DESIGN REVIEW BOARD MEETING AGENDA

MEETING DATE: MONDAY, April 25, 2011, at 7:00 pm

LOCATION: Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, CA 94556

NOTE: Applicants or their representatives are required to attend the meeting. An applicant's presentation should not exceed ten minutes. Agenda items, which the Board has not acted upon prior to 10:00 p.m. may be continued to the next open agenda, unless the Board chooses to discuss the item after 10:00 p.m.

I. CALL TO ORDER AND ROLL CALL

Design Review Board

A. Escano-Thompson, Kline, Kuckuk, Sayles, Zhu

B. Conflict of Interest

II. ADOPTION OF MEETING AGENDA

III. PUBLIC COMMENTS

NOTE: This part of the agenda is limited to comments regarding matters that are not on this agenda. Action cannot be taken on public comments at the meeting but they may be referred to a subcommittee for response.

IV. PLANNING COMMISSION LIAISON REPORT- Commissioner Whitley

V. ADOPTION OF THE CONSENT AGENDA

Consent agendas consist of items that are considered to be non-controversial and routine by the Town Planning Department. Anyone attending the meeting that would like to discuss an item listed on the consent agenda should request the Board to move the item from the consent agenda to the regular agenda when the Chair presents that option to the audience. Any member of the Board may also direct that a consent agenda item be placed on the regular agenda for consideration and discussion by the Board. Items that are not removed from the consent agenda are approved under one motion by the Board, and are not subject to individual debate and discussion.

A. APPROVAL OF MINUTES for April 11, 2011

VI. DESIGN REVIEW

Opening remarks by an applicant shall not exceed ten minutes. Comments by others shall not exceed three minutes. The purpose of a public hearing is to supply the Design Review Board with information that it cannot otherwise obtain. Please limit testimony and presentation to the supplying of factual information. In fairness to everyone in attendance, please avoid redundant, superfluous or otherwise inappropriate questions or testimony.

A. DRB-03-2011 – Moraga Park Foundation (Applicant), Town of Moraga (Owner) Moraga Commons Bandshell Addition: Application for approval of plans to add 100 square feet at the southwest rear corner of the bandshell in Moraga Commons park. The purpose of the addition is to add a food preparation area to the existing snack bar and food sales area at the west side of the stage. The proposed addition will match the existing wall and roofing materials on the bandshell building. Zoning: OSM-DT (Open Space – MOSO) (APN 256-110-057).

VII. OTHER MATTERS - None

VIII. STAFF REPORT

IX. BOARD MEMBER REPORTS – Escano-Thompson, Kline, Kuckuk, Sayles and Zhu.

X. ADJOURNMENT

Next meeting: Monday, May 9, 2011 at 7:00 pm at the Moraga Library Meeting Room located at 1500 Saint Mary's Road, Moraga, CA 94556.

Design Review Board meeting Agendas are posted at 2100 Donald Drive – Hacienda de las Flores, Moraga Commons Park, and the Moraga Public Library.

NOTICE: If you challenge a town's zoning, planning or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Design Review Board at, or prior, to the public hearing. Judging review of any town administrative decision may be had only if petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The Town of Moraga will provide special assistance for disabled citizens upon at least 24 hours advance notice to the Planning Department (925-888-7040). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to disabled.

Copies of all staff reports and documents subject to disclosure that relate to each item of business referred to on the agenda are available for public inspection on the Monday before each regularly scheduled meeting located at the Planning Department, 329 Rheem Blvd, Moraga, CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the Board regarding any item on this agenda after the agenda has been distributed will also be made available for inspection at 329 Rheem Blvd, Moraga, CA during regular business hours.

TOWN OF MORAGA
DESIGN REVIEW BOARD MEETING
MINUTES

April 11, 2011

I. CALL TO ORDER AND ROLL CALL

A regular meeting of the Design Review Board (DRB) was called to order by Chair Sayles at 7:02 P.M. in the Moraga Library Meeting Room, 1500 Saint Mary's Road, Moraga, California.

Present: Boardmembers Escano-Thompson, Kline, Kuckuk, Sayles, Zhu
Absent: None
Staff: Senior Planner Richard Chamberlain

Conflict of Interest

There was no reported conflict of interest.

II. ADOPTION OF MEETING AGENDA

On motion by Boardmember Kuckuk, seconded by Boardmember Kline and carried unanimously to approve the April 11, 2011 meeting agenda, as presented.

III. PUBLIC COMMENTS

There were no comments from the public.

IV. PLANNING COMMISSION LIAISON REPORT – Commissioner Socolich

Commissioner Socolich stated that the Planning Commission (PC) had not had a meeting since March 7, 2011 so he had nothing new to report. He noted that the next PC meeting was April 18, 2011.

V. ADOPTION OF THE CONSENT AGENDA

A. APPROVAL OF MINUTES for March 28, 2011

On motion by Boardmember Kuckuk, seconded by Boardmember Kline to approve the minutes for the March 28, 2011 DRB meeting.

VI. DESIGN REVIEW

A. DRB 14-06 Richard and Rose Wang (Applicant and Owners) 226 Rheem Boulevard: Consideration of a design review application and hillside development permit for revisions to the landscape plans and grading plans for the new two-story home under construction at 226 Rheem Boulevard. The revised plans include a 1,015 square foot expansion of the driveway at the

DRAFT

northeast front corner of the garage and a 1,034 square foot patio at the southwest rear side of the house. The new patio area will be paved with travertine pavers and petrified forest paver bands. The driveway and circular parking court will be paved with dry-land permeable unit pavers. The revised grading plan includes two new retaining walls at the southeast side of the garage with stairs going up from the driveway to the main floor level above the garage. The hillside at the southeast side of the garage has been altered with up to 6-feet of fill for a service road connection between the upper end of the driveway and the old paved road along the northeast property line. About 250 lineal feet at the top of the service road will be covered with open cell concrete block and gravel paving and the lower section will just have gravel paving. Several low rock walls have also been installed to provide planting pockets for trees along the edges of the bio-retention basins. All of the grading is within the approved MOSO building cell on the property. The property is zoned OS-M (Open Space-MOSO). APN 270-470-001

Senior Planner Richard Chamberlain reported that the public meeting notice for the project was mailed to all property owners within 300-feet of the property on April 1, 2011. The Town had not received any written correspondence regarding the application. The DRB approved plans for the new two-story home at 226 Rheem Boulevard on October 22, 2007. Prior to the construction of the home, extensive grading was done for a buttress fill to stabilize the slope behind the home. A keyway and subdrains were installed about 30 to 35-feet below the driveway. While most of the grading for the project was completed in accordance with the approved plans, some changes were made during the installation of the landscaping. The Town's grading inspector stopped all site work until the proposed changes were reviewed by the Town.

The revisions to the plans, Mr. Chamberlain continued, included a 1,015 square foot expansion of the driveway at the northeast front corner of the garage and a 1,034 square foot patio at the southwest rear side of the house. The revised grading plan included 4-foot and 2-foot high retaining walls at the southeast side of the garage with stairs going up from the driveway to the main floor level above the garage. The new retaining walls would match the short block retaining wall behind the house. The hillside at the southeast side of the garage was altered with up to 6-feet of fill for a gravel road connection between the upper end of the driveway and the old paved road along the northeast property line. Several low rock landscape walls were installed to provide planting pockets for trees along the edges of the bio-retention basins.

Mr. Chamberlain confirmed that the additional grading on the property was within the approved MOSO building cell approved by the PC on August 19, 1991. The visual impact of the new home from the scenic corridor was discussed with the approval of the project on October 22, 2007. The grading for the service driveway and two additional retaining walls were partially screened from view by two existing oak trees and would have minimal impact to the scenic corridor. The

revised grading consisted of approximately 375 cubic yards of cut and fill. The project civil engineer determined that the average gradient within the limits of the expanded graded area was 23.6%. Under the Town's Grading Ordinance, DRB approval was required for all grading operations exceeding 200 cubic yards and where the predevelopment average slope was greater than 20% and less than 25%. The required findings from MMC Section 14.12.030 were included in the staff report and draft action memorandum.

