

**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

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.

A Certified Correct Minutes Copy

Secretary of the Planning Commission