

**TOWN OF MORAGA  
DESIGN REVIEW BOARD MEETING  
MINUTES**

**February 28, 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 Glover, 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 Glover, seconded by Boardmember Kline and carried unanimously to approve the February 28, 2011 meeting agenda, as presented.

**III. PUBLIC COMMENTS**

There were no public comments.

**IV. PLANNING COMMISSION LIAISON REPORT – Commissioner Wykle**

Chair Sayles moved the report to be heard later on in the meeting due to Commissioner Wykle's tardiness.

**V. ADOPTION OF THE CONSENT AGENDA**

**A. APPROVAL OF MINUTES for January 31, 2011**

On motion by Boardmember Kline, seconded by Boardmember Kuckuk to discuss approval of the minutes for the January 31, 2011 meeting to after item Design Review VI-A.

## VI. DESIGN REVIEW

- A. **DRB 08-2010 – Dan Wood (Applicant and Owner) 120 Moraga Road:**  
Design Review of revised landscape plans for a new home and driveway easement at 120 Moraga Road. The 3,259 square foot two-story home, with an attached 771 square foot garage, was approved by the Moraga Planning Commission on October 4, 2010 subject to submittal of a complete landscape plan to the DRB to mitigate impacts to neighbors adjacent to the driveway easement. The proposed plan will modify the 30-foot wide access easement. The new driveway easement would begin at the northwest edge of the existing 12-foot wide driveway and extend to the property lines on the south and east sides. This adjustment will allow the driveway to be widened by 4-feet on the south and east sides for a total width of 16-feet as required by the Moraga Orinda Fire District. The adjustment to the easement will allow the neighbors fences and retaining walls, which encroach in the existing easement, to remain. The property is zoned 1-DUA (one dwelling units per acre single family residential). (APN 255-511-001).

Senior Planner Richard Chamberlain reported that written notices of the application were mailed to all property owners within 300-feet of the project site on February 18, 2011. Two of the adjacent residents had come to the planning office to view the plans but no written correspondence had been received.

The DRB had denied the project without prejudice on September 13, 2010. The majority of the DRB had no objections to the design of the home since it complied with the Town's Design Guidelines. The primary problem was mitigation of the impacts of the increased vehicular use of the access driveway to the site. The Planning Commission (PC) considered the applicant's appeal on October 4, 2010 and approved the plans for the new home, subject to the conditions in Resolution 10-2010 PC. Condition 1 required submittal of a complete landscape plan to the DRB to mitigate impacts to neighbors adjacent to the driveway easement.

The 30-foot wide access easement was located across three adjacent properties at 3763, 3767 and 3771 Via Granada, and, adjacent to the property at 126 Moraga Road. The paved driveway was 12-feet wide but it was not centered within the 30-foot easement. The Moraga-Orinda Fire District required the driveway to be widened to 16-feet. With the current configuration of the access easement, the widening of the driveway would require the relocation of some existing fences and retaining walls that encroached within the access easement on the north and west sides.

The proposed plan modified the access easement with the north and west sides of the easement along the edge of the existing 12-foot wide driveway and extended it to the property lines on the south and east sides. The adjustment

allowed the driveway to be widened by 4-feet on the south and east sides for a total width of 16-feet. The easement adjustment also allowed the neighbor's fences and retaining walls to remain. Sheet L1 of the revised landscape plans showed the 16-foot wide driveway with landscaping between the driveway and the north and west property lines of the adjacent property at 126 Moraga Road. In addition to the landscaping within the access easement, there was also an issue with additional landscaping to mitigate views to the home located down the slope on the east side at 132 Moraga Road. There was an existing chain link fence along the east property line at 120 Moraga Road and the applicant proposed to plant vines to grow on the chain link fence.

Since there was no appeal of the PC approval of the home, Resolution 10-2010 PC stood as the primary approval of the project, with the required findings and conditions of approval. The purpose of the meeting was for the DRB to review the landscaping plan in compliance with condition 1 of Resolution 10-2010 PC. The applicant had not provided a landscape irrigation plan or noted the type of irrigation controller. These details could be added to the building permit plan set after the modifications to the access easement had been resolved and the choice of planting materials had been approved.