The code, Mr. Chamberlain explained, required a Hillside Development Permit (HDP) for any grading, clearing, construction or alteration of any hillside with a slope of 20% or greater. A HDP was previously approved for the grading and construction of the new home, but another HDP was required for the expanded grading at the southeast side of the garage. The project geotechnical engineer, Friar Associates, Inc. submitted a letter stating that the proposed retaining walls were necessary to support the existing excavations that were cut into the hillside. However, the letter did not address some of the HDP factors with regard to other slope stability issues nor did it include any engineering design recommendations for the retaining walls or drainage. Staff recommended that the following questions be addressed to satisfy the requirements for the HDP: Would the design for the retaining walls be sufficient to hold the slope; if not, what were the recommended design specifications for the retaining walls? Should there be a keyway under the 6-feet of fill below the service driveway? Should drainage pipes be installed below the service driveway to help prevent water that drains down the hillside to the gravel driveway from saturating the soil below and possibly over-loading the sub-drain pipes installed with the buttress fill? A condition of approval was added that required geotechnical peer review of the slope stability analysis for the additional grading and retaining walls for the service driveway. With regard to the small retaining walls in the retention basins, the project civil engineer, Robert Rourke, confirmed that the encroachment of the walls did not compromise the design capacity of the retention basins and that they were sized to handle the 2,058 square feet of additional paved area.

Mr. Chamberlain said that condition 8 in the October 22, 2007 DRB Action Memorandum prohibited grading, compaction, stockpiling or change in ground elevation within the drip line of the native trees. The fill soil that was placed below the service driveway extension had a 2 to 1 slope and stopped just short of the drip line of the Oak Trees. The revised grading plans showed a 3 to 1 slope below the service drive and the bottom of the fill encroached into the drip line. Staff requested an arborist's report to address whether this fill would jeopardize the health of the Oak Trees. The DRB could consider some alternatives, such as installation of a low rock wall at the drip line with a 3 to 1 slope above the wall. If the DRB granted an exception to guideline ID10.6 to allow a 2 to 1 slope below the service road, then the planting on the slope would need to be reviewed to make sure that it could retain the soil and prevent erosion on the steeper slope.

A new concrete pad, Mr. Chamberlain described, was provided at the southeast side of the garage for the garbage containers, including a fence for screening. Photos of the revised grading on the site were included to help the DRB evaluate the visual impacts of the grading. There were no exceptions to the design guidelines; however, the DRB could grant an exception to guideline ID10.6 to allow the 2:1 slope to remain below the service driveway extension in order to avoid any fill within the drip line of the two Oak trees northeast of the driveway. The two new retaining walls complied with guideline ID11.4 for separation of the walls. The highest wall would be 4-feet and the minimum separation would be 8-feet. The proposed separation was 28-feet.

Mr. Chamberlain concluded that a draft action memorandum was prepared with the findings required for DRB approval and the findings listed in the Grading Ordinance. Also included were recommended conditions of approval for the revised grading, new retaining walls and additional paved areas. Since there was a stop work order on the site development work pending approval of the revisions to the grading, the Town wanted to expedite the review of the proposed changes. The issues for the HDP, however, had to be resolved prior to release of the revised grading permit by staff. He hoped the plans were complete enough for the DRB to make an aesthetic evaluation of the proposed grading changes and consider the recommended findings and conditions for approval.

Boardmember Kuckuk asked if staff had received an arborists report.

Mr. Chamberlain replied that he had not yet received the arborists report.

Judy Wang, daughter of Richard and Rose Wang, thanked the DRB and everyone in attendance for their time.

Robert Rourke, Civil Engineer, RMR Design Group, addressed some of the conditions of approval starting with condition 4 on page 4 of the draft action memorandum. In regards to the first two questions, Steve Lambert had submitted details for the retaining walls which showed they were going to be the same as the other walls at the back of the home which were keystone type walls. The third question concerning the keyway was a question for John Friar. The fourth question about the over-loading of subdrain pipes was not an issue because they had a deep keyway and were placing the sump pump at the bottom of the keyway in order to keep it dewatered perennially after completion of the project. The slope coming down from the new extension of the driveway was a bit steeper than 3 to 1; it was between 2 and 2.5 to 1. There was a condition in the original approval that allowed a slope steeper than 3 to 1 when working to match the existing. That condition was for the section behind the garage and they had received a dispensation to roll the slope in to match the 2.4 to 1 slope of the natural grade. With that existing condition the DRB could consider approving a slightly steeper slope below the driveway. Conditions 6 and 7 called for updates on the Storm Water Pollution Prevention Plan (SWPPP) and Best

Management Practices (BMP) which had been given to staff. The update verified that the original basins were oversized so they could handle the additional impervious area. He was concerned about the project since it had been down for two months and wanted to know if work could resume while the consultants prepared the necessary documents.

Mr. Chamberlain noted that conditions 6 and 7 were from John Sherbert, Town Engineer. They would need to negotiate the SWPPP with him so work could be continued.

Boardmember Kline wanted to know where the French drain behind the new wall going was going to drain.

One of the consultants (unidentified) replied that the French drain would be tied into the downspout on that corner of the driveway which went to the drain basins.

Boardmember Kline asked about extending the concrete v-ditch past the driveway. He had noticed modest erosion when he walked the site. Other than that he was ready to approve the application according to the conditions that staff had prepared.

Mr. Rourke said there was an old AC berm which was why they did not drag the ditch further up. The berm acted as a curb and gutter until it was destroyed by the grading operations and then that was where they picked up the concentrated flow of the v-ditch.

Boardmember Kuckuk thought the home was spectacular and hoped everyone in Town was proud to look at it when they passed by. She was concerned with how things looked from the scenic corridor and the extension of the patio in the back. She had no issue with the two new retaining walls since they were visually appealing and spaced a distance apart. She was unclear on the grading at the extension of the driveway and the exact slope they had verse what was required to support the weight of the driveway. She stressed the need for a stable driveway and protection of the two oak trees.

Boardmember Zhu was curious about the need for the extension to connect to the existing driveway.

One of the consultants (unidentified) responded that a larger pathway was needed in order to accommodate Mr. Wang's large vehicle. Mr. Wang also wanted the ability to access the service road through the gravel driveway.

Chair Sayles asked if they were approving the project subject to further review.

Mr. Chamberlain clarified that they could grant an exception to the 3 to 1 slope guideline and the slope could stay where it was, or, they could keep the 3 to 1

slope and a low retaining wall would be needed to prevent soil from going into the dripline of the trees.

Boardmember Kline suggested that they modify condition 5-a to state that if the oak trees could not handle the soil on the dripline then the existing slope could be retained. The slope would ultimately be influenced by the arborist report.

Chair Sayles noted that staff was given a certain amount of discretion to make adjustments to projects that had already been approved. He wanted to know why that did not happen this time.

Mr. Chamberlain explained that the applicant had made the slope steeper than the guideline allowed and that staff could not grant exceptions to the Design Guidelines.

Commissioner Socolich wanted to know where the drainage from the pool went.

One of the consultants (unidentified) answered that it drained into the sewer and that Central Sanitary had approved the pool design.

Mr. Chamberlain asked about the modification of condition 5-a. In regards to the oak trees, if the arborist allowed the fill to be in the dripline then the slope could stay 3 to 1, but if the arborist says the fill cannot be in the dripline then what was the solution; a rock wall with a 2 to 1 slope?

Boardmember Kuckuk stated that she had no issue with the rock wall. Her issue was with the steepness of the slope because it was an exception to the Design Guidelines. Since they were tasked with protecting the native oak trees they needed to follow the advice of the arborist. Hopefully the arborist would allow the 3 to 1 fill to continue in under the dripline. If not, then she wanted to see the 3 to 1 slope continued with the use of a rock wall.

Boardmember Kline recommended adding a condition to evaluate the extension of the v-ditch to the gravel driveway to catch drainage from the old paved road.

