

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

**January 23, 2012**

**I. CALL TO ORDER AND ROLL CALL**

A regular meeting of the Design Review Board (DRB) was called to order by Vice Chair Kuckuk at 7:00 P.M. in the La Sala Building meeting room at the Hacienda de las Flores, 2100 Donald Drive, Moraga, California.

Present: Boardmembers Escano-Thompson, Kline, Zhu, Vice Chair Kuckuk  
Absent: Chairman Sayles  
Staff: Planning Director Shawna Brekke-Read  
Senior Planner Richard Chamberlain

Conflict of Interest

There was no reported conflict of interest.

**II. ADOPTION OF MEETING AGENDA**

On motion by Boardmember Zhu, seconded by Boardmember Kline to adopt the Meeting Agenda, as shown.

**III. PUBLIC COMMENTS**

There were no comments from the public.

**IV. PLANNING COMMISSION LIAISON REPORT**

Planning Commissioner Richards had no report.

**V. ADOPTION OF THE CONSENT AGENDA**

**A. APPROVAL OF MINUTES for December 12, 2011**

On motion by Boardmember Kline, seconded by Boardmember Zhu and carried unanimously to approve the minutes of the December 12, 2011 meeting, as submitted.

**VI. DESIGN REVIEW**

**A. DRB 12-11 - Scott Pertel (Applicant/Owner), 312 Rheem Boulevard:**  
Application to allow construction of a new five and one-half foot (5 ½') foot tall wood fence, pedestrian gate, and black metal vehicular gate along the 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 approval is required because the fence is located in the front yard and would be more than 3 feet tall on a scenic corridor. (APN 255-110-005)

Planning Director Shawna Brekke-Read presented the staff report dated January 23, 2012, and reported that staff had received three letters from residents in opposition to the fence related to the design and its effect on the scenic corridor. Because of the Design Review Guidelines, the Moraga Municipal Code (MMC) and community concerns, she requested that the DRB direct the fence to be placed nine feet behind the front property line. That location would be approximately where a 3-foot high retaining wall currently exists with an existing physical separation reducing a walled effect along the scenic corridor which would address the MMC, design guidelines, and community concerns. She recommended approval of DRB 12-11, subject to the staff recommendation and subject to conditions of approval shown as Attachment A to the staff report.

In response to the DRB, Ms. Brekke-Read explained that staff had originally recommended that the fence be moved back 10 feet from the front property line. The MMC stipulated that fences higher than 3 feet are not allowed within the 20-foot front yard setback without Zoning Administrator approval. She added that it was clear in the design guidelines and the General Plan that there should be no walled effect along the scenic corridor.

Scott Pertel, the property owner, 312 Rheem Boulevard, Moraga, stated that this was his third time before the DRB on the application. He noted that one of the letters referenced was from his neighbor and he had spoken to that neighbor and had learned of his concern with respect to building along their west property line. As a result, he would not be building along the west property line. He noted during the original meeting with the DRB that there had been concerns with landscaping and height issues, and with interest in having the gate and the fence look as much as alike as possible. Another neighbor had attended the original meeting and had expressed concern with the fence being along the property line or set back from the property line, and had explained that as long as it was lowered and had landscaping, the fence along the property line would be acceptable.

Mr. Pertel suggested the result was better, with landscaping in front and back of the fence which would be lowered and vertical latticing to be added. He noted that the survey process had taken the fence back approximately five feet from what he originally understood was the location of the property line, essentially 35 feet from the middle of the street. He emphasized that he had spent a great deal of time and had been diligent in addressing all of the concerns. He expressed his hope that the final iteration he had presented would be approved.

In response to the DRB, Mr. Pertel explained that based on the original drawing, he had been asked to bring the fence back and behind the water meter with the fence brought back another three and a half feet. After the survey had been completed the fence would be set back 12 inches or so from the property line where a natural break occurred at the top of the stairs. As a result, there would be more landscaping on the exterior of the fence. The lattice on the top of the fence would consist of 12-inch vertical slats, 3 inches apart to match the vehicular fence. The top portion of the fence had originally been intended for Redwood material but he had since decided on cedar and the entire fence would be cedar which would not be treated and once weathered would appear as a grayish weathered wood color. Vines would be planted on the fence although he was uncertain of the plant species to be used. He was open to any suggestions from the DRB.