Staff recommended approval of the application and a draft action memorandum was prepared with recommended conditions of approval. Depending on the testimony from neighbors, some additional conditions could be added to the draft action memorandum to address any specific landscaping issues.

Dan Wood explained that he and his wife, Julie, resided at 4 Corte Santa Clara and intended to move into the house at 120 Moraga Road after it was built. The Moraga-Orinda Fire District required the driveway to be widened to 16-feet which added to the complexity of the project because of the easement's location relative to the neighbors. He preferred to install landscaping as opposed to fencing both sides of the driveway. His neighbor, Claude Persons, had proposed the idea of moving the driveway easement which would allow the neighbors to keep their existing fences and retaining walls. He presented his landscape/site drawings describing the proposed plantings and detailing the location of the easement and the driveway. He believed his proposed landscape plan mitigated the impact on the neighbors.

Boardmember Glover wanted to know size of the trees that were going to be planted.

Mr. Wood replied that he was probably going to plant 15 gallon trees since they tended to establish easily.

Chair Sayles referred to Design Guideline SFR1.11 which stated that '*single family homes should have a near level area of at least 25-feet by 40-feet other than the front yard for usable yard area*' and wanted to know where it was on the

plans. He said that the level areas could not be in the front yard. He thought the front yard was where a person drove their car.

Mr. Wood answered that Town staff had reassured him that he had met that guideline given the various flat areas and minimal slope areas on the property. He wanted to know what constituted a front yard.

Mr. Chamberlain clarified that the Town did not define the front yard for flag lots like other cities did. This had always been a problem because any side could be considered the front. Typically that guideline did not apply to houses on hillside lots; only to padded lots. He considered 120 Moraga Road a hillside lot.

Claude Persons, 3763 Via Granada, assumed that Mr. Wood's project would meet all of the Town's Design Guidelines and ordinances and that there would be no favors.

Selma Mirante, 126 Moraga Road, voiced two concerns: one regarding the installation of irrigation for the plantings and the other regarding the drainage of water. She wanted to know how the widening of the road was going to affect her property and what the drainage impacts were going to be. She hoped the widening would not impact her redwood trees at the bottom of the driveway near Moraga Road. The proposed plantings were not adequate for her and questioned the shrub plantings between the existing pine trees. She thought 15 gallon trees were not mature enough and favored a fence along the easement. She concurred with Mr. Persons in that no exceptions should be given to the applicant.

Mr. Wood pointed out the trees on Ms. Mirante's property and the location of other trees in the easement.

Boardmember Kline noticed that the draft action memorandum did not include the usual language on trees (i.e. size of planting hole for increasing fertilizer, etc.). He wanted to know how the DRB felt about planting trees that were larger than 15 gallon.

Chair Sayles thought it was good to mix the plant sizes. He was concerned about the spacing of plants and if they were going to be sufficient enough to provide privacy within 4 years. He wanted to add to the draft action memorandum that the plantings would need to achieve a privacy density within no more than 3 years.

Boardmember Kline reiterated that irrigation would need to be included in the landscaping plans prior to submittal to the building department. He raised the issue of drainage and wanted to know how the driveway was going to drain.

Mr. Wood answered that it would drain the same way it always had. He pointed out the drainage pattern on the driveway and noted that the proposed plants were minimal water plants.

Boardmember Kuckuk clarified that the chain link fence along the east property line at 120 Moraga Road was going to have 9 vines planted on it. The vines, along with the existing pines, seemed like they would provide a reasonable screen for the home at 132 Moraga Road. She thought the trees on the slope at the east side of the home were a poor choice. The California Buckeye looked dead in the summer and recommended replacing it with a tall deciduous tree like the California Sycamore or another type of native tree listed in the Design Guidelines. Sheet L1, which showed the lower portion of the driveway, only provided the quantity of plantings and not the container sizes; that would need to be addressed in a condition. The home at 126 Moraga Road was impacted by the driveway. She did not favor fences because they created a walled effect and were not in keeping with the Town's semi rural character but since there was a privacy issue there she suggested a 5-foot fence on the north side of the property line at 126 Moraga Road.

