

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

Sonsara Landscaping Changes on Moraga Way

Application to amend the approved landscaping in the 40-foot wide planting area along Moraga Way between Camino Ricardo and Moraga Valley Lane. The application includes an initial request to replace 5 Redwood trees adjacent to 28 Reynolds Court with alternate trees, such as Chinese Pistache, Flowering Plum or European White Birch. Potentially a total of 22 Redwood trees could be replaced with alternate trees. **(3-DUA (Single Family Residential three dwelling units per acre, RHC)**

I. Application Basics

A. Zoning Permits Required:

- Design Review Board approval, under MMC Section 8.132.040-A.7. (Scenic Corridor landscaping review)
- Tree Removal Permit, under MMC Section 12.12.030

B. CEQA Determination: Categorically exempt pursuant to Section 15301(h) of the CEQA Guidelines (Existing Facilities – maintenance of existing landscaping).

C. Parties Involved:

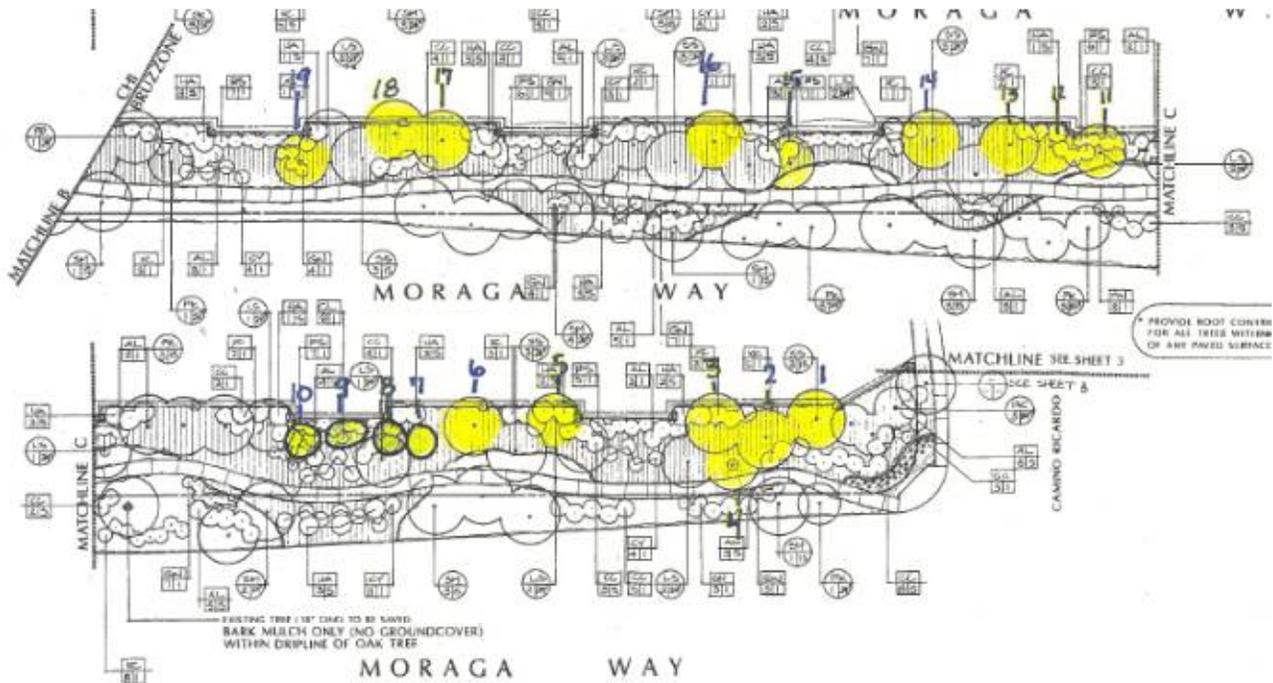
- i Applicant: BLS Contractors, Landscape Division, 180-C Mason Cir., Concord, CA 94520
- i Property Owner: Sonsara Homeowners Association, c/o Boardwalk Investment Group, Inc., attention: Dawn Emerson, 317 Lennon Lane, Suite 200, Walnut Creek, CA 94598
- i Other Party: Michael and Joyce Gengler, 28 Reynolds Court, Moraga, CA 94556