In response to the staff recommendation to move the fence all the way back behind the existing concrete block wall, Mr. Pertel stated he would consider anything to have a fence installed and emphasized the desire to provide a fence for the safety for his children. Taking into consideration comments from the original DRB meeting where a DRB member had suggested that a fence was meant to be on the property line, he agreed and suggested that moving the fence back would reduce the use of his front yard. He reiterated that the fence would be far off the street and noted that a large existing Coastal Live Oak tree would not then be able to be enjoyed since it would be on the exterior of the fence.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

Boardmember Kline supported the approval of the applicant's current proposal, with the fence moved back 12 inches behind the property line as shown on the submitted drawings, and with vines to be planted on top.

Boardmember Zhu was not convinced that the applicant's plans to move the fence 3 feet 4 inches back from its original position would mitigate impacts to the scenic corridor and suggested that it made more sense to integrate the fence with the existing retaining wall which would allow privacy for the homeowner and preserve the integrity of the scenic corridor. He supported the staff recommendation.

Boardmember Escano-Thompson questioned how the Town could enforce planting in front of a fence that would be 12 inches from the property line.

Vice Chair Kuckuk emphasized that the applicant had been given direction by the DRB at past meetings, recognized that the applicant had worked diligently to

meet that direction, and found the need for the fence to be reasonable although aesthetically she had an issue with the board fence, the metal gate, and the walled effect, a departure from the scenic corridor guidelines. She recognized that the applicant had done a tremendous job of changing the aesthetics of the board fence to match the metal gate, with significant landscaping, although she suggested that would not dramatically improve the walled effect. She suggested there was a natural place on the property to place the fence allowing more space on the inside of the applicant's property providing more of a planting area on the top of the 3-foot wall to provide additional screening. She suggested that placing the fence farther on the top of the concrete wall or within inches of it would be a disservice to the property. At this time, she was inclined to approve the fence because the design change had made a dramatic improvement and she would support its placement above the steps following the same requirement for space, as recommended by Boardmember Kline.

Boardmember Kline made a motion approving DRB 12-11, as submitted by the applicant, to place the fence 12 inches behind the property line. There was no second to the motion.

At this time the DRB walked through each of the required findings to approve the application as shown in Attachment A, Draft Action Memo, as well as the scenic corridor guidelines.

Boardmember Kline restated his motion for the approval of DRB 12-11 for Pertel at 312 Rheem Boulevard, as submitted by the applicant to place the fence 12 inches behind the property line, subject to the conditions in Attachment A, Draft Action Memo, with modification to Page 1 of 2, Part 1: Design Review Findings, Finding 1, with the fence to be placed 12 inches behind the property line; and a modification to Page 2 of 2, Part 2: Conditions of Approval, Condition 1 to be revised with the fence to be located 12 inches behind the property line.

The motion **FAILED** due to the lack of a second.

Mr. Pertel explained in response to the Vice Chair that he had made many compromises based on the comments of each DRB member and emphasized the financial impacts with the required survey which had not originally been required. He wanted to be allowed to install a fence and provide privacy to his family but if the fence was required to be moved farther back it would impact his property values. He preferred a fence located on the property line.

Vice Chair Kuckuk offered a motion to approve DRB 12-11 for Pertel at 312 Rheem Boulevard for a fence to be located at the property line and of a material that is the same as the vehicular gate, with modification to the Draft Action Memo, Attachment A, Page 2 of 2, Part 2: Conditions of Approval, to eliminate Condition 2 where vines would not be required, which would be at the applicant's

discretion, and otherwise be subject to the remaining findings and conditions as contained in Attachment A, Draft Action Memo.

The motion **FAILED** due to the lack of a second.

Boardmember Zhu offered a motion to approve DRB 12-11 for Pertel at 312 Rheem Boulevard, subject to the staff recommendations and subject to the Draft Action Memo and conditions of approval shown as Attachment A to the staff report.

The motion **FAILED** due to the lack of a second.