On motion by Boardmember Kline, seconded by Boardmember Escano-Thompson, to adopt the Draft Action Memorandum approving DRB 14-06 for the revisions to the Wang Residence at 226 Rheem Boulevard, subject to the findings and conditions as shown, the modification of condition 5, and the addition of condition 13 as shown below:

5. *The recommendations of the project arborist shall be followed to protect the two oak trees located northeast of the engineered fill slope below the service driveway extension in accordance with one of the alternatives below:*
    a. *If the arborist confirms that the health of the two oak trees will not be harmed by the proposed fill soil within the drip line, then the slope below the driveway*

extension shall be modified in accordance with sheet 2 of the revised grading plans with a 3:1 maximum slope.

b. *If the arborist recommends that no fill soil shall be added within the drip line of the existing oak trees, then sheet 2 of the revised grading plans shall be amended with a low rock wall at the drip line of the oak trees to retain a 3:1 maximum slope above the wall.*

13. *The project engineer shall evaluate and adjust the terminus of the "V" ditch along the northeast property line as necessary to catch water from the old paved road (former Goodfellow Drive). The adjustment of the "V" ditch shall depend upon the competence of the old asphalt curb along the northeast side of the road to channel the stormwater to the "V" ditch.*

The motion carried by the following vote:

Ayes: Boardmembers Escano-Thompson, Kline, Kuckuk, Sayles, Zhu
Noes: None
Abstain: None
Absent: None

Chair Sayles identified the 10 day right of appeal for anyone wishing to appeal the decision of the DRB to the PC by filing a letter stating the grounds for the appeal and through the payment of the appeal fee, through the Planning Department.

VII. OTHER MATTERS

There were no other matters.

VIII. STAFF REPORT

Mr. Chamberlain reported that there was no appeal on the St. Mary's applications for the new multi-purpose field and the new baseball field. All correspondence had to do with the lights at the multi-purpose field. Residents thought the lights at Campolindo High School had to be off by 9 p.m. but staff learned there was no time limitation. At the next meeting, the DRB was to consider approval of an addition to the Moraga Commons Bandshell. A future agenda item included a new home at 1800 Donald Drive but it needed a HDP and an initial study. Lastly, since Dollar Tree's sign did not conform to the approved plans it could come back to the DRB for review. The length of the roof where the sign hung was not depicted correctly on the plans so the proportions were off.

IX. BOARDMEMBER REPORTS

Chair Sayles reported that he worked on the addition for the Moraga Commons Bandshell so he would not be participating in the review of that project.

X. ADJOURNMENT

On motion by Boardmember Kline, seconded by Boardmember Zhu to adjourn the meeting at approximately 8:10 P.M. to a regular meeting of the DRB on Monday, April 25, 2011 at 7:00 P.M. in the Moraga Library Meeting Room located at 1500 Saint Mary's Road, Moraga, CA 94556.

DESIGN REVIEW BOARD STAFF REPORT

MEETING DATE: **April 25, 2011** REPORT WRITTEN: April 15, 2011

ITEM NUMBER: **VI.A.** – DESIGN REVIEW

FILE NUMBER: **DRB-03-2011 – Moraga Park Foundation (Applicant), Town of Moraga (Owner) Moraga Commons Bandshell Addition:** Application for approval of plans to add 100 square feet at the southwest rear corner of the bandshell in Moraga Commons park. (APN 256-110-057).

ZONING: OSM-DT (Open Space – MOSO)

CEQA COMPLIANCE: The project is categorically exempt under CEQA Guidelines Section 15301(e)(1) addition to existing structures provided that the addition is less than 50 percent of the floor area or 2,500 sq.ft., whichever is less.

PUBLIC NOTICE AND MAILING LIST:
In accordance with Moraga Municipal Code (MMC) Section 8.72.130(A)(1), written notices for design review were mailed to all property owners within three hundred (300) feet of the Moraga Commons park on Friday, April 15, 2010. A map showing the area of notice, a copy of the public notice and the mailing list is attached as **EXHIBIT A**. Any correspondence that may be received prior to the meeting will be brought to the meeting.

APPLICATION SUMMARY:
The purpose of the addition is to add a food preparation area to the existing snack bar and food sales area at the west side of the stage. County Health Department regulations have changed since the bandshell was constructed and the changes are necessary to comply with some of the new regulations. The Moraga Park Foundation intends to start the exterior changes to the bandshell after the Pear Festival this September. The interior changes to the snack bar and food preparation area will be completed by April, 2012. The exterior materials for the proposed addition will match the existing wall and roofing materials on the bandshell building. The interior upgrades to the food preparation area include: stainless steel counter tops, new refrigerator and freezer cabinets, and new shelves for storage of pots and pans. In order to expand the food sales area, an existing side entry and stairs leading to the stage on the west side will be removed. The plans also include a barbecue storage cabinet at the southwest rear corner of the bandshell. The bandshell building is 195-feet east of Moraga Road and can be seen from the Moraga Road scenic corridor. The rear corner of the building where the addition is proposed is partially blocked from view behind the front of the bandshell and would have minimal visual impact to the scenic corridor as shown in the picture on the following page.

VIEW OF BANDSHELL FROM MORAGA ROAD

PROJECT LOCATION:

Moraga Commons Park is located at the northeast corner of Moraga Road and Saint Mary's Road. The Bandshell is located near the center of the park. The addition is marked by a red rectangle on the GIS aerial photo map below:

DESIGN ASPECTS:
The design aspects listed under MMC Section 8.72.080-A are discussed in **EXHIBIT B**. This exhibit also includes staff comments on the consistency of the project with the Scenic Corridor Ordinance and development guidelines listed under MMC Section 8.132.050-B. There are no significant scenic corridor issues with this small addition to the bandshell. A detail or manufacturer's brochure should be provided for the proposed exterior light fixture over the rear door to the food preparation area. The plans state "shielded exterior light", but the type of shielding should be verified by staff to make sure the light is not a source of glare.

APPLICABLE TOWN DESIGN GUIDELINES:
The design guidelines that staff believes are applicable to the project have been listed in **EXHIBIT C** with staff comments after each guideline. This exhibit includes the scenic corridor guidelines. The following design guidelines are the basis for some of the recommendations for conditions of approval for the Bandshell Addition:

ID3 During demolition and construction of the addition to the Moraga Commons Bandshell, the project shall comply with the Town's requirements for dust control. The extension of the hip roof at the west side of the bandshell will bring the existing gutter down to the 10-foot high level of the existing snack bar eave line. The gutter should be sloped towards the front of the bandshell so that the existing drainpipe at the front corner can pickup the stormwater from the expanded gutter.

ID6 and MMC Section 8.132.050-B #7 and #12: The design of the new light fixture above the rear door shall be submitted to staff for review and shall comply with the following guidelines under ID6:

a. The light fixture should be related to the design of the structure.
b. The exterior light shall be designed and mounted so that the source of light has minimal impact off site.
c. The light fixture shall be directed inward toward the Moraga Commons property there shall be no spillage of light onto any adjacent residential properties.

ID12.4 and ID12.5 The existing drainpipes from the bandshell should be directed towards landscaped areas in the park for infiltration if possible so that only BMP treated stormwater is discharged into the storm drain system.

CC1.3 The location of trash containers is not shown on the plans. If portable trash containers are brought in for each event at the bandshell and then removed after the event, the design and location of a trash enclosure would not be required. Otherwise, the trash collection area shall be submitted for review and comply with design guideline CC1.3 as follows:

a. Any permanent trash enclosure shall be in architectural harmony with the bandshell.
b. Any exterior trash and storage area shall be screened from view of all nearby streets and adjacent structures.
c. Infiltration shall be avoided for all garbage receptacles and storm runoff from the trash enclosure shall not be directed to the storm drain system.

d. If stormwater contamination cannot otherwise be prevented, the trash enclosure shall be connected to the sanitary sewer and have a roof over the entire pad where the trash is stored. The connection to the sanitary sewer system from these areas shall have the necessary pretreatment equipment to meet Central Contra Costa Sanitary District's standards (e.g. grease or oil/sand interceptor).

CC2.1 No mechanical equipment, such as exhaust fans, are indicated on the plans. When the snack bar is in use, the roll up doors on the service windows would be raised so that the work space is well ventilated. It is unknown whether the service windows have screens to help prevent flies in the food preparation area. It appears from the plans that no food is stored at the snack bar that would attract other unwanted visitors, such as rats and mice.

RECOMMENDATION:
Staff has prepared a draft memorandum that includes the findings and recommended conditions of approval for the Moraga Commons Bandshell addition. The draft action memorandum is attached as **EXHIBIT D**.

