

D e s i g n R e v i e w
B o a r d

S t a f f R e p o r t

FOR BOARD ACTION
January 23, 2012

312 Rheem Boulevard

DRB-12-11 to allow construction of a new five and one-half foot (5½') tall wood fence, pedestrian gate, and black metal vehicular gate along a scenic corridor. The fence would be located approximately one foot (1') from the front property line. The top one foot (1') of the fence would be vertical wood lattice, and the bottom four and one-half feet (4 ½') of the fence would be solid wood. The vehicular gate would be located at the driveway nine feet (9') from the front property line. (2-DUA, K.S.)

I. Application Basics

A. Zoning Permits Required:

- i Design Review for a fence measuring three feet or more in height within 500 feet of, and visible from, a major scenic corridor, under MMC Section 8.132.040

B. CEQA Determination: Categorically exempt pursuant to Section 15303(e) of the CEQA Guidelines (Class 3, New Construction or Conversion of Small Structures).

C. Parties Involved:

- i Applicant/Owner Scott Pertel, 312 Rheem Boulevard, Moraga, CA, 94556

Figure 1: Vicinity Map



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Detached single family residence	Zone 2, Two Dwelling Units per Acre	Residential 2 du/ac
Surrounding Properties	North	Detached single family residence; Open Space beyond	Zone 2, Two Dwelling Units per Acre	Residential 2 du/ac
	South	Common area for multifamily residences; Attached multifamily residences beyond	Zone 6, Six Dwelling Units per Acre	Residential 6 du/ac
	East	Detached single family residence; multifamily residences and Suburban Office beyond	Zone 2, Two Dwelling Units per Acre	Residential 2 du/ac
	West	Detached single family residence; detached single family residences beyond	Zone 2, Two Dwelling Units per Acre	Residential 2 du/ac

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Oak Trees	Yes	There are two existing oak trees in front of the property within the right-of-way along Rheem Boulevard. The proposed fence would be located behind the trees which are to remain untouched.
Scenic Corridor	Yes	The subject property is located on the Rheem Boulevard Scenic Corridor. Structures more than 3 feet in height that are visible from a scenic corridor are subject to review by the Design Review Board.

Table 3: Project Chronology

Date	Action
September 27, 2011	Initial application submitted
November 14, 2011	Design Review Board meeting
November 17, 2011	Revised plans submitted
December 12, 2011	Design Review Board meeting
December 19, 2011	Survey submitted
January 9, 2012	Application deemed complete
January 13, 2012	Public meeting notices mailed/posted
January 23, 2012	Design Review Board meeting
March 9, 2012	PSA deadline ¹

¹ Project must be approved or denied within 60 days after being deemed complete if exempt from CEQA, or 60 days after adoption of a negative declaration, or 180 days after adoption of an EIR (Govt. Code Section 65950).

Table 4: Development Standards

Standard MMC §8.28.030		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		36,750 sq. ft.	No change	36,750 sq. ft.	20,000 sq. ft.
Gross Floor Area (sq. ft.)		2,492 sq. ft.	No change	2,492 sq. ft.	No maximum floor area
Building Height	Stories	One story	No change	One story	One or two stories
Building Setbacks (ft.)	Front	35 feet	No change	35 feet	20 feet
	Rear	200+ feet	No change	200+ feet	20 feet
	Side	15 feet	No change	15 feet	10 feet
	Sum of Sides	30+ feet	No change	30+ feet	25 feet
Lot Coverage (%)		6.8%	No change	6.8%	33%
Parking	Automobile	2 covered off-street parking spaces	No change	2 covered off-street parking spaces	2 covered off-street parking spaces

II. Project Setting

A. Neighborhood/Area Description:

Rheem Boulevard, which extends from Orinda to St. Mary's Road, is one of the Town's main arterials and designated scenic corridors. The project site is located on the northwest stretch of Rheem Boulevard between the Orinda border and Moraga Road. Landscaping and detached single family residences on large narrow lots line most of this portion of the street while the portion closer to the downtown area contains apartment complexes, offices and businesses. Several residences on the northwest stretch Rheem Boulevard have fences higher than three feet (3') in the front yard. 253 Rheem Boulevard and 256 Rheem Boulevard both have white picket fences. 254 Rheem Boulevard has an older solid wood fence that predates the 2002 adoption of the General Plan. There are also a number of residences that have black wrought iron vehicular gates higher than three feet (3') across their driveways. These homes include 224 Rheem Boulevard, 226 Rheem Boulevard, 261 Rheem Boulevard, 263 Rheem Boulevard and 280 Rheem Boulevard. These existing vehicular gates are visually permeable allowing visibility and a sense of openness.