Ms. Brekke-Read explained that if the DRB could not make a decision, the application would be denied. The DRB could continue the item again to allow the fifth member of the DRB to be present, or the applicant could be provided with direction given that the applicant had been given precise instructions in the past but had not followed that direction.

On the discussion, Vice Chair Kuckuk offered another motion for consideration to approve DRB 12-11 for Pertel at 312 Rheem Boulevard, for an open black 5-foot metal fence at the property line and would be willing to require that the fence be moved back 12 inches although she wanted to preserve as much of the usable front yard as possible.

Boardmember Kline supported the motion.

Boardmember Zhu opposed a black open metal fence similar to the vehicular gate because the vertical bars were too heavy. He could envision a half-inch bar metal fence which would cost less than the fence that had been proposed.

Vice Chair Kuckuk reiterated her motion subject to the applicant's presentation to staff of a sample or photo of the metal material for approval so that the applicant would not have to return to the DRB for approval.

On further discussion, the majority of DRB members determined that a five and a half foot high fence placed 12 inches back from the property line would be acceptable and that the fence be an open, black metal or other material, with two members of the DRB to act as a subcommittee [Boardmembers Escano-Thompson and Kline] to work with staff to review and consent to the fence design.

Ms. Brekke-Read advised that staff could be directed by the DRB to prepare a Draft Action Memo for consideration on the Consent Calendar for the next meeting on February 13, with the recommendations, as discussed.

On motion by Boardmember Kline, seconded by Boardmember Zhu and carried unanimously to direct staff to prepare a DRB Draft Action Memo, to be brought back for consideration on the Consent Calendar for the February 13 meeting, with changes to the findings, the design aspect findings, and the conditions of approval to reflect that the fence can be placed 12 inches from the property line, the fence to be black and open in design, the fence to be up to 5 and a half feet in height, and the fence to be subject to approval of the DRB subcommittee [Boardmember Escano-Thompson and Zhu].

- B. DRB 17-11 - BLS Contractors (Applicant) Sonsara Homeowners Association (Owner), Moraga Way northwest of Camino Ricardo:**  
Application to amend the approved landscaping in the 40-foot wide planting area along Moraga Way between Camino Ricardo and Moraga Valley Lane, with an initial request to replace five Redwood trees adjacent to 28 Reynolds Court with alternate trees, such as Chinese Pistache, Flowering Plum, or European White Birch. (APN 255-840-036)

Senior Planner Richard Chamberlain presented the staff report dated January 23, 2012, and explained that due to the problems with roots of the "Aptos Blue" variety of Redwood trees, staff had prepared a Draft Action Memo for consideration by the DRB that would conditionally approve the removal of the five Redwood trees adjacent to the property at 28 Reynolds Court provided that acceptable replacement trees are agreed upon to achieve the balance of evergreen to deciduous trees and preferably include some native drought tolerant trees.

In response to the DRB, Mr. Chamberlain advised that some of the Redwood trees were close together and for every tree to be removed a replacement tree should be planted. A revision to the landscape plan showing the replacement of those trees could be something the DRB may consider as part of a DRB subcommittee.

Eric Rafanan, BLS Contractors, Landscape Division, 180-C Mason Circle, Concord, explained that BLS Contractors worked on behalf of Sonsara Homeowner's Association (HOA) which had started the process because some of the trees had started to cause property damage. He noted that there were more than 22 Redwood trees within the HOA. When the report had been prepared for the Town, he had only noted Redwood trees within a certain proximity to the property lines and all of those trees identified were within a 5- to 10-foot distance from the fence lines. The Redwood trees were large and had the potential for damage to concrete, structures, and underground utilities when located within 10 to 15 feet of properties. The first five Redwood trees located at the corner of Camino Ricardo were determined to be in the poorest condition. Having reviewed the staff recommendations, he recognized that Redwood trees were the main evergreen species along Moraga Way although there were other evergreen species along Moraga Way. The HOA agreed that replacing those

Redwood trees with the Holly Oak was the best suggestion for that area because they would not grow as wide, would be evergreen, and would fit nicely with the existing landscaping. When asked, he commented that he had not reviewed the design guidelines for the Town's scenic corridors other than the information that had been provided to the applicant.