Prepared by Richard Chamberlain, Senior Planner

EXHIBITS:
A – Notice Area Map, Public Notice and Mailing List
B – Design Aspects to be considered for Moraga Commons Bandshell Addition
C – Applicable Town Design Guidelines for Moraga Commons Bandshell Addition
D – Draft Action Memorandum for Moraga Commons Bandshell Addition
E – Project Plans

EXHIBIT A

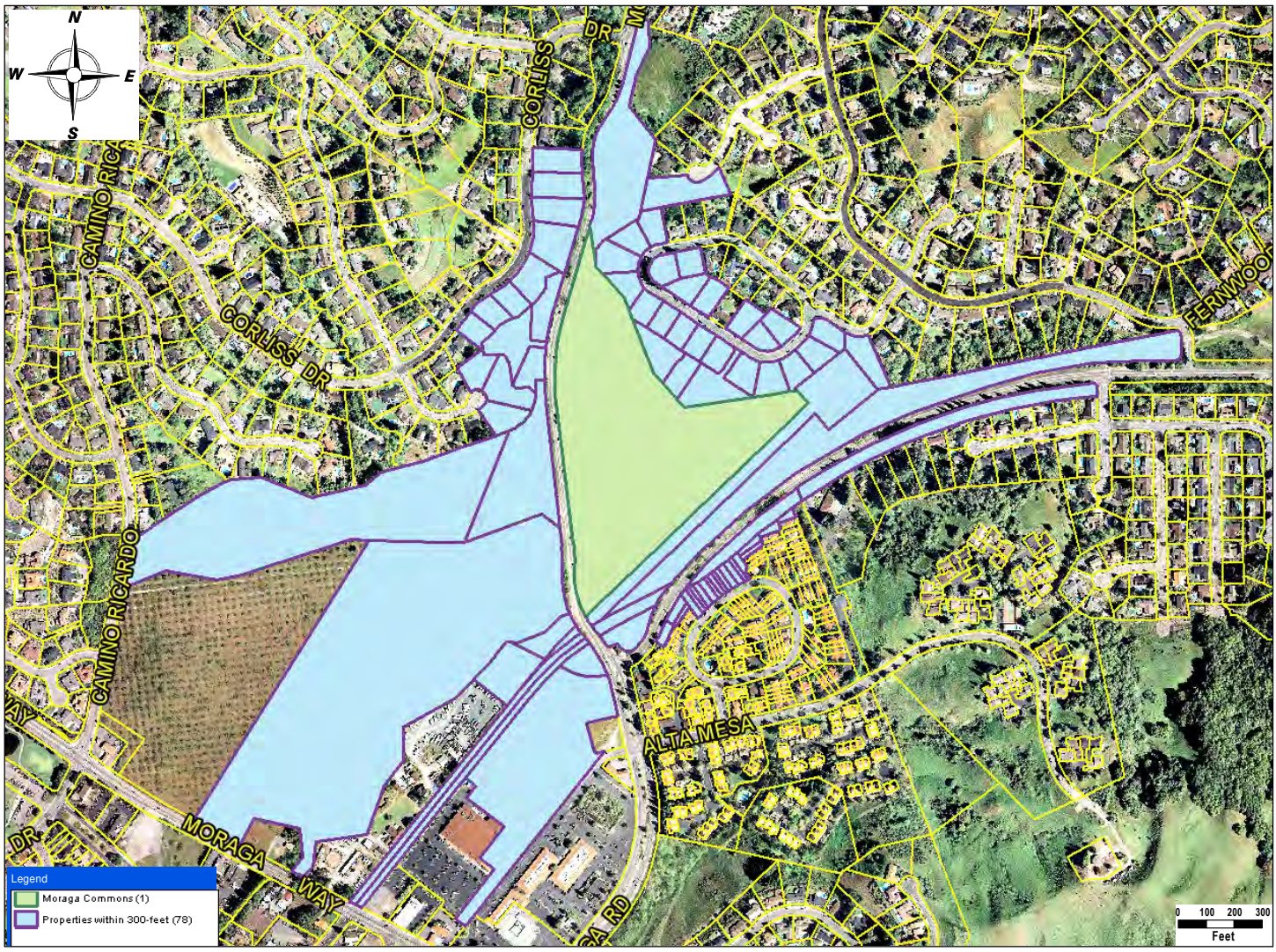
NOTICE AREA MAP, PUBLIC NOTICE AND MAILING LIST

E X H I B I T A

VICINITY MAP AND AREA OF NOTICE

Moraga Commons
Bandshell Addition for Food Preparation Area

File Number: DRB-03-11



PUBLIC MEETING

Town of Moraga

YOU ARE HEREBY NOTIFIED THAT on Monday, April 25, 2011, at **7:00 p.m**., in the **Moraga Public Library Meeting Room at 1500 St. Mary's Road**, Moraga, California, the Design Review Board of the Town of Moraga will conduct a pubic meeting to consider the following application:

DRB-03-2011 – Moraga Park Foundation (Applicant), Town of Moraga (Owner) Moraga Commons Bandshell Addition: Application for approval of plans to add 100 square feet at the southwest rear corner of the bandshell in Moraga Commons park. The purpose of the addition is to add a food preparation area to the existing snack bar and food sales area at the west side of the stage. The proposed addition will match the existing wall and roofing materials on the bandshell building. Zoning: OSM-DT (Open Space – MOSO) (APN 256-110-057).

Applicant	Property Owner
Moraga Park Foundation Hacienda de Los Flores 2100 Donald Drive Moraga, CA 94556	Town of Moraga 329 Rheem Boulevard Moraga, CA 94556

The plans for this project are available for public review at the Moraga Planning Department, 329 Rheem Blvd. during normal business hours (Monday through Friday from 8 am to noon and 1 to 5 pm). Comments regarding the proposed project can be submitted in writing or orally at the public meeting. Written comments submitted to the Planning Department will be copied and submitted to the Design Review Board at their meeting. For additional information, contact the Planning Department at (925) 888-7042.