B. Site Conditions:

The subject property is a narrow rectangular shaped lot on the south side of Rheem Boulevard. The existing one-story residence was built in 1955 and is set back 35 feet from the front property line and 49 feet back from the edge of pavement. The project site has a front yard with a stone walk leading up to the entry and a concrete driveway leading to the attached two car garage. There is a three-foot (3') high concrete block wall with a set of four concrete block steps approximately nine feet from the front property line that runs the length of the front yard. Moderate landscaping, including a number of trees and shrubs, grows along the front of the property.

C. Background:

The applicant originally proposed constructing a 6-foot tall solid wood fence along Rheem Boulevard with a setback that varied from one foot (1') to seven feet (7') from the front property line. The original proposal also included a 6-foot tall black metal vehicular gate along the driveway, set back nine feet (9') from the front property line. The purpose of the project was to provide safety and security for the applicant's young children. Fences or walls higher than three feet (3') within a front yard or exterior side yard setback area require approval from the Zoning Administrator. In addition, the project is subject to review by the Design Review Board (DRB) because it exceeds three feet (3') in height within a twenty foot (20') front yard setback in a scenic corridor.

The DRB considered this proposal at its November 14, 2011 meeting. The staff report outlined several issues with the proposal, including its inconsistency with the General Plan by detracting from the visual character of the scenic corridor, its creation of a "walled effect" on the scenic corridor, and its construction of two different materials. Staff recommended the DRB require a minimum front yard setback of ten feet (10') for the fence and fifteen feet (15') for the vehicular gate to address these issues.

The DRB acknowledged the applicant's need for a fence but noted the design created a walled effect. Other comments included the following:

- i Fence looked like a backyard fence instead of a front yard fence; suggested a design where the fence could be solid up to a certain height with lattice on top;
- i Fence should match the gate; a black metal fence would provide the desired security while providing transparency;
- i Fence required additional landscaping to screen it;
- i Vehicular gate was durable, broke the fence line, and allowed permeability;
- i Existing landscaping should be retained and any new fence should include vines;
- i Question about where additional landscaping would go because the area was already well landscaped;
- i Site plan was needed that showed accurate dimensions and the fence and gate set back from the front property line not the middle of the road. If the street was ever widened in the future then the fence and landscaping would need to be moved back; and
- i Survey was needed to verify the location of the front property line.

After considerable discussion, the DRB found they were not ready to make a decision and wanted the applicant to come back with revised plans. The project was continued to the December 12, 2011 DRB meeting with the following direction:

- i Provide a survey; and
- i Provide an additional two foot (2') setback from the front property line if the fence remains solid and provide a landscaping plan; OR

- i Re-design the fence to provide thirty percent (30%) permeability if the fence remains within one foot (1') of the front property line.

On November 17, 2011, the applicant submitted revised plans without a survey for the December 12, 2011 DRB meeting. Staff re-stated the DRB's direction several times, via phone calls and emails; however, the applicant did not obtain a survey and requested the DRB consider his revised plans at its December 12, 2011 meeting without a survey. On December 6, 2011, the applicant notified staff that he ordered a survey of the property.

At the December 12, 2011 DRB meeting, staff recommended continuance of the project to the next DRB meeting since a survey had not yet been obtained. The DRB continued the project to their January 23, 2012 meeting to allow the applicant to submit a survey and make further refinements to the plans.

