of cars with left-side filling would be inclined to approach from the north, and right-side filler drivers from the south. The other consideration is that drivers avoiding complicated driving patterns in the gas filling area would need to circulate around the south end of the building, which is too narrow for two-way circulation.

For this regional facility, the circulation pattern would likely involve most customers arriving from the east. Turning into the east driveway from westbound Foothill Boulevard involves cutting across a double-yellow line and a left turn lane – awkward but legal. Exiting would be via Woodleigh Lane, which has a difficult intersection with Foothill for left-turn travel. The opposite approach would be to turn left onto Woodleigh, which is straightforward, circulate around the building and exit on Foothill from the east driveway. That route is easier, since the left-turn onto Foothill from that point is not appreciably more difficult than at the intersection. Thus staff would recommend the latter pattern, which involves fueling from the right-hand side of the car.

Clearance between the fueling station and the gasoline operation is adequate. In all, both past and present City Traffic Engineers have reviewed the circulation favorably without special conditions.

In any event, this operation is by nature speculative, and it is appropriate to account for that in Conditional Use Permit conditions. Staff recommends that any approval contain a condition for a staff review and report annually for 5 years after opening of the facility, with the Planning Commission authorized to waive future reports or decrease their interval.

Architectural Design

Design review approval by the Design Commission will be required following CUP entitlement approval. The design involves a straightforward concrete block enclosure, finished in stucco. There would be a small arched roof within the enclosure, but the focus would be a swooping vertical canopy at the pump.

Staff agrees with the objective of focusing attention on the pump area, but as submitted the canopy is too small to balance the horizontal extent of the enclosure even from the pump side. It is also too low to escape possible damage from even moderately tall vehicles. On the east side, with its wide-open visibility accentuated by its elevation above the adjacent property, there is essentially no architectural treatment. This is a significant design shortcoming because of the value of expressing the fueling station from the east as well as the west. Staff will recommend to the Design Commission a less utilitarian enclosure, possibly with curved walls, along with a taller canopy of increased presence from both east and west sides replacing both the small arched roof and the small proposed canopy.

Through those enhancements of the design, stronger expression of the futuristic nature of the hydrogen fueling station should be a goal. Beyond that, the customary objective of achieving harmony between the new facility and the existing Arco station could be considered, but staff regards that as of secondary importance. The separation of the two structures and the difference in their scale would allow wide latitude for differences in their designs. Also, the Arco design is sufficiently simple as to form a neutral backdrop for the hydrogen station design, while also providing little in terms of styling cues to be referenced.

Screening

Screening is an issue from the vantage point of the aforementioned adjacent property to the east. The building on that property is fortunately located far to the south, allowing tall screening from that vantage point without blocking view of the canopy from the east along Foothill Boulevard. Other than that, landscaping should be used to soften the appearance of the enclosure.

Design Review

Staff will recommend to the Design Commission options addressing the above concerns, focusing particularly on the following:

- Concave shapes:

The enclosure could use concave surfaces to be transformed from a heavy utilitarian appearance to something fresh, modern, and light.

The overhead structure could also use a concave shape, relating to the redesigned enclosure.

- Metallic surfaces:

The enclosure could be faced in a matte metallic surface, conveying something

clean and precise.

Use of metal for the canopy and its supports would be completely appropriate as well.

- Layering and extension:

The canopy could be extended for a small overhang on the east side as well as the major overhang on the west, and placed above the enclosure as an independent layer, visually if not structurally.

Extension of the enclosure walls along their concave curved courses would further advance the image of it as fresh and light.

Additional roofs could be introduced. However, staff would caution against overdesign of such a small facility at the expense of the enhanced and extended pump canopy's prominence.

- Stepped landscaping:

The landscaping could step up toward the rear, allowing screening from the adjacent office building while also maintaining a clear view of the facility from Foothill Boulevard.

- Species:

The Commission could discuss whether the chosen species should express the futuristic nature of the project (as many succulents would) or contrast with the architecture's expression of that nature.