Chair Sayles said it was a good suggestion because it would provide an immediate result.

Ms. Mirante informed the Board that she liked Boardmember Kuckuk's idea of a 5-foot fence.

Mr. Wood suggested starting the 100-foot of fencing beyond the redwood trees and having a combination of fence and plantings.

Kevin Johnson, 132 Moraga Road, wanted to know if the height of the existing 6-foot chain link fence was going to be affected. He preferred the 6-foot buffer.

Chair Sayles replied that no changes had been discussed for that fence.

The DRB discussed possible conditions of approval and the issue of the existing pine trees interfering with the maturity of the proposed landscaping.

Mr. Persons stated that he had no clue as to whose trees the Canary Island Pines belonged to.

Mr. Wood explained that he would be willing to install fencing and landscaping if the Persons and the Mirantes were willing to remove the pine trees.

Mr. Persons remarked that he was not going to take down the pine trees in order to mitigate the impact to the other neighbors. He did not want incur any more expenses than he had to. He planned to install a tall fence to mitigate the impact of the driveway on his property.

Boardmember Glover reminded the DRB that they needed to be careful not to act as mediators in this dispute. Proposals were put before them so they could judge whether they met the Town's standards or not and if an exception was warranted.

Mr. Wood suggested going back to the original landscape plan which was before the DRB that evening. He had hired a professional landscape architect who designed the plan around the existing pine trees to mitigate the impact of the driveway. The architect was not in attendance since no questions had been asked of her at the last two meetings.

Ms. Mirante revisited the subject of the pine trees. She wanted to know how the plantings were going to survive and mature under the pine trees and how the plantings were going to mitigate the impact to her property.

Boardmember Kline suggested going back to plan A and adding language to the conditions of approval.

Boardmember Kuckuk said the plan mitigated the larger driveway. A better visual barrier for the home at 126 Moraga Road would have been a wood fence but there were obstacles to that. She was willing to support the plan as presented without additional fencing.

Chair Sayles agreed with Boardmember Kuckuk saying that the fence would be hard to accomplish since 15 trees were in the way.

Boardmember Kline wanted to make sure that the language on tree size, the achievement of a privacy hedge, and the replacement of the California Buckeye with a California Sycamore or other native tree were going to be included in the conditions of approval.

Boardmember Kuckuk added the condition that all plantings were to be within the boundary of the modified easement as shown on the display plans.

Chair Sayles recommended that a landscape maintenance agreement also be added to the conditions.

On motion by Boardmember Kuckuk, seconded by Boardmember Kline, to adopt the Draft Action Memorandum approving DRB 08-2010 for 120 Moraga Road, subject to the findings and conditions as shown, and, subject to the following edited conditions and additional conditions below:

1. *The landscape planting plans submitted with the building permit shall be substantially in compliance with the plans submitted to the Design Review Board and stamped "Official Exhibit" for the February 28, 2011 meeting.*

*Any significant revisions to the plans will require re-submittal to the Board, except for the changes to the plans listed below, which shall be subject to review and approval by the planning staff.*

2. *The proposed shrubs and tree along the south and east sides of the access easement adjacent to property lines of 126 Moraga Road shall meet the following performance specifications:*
  - a. *The new plants shall reach a minimum height of 5-feet within three (3) years to achieve a privacy screen or hedge.*
  - b. *If the project landscape architect believes the shrubs and trees, proposed on sheet L1 of the landscape plans, cannot achieve the above performance standard due to the shade from the seven (7) existing Canary Island Pines and/or soil conditions in the area, the landscape architect may select suitable plants to meet the above performance standard.*
  
3. *The six (6) California Buckeye trees proposed on the slope at the east side of the new home were deemed unsuitable as a “scenic corridor” tree since they turn brown and lose their leaves in late summer. An alternative tree shall be selected by the project landscape architect from the native tree list in Appendix A of the Town’s Design Guidelines. One suggestion was the California Sycamore ‘Platanus racemosa’. The proposed replacement tree is subject to planning staff approval.*
  