Mr. Rafanan identified a stand of existing Black Acacia trees located adjacent to the property, in existence before the Sonsara development, that were also evergreen, tall, tended to be straight forward, did not grow wide, had multiple trunks at the bottom, and were more of a column tree. He acknowledged that the Black Acacias could be introduced as a replacement evergreen tree species. The tree species proposed as replacement trees for the five Redwood trees were deciduous and were supported by the HOA in terms of achieving a balance of evergreen and deciduous trees the original design had attempted to achieve.

A management representative for the Sonsara HOA explained that lemon trees had initially been considered as replacement trees and while they were evergreen species they were not native to the area or drought tolerant. The HOA was happy with the Holly Oak species that had been recommended.

Mr. Rafanan acknowledged that Coastal Live Oaks could also be considered as replacement trees although it would depend on the area in that some of the landscape areas along Moraga Way were a bit wider with some of the landscape planter areas a bit dense. He suggested that Coastal Live Oaks would not be appropriate for the replacement of the first five Redwood trees given that Coastal Live Oaks had wider trunks. When asked, he had not been involved with the project at the time the original landscape plans had been drawn and he could not verify whether or not root control barriers had been installed for the Liquidambar trees, as shown on the original plans. He explained that oftentimes even with a root barrier, a tree's root systems were very strong and the root system could be disturbed and may still cause damage to property and structures.

#### PUBLIC COMMENTS OPENED

An unidentified resident of the Sonsara HOA explained that he had four Sycamore trees located on his property. There were also several Sycamore trees located alongside the fence of Camino Ricardo. He understood that the foundations of the homes in the HOA were located on post station slabs where the roots of the trees could compromise the foundation. He questioned how he could protect his property from the roots of the existing Sycamore trees on his property.

Mr. Chamberlain explained that Sycamore trees were not a native species to Moraga and did not have the same level of protection as Redwood trees. If planted as part of an approved landscaping plan, removal would require compliance with the Town's tree removal process. If the Sycamore trees were

located on private property, they could be removed without a permit. If the trees were located on the HOA property, the property owner would have to address his concerns with the HOA.

Mike Gengler, 28 Reynolds Court, Moraga, understood that the Redwood trees were not only destroying the irrigation system but had raised his own patio several inches and the problem had gotten worse. He had someone investigate whether or not steel barriers could be placed around the root system but found that was not possible given that the tree's root system would be disrupted, and the tree would become heavy on one side and could fall over onto Moraga Way. He suggested that the staff recommendation for the replacement of the five Redwood trees with the Holly Oak species would add to the development along with other tree varieties.

Mr. Rafanan commented that as the trees were allowed to be removed, the areas could be assessed with trees replanted where it made sense not necessarily exactly where the Redwood trees had been located.

#### PUBLIC COMMENTS CLOSED

The DRB discussed the application and offered the following comments and/or direction to the applicant:

- Recognized the need to remove the five Redwood trees while preserving the appearance of the Moraga Way corridors;
- Suggested that there were other tree species that could be considered to replace the Redwood trees instead of Holly Oaks, such as Live, Coastal Interior Live Oak, Canyon Oak, Pacific Wax Myrtle, or Pittosporum and while not a native species would be like a bush but tall and slender like a Redwood;
- The area between the sidewalk and the street had few trees and there could be more trees planted in this area with a preference for Redwoods given a consistency with what was occurring in the scenic corridor;
- Some of the landscaping between the sidewalk and the road was lawn contrary to what had been shown in the drawing, which was representative and not exact;
- For every evergreen removed another evergreen should be planted although it did not have to be exactly in the same position as the prior tree to enhance the Redwood feel;
- Consensus with the staff recommended conditions of approval as shown in the Draft Action Memo, Attachment A, but with a revision to Page 2 of 3, Part 2: Conditions of Approval, Condition 2, second sentence to be revised to read:

*The selection of the replacement trees species shall be approved by staff.*

On motion by Vice Chair Kuckuk, seconded by Boardmember Zhu and carried unanimously to approve the Draft Action Memorandum for DRB 17-11 for BLS Contractors at Moraga Way northwest of Camino Ricardo, subject to the findings and conditions as shown, and as modified.