Public Works

Review by the Public Works and Traffic Department yielded limited conditions which are carried forward into the draft Planning Commission conditions. Those were to install a Flogard catch basin filter within the catch basin shown at the northeast corner of the site, a Flogard Lo Pro trench drain filter along the Woodleigh driveway drain, and to construct bio-retention into the planter at the southwest corner of the site.

Term of Approval

Although the CUP review has not identified operational concerns, the fact that this type of installation is completely new to any city suggests that a precaution be taken with regard to the term of the CUP approval. A draft condition is attached requiring staff to report annually to the Commission on the use for the first three years, if only as a Consent Calendar item. The draft condition also states that the Commission could waive further reports or call up the project for renewed formal Conditional Use Permit review.

D. Findings

1. *The proposed use will not be in substantial conflict with the adopted general plan for the area.*

The proposed hydrogen fuel station use will not be in substantial conflict with the adopted general plan for the area. The use is consistent with the General Plan policy of encouraging a balanced commercial base. The use complements the existing uses in the surrounding area. Staff supports the finding.

2. *The requested use of the location proposed will not:*
 - a. *Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or*
 - b. *Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or*
 - c. *Jeopardize, endanger or otherwise constitute a menace to public health, safety or general welfare.*

The use is endorsed by State policies and, though new in this context, hydrogen fuel has a safety regimen proven over decades of industrial use. There is no evidence that other detrimental effects could be anticipated in terms of noise, litter, or other nuisances. Traffic and parking impacts would be reasonable, given that the proposed hydrogen demand is projected to be modest for several years, with conditions safeguarding the use of the site beyond that timeframe. The finding is reasonable.

3. *The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features to integrate said use with the uses in the surrounding area.*

The fueling area is designed in a way that does not interfere with existing circulation on site, and the revised parking would be adequate for whatever parking demand would exist outside of new and existing fueling areas. Queuing occurs often at gasoline stations, and could occur at the hydrogen pumps in the event that demand increases. The area for hydrogen queueing is limited, and a condition is included for future review to ensure that increased demand does not create circulation problems onsite or extending onto the public right of way. Staff supports the finding.

4. *The proposed site is adequately served:*
 - a. *by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and*
 - b. *other public and private service facilities as are required.*

No effect on required infrastructure would result from the requested hydrogen fueling installation, which would have a regional market but of low volume. The finding can be made.

5. *The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic and other property values in the neighborhood:*

The proposed hydrogen fueling installation would utilize space in an efficient manner, with a low-profile structure subject to the aesthetic assurance provided by Design Commission review. Staff supports the finding.

10. Recommendation

Based on the above analysis, staff recommends that the hydrogen fueling station **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

*cc: David & Nancy Jensen / 3009 Manhattan Avenue / La Crescenta, CA 91214
FirstElement Fuel / 2549 Eastbluff Drive, Suite 334 / Newport Beach, CA 92660
Black & Veatch / 10950 Grandview Drive / Overland Park, KS 66210*

RESOLUTION NO. 15-

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING CONDITIONAL USE PERMIT 510
PERMITTING A HYDROGEN FUELING STATION
AT 550 FOOTHILL BOULEVARD
AS REQUESTED BY FIRST ELEMENT FUEL**

WHEREAS, a request by FirstElement Fuel has been received for a Conditional Use Permit to allow the installation and operation of a hydrogen fueling station; and

WHEREAS, the Planning Commission, on March 10, 2015, after publication and posting of notice in the prescribed manner, held a public hearing on the requested Conditional Use Permit for the hydrogen fueling station; and

WHEREAS, the Planning Commission has reviewed the facts contained in the staff report dated March 10, 2015 regarding the application for a Conditional Use Permit at 550 Foothill Boulevard, and heard and considered the testimony of the applicant and the public; and

WHEREAS, upon consideration of the environmental questionnaire, related information and public testimony, the Planning Commission hereby determines that the project would have no potential for adverse effect on wildlife resources, and is therefore exempt from Section 711.4 of the California Fish and Game Code; and