Richard Chamberlain
Senior Planner

MORAGA COMMONS BANDSHELL MAILING LIST

APN	NAME	ADDRESS	CITY & ZIP
255321002	Joan Bruzzone	899 Hope Lane	Lafayette , CA 94549
258440046	Benjamin Crowley	1411 Camino Peral	Moraga, CA 94556 2018
258440044	Glenda Hultgren	1407 Camino Peral	Moraga, CA 94556 2018
258440045	Kirby & Forbes	2646 Ocean Avenue	San Francisco, CA 94132
258440047	Joan Pieri	203 Tharp Drive	Moraga , CA 94556 2524
258440048	Sean & Colleen Markham	1415 Camino Peral	Moraga, CA 94556 2018
255321004	Central Sanitary District	5019 Imhoff Place	Martinez, CA 94553 4316
256110004	Real Estate Services	PO Box 24055	Oakland, CA 94623 1055
258440031	Lynnette Gibson	1387 Camino Peral	Moraga, CA 94556 2016
258440041	Farzan Frank Mofidi	1401 Camino Peral	Moraga, CA 94556 2018
258440065	Holly Cunningham	1449 Camino Peral	Moraga, CA 94556 2018
258440037	Annette Knox	1393 Camino Peral	Moraga, CA 94556 2016
258440042	Kenneth & Daria Shachmut	1403 Camino Peral	Moraga, CA 94556 2018
258440043	Marguerite Mclaughlin	1405 Camino Peral	Moraga, CA 94556 2018
258440038	James Stephen Gardiner	1395 Camino Peral	Moraga, CA 94556 2016
258440039	Douglas Leach	1397 Camino Peral	Moraga, CA 94556 2016
258440040	Roxanne Pollack	1399 Camino Peral	Moraga, CA 94556 2016
258440049	Thomas & Sally Roberts	1653 Del Monte Way	Moraga , CA 94556
258440050	Tomi Izuno	1419 Camino Peral	Moraga, CA 94556 2018
258440051	Sally Yoo	1421 Camino Peral	Moraga, CA 94556 2018
258440053	Mary Ostrander	1425 Camino Peral	Moraga, CA 94556 2018
258440052	Mary Litzenberger	1423 Camino Peral	Moraga, CA 94556 2018
258440058	Gloria Silva	3338 Linda Vista Avenue	Napa, CA 94558 3147
255310029	Richard Chi	51 Williams Drive	Moraga , CA 94556 2363
256221021	Kevin & Pamela Reneau	17 Waterloo Place	Moraga, CA 94556 2131
255423021	John Kapentanic	325 Zagoria Drive	Danville, CA 94506
255423003	Jason Gledhill	214 Corliss Drive	Moraga, CA 94556 1313
255423012	Neil & Carolyn Cunningham	852 Crossbrook Court	Moraga, CA 94556 1208
255310028	Town of Moraga	PO Box 188	Moraga, CA 94556 0188
256221023	David & Carrie Haraburda	478 Kingsford Drive	Moraga, CA 94556 2150
255423011	Robert & Sharyn Lawrence	858 Crossbrook Court	Moraga, CA 94556 1208
256221022	Barrie & Gayle Frost	472 Kingsford Drive	Moraga, CA 94556 2150
256221020	Thomas & Sammie Cilono	19 Waterloo Place	Moraga, CA 94556 2131
256221024	Daniel & Suzanne Reid	484 Kingsford Drive	Moraga, CA 94556 2150
255423010	Scott & Joann Emerzian	851 Crossbrook Court	Moraga, CA 94556 1207
255423019	Robert & Bertina Burns	1194 Moraga Road	Moraga, CA 94556 2104
256221018	Herbert & Joanne Gordon	468 Kingsford Drive	Moraga, CA 94556 2125
256221025	Robert & Laura Holt	488 Kingsford Drive	Moraga, CA 94556 2150
256162001	Daniel Finnane	321 Bedford Place	Moraga, CA 94556 2106
256221017	Michael & Erin Preston	3970 N Peardale Drive	Lafayette , CA 94549
256222012	Joanne Marie Jensen	475 Kingsford Drive	Moraga, CA 94556 2124
256221019	Jon & Susan Wilson	25 Waterloo Place	Moraga, CA 94556 2131
256221026	Alfred & Hollace Gertmenian	327 Bedford Place	Moraga, CA 94556 2106
256221016	Harold & Bonnie Koojoolian	460 Kingsford Drive	Moraga, CA 94556 2125
255423004	April Rose French	208 Corliss Drive	Moraga, CA 94556 1313
256222013	Joseph & Margaret Brahney	485 Kingsford Drive	Moraga, CA 94556 2124
255423020	Kenneth & Merrylee Landau	1190 Moraga Road	Moraga, CA 94556 2104

256221015	R Tad & Karen Slocum	456 Kingsford Drive	Moraga, CA 94556 2125
256222011	David & Joan Fischer	469 Kingsford Drive	Moraga, CA 94556 2124
256221014	Katherine Ousterman	452 Kingsford Drive	Moraga, CA 94556 2125
255423002	Tianzhen Hong	220 Corliss Drive	Moraga, CA 94556 1313
256222009	Raymond & Sharon Galliani	461 Kingsford Drive	Moraga, CA 94556 2124
256222008	Thomas & Leanne Corkill	455 Kingsford Drive	Moraga, CA 94556 2124
256221013	Lew & Faye Edwards	448 Kingsford Drive	Moraga, CA 94556 2125
256222007	Howard & Leslie Rose	445 Kingsford Drive	Moraga, CA 94556 2124
255423001	George Kapoulas	226 Corliss Drive	Moraga, CA 94556 1313
256222006	Frank & Janice Catalano	431 Kingsford Drive	Moraga, CA 94556 2124
256221012	Darwin & Patricia Fong	444 Kingsford Drive	Moraga, CA 94556 2125
255432006	Ramin & Soraya Golesorkhi	238 Corliss Drive	Moraga, CA 94556 1313
256221011	Gary & Rochelle Glassel	440 Kingsford Drive	Moraga, CA 94556 2125
256221010	Yu-yi & Shu-chin Hsu	436 Kingsford Drive	Moraga, CA 94556 2125
255432005	Amy Reid	244 Corliss Drive	Moraga, CA 94556 1313
255432004	Jeffery & Sharon Lee	250 Corliss Drive	Moraga, CA 94556 1313
256440010	Isai An & Margaret Lu	17 Willow Spring Lane	Moraga, CA 94556 2156
	Nielsen Architects	P.O. Box 1982	Orinda, CA 94563
	Moraga Park Foundation.	2100 Donald Drive	Moraga, CA 94556

EXHIBIT B

DESIGN ASPECTS TO BE CONSIDERED FOR MORAGA COMMONS BANDSHELL ADDITION

EXHIBIT B

DESIGN ASPECTS TO BE CONSIDERED FOR THE MORAGA COMMONS BANDSHELL ADDITION IN ACCORDANCE WITH MORAGA MUNICIPAL CODE SECTION 8.72.080-A

1. **Maximum height, lot coverage and setbacks:**
   The site development standards in the Open Space district are usually established when a use permit is approved for a project. Staff has found no record that building setbacks or height limitations were established for the Moraga Commons bandshell at the time it was originally built. In any case, the proposed 100 square foot addition to the building will not increase the height of the building. The addition essentially fills in a notch at the rear of the building. The two photos below show the northwest front corner and southwest rear corner of the bandshell.

Northwest front corner of bandshell

Southwest rear corner of bandshell

2. **Overall mass and bulk of structures:**
   The proposed addition will not increase the mass or bulk of the bandshell appreciably. The existing west wall at the rear has a very tall opening for the access to back of the stage. The height of this wall will be reduced in height as the hip roof will extend down to the one story height along the west wall of the snack bar. Although the floor area will increase, the visual mass of the building as seen from the southwest side may actually appear less massive.

3. **Special features of the development, such as walls, screens, towers and signs:**
   Some minor modifications to the paving and curbing of the walks will occur along the south and west sides of the bandshell. Some of the existing concrete paving at the west side will be replaced with asphalt paving to match the main path to the amphitheater lawn area. Since the rear stage entry will be removed, a new asphalt walkway will be installed along a portion of the south wall of the bandshell. The existing curb around the planting area south of the bandshell will be adjusted further south to accommodate the new asphalt walk. The proposed paving changes will not impact the “medallion” with the Town Seal located in the main walkway southwest of the bandshell.

4. **Effective concealment and sound attenuation of exposed mechanical and electrical equipment:**
   The proposed Bandshell Addition does not have any exposed mechanical equipment that would require sound attenuation. The new refrigerator and freezer are located within the food preparation area.

5. **Colors and materials on the exterior face of the building or structures, striving for a limited number of colors and materials for each project:**
   The vertical wood siding and asphalt shingle roof will match the existing bandshell building.

6. **Avoidance of repetition of identical entities whenever possible:**
   This design aspect is not applicable to the proposed bandshell addition.

7. **Harmonious relationship with existing adjoining developments avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted*:***
   The architectural harmony of the bandshell with homes and buildings in the vicinity of Moraga Commons park is not relevant because the bandshell is located a considerable distance and visually screened from view of all structures on properties adjacent to the park.

8. **Pleasing landscaping which incorporates existing landscaping and terrain as a complement to the structure, using plants which thrive in the Moraga climate and which are large enough in size to be effective:**
   The project does not involve the removal or installation of any landscaping.

9. **Compliance with Chapter 8.132 (scenic corridors)*:***
   The bandshell is located 195-feet from Moraga Road and most of the area between the road and the bandshell is landscaped. Nevertheless, the bandshell structure can be seen from the road at various points where the tree coverage is thin. The following development guidelines are listed under MMC Section 8.132.050-B of the Scenic Corridor Ordinance and would be applicable to the new bandshell addition.

   (1) The design and location of each building shall create a compatible visual relationship with surrounding development and with the natural terrain and vegetation. Road widths and road configurations should be considered as part of the design element.
   Comment: The bandshell is an existing building and the small 100 square foot addition will not change the character or design of the building.

   (2) Buildings and landscaping shall be so located that each does not create a walled effect along the scenic corridor. Setbacks and building heights may be made more restrictive than otherwise permitted by the applicable zoning regulations. In general, the greater the mass or bulk, the greater the setback should be. The positioning of buildings shall be varied in order to create a complimentary relationship between mass and void.

Comment: As noted previously the bandshell is 195-feet from the scenic corridor roadway and does not create a walled effect along the road.

