DESIGN REVIEW BOARD STAFF REPORT

MEETING DATE: December 14, 2009 REPORT WRITTEN: December 3, 2009

ITEM NUMBER: V.A. – DESIGN REVIEW

FILE NUMBER: **DRB-16-08 Gus and Lisa Triggas (Applicant and Owners), 6 Lucia Lane** Review of rear yard landscaping and lighting plans in accordance with Design Review Board (DRB) conditions of approval dated December 8, 2008. (APN 256-194-010)

ZONING: 3 DUA (Three dwelling units per acre)

CEQA STATUS: Categorically Exempt under CEQA Guidelines Section 15301(h) maintenance of existing landscaping (excluding the use of pesticides) and CEQA Guidelines Section 15303(e): Construction of small facilities or structures, including but not limited to fences.

BACKGROUND AND APPLICATION SUMMARY:

On December 8, 2008, the DRB conditionally approved a 165 square foot wood deck at a second floor bedroom and a 362 sq.ft. replacement wood deck at the south side of the swimming pool at 6 Lucia Lane. Both of the decks had been built without a building permit. The conditions of approval for the decks addressed concerns of the neighbors for additional landscaping and an increase in the height of the fencing to screen the view of the decks from the adjacent homes at the rear of the property and to reduce the glare from a flood light at the rear of the home. The location of the property is shown on the GIS map below:

PUBLIC NOTICE, MAILING LIST AND CORRESPONDENCE:
In accordance with Moraga Municipal Code (MMC) Section 8.72.130A1, written notice of the application was mailed to all property owners and residents within three hundred (300) feet of the subject property on December 3, 2009. A copy of the area of notice map, the project mailing list and the public notice is attached as **EXHIBIT A**. Previous correspondence and pictures from the neighbors is enclosed as **EXHIBIT B**. If additional correspondence is received prior to the meeting, it will be brought to the meeting.

DESIGN REVIEW BOARD DIRECTIVES FROM DECEMBER 8, 2008 ACTION MEMO:
A copy of the action memorandum from the December 8, 2008 meeting is attached as **EXHIBIT C**. Conditions 1 and 4 are applicable to the current submittal of plans as follows:

1. Prior to the issuance of a building permit, the applicant shall submit landscaping and lighting plans for the rear yard area, which shall be reviewed by the Design Review Board at a noticed public meeting to allow the neighbors to comment on the plan. The landscaping and lighting plans shall address the following issues.
   a. The landscaping is required to comply with Design Guideline SFR2.12-a and b.
   b. The landscape plan shall show the location of additional trees and shrubs to screen the view of the decks from the homes at 26 and 34 Wimpole Street.
   c. The planting size of the new trees and shrubs shall be indicated on the plans. It was suggested that the planting size of the trees should be 15 to 20 gallon size to have an immediate visual impact.
   d. The trees should be an evergreen variety to effectively screen views during the winter months and shall also be drought tolerant in compliance with Design Guideline L2.4.
   e. The proposed landscaping shall comply with the Moraga-Orinda Fire District's fire-safe landscaping list in accordance with Design Guideline RH7 and L1.2.
   f. An irrigation system shall be provided for the landscaping in accordance with Design Guideline L1.3.
   g. The lighting plan shall show the design and location of any exterior lighting fixtures at the back of the home.
   h. The existing high intensity flood light that is directed towards the lower deck shall be replaced with one or more lights that shield the source of light from view from off-site properties and do not spill light onto the adjacent properties.
   i. The design of the proposed light fixtures adjacent to the glass sliding doors at the master bedroom and family room shall be submitted. In accordance with Design Guideline ID6, the light fixtures shall be designed and mounted so that the source of light has minimal impact off site and the lighting shall be directed inward toward the property to avoid spillage onto adjacent residential properties.

4. The 4-foot high fence along the rear property line shall be increased in height to 6-feet to help screen the view of the lower deck and to serve as a required safety enclosure around the swimming pool.

