

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

April 23, 2012

I. CALL TO ORDER AND ROLL CALL

A regular meeting of the Design Review Board (DRB) was called to order by Chair Sayles at 7:01 P.M. in the La Sala Building, Hacienda de los Flores, 2100 Donald Drive, Moraga, California.

Present: Boardmembers Escano-Thompson, Helber, Kirkpatrick, Zhu and Chair Sayles
Absent: None
Staff: Planning Director Shawna Brekke-Read
Assistant Planner Kelly Suronen

Conflict of Interest

There was no reported conflict of interest.

Contact with Applicants

There was no reported contact with applicants.

Swearing in of New Members

Chair Sayles took the opportunity to welcome the new members of the DRB, Jerry Kirkpatrick and Ben Helber, and advised that although the swearing in of new members would be agendized for the next meeting since the new members had been appointed by the Town Council they would be able to serve now. The new members of the Board described their background and experience at this time.

II. PUBLIC COMMENTS

There were no comments from the public.

III. ADOPTION OF THE CONSENT AGENDA

- A. Approval of Minutes for February 27, 2012**
- B. Approval of Minutes for March 26, 2012**

On motion by Boardmember Escano-Thompson, seconded by Boardmember Zhu and carried to approve the minutes of the February 27, 2012 meeting, as submitted, with abstentions from Boardmembers Helber and Kirkpatrick.

On motion by Boardmember Zhu, seconded by Chair Sayles and carried to approve the minutes of the March 26, 2012 meeting, as submitted, with abstentions from Boardmembers Helber and Kirkpatrick.

IV. PLANNING COMMISSION LIAISON REPORT - Commissioner Levenfeld

Planning Commissioner Levenfeld reported that she had not been able to attend the last two meetings of the Planning Commission when the Commission had considered a Focused Environmental Impact Report for the Hetfield Estates development which had been continued to the Planning Commission meeting of May 21, 2012.

Planning Director Shawna Brekke-Read advised that the Planning Commission had also recently considered and approved the proposed beauty salon/spa and café at 337 Rheem Boulevard.

V. ADOPTION OF MEETING AGENDA

On motion by Boardmember Zhu, seconded by Boardmember Helber and carried unanimously to adopt the meeting agenda, as shown.

VI. DESIGN REVIEW

A. UP 02-12 - Design Review Application to Modify the Exterior of the Building and Install Signage for a New Beauty Salon and Café at the Rheem North Center area and review Landscaping and Outdoor Café Seating Area

Ms. Brekke-Read reported that the applicant proposed to occupy the former Mondello's restaurant site and had obtained approval from the Planning Commission to create two new uses; a salon spa on the west side of the building and a café with outdoor seating on the east side of the building. The Planning Commission's action required DRB review for the outdoor seating, arrangement of the seating, and the density of the tables and chairs. The Commission's approval also included conditions that the DRB consider the landscaping and the signage. The DRB must also review the exterior alterations.

The east elevation for the coffee and juice bar would include new glass with a modified aluminum frame and where plywood had been placed at that location essentially restoring the building to its previous condition. The plans had addressed the staff recommendations with revised signage as reflected in Sheet A-1 of the plans. A rearranged front café area had also been proposed.

Ms. Brekke-Read advised that after completion of the staff report but before the packets had gone out to the DRB, the applicant had provided staff with photographs of the outdoor furniture and how it would be appear, a revised site plan, information on the use of impermeable pavers, and a revised landscaping plan. She noted, however, that the landscape architect had created a plan the applicant was unaware of and the landscaping plan that was provided was not the plan being proposed. As such, she recommended a revision to Condition 8 of the Draft Action Memorandum that the DRB determine what to do with that condition, whether or not the landscaping plan must come back to the DRB for

final approval or be returned for staff approval subject to specific criteria established by the DRB.

Ms. Brekke-Read explained that for the most part the landscaping plan retained the landscaping in the front, introduced an outdoor café element called for in the General Plan and Visioning Workshops, and introduced a new use to the area generating walk-in traffic from the other uses in the North Rheem Shopping Center.