III. Revised Project Description

On December 19, 2011, the applicant submitted a survey and on January 9, 2012 submitted a revised site plan. Based on the DRB's comments, the applicant lowered the fence one half of a foot and redesigned it to include one foot of vertical latticing at the top to add permeability. The proposed fence would now measure five and one-half feet (5 ½') and would be located one foot (1') behind the front property line. Four and one-half feet (4 ½') of the fence would be solid wood and the top one foot (1') of the fence would have vertical wood lattice, resulting in approximately 20% permeability compared to the original proposal. The applicant proposes to plant vines on both sides of the fence and requests the DRB's input for the species and/or type. All other features would remain, including a matching pedestrian gate for access to and from the front yard and would be connected to a vehicular gate. The applicant also proposes a five and one-half-foot (5½') vehicular gate across the driveway nine feet (9') behind the front property line. It would be constructed of metal in the Astoria style and painted black.

IV. Community Discussion

A. Neighbor/Community Concerns:

As required by MMC §8.72.130(A)(1), notices of the project were mailed to all property owners within 300 feet of the subject property on January 13, 2012 for the January 23, 2012 DRB meeting. The Town received correspondence from two members of the public regarding the fence (Attachment D).

V. Issues and Analysis

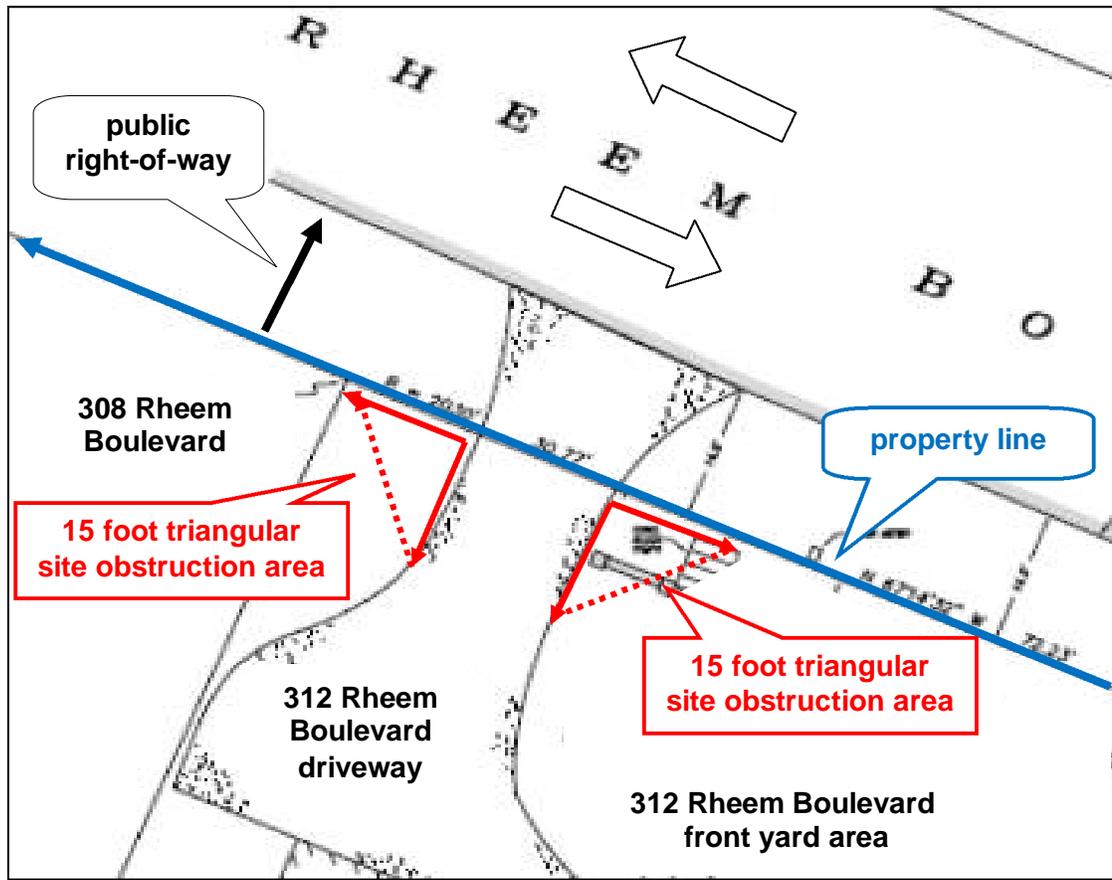
A. Key Issues:

1. DRB Comments/Direction: The revised proposal does not propose any changes to the vehicular gate, other than height. The location (nine feet from the front property line) and design (black metal tubing) would remain the same. The fence does not fully comply with the DRB's direction because the reduced height and

vertical lattice changes result in less than 20% permeability, not 30% as previously requested. Four and a half feet (4½') of the fence remains solid wood. The fence also remains within one foot of the front property line. Other than planting vines on both sides of the fence, no new landscaping is proposed.