4. *The landscape plans shall note that “All planting is to be located within the property boundaries of 120 Moraga Road or within the modified access easement area as shown on the plans submitted to the DRB and stamped “official Exhibit” for the February 28th meeting.”*
  
5. *The planting specifications on the landscaping plans shall include the following requirements:*
  - a. *The minimum planting size of the new trees shall be 15 gallon size in order to have an immediate visual impact.*
  - b. *Each new tree shall have soil amendment added around the tree equal to four (4) times the volume of the planting size of the container or root “ball” to enhance the growth rate of the trees.*
  - c. *New shrubs within the access easement shall be 5 gallon size to achieve the performance standard listed under condition 2.a., above.*
  - d. *All new plants shall be drought tolerant in compliance with Design Guideline L2.4.*
  
6. *The landscaping plans submitted with the building permit shall include landscaping irrigation plans in accordance with Design Guideline L1.3.*

7. *As required by condition number 7 from Planning Commission Resolution No. 10-2010 and design guideline L2.2, the irrigation system shall include an automatic rain shut-off controller device.*
8. *A landscape maintenance agreement shall be recorded prior to the final inspection for the new home to guarantee maintenance of the approved landscaping by the current and future owners of the property. The landscape maintenance agreement shall also require replacement of landscaping that dies.*

The motion carried by the following vote:

Ayes: Boardmembers Glover, Kline, Kuckuk, Sayles, Zhu  
Noes: None  
Abstain: None  
Absent: None

Chair Sayles identified the ten 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**

### **A. PLANNING COMMISSION LIAISON REPORT – Commissioner Wykle**

Planning Commissioner Wykle reported that on February 7, 2011 the PC heard a draft medical marijuana ordinance prohibiting the establishment and operation of medical marijuana dispensaries and the outside cultivation of marijuana in Town. They also had a study session on the proposed subdivision of Town-owned property located at Rheem Boulevard and St. Mary's Road. On February 22, 2011 the PC approved a temporary AT&T Cellular Site on Wheels (COW) facility at St. Mary's College.

### **B. ADOPTION OF THE CONSENT AGENDA**

#### **A. APPROVAL OF MINUTES for January 31, 2011**

Boardmember Kline requested that the third paragraph on page 6 should be amended to read as follows:

*Boardmember Kline liked the project but saw four issues with it. The first was street traffic which had been discussed. He, too, favored a median strip. Second, parking which was also covered except that some people used garages as storage which could contribute to the overflow parking. Third, was the scenic corridor. Moraga Road currently did not have three*

*story buildings and all second story buildings were second story setback across the whole facade. He also believed the proposed modern style alternative design contrasted with the existing Spanish style architecture and that it would not look favorable in the scenic corridor. Fourth, landscaping including the rear where units facing the storage facility had terrible views which should be softened with more trees.*

On motion by Boardmember Glover, seconded by Boardmember Kline to approve the minutes for the January 31, 2011 meeting, as amended. The motion carried by the following vote:

Ayes:	Boardmembers Glover, Kline, Kuckuk, Sayles, Zhu
Noes:	None
Abstain:	None
Absent:	None

#### **VIII. STAFF REPORT**

Mr. Chamberlain reported that the March 14, 2011 DRB meeting had two possible agenda items. These items included a proposed PG&E vault at St. Mary's Road near the trail parking lot and proposed site changes for the new home at 226 Rheem Boulevard. Other upcoming DRB items included plans for a new home at 1800 Donald Drive and revised house plans for 10 Kimberley Drive.

#### **IX. BOARDMEMBER REPORTS**

Boardmember Glover reported that this was his last DRB meeting and thanked his fellow Board members and the Planning staff for all of their support and hard work.

#### **X. ADJOURNMENT**

On motion by Boardmember Glover, seconded by Boardmember Kuckuk to adjourn the meeting at approximately 8:56 P.M. to a regular meeting of the DRB on Monday, March 14, 2011 at 7:00 P.M. in the Moraga Library Meeting Room located at 1500 Saint Mary's Road, Moraga, CA 94556.

A Certified Correct Minutes Copy

Secretary of the Planning Commission