(4) Each structure or feature reviewable under this chapter shall be limited to scale and siting to reduce visual dominance or obstruction of existing landforms, vegetation, water bodies and adjoining structures.
Comment: Moraga Commons Park is at the bottom of the valley where the Saint Mary's Tributary of Laguna Creek joins Laguna Creek. The bandshell addition would not obstruct the view of existing landforms, water bodies or adjoining structures.

(5) Each structure shall be constructed, painted and maintained and all planted material shall be planted and maintained to complement and enhance scenic views and the natural landscape.
Comment: The project does not include any new landscaping and a very limited expansion of the paved pathway adjacent to the building.

(6) Unnatural and conflicting aesthetic elements shall be eliminated to the extent feasible consistent with safety requirements (for example, retain street lighting, but place wiring underground). Where it is not possible to locate such a feature out of view, it must be located in an area so as to minimize visibility from a scenic corridor or screened from view by planting, fence wall or berm. Where the screen consists of a fence, wall or berm, it may not be higher than six feet. Screening shall consist of primarily natural materials rather than solid fencing. Preference shall be given vegetation in conjunction with a low earth berm.
Comment: The proposed addition will fill-in a notch in the existing hip roof and lower the height of the wall at the southwest rear corner. No fencing, walls or berms are proposed for this project.

(7) Lighting shall be compatible in type, style and intensity to the surrounding elements and not cause undue or aggravating disruption, glare or brightness.
Comment: One new exterior wall light is proposed at the back of the bandshell over the door to the snack bar and food preparation area. The elevation drawing shows a small white square over the door, but no detail of the light fixture was included. Staff has included a draft condition of approval to require a lighting fixture that shields the light source from direct view.

(8) Grading or earth-moving shall be planned and executed in such manner that final contours appear consistent with a natural appearing terrain. Finished contours shall be planted with plant materials native to the area so that minimum care is required and the material is visually compatible with the existing ground cover.
Comment: No grading is proposed for this project.

(9) The number of access points to and from the scenic corridor shall be minimized consistent with safety and circulation needs.
Comment: No new access points are proposed to the scenic corridor for this project.

(10) Parking on the scenic corridor roadways should be minimized.
Comment: This project does not call for any additional parking.

(11) Each specimen tree and each grove of trees may be approved for removal only if the tree or grove of trees is unsafe or diseased or to provide the smallest cleared area necessary to locate an approved road or structure on the site under guidelines of the tree preservation ordinance. Selective clearing of vegetation may be permitted upon review and approval by the design review board.
Comment: No trees will be removed for the expansion of the food preparation area at the bandshell.

Compliance with the scenic corridor design guidelines is discussed in **EXHIBIT C**.

10. Impact on neighboring properties:
The expansion of the snack bar food preparation area will not by itself cause any expansion of the number of people attending events at the bandshell. The proposed addition cannot be seen from any neighboring residential property and is not expected to have any impact on neighboring properties.

11. Impact on Public Safety*:*
The new stainless steel counters should help make the food preparation safer and more sanitary.

12. HARMONY WITH THE GENERAL PLAN AND DESIGN REVIEW GUIDELINES:
Compliance with the design guidelines is discussed in **EXHIBIT C**. Since the new design guidelines have been linked to the applicable General Plan policies, there are no other design related General Plan issues to discuss.

EXHIBIT C

APPLICABLE TOWN DESIGN GUIDELINES FOR MORAGA COMMONS BANDSHELL ADDITION

EXHIBIT C

DESIGN GUIDELINE REVIEW FOR BANDSHELL ADDITION

3 MAINTAIN THE TOWN'S SEMI-RURAL CHARACTER (SRC)

APPLICABLE TO ALL TYPES OF DEVELOPMENT

These guidelines are intended to help preserve the semi-rural features that make Moraga unique when considering applications for development.

SRC1 Retain, protect, and utilize existing natural features, such as trees and other vegetation, interesting ground forms, rocks, water, and significant views in the design.
Comment: No natural features will be removed for the 100 square foot expansion of the bandshell.

SRC2 The impact and presence of vehicles resulting from the development should be minimized through proper siting and screening in order to buffer parking areas from locations both interior and exterior to the site.
Comment: The project does not involve any new parking facilities. The expanded parking previously reviewed by the Design Review Board for the skateboard park area along the east side of Moraga Road has been approved by the Town Council and is pending approval and funding of 25% of the cost from Orinda and Lafayette.

SRC3 Circulation systems should avoid conflict between vehicular, bicycle and pedestrian traffic. Emergency and service vehicle access shall be accommodated within the circulation system.
Comment: The back entrance to the stage at the southwest rear side will be removed and the pathway will be shifted to the south for access to the Barbecue Storage locker. The primary pathway to the turf seating area for the bandshell will not be changed. This pathway is primarily for pedestrians only.

SRC7 New trees should be planted to compliment the natural pattern of tree placement.
Comment: No trees will be removed and no new trees will be planted for this project.

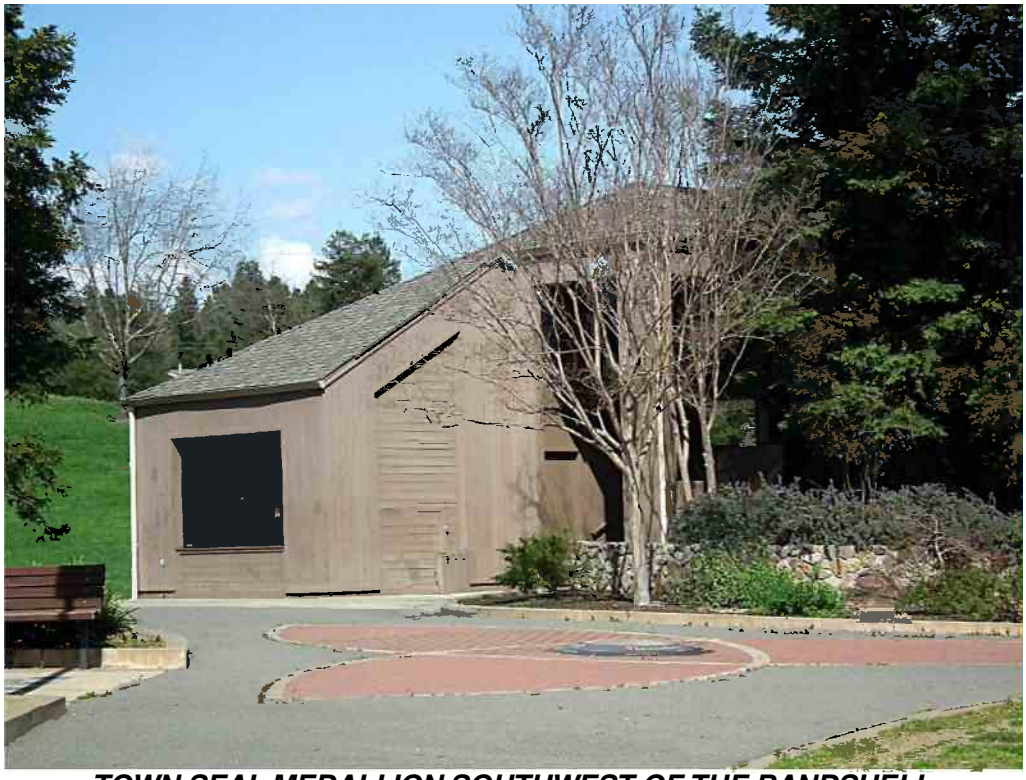
6 ENHANCE TOWN'S SCENIC CORRIDORS (SC)

The proposed Bandshell Addition at the west side of Moraga Commons Park is within 500-feet of Moraga Road and can be seen from the scenic corridor roadway. The Town's Scenic Corridor Guidelines are discussed below.

SC1 Medians in scenic corridors should be planted and landscaped except where drivable medians are necessary. See Appendix B for recommended plants and Appendix C for conceptual examples for aesthetic enhancement.
Comment: There are no medians as part of this project.

SC2 Wide and curved trails should be used along scenic corridors instead of sidewalks wherever possible. Both trails and sidewalks should be separated from roadways with plantings. See Appendix C.