2. Fences in Front Setbacks: MMC §8.68.040-A (Fences in Front and Exterior Side Yard Setback Areas) requires the Zoning Administrator to consider whether the design and location of a fence higher than three feet in a front yard:
 - i Is aesthetically compatible in the neighborhood; and
 - i Does not create sight obstructions as set forth in MMC §8.80.010.General Plan policies and Design Guidelines both address aesthetics, particularly related to the “walled effect” that would result from a solid wood fence. In addition, a minimal setback for a five and one-half foot (5½') fence could present an aesthetics issue if additional solid fences were constructed along the scenic corridor.
3. Sight Obstructions: MMC §8.80.010(B) states that visibility is obstructed if a sign, fence, structure or vegetation is higher than three feet (3') and located within the 15-foot triangular sight obstruction area at the intersection of a street and a driveway (Figure 5). The proposed fence would be more than three feet (3') in height and located within the 15-foot triangular sight obstruction area at the intersection of the street and driveway. Visibility would not be obstructed in this 15-foot sight obstruction area if the fence tapered to 3 feet in height or was more permeable. In the public right-of-way, there is a large pine tree on the right side of the driveway and a clump of tall trees on the left side of the driveway, all of which are located in front of the 15 foot triangular sight obstruction area.

Figure 5:



4. Scenic Corridor: MMC §8.132.050 (Development Guidelines) specifies that improvements shall not “create a walled effect along a scenic corridor.” The five and a half foot (5 ½’) tall fence within one foot of the property line would create a walled effect along the Rheem Boulevard scenic corridor. The fence would not be compatible with the surrounding neighborhood because the existing fences are set further back from the front property lines and are visually permeable. Staff recommends placing the fence along the 3-foot high concrete wall (9 feet from the front property line) so that distance between the public right-of-way and the structure is maintained and visual impact of the fence is minimized.

B. Required Findings:

Planning Commission Resolution 16-01 (Resolution Specifying the Criteria for Design Review for Single-Family Residential Improvements at Each Level of Review as Required by Moraga Municipal Code §8.72.050) lists four standards that must be used to review an application in a single-family residential district, as follows:

1. **The proposed improvements conform with good design as set forth in the Town of Moraga Design Guidelines, and in general contributes to the character and image of the town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality.**

Staff Analysis: The proposed 5½ foot fence would create a walled effect along Rheem Boulevard because it would be located one foot from the front property line. Condition #1 requires the fence to be set back nine feet (9') from the front property line, in front of the existing 3-foot tall concrete block wall. This would minimize a walled effect on the scenic corridor and preserve the semi-rural character and vistas of the Town.

- 2. The proposed improvements will not have a substantial adverse effect 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.**

Staff Analysis: The proposed fence would be different from the existing fences because it would be located within one foot (1') of the front property line and the public right-of-way, and it would be mostly solid wood allowing minimal permeability. The existing landscaping in front of the property would help to soften the fence and planting vines on the exterior side of the fence would provide additional screening. However, the net effect would introduce a walled element that currently does not exist along the scenic corridor.

- 3. The proposed improvements 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.**

Staff Analysis: The proposed fence and vehicular gate would provide privacy and increase the property value for the homeowners. However, the proposed design and location of fence would set a precedent and could diminish the visual character of the scenic corridor. In addition, the structure's 35-foot front yard setback significantly exceeds the minimum front yard setback required. Setting the fence back nine feet (9') from the property line, as required by Condition #1, would provide a 26' wide front yard between the front of the structure and the fence.

- 4. The proposed improvements will not impair public health, safety or welfare.**

Staff Analysis: The proposed fence and vehicular gate would not block signage or create sight obstructions for traffic along Rheem Boulevard. The project would restrict access to and from the property and discourage would be intruders. The design of the proposed fence, however, would allow limited visibility in and out of the property.