## VII. STUDY SESSION

- A. **DRB 04-11 - James Phillip Wright (Applicant), Stephen Williams / Pensco Trust Co. (Owner), 1800 Donald Drive:** Study Session review of a new 3,001 square foot residence with an attached 553 square foot second unit on a vacant 13,203 square foot property on the hillside above the existing duplex residence at 2092 and 2094 Donald Drive. The project includes a 511 square foot two-car garage and a 351 square foot one-car garage on the top level with access from a circular bridge driveway off of the northeast side of Donald Drive and approximately 1,000 feet southwest of the intersection with Laird Drive. The middle floor level has 2,647 square feet and includes the kitchen, dining, living room area, with a cantilevered deck, and master bedroom for the primary residence and also the attached second living unit. The lower level includes 559 square feet for two bedrooms and two bathrooms and 718 square feet of unconditioned shell space. The lower floor is offset from the top level garage area so that the structure does not have three floors on top of one another. The building foundation has been designed with minimal grading, with less than 50 cubic yards of soil movement and no cuts greater than three feet deep. A Hillside Development Permit will be required because the slope of the hillside is approximately 65 percent. Zoning: 6-DUA (Six Dwelling Units per Acre). APN 255-183-011.

Mr. Chamberlain presented the staff report dated January 23, 2012. The DRB was asked to hear testimony from the applicant and interested parties and discuss the issues giving guidance to the applicant. Staff would summarize the recommendations of the DRB and provide a copy of the DRB meeting minutes to the Planning Commission.

James Phillip Wright, the Project Architect, Lafayette, acknowledged the steepness of the site and explained that the home would have two driveways coming to a roof-top parking area with two parking spaces on each side. The home would be tucked into the existing hillside and would parallel the site. A bridge would allow access in/out of the site. The intent was to have a green roof with the building clad in Redwood bark in a vertical fashion, a rain screening roof with a built-in filtering system, a rain screen cladding system, ventilated façade, understory of the building kept to code requirements, and a stairwell down and entrance into the living space with two bedrooms below. Views through the garage and into the parking spaces were identified as well as the site with the entrance point of the driveways. The home would be a net zero structure

allowing the building to have better thermal properties representative of green features.

The palette of materials would include Redwood siding, recycled materials for the façade, and the rain screen roof would have lichen growing on top, and recycled Redwood for the siding of the building. Also as part of the materials being proposed for the subject home, Hardy backer board would be painted with a metallic paint to appear like core ten steel, recycled Redwood fencing covered with lichen, PSL engineered lumber and Trex, and bronze hardware. The bridge would lead down the front elevation. The intent was to promote lichen to grow on the building and recede into the environment with the use of colors, textures, and materials of the landscape itself.

There would be access parking available on the site, and underneath the building would be a rain catchment system as part of the energy system with a heat exchanger, a home ventilation heat recovery system using the rain storage system as a heat dump, and micro misting for air conditioning. There would be no air conditioning requirements for the home. The home would be net zero ready whereby it would be brought to 90 percent reduction and the 10 percent remaining would be met through co-generation given the lack of solar opportunities. A cistern running the entire length of the building would hold 25,000 gallons of water to be used for the co-generation system. The rest of the foundation would be tucked into the hillside. The cistern would be 8 feet tall and located in a concrete chamber similar to a swimming pool with plaster in the interior to be built into the foundation. The site's bedrock was very shallow, the piers would not be designed for creep, with the foundation to be designed for a strong locked-in foundation and within it would be the water with little cantilevered effect for the mass above ground which would be very stable. The project would involve standard construction.

Planning Commissioner Richards commented that when the project had initially been presented to the Planning Commission in November 2011, the Commission had liked the design but had concerns with the stability of the hillside and sought another opinion from another expert which he understood the applicant had provided.

John McTigue, the attorney representing the property owner, Stephen Williams, commented that his client had expressed the willingness to abandon the cistern as part of the design to appease concerns with that design component to allow the project to proceed. He was disappointed that was the case.

Stephen Williams, owner, Pensco Trust, Co., 2647 Pleasant Hill Road, Pleasant Hill, had proposed the cistern and rain catchment system as part of the design which he suggested would benefit the Town of Moraga, but he was willing to eliminate it from the design at this time.