Comment: Moraga Commons park has several wide paved trails meandering through it. A small part of the main pathway to the turf seating area will be changed from concrete to asphalt paving. The pathway behind the bandshell will be shifted to the south to accommodate the expansion of the food preparation area and provide access to the barbecue storage area. The modification will not change the existing "Town Seal Medallion" area in the pathway that is southwest of the bandshell shown in the picture below.



TOWN SEAL MEDALLION SOUTHWEST OF THE BANDSHELL

SC3 A greenbelt should be established between the scenic corridor major road and a parking area or building that is located adjacent to the road. The greenbelt must be landscaped and appear to be natural (i.e. a high percentage of the ground area could be a mounded redwood bark or stone covered area as long as plants provide a reasonable amount of massing to create a screening effect). All landscaped areas shall be appropriately irrigated to maintain healthy plants while preventing runoff from over watering.

Comment: The bandshell is 195 feet from Moraga Road and most of the area is landscaped; however, there is a large circular area with decomposed granite for a volley ball court between the bandshell and the road.

SC4 Trees should be planted on medians and along scenic corridors except where traffic views are blocked. Where tree planting next to scenic corridors is otherwise not possible, planters for trees should be located in street parking zones. See Appendixes B and C. Native grass areas are acceptable along the scenic corridor where formal landscaping is inappropriate.

Comment: The plan for the new parking along the east side of Moraga Road and south of the skate park facility includes 8 new trees to compensate for removal and relocation of existing trees in the area proposed for the parking. No additional trees are proposed in conjunction with the expansion of the bandshell.

SC6 Landscaped mounds or berms are encouraged between the scenic corridor roadway and large parking areas and may be steeper than 3:1 if appropriately landscaped and irrigated.
Comment: The area between Moraga Road and the bandshell is relatively flat. The volleyball area cannot be mounded.

SC8 Greenbelts should have a balance of high and low plants to give a natural look to the landscaped area. At no time will a landscaped area (other than grass) exceed 50 lineal feet along the scenic corridor road without a change in massing, character, and color.
Comment: In the area that is slightly north and west of the bandshell, the landscaping is mostly turf, with a few trees. The area south and west of the bandshell has a much greater density of trees and shrubs. The view of the bandshell is blocked by the trees from the southwest side.

SC10 A property owner may be required to upgrade existing conditions when major work is accomplished on a parcel that is within 500 feet of the center line of a major scenic corridor.
Comment: The 100 square foot expansion of the bandshell would not be considered "major work" in the scenic corridor.

SC11 In order to enhance the landscaping along designated scenic corridors, new development within 500 feet of these corridors should include trees and shrubs from one of the palettes in Appendix B. The Town of Moraga encourages planting of native species over non-native species and encourages applicants to refer to the Native Plant Society website at www.cnps.org to check that the plants that you select are not invasive species.
Comment: No new landscaping is proposed for the bandshell expansion project.

SC12 Roadside landscaping should be selected from one of the palettes in Appendix B and only lightly trimmed except where street signs and other directional signs are blocked from view.
Comment: No additional landscaping is proposed.

SC13 Existing overhead lines on both private and public property along scenic corridors should be converted to underground when substantial redevelopment is proposed.
Comment: The 100 square foot expansion of the food preparation area at the bandshell would not be considered "substantial redevelopment" and additional undergrounding of existing overhead utility lines would not be warranted by this project.

SC14 Signage, bus shelters, monuments and other site elements should be of semi-rural character and be rustic looking, preferably stone. See Appendix C.
Comment: The existing bandshell does not use any stone or masonry of any kind. The structure is more reminiscent of a barn. The proposed addition is planned to match the existing siding and roofing materials to blend in with the bandshell.

SC15 Storm water runoff swales should be used along roadsides and medians of scenic corridors instead of curbing to slow storm water runoff and enhance the semi-rural look. See Appendix C.

Comment: Since the bandshell is located 195 feet from Moraga Road, no new swales are proposed along the roadside as part of this project.

SC16 Design shall be consistent with the Moraga Municipal Code Section 8.132.
Comment: Consistency with the Town's Scenic Corridor Ordinance was discussed with the Design Aspects in ***EXHIBIT B****.*

SC17 Viewsheds, including but not limited to close up and distant views, ridgelines, hillsides and mature native tree groupings should be protected along the Town's scenic corridors to retain the Town's semi-rural character.

Comment: The proposed addition to the Moraga Commons Bandshell will not block close-up or distant views of ridgelines, hillsides or mature native tree groupings.

7 MINIMIZE THE IMPACTS OF DEVELOPMENTS (ID)

To the extent possible, development should be concentrated in areas that are least sensitive in terms of environmental and visual resources, including: a) areas of flat or gently sloping topography outside of flood plain or natural drainage areas; b) the Moraga Center and Rheem park area; c) Infill parcels in areas of existing developments.
Comment: The project site could be considered an "infill" development because the bandshell is an existing facility.

ID1-7 APPLICABLE TO ALL DEVELOPMENT

ID3 Wind barriers, shade, sound absorption, dust abatement, glare reduction, and proper drainage should be provided on site.
Comment: The proposed addition to the Moraga Commons Bandshell will not have any significant impacts with regard to wind, shade or sound absorption. With regard to dust abatement, the construction of the addition to the Bandshell will be required to comply with the Town's requirements for dust control during the demolition and construction. The existing bandshell has gutters with drainpipes at the corners of the building. The extension of the hip roof at the west side will bring the existing gutter down to the 10-foot high level of the existing snack bar eave line. If the gutter is sloped towards the front of the bandshell, then the existing drainpipe at the front corner could handle the water from the expanded gutter. The design of the proposed light over the rear door to the food preparation area has not been submitted. The light source should be shielded from direct view to prevent a source of glare.

ID6 The level of lighting should not exceed the needs for security and safety or detract from the aesthetics of the development.

a. Outdoor lighting should be related to the design of the structure.
b. Outdoor light fixtures should be designed and mounted so that the source of light has minimal impact off site.
c. Outdoor lighting should be directed inward toward the property and may require additional screening to avoid spillage onto adjacent residential properties.

Comment: As noted previously, the design of the new light fixture above the rear door has not been submitted. Staff recommends a condition of approval that the new light shall comply with the above guidelines under ID6.

ID7 Design shall be consistent with the Moraga Municipal Code section 13.04.090.
Comment: The addition to the Moraga Commons Bandshell will have only 100-square feet of additional roof area and 266 square feet of additional asphalt paving. The project is not required to comply with the C.3 Stormwater Guidelines from the San Francisco Bay Regional Water Quality Control Board. The Town Engineer will review the plans for compliance with the "Best Management Practices" listed under MMC Section 13.04.090.

ID9 PAVING

ID9.1 Impervious surfaces shall be minimized through site design and building methods. Directly connected impervious surfaces shall be minimized to avoid excessive concentrated stormwater runoff. Any runoff from impervious surfaces shall be directed to pervious areas or landscaped depressions.
Comment: As noted under ID7, above, the project will add only 266 square feet of asphalt paved area with the construction of the new path to the barbecue storage locker.

ID9.2 Impervious paving may be reduced by using permeable materials for pedestrian walkways, parking facilities, and areas with light traffic. Examples include:

a. Unit pavers-on-sand: turf block, brick, natural stone, or concrete unit pavers
b. Poured pervious surfaces: pervious concrete or pervious asphalt
c. Granular materials: crushed shells, gravel, aggregate base, cobbles, or wood mulch.

Comment: The proposed asphalt paving will match the existing paving of the pathways around the bandshell. The use of the various types of pervious paving listed under guideline ID9.2 would require extensive grading to excavate and install permeable sand and drainage pipes under the paving in order to allow infiltration through the paving. In addition, some of the materials listed above, such as pervious concrete and asphalt have been found to have limited useful life spans because they clog up and become less permeable over time. Due to the limited budget for this project, the added expense for permeable paving, the use of pervious paving materials is not considered feasible.

ID10 GRADING

ID10.1 Grading for any purpose may be permitted only in accordance with an approved development plan that is found to be geologically safe and aesthetically pleasing.
Comment: The bandshell addition will not require any grading.