In response to the DRB, Ms. Brekke-Read acknowledged that the Planning Commission had discussed the parking limitations for the site at length. She understood from the users/occupants of the North Rheem Shopping Center that the primary issue related to 24-Hour Fitness and the demand for that use which outweighed the parking supply on that side of the center. The other side of the center where Saint Mary's College (SMC) campus was located was underutilized during the evening hours. Certain standards had been applied when 24-Hour Fitness had occupied the site and she noted that the Town's standards were lower than those of other municipalities for fitness facilities. While she acknowledged that parking would be an issue for the new use she stated it was important from a planning perspective that the building not remain vacant. She added that there is a non-exclusive joint use parking agreement between all of the property owners in the center and parking and signage for the uses could not be separated. She also affirmed that all use permit issues had been resolved through the Planning Commission and the DRB was only reviewing the design review aspects although the 10-day appeal period of the Planning Commission's decision remained open.

PUBLIC COMMENTS OPENED

Gary Guenther, 641 Norvell Street, El Cerrito, representing the property owner Henry Chao, identified the changes to the exterior of the building including two new doors; one located in an existing door opening and the other in an eave door opening located on the east elevation. No changes had been proposed to the colors and materials of the exterior of the building. Three new signs would match the existing sign at Chef Chao's Restaurant. The colors for the beauty salon/spa and cleaners would also match the colors of Chef Chao's Restaurant. All lighting for the signs would consist of recessed canned roof overhang sockets.

Mr. Guenther noted that there were no issues with the doors in terms of fire separation. As to the landscaping for the paved patio area, he explained that the lawn between Rheem Boulevard and the paved patio would remain with a bit of landscaping around the paved area itself. A bare area on the west side of the paved area underneath an existing tree would not include landscaping. He also identified a benched wall in the same area where some of the existing boulders closest to the paving would be preserved although not those in the middle of the lawn area. He commented that he had recommended the use of permeable pavers to allow water to run through, not off, the pavers.

In response to concerns with the safety and appearance of the storage of the outdoor furniture, Henry Chao, 337 Rheem Boulevard, Moraga, explained that

there is an inside hallway on the west side of the property where the outdoor furniture could be stored.

Ms. Brekke-Read clarified that the applicant had requested hours of operation from 8:00 A.M. to 5:00 P.M. for the café although staff had recommended that the Planning Commission expand the hours of operation in the event the applicant wanted hours earlier in the morning or later in the evening. She added that while not part of the subject application, DRB approval would be required if the applicant wanted outdoor lighting.

PUBLIC COMMENTS CLOSED

The DRB discussed the application and offered the following comments:

- The DRB supported the staff recommendations for signage to ensure uniform signage for the entire building;
- The landscaping shall comply with the approved use permit and could be reviewed by staff or the DRB, with a bit more landscaping proposed around the grass area and around the seating area to better beautify the corner, with the applicant to consider incorporating some of the plant material around the Town's Corporation Yard into the subject landscape design to offer a transition between the two addresses;
- The DRB was pleased to see the project which would enliven the scenic corridor area and was pleased with the amount of fenestration and with the proposed use;
- The DRB liked the outdoor seating area noting that the more successful establishments had outdoor seating such as Starbucks and other businesses which would also enliven the area;
- There was a suggestion that nine tables in the outdoor seating area would be reasonable but the DRB sought a condition that if the tables and chairs were locked after hours that they be stored out of sight from the street either in the establishment or in the back area not visible from the street;
- Staff to review the off-haul for the outdoor seating area at a staff level;
- Staff to review the updated landscaping plan to ensure that the applicant followed Appendix B of the Town's Design Guidelines and that plants in the grassy area fronting the street frontage and the proposed seating area be of a low lying nature and not obstruct the line of sight to the seating area and establishments beyond; and
- If outdoor lighting is included it should be a low level bollard light fixture.

Boardmember Escano-Thompson and Boardmember Helber expressed the willingness to serve on a two-person DRB subcommittee to review the final landscaping plan with staff prior to the issuance of a building permit.

After review, the following revisions were made to the Draft Action Memorandum:

- Part 3: Conditions of Approval, Prior to Issuance of Any Building Permit, the first sentence of Condition 8 revised to read: *Prior to issuance of the*

building permit, the applicant shall submit the following for Design Review Board subcommittee review and approval:

- Delete Condition 8 (b);
- Revise At All Times, Condition 13 to read: *The signs for the salon/spa café and cleaners shall be constructed of the materials (plywood) design and illumination as shown on plans presented to the DRB at is April 23, 2012 meeting. Illumination shall be limited to downlighting from soffit lighting, such as to minimize or avoid off-site glare. No internally illuminated signs are allowed;*
- Add a new Condition 19 to read: *Tables and chairs shall be left in place or stored out of sight;*
- Add a new Condition 20 to read: *Exterior lighting shall be bollard low level only subject to staff approval; and*
- Amend the description of the application as shown on the first page of the Draft Action Memorandum to read: *UP 02-12 - Gary Guenther (Applicant), Henry Chao (Owner) 337 Rheem Boulevard - Design Review to modify the exterior of the building and install signage and landscaping for a beauty salon/spa, cleaners and café with outdoor seating at the Rheem North Center area.*

On motion by Boardmember Escano-Thompson, seconded by Boardmember Helber and carried unanimously to adopt the Draft Action Memorandum dated April 23, 2012 approving UP-02-12 for Guenther at 337 Rheem Boulevard, subject to the findings and conditions as shown and as modified.

B. DRB and HDP 12-11 - Design Review, Hillside Development Permit, and Grading Permit Applications to Construct a New Radio Communications Equipment Building and Radio Antenna for First Responders (Police and Fire Agencies) on the East Bay Municipal Utility District (EBMUD) Carter Reservoir Property.

Ms. Brekke-Read reported that the East Bay Regional Communications System Authority (EBRCSA) is a Joint Powers Authority (JPA) for police and fire agencies in the Bay Area and was in the process of placing radio antenna towers in a number of different communities to allow police and fire agencies to communicate with one another. The Town of Moraga had been part of the JPA since 2007. Originally the EBRCSA had proposed a 50-foot high antenna tower at the Carter Reservoir site closer to existing cell towers which had been brought to the Planning Commission for the approval of a use permit. The Planning Commission had denied the application for a use permit since it could not make the required findings under the Moraga Open Space Ordinance (MOSO) guidelines but had recognized the public safety issues. A member of the Planning Commission had volunteered to appeal the project to the Town Council. During that time, the JPA had reevaluated the proposal and offered an alternative site and proposal for two 20-foot towers. The Town Council considered that application in January 2012 and although there remained concerns of compliance with the MOSO guidelines the Town Council recognized that there were existing cell towers in the area and approved the application.

Ms. Brekke-Read advised that the JPA was anxious to begin grading but due to a turnover in staff the application had been delayed in submittal to the DRB. She noted that the Hillside Development Permit (HDP) had been approved. A grading permit was required for an average slope over 20 percent.

Ms. Brekke-Read advised that there is a provision in the JPA that the local authority may proceed without local land use approvals; the JPA was acting in good faith by going through the Town's process. She explained that the applicant had been provided a copy of the Draft Action Memorandum in advance of this meeting and had expressed concern with two of the conditions; Condition 10 which is a standard Town condition as part of a similar condition in the grading ordinance but which is a guideline where the DRB had discretion, and Condition 22 where the applicant is asked to paint the antennas certain colors to blend into the hillside. The applicant had recommended alternative colors to blend into the hillside and staff could modify that condition to reflect that proposal.

PUBLIC COMMENTS OPENED

William McCammon, Executive Director, EBRSCA, 4985 Broder Boulevard, Dublin, presented a sample of the proposed color for the building enclosure to consist of an aggregate gray color which would be naturally incorporated into the concrete building itself.

Ms. Brekke-Read acknowledged, when asked, that the antennas would be visible off-site from Moraga Country Club although the building enclosure would be difficult to see. In response to concerns with respect to the visibility of the project when completed, she explained that the DRB could impose a condition to determine whether or not additional landscaping was required and suggested that the project could be subject to DRB review on May 1, 2013, at which time the DRB may require additional landscaping at that time.

Mr. McCammon explained that the site was level and the reason the project had triggered the grading ordinance was that the existing berm around the tank would be altered to allow for a bit more space. The existing berm would be recreated and it was likely nothing would be visible from below. The project would be completed in six weeks once construction commenced. He emphasized that in order to serve all of Moraga from the site the antenna tower needed to be above the water tank which was the reason the initial 50-foot high antenna tower had been proposed. The current proposal for a 10-foot tall antenna mast with two 10-foot tall monopole antenna at the top for a total of 20 feet would locate the antenna south of the water tank but still provide the needed coverage. The equipment enclosure would be a small building and the berm would shelter it and provide screening from the homes located below.