Ms. Brekke-Read pointed out that if the cistern component was removed from the design, the water runoff would have to be addressed in the plans given that the project would be required to meet C.3 requirements where the water runoff would have to be contained on site.

To address the issue with the three-story appearance of the home, Mr. Wright commented that the plans had been modified to move back a section of the parking area that was less than 6 feet in height. The deck would be cantilevered out and the foundation determined the overall height which was within the overall 45-foot aggregate and at no point would it be in excess of the 35-foot requirement. He noted that the design could be massaged to meet the code although it was now a matter of aesthetics. The intent was for a design that receded into the landscape, was part of the landscape consisting of native and recycled materials, that the home would become a Passive Home. He was trained as a Passive House Consultant and the home would use 90 percent less energy than a typical home of the same size with the remaining 10 percent to be made up through use of the co-generation system for a net zero, and with the use of a micro misting ventilation system for cooling. The project would be a green project and he had hoped the Town would have welcomed that green project.

#### PUBLIC COMMENTS OPENED

Sandy Reed, 1750 Donald Drive, Moraga, explained that she was also representing the property owner of 1762 Donald Drive, and noted that the proposed home would be down the hill from her residence. As a long-time resident she was familiar with the road and the land. She reported that Donald Drive had been maintained by the long-time residents for years prior to the Town's acquisition and that the road was narrow, steep, and windy.

Ms. Reed understood that the lot was unbuildable since it did not comply with the General Plan. She questioned why the lot was now buildable and expressed concern with the fact that Mulholland Ridge was popular with dog walkers on both sides of the road where the development of the property may impact emergency responses. She had submitted correspondence to the DRB which had raised a number of concerns with the aesthetics, and although she supported a green home she opposed the number of trees proposed to be removed making the home more visible to residents and from Moraga Road. She added that the home would be much larger and out of scale with the duplexes located below it, would not be comparable in scale or character with the existing ranch style homes in the neighborhood, questioned how the water and sewer utilities would be connected to the site, and questioned where construction equipment would be stored during the construction period. She also questioned the desirability of the home's design in Moraga.

Michelle Maeders, 1758 Donald Drive, Moraga, also expressed concern with potential impacts to the access to her home with any development, the impacts to emergency responders, found the passive design to be phenomenal but noted that the selling features of her home was its remoteness with more of a cul-de-sac feel and surrounding wilderness, suggested that the home would change the character of the neighborhood and views of the hillside, opposed the number of trees that would be removed, asked what precautions and safety measures would be put into place with the development, and reported that she had also spoken with the Moraga Police Department requesting that parking be restricted on Donald Drive.

Ms. Brekke-Read explained that there had been a previous application for a home on the property which had involved a variance request although that application had later been withdrawn. The property had numerous physical constraints but in this case the applicant was not requesting a variance. Pursuant to the General Plan, the lot was buildable but the question was what could be allowed; the DRB and the Planning Commission had complete discretion in that regard. The project would require a Hillside Development Permit although as the applicant had testified, a grading permit would not be required since it did not meet the criteria for a grading permit.

As to parking restrictions on Donald Drive independent of this application, Ms. Brekke-Read stated that she had spoken with the Chief of Police on that issue and would continue to have those discussions. There were conditions that could be imposed on construction and staging plans to ensure emergency vehicle access.

Mr. Wright commented that the textures and materials would all be lichen covered Redwood siding and Redwood planks and the home would not be clearly visible to the public given that it would be 85 to 90 percent screened. The sewer would be connected through an existing five-foot utility easement on the duplex property.

The DRB discussed the project and offered the following comments and/or direction to the applicant:

- Boardmember Kline had no issues with the massing or the height of the structure, had no concerns with a 20-foot side setback although he was concerned with how the Town treated rear decks in terms of the setback requirements for properties one story or higher, suggested it was wrong to approve a deck that cantilevered on a second story or higher that did not have a setback requirement unless there was an exception, suggested the Planning Commission should discuss that issue and asked staff to clarify whether or not the project complied with the required Floor Area Ratio (FAR) requirements, recognized that the experts had suggested if all proper measures were taken the building could be built structurally and

satisfactorily, understood that any building on a lot would involve tree removal although the key was to add more trees, and noted that the California Environmental Quality Act (CEQA) regulations included mitigation measures for trees to be replanted in order to soften the views uphill from the home and a more detailed landscaping plan should be required. He agreed that the concerns with blocking or impeding access to Donald Drive needed to be resolved and he asked the Planning Commission to consider more specifics as to how the traffic on the street would be addressed during the construction period. He asked the applicant to consider mitigation measures to avoid erosion where there was no planting under the bridge or the cantilevered portion of the deck;