ID12 STORMWATER GUIDELINES

ID12.2 Regulations set forth by the San Francisco Bay Regional Water Quality Control Board (RWQCB) shall apply to all new or redeveloped residential and commercial projects:

a. If the project creates or replaces more than 10,000 square feet of impervious surface;
b. Relative to the 10,000 square foot threshold, if 50% or more of the existing impervious surface is replaced then 100% of the site must comply with Provision C.3 of the Town's Stormwater Permit; or

c. Relative to the 10,000 square foot threshold, if less than 50% of the existing impervious surface is replaced, then Provision C.3 of the Town's Stormwater Permit only applies to said portion.

Comment: The total area of the bandshell expansion project is only 366 square feet including the new paved area behind the building.

ID12.4 Drainage should follow natural flow patterns and, where appropriate, plans should develop wide area flow patterns, rather than concentrating flow at one point.

Comment: The existing bandshell has gutters and drainpipes. If possible the drain water from the existing drainpipes should be directed towards landscaped areas in the park for infiltration.

ID12.5 In new development only BMP-treated stormwater shall be discharged into the Town's storm drain system.

Comment: See comments for guideline ID12.4, above.

CC1 COMMERCIAL SITE PLANNING

CC1.3 Permanent trash enclosures should be located and designed to be in architectural harmony with the principal structures on the site. Exterior trash and storage areas, service yards, loading docks, and ramps should be screened from the view of all nearby streets and adjacent structures. Infiltration shall be avoided for all outdoor work or storage areas, such as loading docks, fueling areas, and garbage receptacles. All runoff from these areas shall be directed to the storm drain system and the operations from these areas shall be conducted to prevent stormwater from becoming contaminated. If stormwater contamination cannot be prevented from the operations in these areas, they shall be connected to the sanitary sewer and effective engineering controls shall be used to ensure that no stormwater is discharged to the sanitary sewer system (e.g. roof over the process area, engineered diversion valve between the sanitary sewer system and storm drain system). The connection to the sanitary sewer system from these areas shall have the necessary pretreatment equipment to meet Central Contra Costa Sanitary District's standards (e.g. grease or oil/sand interceptor). Outdoor work areas shall have a perimeter berm to prevent stormwater inflows. Outdoor garbage receptacles (trash cans and dumpsters) shall be housed under a roof or other covered structure.

Comment: The location of trash containers is not shown on the plans. If portable trash containers are brought in for each event at the bandshell and then removed after the event, the design and location of a trash enclosure would not be required. Otherwise, the trash collection area shall be submitted for review and comply with design guideline CC1.3.

CC2 COMMERCIAL BUILDING DESIGN

CC2.1 Mechanical and electrical equipment, including rooftop units, should be designed as an integral part of the building or site design and be properly screened.

Comment: No mechanical equipment, such as exhaust fans, are indicated on the plans. When the snack bar is being used, the roll up doors on the service windows are raised so that the space is well ventilated. It is not clear whether the service windows have screens to help prevent flies in the food preparation area. It appears from the plans that no food is stored at the snack bar that would attract other unwanted visitors, such as rats and mice.

EXHIBIT D

DRAFT ACTION MEMORANDUM FOR MORAGA COMMONS BANDSHELL ADDITION

DRAFT

Town of Moraga

PLANNING DEPARTMENT
329 RHEEM BOULEVARD
MORAGA, CA 94556
(925) 888-7040

DESIGN REVIEW BOARD ACTION MEMORANDUM

On April 25, 2011, the Town of Moraga Design Review Board considered the application described below:

> **DRB-03-2011 – Moraga Park Foundation (Applicant), Town of Moraga (Owner) Moraga Commons Bandshell Addition:** Application for approval of plans to add 100 square feet for an expanded food preparation area for the snack bar at the southwest rear corner of the bandshell in Moraga Commons park. (APN 256-110-057).

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:
Findings in accordance with PC Resolution 16-01 and Section 8.12.090 of the Municipal Code.

1. **The proposed improvements conforms 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** because the 100-square foot addition to the bandshell will match the architectural design and materials of the existing bandshell building and will not substantially change the appearance or use of the building.

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** because the proposed expansion of the bandshell building is intended

for required health and safety improvements to the food preparation area in the snack bar and is located at the rear of the building where it cannot be seen from any residential properties in the vicinity.

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** because the small expansion of the snack bar area will improve the sanitary conditions for the food preparation area, but is not expected to significantly increase the number of people attending events at the bandshell. The existing neighborhood impacts from the bandshell will remain unchanged.

4. **The proposed improvement will not impair the public health, safety or welfare** because the expanded food preparation area is intended to comply with new requirements from the County Health Department. The plans for the addition to the bandshell will be reviewed and approved by the CCC Building Department for compliance with the California Building Code and the food preparation area will need approval of the Contra Costa County Health Department.

PART 2: CONDITIONS OF APPROVAL:

1. The plans for addition to the bandshell building in Moraga Commons park shall be substantially in accordance with the plans date stamped "Official Exhibit", April 25, 2011, received by the Town of Moraga Planning Department. Any significant changes to the plans shall be subject to further DRB approval.

2. In compliance with design guidelines ID3, ID12.4, ID12.5 and CC2.4, the drainage and BMPs shall be reviewed and approved by the Town Engineer's office. The existing drainpipes from the bandshell should be directed towards landscaped areas in the park for infiltration if possible so that only BMP treated stormwater is discharged into the storm drain system.

3. The extension of the hip roof at the west side of the bandshell will bring the existing gutter down to the 10-foot high eave line on the existing snack bar and the gutter should be sloped towards the front of the bandshell so that the existing drainpipe at the front corner can pick-up the stormwater from the expanded gutter.

4. In accordance with design guideline ID6 and MMC Section 8.132.050-B #7 and #12, the design of the new light fixture above the rear door shall be submitted to staff for review and shall comply with the following guidelines under ID6:
    a. The light fixture should be related to the design of the structure.
    b. The exterior light shall be designed and mounted so that the source of light has minimal impact off site.
    c. The light fixture shall be directed inward toward the Moraga Commons property there shall be no spillage of light onto any adjacent residential properties.

5. If any mechanical equipment, such as exhaust fans, is proposed, then the plans for the equipment shall be submitted to the planning staff for review and approval in accordance with design guideline CC2.1.

6. It is unknown whether the service windows have screens to help prevent flies in the food preparation area when the roll-up doors are raised. The plans shall be reviewed by the CCC Health Department prior to obtaining a building permit to verify compliance with their health and safety requirements.

7. No food, other than items stored in the refrigerator and freezer cabinets, shall be stored at the snack bar, where it could attract rats, mice or other vermin.

8. In accordance with design guideline CC1.3, the location of trash containers shall be shown on the plans, unless they are portable trash containers that are brought to each event at the bandshell and then removed after the event. If any permanent trash collection area is proposed, then plans shall be submitted for review and comply with design guideline CC1.3 as follows:
    a. Any permanent trash enclosure shall be in architectural harmony with the bandshell.
    b. Any exterior trash and storage area shall be screened from view of all nearby streets and adjacent structures.
    c. Infiltration shall be avoided for all garbage receptacles and storm runoff from the trash enclosure shall not be directed to the storm drain system.
    d. If stormwater contamination cannot otherwise be prevented, the trash enclosure shall be connected to the sanitary sewer and have a roof over the entire pad where the trash is stored. The connection to the sanitary sewer system from these areas shall have the necessary pretreatment equipment to meet Central Contra Costa Sanitary District's standards (e.g. grease or oil/sand interceptor).

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.

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

11. During the demolition and construction of the addition to the bandshell, the hours of work shall be limited to the hours from 8 a.m. to 5 p.m. as required by the Town's Noise Ordinance.

12. In accordance with design guideline ID3, during demolition and construction of the addition to the Moraga Commons Bandshell, the project shall comply with the Town's requirements for dust control.

13. The building and paving contractors shall be responsible for preventing spills of soil, rock or other debris on to the Town's streets during the construction of the project. If

any spills occur, the responsible contractor shall be required to immediately cleanup the spill and repair any damage to the streets to the satisfaction of the Town Engineer.

14. If the exterior building addition work on the bandshell is not commenced within one year from the date of final action by the Design Review Board, 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.

The action of the Design Review Board is appealable within 10 calendar days. Any appeals would be heard by the Moraga Planning Commission. If you have any questions regarding the conditions of approval, please contact the Moraga Planning Department at (925) 888-7042.

EXHIBIT E

PROJECT PLANS