Mr. McCammon added in response to the DRB that the plans had shown the removal of some of the smaller shrubs and the retention of Tree No. 17. If that tree was required to be removed it could be replaced although care was required

in the tree species to be used for replacement given an existing microwave dish that could not be obstructed. He was not opposed to a 2:1 replacement ratio if the DRB determined such a condition should be imposed. He also clarified that none of the existing landscaping on top of the berm near a 12-inch cable tray would be touched. Also the fenced area around the equipment building would discourage anyone from interfering with the antenna tower.

Bill Drummond, Project Manager, added that the concrete slab for the shelter would extend six inches past the shelter to be fenced in with gravel and be permeable to water. He too was not opposed to a 2:1 tree replacement ratio and advised that bid opening for the project had been scheduled for May 3, a contract potentially to be awarded on May 11, with construction to commence on June 1.

Ms. Brekke-Read identified the following revisions to the Draft Action Memorandum:

- Part 3: Conditions of Approval, At All Times, Condition 26, add the following sentences: *The Design Review Board shall consider the screening of the completed project at its meeting in September 2012 and may require additional landscaping at that time. If any trees are removed they shall be replaced at a 2:1 ratio;*
- Condition 22 revised to read: *The building enclosure shall be constructed of pigmented aggregate concrete and/or maintained a color of green-gray on a non-reflective finish such that the antenna and building blend into the natural surroundings to the maximum extent, subject to planning department review and approval;*
- Condition 10, Prior to Issuance of a Grading Permit, revised to read: *The applicant shall furnish the Town with assurance for completion of the erosion control work and grading. The security or instrument at applicant's option shall be in a form approved by the Town Attorney, and;*
- Condition 10, strike (a), (b) and (c).

On motion by Boardmember Kirkpatrick, seconded by Chair Sayles and carried unanimously to adopt the Draft Action Memorandum dated April 23, 2012 approving DRB and HDP 12-11 for the East Bay Regional Communications System Authority (EBRCSA) at 1180 Alta Mesa Drive, subject to the findings and conditions as shown and as modified.

VII. REPORTS

A. Escano-Thompson, Helber, Kirkpatrick, Sayles, and Zhu

Chair Sayles reported that he had met with the Planning Director to discuss the fact that he had been the Chair of the DRB for two terms and with two new DRB members the election of Chair and Vice Chair should be considered at the next meeting. He and the Planning Director also discussed possible improvements to the DRB meetings including rolling boards to allow projects to be better displayed

to the public, improvements in the organization of DRB meeting binders, potential PowerPoint presentations, and the earlier receipt of DRB packets.

B. Staff

Ms. Brekke-Read also reported on the meeting with the Chair which had also included a discussion of a different approach to the DRB staff reports. She was open to any suggestions from the DRB, emphasized that planning staff was trying its best to distribute DRB packets a week prior to the meeting but was not always able to accommodate that schedule given late information from applicants, and that packets must also be distributed to the Planning Commission and to the Town Council.

Assistant Planner Kelly Suronen added that she had received five administrative design review applications that staff must process, a handful of DRB applications, and two applications for Planning Commission consideration.

Ms. Brekke-Read commented that the volume of applications had increased over the past year and with the retirement of the former Senior Planner staff would be placing an advertisement for that position this week. She added that the DRB and the Planning Commission would not be meeting jointly on April 30 as earlier considered and the next DRB meeting was scheduled for May 14. She asked the DRB to consider meeting jointly with the Planning Commission on May 7 for a workshop to consider Signature Homes' proposal for development on the former bowling alley site and to receive a presentation on the proposed design.

Chair Sayles reported that he would not be present for a joint meeting with the Planning Commission on May 7.

Ms. Brekke-Read added that another item on the May 7 Planning Commission agenda would be an application for City Ventures which had purchased the site between the Fire Station and 1150 Moraga Way, which had been designated for High Density in the Moraga Center Specific Plan (MCSP), with a request from the applicant to rescind a public right-of-way dedication that ran through the site. In addition, she reported that Summerhill Homes was in contract to purchase the Chu property, the only property within the MCSP that was not owned by the Bruzzone family on Camino Ricardo, part of the old Caltrans right-of-way. Summerhill Homes planned to submit an application in May with a possible joint workshop with the DRB and the Planning Commission anticipated in August.

VIII. ADJOURNMENT

The meeting adjourned at 8:32 P.M. to a regular meeting of the DRB on Monday, May 14, 2012 at 7:00 P.M. in the Moraga Library Meeting Room located at 1500 St. Mary's Road, Moraga, CA 94556.

A Certified Correct Minutes Copy

Secretary of the Planning Commission