C. General Plan Consistency:

General Plan Policy Analysis: The 2002 General Plan contains the applicable policy:

Policy CD3.2–Visual Character: Improve the visual character along Scenic Corridors with lighting, landscaping and signage.

Staff Analysis: The previous owner improved the view of the site from the street by maintaining the trees that grow in front of the property and planting 22 shrubs in front of the property along the property line. In addition to preserving the landscaping already in place, the applicant intends to grow vines on the interior and exterior sides of the proposed fence in order to help screen it. However, the proposal is not improving the visual character of the scenic corridor but detracting from it with a solid five and one half foot (5 ½') tall fence. A nine-foot (9') setback from the property line would diminish the fence's visual effect and provide additional area for landscape screening.

VI. Alternatives

The Design Review Board has the following options:

1. Deny the project with or without prejudice because the required findings cannot be made; or
2. Approve the project with conditions as presented in the draft Action Memorandum.

VII. Recommendation

Staff recommends the Design Review Board APPROVE the attached draft Action Memorandum approving DRB-12-11 pursuant to MMC Section 8.132.040 subject to conditions of approval (Attachment A).

Attachments:

- A. Draft Action Memorandum
- B. Survey and Project Plans
- C. Applicant's Statement*

*Note: At the time the statement was written, the applicant was proposing a 3-foot 4-inch setback from the front property line and the fence (first page, second paragraph from the bottom); however, procuring the survey since then, the applicant now proposes a 1-foot setback from the front property line and the fence.

- D. Correspondence Received
 1. Victor Smith, January 19, 2012
 2. Margaret and Thomas Wright, December 5, 2011
 3. Victor and Frances Smith, November 7, 2011
- E. Design Aspects

Staff Planner: Kelly Suronen, ksuronen@moraga.ca.us, (925) 888-7041

Reviewed by: Shawna Brekke-Read, sread@moraga.ca.us, (925) 888-7040

ATTACHMENT A

DRAFT ACTION MEMO



Town of Moraga

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

DESIGN REVIEW BOARD ACTION MEMORANDUM

On January 23, 2012, the Town of Moraga Design Review Board considered the application described below:

DRB-12-11 – Scott Pertel (Applicant / Owner) 312 Rheem Boulevard:

Application to allow construction of a five and one-half foot (5½') tall wood fence, pedestrian gate, and black metal vehicular gate along a scenic corridor. The fence would be located approximately one foot (1') from the front property line. The top one foot (1') of the fence would be vertical wood lattice, and the bottom four and one-half feet (4 ½') of the fence would be solid wood. The vehicular gate would be located at the driveway nine feet (9') from the front property line.

DESIGN REVIEW BOARD ACTION:

The Design Review Board hereby grants approval of the project at 312 Rheem Boulevard in accordance with the findings, modifications, and conditions of approval listed below.

PART 1: DESIGN REVIEW FINDINGS:

The following findings are required in accordance with Planning Commission Resolution 16-01 in order for the Design Review Board to approve an application within a single-family residential district:

- 1. The proposed improvements conform with good design as set forth in the Town of Moraga Design Guidelines, and in general contributes to the character and image of the town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality** because the fence will be set back 9 feet from the front property line (in front of the existing 3-foot tall concrete block wall) minimizing the potential for a walled effect on the scenic corridor and allowing for more views of the front yard area.
- 2. The proposed improvements 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 fence will be located a significant distance away from the front property line and public right-of-way. The existing landscaping in front of the property will help screen the fence line and planting vines on the exterior side of the fence will provide additional screening.

3. **The proposed improvements 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 fence and vehicular gate will provide privacy and increase the property value for the homeowners and because setting the fence back nine feet (9') from the front property line will preserve the scenic and semi-rural appearance of Rheem Boulevard.
4. **The proposed improvements will not impair public health, safety or welfare** because the fence and vehicular gate will not block signage or create sight obstructions for traffic along Rheem Boulevard. The project will restrict access to and from the property and discourage intruders.