- Vice Chair Kuckuk liked the design which followed the contours of the hillside and where the home would be tucked in, in contrast to the home below which was prominent, she had viewed the site and story poles but found it difficult to determine which trees would remain when the home was built particularly on the downhill side, found that the colors and materials of the home were aesthetically pleasing, agreed that the side yard setbacks were not an issue given the lack of homes on either side, the rear yard setback for a deck that was second story and cantilevered out would have a large impact to the property below and needed to be addressed, parking was adequate, and she would not require the removal of the deck but more projections on the side of the house, with the deck to go straight out possibly 12 feet;
- Boardmember Zhu agreed that the deck was a concern given that it projected out of the building but given its height in the middle of the building would likely be screened from view by existing landscaping and trees with minimal views.

Boardmember Zhu acknowledged that the project presented a wonderful opportunity for the Town to consider green building and suggested that the project was headed in the right direction but recognized the need to address the concerns of the neighbors, questioned how a net zero plan could be achieved for the home (clarifying with the applicant that the project would zero out financially as a result of the use of co-generation), expressed concern with the fact that the neighborhood was traditional and the proposed design would offer a different appearance, and questioned how the reflection from the windows of the home would be mitigated; and

- Boardmember Escano-Thompson found the project to be exciting and she looked forward to further details when the project returned to the DRB for review.

## **VIII. REPORTS**

### **A. Escano-Thompson, Kline, Kuckuk, Sayles and Zhu**

There were no reports.

### **B. Staff**

Ms. Brekke-Read reported that the next meeting of the DRB would be February 13 and would include an application for 425 Moraga Road and that the project for 312 Rheem Boulevard would return at that meeting. As to the status of an application for Saint Mary's College (SMC) for a building to cover a trash area, staff had been in communication with SMC for months and SMC had not yet submitted the plans. On January 25 the Town Council would be asked to approve a contract for a consultant for the SMC student recreation center application which required both Planning Commission and DRB approval and which should be presented to the DRB in March or April.

Planning Commissioner Richards reported that an application for the expansion of a condominium to accommodate a third-car garage and storage at 107 La Quinta had been considered by the Planning Commission on January 17. At that time, there had been concerns expressed by some of the neighbors with the variance request, massing, setbacks, size, and appearance given that the unit adjoined another unit, and the appropriateness of the zoning. The project had been approved by the Moraga Country Club Architectural Committee. Staff would be considering an overall rezoning effort for Moraga Country Club.

Ms. Brekke-Read reported that staff was working on improving notification to the public such as posting notice boards on properties so that the public was aware an application had been filed, with staff also exploring what other cities had done.

Vice Chair Kuckuk strongly supported mailing to the resident at the physical address which should be a standard procedure. She otherwise expressed concern with the fact that the applicant for the first agenda item had been required to obtain a survey late in the process. She would like to know the staff process for whether or not a survey was required to prevent additional requirements that had not been communicated, or communicated differently in the beginning.

Ms. Brekke-Read explained that in this case many things had been communicated with the applicant although he had repeatedly refused to follow direction. The Building Department required a survey when building permits were sought but a survey would be required for all applications which involved new construction and an application would be deemed incomplete if a survey was not provided.

Mr. Chamberlain added that a survey was also required as part of a variance application which was communicated to applicants.

Boardmember Zhu asked that the binder of information for the DRB meetings be distributed to Boardmembers earlier when possible in that the DRB had little opportunity to review the packet prior to the meeting.

**IX. ADJOURNMENT**

On motion by Boardmember Kline, seconded by Boardmember Zhu to adjourn the meeting at approximately 10:25 P.M. to a regular meeting of the DRB on Monday, February 13, 2012 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