WHEREAS, the Commission reviewed the project and determined that no significant environmental impacts would result from the project, which is Categorically Exempt from the California Environmental Quality Act, under Class 2.5(c)(5)(Accessory Building) and Class 2.5(d)(5)(Minor Alterations to Land -- Trenching) of the City of La Cañada Flintridge Guidelines for the implementation of CEQA;

NOW, THEREFORE, the Planning Commission hereby finds and determines as follows:

1. The proposed use will not be in substantial conflict with the adopted general plan for the area, because the proposed hydrogen fuel station use will not be in substantial conflict with the adopted general plan for the area. The use is consistent with the General Plan policy of encouraging a balanced commercial base. The use complements the existing uses in the surrounding area.
2. The requested use of the location proposed will not:
 - a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - c. Jeopardize, endanger or otherwise constitute a menace to public health, safety or general welfare,

because the use is endorsed by State policies and, though new in this context, hydrogen fuel has a safety regimen proven over decades of industrial use. There is no evidence that other detrimental effects could be anticipated in terms of noise, litter, or other nuisances. Traffic and parking impacts would be reasonable, given that the proposed hydrogen demand is projected to be modest for several years, with conditions safeguarding the use of the site beyond that timeframe.

3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features to integrate said use with the uses in the surrounding area, because the fueling area is designed in a way that does not interfere with existing circulation on site, and the revised parking would be adequate for whatever parking demand would exist outside of new and existing fueling areas. Queuing occurs often at gasoline stations, and could occur at the hydrogen pumps in the event that demand increases. The area for hydrogen queueing is limited, and a condition is included for future review to ensure that increased demand does not create circulation problems onsite or extending onto the public right of way.
4. The proposed site is adequately served:
 - a. by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - b. other public and private service facilities as are required,

because no effect on required infrastructure would result from the requested hydrogen fueling installation, which would have a regional market but of low volume.

5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic and other property values in the neighborhood, because the proposed hydrogen fueling installation would utilize space in an efficient manner, with a low-profile structure subject to the aesthetic assurance provided by Design Commission review.

BASED ON THE ABOVE FINDINGS, the Planning Commission of the City of La Cañada Flintridge hereby approves the Conditional Use Permit for a hydrogen fueling station, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 10th day of March, 2015.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT 510
550 Foothill Boulevard

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.
2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled Conditional Use Permit 510.
3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and property owner shall file with the Secretary of the Planning Commission written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
4. All structures, site work and other features including but not limited to, buildings, roadways, parking areas, landscaping and other facilities shall be located and maintained as shown on the project plan labeled Conditional Use Permit 510, except as otherwise stated in these conditions.
5. This approval will expire unless the use is commenced within 12 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to expiration of the original approval if the approved project and applicable zoning standards are unchanged.
6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.
7. This approval is subject to the applicant paying all fees and assessments to the City of La Cañada Flintridge, as established by ordinance, resolution or policy of the City Council.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this request. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety must be obtained prior to construction, enlargement, relocation,

conversion, or demolition of any building or structure within the City.

11. The parking area shall be redesigned per City Alternate subject to approval by the City Traffic Engineer prior to permit issuance.
12. Design Commission approval of the architectural design and landscape screening to the east shall be obtained prior to permit issuance. Plan check submittal may be made prior to Design Commission approval upon the applicant's written acceptance that additional fees could result in the event that project revisions are required by the Design Commission.
13. A Flogard catch basin filter within the catch basin at the northeast corner of the site, a Flogard Lo Pro trench drain filter along the Woodleigh driveway drain, and bio-retention within the planter at the southwest corner of the site shall be indicated on the plans, subject to Public Works Department approval, prior to Building & Safety permit issuance.
14. Operator shall submit to staff, and staff shall submit to the Planning Commission, an annual report for the first five years of operation to identify any emerging concerns related to the Conditional Use Permit. Said report may be agendized as a Consent Calendar item. The Commission may waive further reports, or it may call up the project for renewed formal Conditional Use Permit review.

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