PART 2: CONDITIONS OF APPROVAL:

1. The fence shall be located in front of the existing 3-foot concrete block wall (approximately 9 feet from the front property line).
2. Vines shall be planted on the exterior side of the fence. Existing landscaping (including the trees and shrubs) and the vines shall be maintained.
3. The plans to construct a new fence and vehicular gate at 312 Rheem Boulevard shall be substantially in accordance with the plans approved by the DRB on January 23, 2012, as amended through these conditions of approval. Any significant changes to the design of the fence and vehicular gate shall be subject to further DRB approval.
4. The applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.
5. Construction hours are from 8 A.M. to 5 P.M. seven days a week.
6. The work site shall be cleared of all construction materials, debris, tools, etc. upon completion of the project.
7. The fence and gate shall be kept up and maintained in a secure and safe condition.
8. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one 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.

Design Review Board action is appealable to the Planning Commission within ten (10) calendar days after the date of the decision. Questions or concerns regarding the action of the Board can be directed to the Planning Department at (925) 888-7040.

ATTACHMENT B
SURVEY AND PROJECT PLANS

ATTACHMENT C

APPLICANT'S STATEMENT

312 Rheem Blvd – Fence Application | 2011

To Moraga Planning Department and Design Review Board:

I would like to thank each of you for your time in reviewing my application and thought into creating a fence that will work well along the scenic corridor. As mentioned in our hearing, I have put a great deal of time and thought into creating a fence that will first and foremost accomplish our main objective of safety and secondly be appealing to both the community and my family.

I believe we made some great progress on Monday night. Each of you have put a great deal of thought into the fence, and I am confident the outcome will be wonderful. There were a numbers of ideas brought up that both challenged our thought and gave us new ideas.

Since our meeting, I have spent much time thinking about changes to the fence that will not only meet your requests, but most importantly add to the look and feel of the fence. I thank you for challenging our thought.

I was given two options as resolutions to get approval for the fence. The options are stated as follows:

- 6 foot fence with 30% or more permeability in the current proposed location.
- A solid 6 foot fence set 2-feet back from the front property line with additional landscaping between the fence and the property line area (landscaping plan required).

In creating our new design, I have taken comments from our session and incorporated them into the new design.

New Design

I heard concern over the height of the fence a few times during the discussion. Although not required per your requests, I have lowered the fence from 6 feet to 5.5 feet. To enhance the permeability of the fence, I have also chosen to add spaced vertical lattice work for the top 1 foot of the fence, bringing the height of the board on board section down to 4.5 feet. This idea was derived from Christine's idea of having both the gate and fence match. The addition of the 1 foot vertical lattice at the top of the fence will provide cohesiveness between with fence and gate. I will also be lowering the pedestrian gate and the drive gate to 5.5 feet at peak.

This brings me to the placement of the fence. It was clear that there was a desire to have the fence setback 2 feet from the property line. I have decided to bring the fence back 3 feet and 4 inches. This makes the fence flush with the pedestrian gate, as noted in the revised site plan.

Lastly, to address the desire for landscaping, I will be planting vines on both the exterior and interior of the fence. As I am not an expert, I will look to the DRB for suggestions of what type of vine works well in this climate.

312 Rheem Blvd – Fence Application | 2011

In summary, I have provided additional permeability to the fence by not only lowering the gate 6 inches but by using vertical latticing for the top 1 foot of the fence. This 1.5 feet of height reduction and permeability is 25% of the total original proposed fence height of 6 feet. I have also moved the fence back from the requested 2 feet to a depth of 3 feet 4 inches behind the property line. I have attempted to address each concern separately with my new design in hopes that we can reach approval.

Lastly, I would like to address the matter of having a survey done. It was stated in the meeting by Jim that a survey is a simple and cheap thing to get, only costing \$70.00. In following up with him, that pricing was in-fact \$700.00 in 2004. I have been in touch with a number of surveyors and am being told a survey will cost between \$1,200 and \$1,500. As I am already taking on significant application costs of \$2050.00 and cost to build my fence and gate of \$16,082.00, both my wife and I would be extremely grateful if we can avoid being required to get a survey complete. I believe by increasing the setback from the property line 3 feet 4 inches, I have allowed for ample room for any discrepancy in the future. I ask you to consider my request to have that requirement removed from my approval process.

I welcome any additional comment or question.