SUMMARY OF APPLICANT'S PLANS:
The landscaping plans include 2 new Arizona Blue Cypress trees (Cupressus arizonica 'Blue Pyramid") at the southwest rear property line and 8 new Hedge Row trees (Thuja Arborvitae

Occidentalis Smaragd) along the top of the bank between the south property line and the pool deck. The applicant included information on these two species, which is attached as **EXHIBIT D**. The Blue Cypress trees grow between 40 to 50 feet high with a spread of 25 to 30-feet. The tall Hedge Row trees grow 1 to 1.5-feet a year and can reach 12 to 18-feet in height. They can be trimmed at any height. Two additional new 15-gallon trees are shown on the rear slope of the property but the species is not identified on the plans. The applicant said that he would make a decision on the species for this tree prior to the meeting. In addition to the proposed trees, there are 6 existing large pine trees with trunk diameters between 12 to 18 inches and 5 small Oak trees with trunk diameters between 3 to 4 inches on the rear slope of the property.

The plans also show a new 5-foot high fence at the west (rear) side of the pool deck and an increase in height from 54-inches to 6-feet for the remainder of the fence at the top of the slope along the rear property line. The applicant stated that he had checked with the building department and a 5-foot high fence was acceptable to comply with the pool enclosure requirements.

Two light fixtures are shown on the rear wall of the home, but the design of the lights was not submitted with the plans. The applicant called the planning office and said that he would bring in pictures to show the light fixtures, but they have not been submitted yet.

DESIGN ASPECTS TO BE CONSIDERED:
The 12 design aspects listed in Planning Commission Resolution 16-01 where reviewed at the December 8, 2008 meeting and are included in **EXHIBIT E**. This exhibit also has several pictures of the decks and the hillside at the rear of the property.

APPLICABLE TOWN DESIGN GUIDELINES:
The design guidelines that are applicable to the new landscaping, fencing and lighting are listed in **EXHIBIT F**.

REQUIRED FINDINGS FOR DESIGN REVIEW APPROVAL:
The four findings from Planning Commission Resolution 16-01 are listed below in bold italic print with staff comments below each finding.

1. ***The proposed improvements conform with good design as set forth in the Town of Moraga Design Guidelines, 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.***
   The Board should consider whether the proposed landscaping contributes to the existing landscaping and will enhance the view of the hillside below the decks.

2 ***The proposed improvement will not have a substantial adverse affect on neighboring properties or the community due to poor planning; neglect of proper design standards; or the existence of building and structures unsuitable to and incompatible with the character of the neighborhood and the character of the community.***
   The Board will need to determine whether the proposed landscaping will adequately screen the decks from view of the neighbors and that the lighting will not spill over the property lines onto the adjacent properties.

3 ***The proposed improvement will not lower property values; discourage the maintenance and improvement of surrounding properties; or preclude the most appropriate development of other properties in the vicinity.***
Additional landscaping will generally increase the value of the property and surrounding properties.

4 ***The proposed improvement will not impair the public health, safety or welfare.***
The installation of landscaping, fencing and exterior lighting is not expected to have any significant impact on the public health, safety or welfare.

PERMIT STREAMLINING ACT:
The Permit Streamlining Act does not apply to this application because the original application was conditionally approved on December 8, 2008 and the submittal of landscaping, fencing and lighting was a requirement of the prior review.

RECOMMENDATION:
The previous action memorandum on this project has technically expired since a building permit was not obtained within one year of the action date. However, the landscaping plans were submitted prior to the expiration and the originally scheduled DRB meeting to consider the plans on November 23, 2009 was changed due to a lack of quorum for the Board. Therefore, staff recommends that the previous action should be extended for another year with review of the conditions of approval. The Board should amend any of the conditions as deemed appropriate after review of the landscaping, fencing and lighting. Condition number 2 requires the applicant to post a bond to guarantee the installation of the landscaping within 6-months of approval and condition number 3 requires recordation of a landscape maintenance agreement. A draft revised Action Memorandum is attached as **EXHIBIT G**.

Report prepared by: Richard Chamberlain, Senior Planner

EXHIBITS
A – Area of Notice Map, Notice Address List and Public Meeting Notice
B – Previous Correspondence and Pictures from the neighbors
C – Action Memorandum from December 8, 2008
D – Information on Cypress and Hedge Row trees
E – Design Aspects under Planning Commission Resolution 16-01 for 6 Lucia Lane
F – Applicable Design Guidelines for 6 Lucia Lane
G – Draft revised Action Memorandum
H – Project Plans