Regards,



Scott Pertel
312 Rheem Blvd, Moraga
415-606-8627 – cell
415-625-2191 – work

ATTACHMENT D
CORRESPONDENCE RECEIVED



Mr Victor Smith
1933 Ascot Dr
Moraga CA 94556

JAN 17, 2012

RECEIVED

JAN 19 2012

MORAGA PLANNING DEPT.

PLANNING DEPT.
329 RHEEM BLVD
MORAGA, CA 94556

RE: 312 RHEEM BLVD.

THE PROPOSED 5 1/2 FOOT HIGH FENCE
ONE FOOT FROM THE FRONT PROPERTY LINE
SHOULD NOT BE APPROVED.

IT WOULD STILL LOOK LIKE A WALL,
COMPLETELY OUT OF PLACE IN THIS
SECTION OF RHEEM BLVD.

I SUGGEST MR. PERTEL USE PLANTS
INSTEAD OF A WALL.

THANK YOU,

Victor D Smith

Margaret & Thomas Wright
308 Rheem Blvd, Moraga, CA 94556

December 5, 2011

Emailed to: planning@moraga.ca.us

Town of Moraga
Planning Department
329 Rheem Blvd.
Moraga, CA 94556

RE: 312 Rheem- design review for DRB- 12-11 (APN: 255-110-005)

To whom it may concern;

We live on the west side of the applicant's property.

We are not opposed to a structure which provides our neighbor with additional security and safety, however we feel the proposed solid wooden structure is not consistent with the appearance of the Moraga Rheem corridor, and even at 5 ½ feet it seems unnecessarily high. Our first impression was that it would not be objectionable if the black metal Asturia-style structure were extended the full length of the design. This would be less obtrusive in appearance, and provide the desired security.

There has been no mention or request of lateral fencing (running north to south) at the front-sides of the property, and ***we are not agreeable to a fence placed directly on our property line.***

Sincerely,

Margaret & Thomas Wright

RECEIVED

NOV 7 2011



Mr & Mrs Victor Smith
1933 Ascot Dr
Moraga CA 94556-1412

MORAGA PLANNING DEPT.

Nov. 6, 2011

PLANNING DEPT.
329 RHEEM BOULEVARD
MORAGA, CA 94556

REGARDING THE PROPOSED 6-FOOT
HIGH FENCE ALONG THE FRONT OF
312 RHEEM BLVD.:

AFTER VISITING + STUDYING THE PROPERTY
WE DECIDED

1. IT WOULD BE A 'WALL' THAT WOULD
BE UGLY IN APPEARANCE.
2. NOT IN ACCORDANCE WITH OTHERS
IN THE AREA.

WE SUGGEST THE OWNER USE PLANTS
FOR SCREENING, NOISE ABATEMENT.

RESPECTFULLY,

Victor D Smith
Maureen A. Smith

ATTACHMENT E

DESIGN ASPECTS

DESIGN ASPECTS TO BE CONSIDERED:

Planning Commission Resolution 16-01 (Resolution Specifying the Criteria for Design Review for Single-Family Residential Improvements at Each Level of Review as Required by Moraga Municipal Code Section 8.72.050) directs the Design Review Board to address design aspects of a proposal in a single family district as applicable. The following aspects shall be considered:

- 1. Maximum height, lot coverage and setbacks.** The building setbacks for the 2-DUA (two dwelling units per acre) zoning district apply to buildings and structures not to fences. Lot coverage does not apply to the project because no new buildings are proposed. Fences higher than 3 feet within the front or exterior side yards require approval from the Zoning Administrator (MMC 8.68.040-A). Fences higher than 3 feet in a scenic corridor require approval from the Design Review Board (MMC Section 8.132.040-A.3).
- 2. Overall mass and bulk of structures.** The height and location of the proposed fence would create a noticeable structure along the scenic corridor.
- 3. Special features of the project, such as fences and walls.** As stated previously, the project involves the construction of a 5½ -foot tall fence and vehicular gate within the 20-foot front yard setback. The property contains an existing 3-foot concrete block wall located 9 feet back from the front property line. The proposed fence should be in line with the existing wall so that the property is not defined by a series of barriers (the vehicular gate is proposed to be in line with the concrete wall).
- 4. Effective concealment and sound attenuation of exposed mechanical and electrical equipment.** The proposed fence would not include any mechanical or electrical equipment. The proposed vehicular gate would include the installation of underground mechanical and electrical equipment. The gate could generate some noise when it opens and closes.
- 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 proposed fence and pedestrian gate would be constructed of western red cedar wood and the proposed Astoria style drive gate would be made of steel tube and painted black. The two different colors and materials would present a mixed design combination.
- 6. Avoidance of repetition of identical entities whenever possible.** The proposed fence and vehicular gate would not duplicate other frontages along the Rheem Boulevard scenic corridor.
- 7. Harmonious relationship with existing and proposed adjoining developments, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted.** The proposed fence and vehicular gate would not duplicate existing screening in the area and would have complementing designs. Harmony with the adjoining properties, however, could be impacted due to the fence's enclosure of the property.

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.** There are 10 trees (including one pine tree and three oak trees) and 22 shrubs that border the property and line the street. In addition to the existing landscaping, the applicant proposes to plant vines on both sides of the fence.

9. **Compliance with Chapter 8.132 (Scenic Corridors).** See guidelines listed below:

1. *The design and location of each building and landscaping 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.*

No new buildings are proposed. The existing landscaping is compatible with the surrounding environment and enhances the scenic nature of the area.

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.*

The height and placement of the proposed fence creates a walled effect along the scenic corridor. Since the fence would be 5 ½ feet in height it should be set farther back from the front property line. Condition #1 increases the setback to minimize the mass and bulk of the proposed fence.

3. *Existing topography, vegetation and scenic features of the site shall be retained and incorporated into the proposed development wherever possible. Manmade structures, as a visual element in the scenic corridor, should be secondary in importance to natural growth.*

The site's existing topography, landscaping, and scenic features would be retained. The proposed fence would create a new visual element on the scenic corridor. A greater setback from the front property line would expose more of the front yard area making it secondary in importance to natural growth.

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.*

As proposed the fence would create a walled effect along the scenic corridor because of its closeness to the street. A greater setback from the front property line would reduce its visual dominance and obstruction of scenic views.

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.*

Construction of the proposed fence one foot from the front property line would detract from the views and natural landscape of the scenic corridor. The existing sense of openness would be blocked. A greater setback would minimize the

prominence of the fence. The proposed fence, vehicular gate and landscaping would be maintained by the property owner (conditions #2 and #7).

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 to vegetation in conjunction with a low earth berm.*

The applicant proposes a fence rather than natural materials to screen the property. The existing landscaping along the front of the property creates a natural barrier. Instead of solid fencing, the applicant could plant more vegetation to create denser screening.

7. *Lighting shall be compatible in type, style and intensity to the surrounding elements and not cause undue or aggravating disruption, glare or brightness.*

No exterior lighting is proposed.

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.*

No grading is involved.

9. *The number of access points to and from the scenic corridor shall be minimized consistent with safety and circulation needs.*

No additional vehicular access would be provided. The proposed fence contains a pedestrian gate which would provide the homeowners and visitors access to the front yard.

10. *Parking on the scenic corridor roadways should be minimized.*

The project would not add any additional parking along the scenic corridor.

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.*

No trees or plantings would be removed for the project.

12. *In applying these guidelines, consideration shall be given to protecting the privacy and security requirements of individual property owners who seek approval for improvements under this chapter.*

In order to bring the project into compliance with the scenic corridor chapter, the fence should be set 9 feet back from the front property line (condition #1). Though the first 9 feet of the front yard area would be fenced off, the owner would still have

26 feet of front yard area. This greater setback would maintain the visual character of the scenic corridor while providing privacy and security for the property owners.

10. **Impact on neighboring properties.** Two neighbors have objected to the design of the proposed fence.
11. **Impact on public safety.** Part of the proposed fence would be located within the 15-foot triangular sight obstruction area at the driveway and street intersection and could have an impact on public safety.
12. **Harmony with the general plan, design review guidelines and floor area ratio guidelines.** The project is not in harmony with the General Plan in regards to enhancing the visual character of the scenic corridor because it creates a walled effect. Design Guideline SC 16 states that the design of the project shall be consistent with MMC Section 8.132 (Scenic Corridors). See #9 above. The floor area ratio guidelines do not apply because no new floor area is proposed.