Figure 1: Vicinity Map



Project Site – Yellow Public Meeting Notice Area – Blue

Figure 2: Site Plan



Request for replacement of Redwood Trees 1 through 5 with alternate trees

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Sonsara HOA	3-DUA	Residential 3 du/ac
Surrounding Properties	North	Single Family Residential	3-DUA	Residential 3 du/ac
	South	MCC Golf Course	OS-M	MOSO Open Space
	East	Service Station	3-DUA	Moraga Center Specific Plan
	West	Single Family Residential	3-DUA	Residential 3 du/ac

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Native Trees	Yes	Replacement of Redwood Trees with non-native species
Scenic Corridor	Yes	Can be seen from Moraga Way scenic corridor
Modification of an approved plan	Yes	Request to amend the approved landscaping plan for the Country Club Vista Subdivision (now known as Sonsara)

Table 3: Project Chronology

Date	Action
11-23-2009	Application submitted (for Tree Removal Permit)
11-01-2011	Arborist's Report for removal of 5 "Aptos Blue" variety of Redwood Trees received
01-12-2012	Common Area Landscape Plan and request for replacement trees received
01-12-2012	Application deemed complete
01-23-2012	DRB hearing
01-13-2012	Public hearing notices mailed and posted
None	CEQA deadline ¹ (Project is categorically exempt)
03-12-2012	PSA deadline ² (60 days from deemed complete date)

1. Negative declaration must be adopted within 180 days after application is deemed complete, EIR within 365 days (CEQA Guidelines, Article 8).
2. 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).

II. Project Setting

A. Neighborhood/Area Description:

The project site is a 40-foot wide landscaped strip between Moraga Way and the Sonsara single family residential development (previously known as "Country Club Vista Subdivision"). Since Moraga Way is a designated scenic corridor, the 40-foot

wide landscaped open space area was required as a buffer between the road and the new homes in the development.

B. Site Conditions:

The approved landscaping includes 22 Redwood Trees between Moraga Valley Lane and Camino Ricardo. The panoramic picture below shows the appearance of the existing landscaping along Moraga Way.



Panoramic view along Moraga Way between Moraga Valley Lane and Camino Ricardo

III. Project Description

The only portion of the 40-foot landscaped strip along Moraga Way that is proposed for modification would be the section between Moraga Valley Lane and Camino Ricardo because this is the only area that abuts the rear or side yard areas of the adjacent single family homes. The section northwest of Moraga Valley Lane is adjacent to Courtier Lane. This application began in November 2009 as a request from the homeowner, Michael Gengler, residing at 28 Reynolds Court, to remove the five redwood trees adjacent to their rear property line due to damage from the roots to their irrigation system. The property at 28 Reynolds Court is the lot closest to the intersection of Moraga Way and Camino Ricardo at the center of the photograph below.



Application requests replacement of the 5 Redwood Trees at the center of picture

Since the trees were located within the common property of the subdivision and not on the applicant's property, the applicant was requested to obtain the consent of the Sonsara Homeowners Association (HOA) for filing the application. For the record, the applicant was also the president of the Sonsara HOA, but the Town needed to know that

the request was approved by the association. A second application was filed on September 26, 2011 (**Attachment C**) and it includes a more specific list of problems with the roots of the Redwood Trees. The letter of authorization from the Sonsara HOA, dated October 14, 2011, is enclosed as **Attachment D**. Staff determined that the amendment of the approved landscaping plan in the Moraga Way scenic corridor would require Design Review Board approval and that an arborist's report would be needed. The town received an arborist's report from A&M Quality Tree Service on November 1, 2011 that indicated that the root systems of the "Aptos Blue" variety of Redwood Trees could potentially cause damage to adjacent properties. The report includes pictures of the 5 trees near 28 Reynolds Court and some of the root damage. A copy of the report is enclosed as **Attachment E**. On January 12, 2012, Eric Rafanan, the landscape director for BLS Contractors for the Sonsara HOA submitted a copy of the approved landscape plans, originally prepared by Camp and Camp Landscape Architects. The plans enclosed as **Attachment B** have been high-lighted to show the location of 22 Redwood Trees that may potentially cause root problems for the adjacent lots. The plans also label trees 1 through 5, which are requested for immediate removal and replacement. Eric Rafanan also submitted a letter with three recommended tree species to be used as replacements for the Redwood Trees, which is included as **Attachment F**. The proposed replacement trees include: (1) Chinese Pistache, (2) Flowering Plum, and (3) European White Birch. The letter notes that the Chinese Pistache and Flowering Plum are already used in the landscaping along Moraga Way.

IV. Community Discussion

A. Neighbor/Community Concerns:

The public meeting notice for this application (**Attachment G**) was mailed to property owners within 300-feet of the landscaped common area along Moraga Way on January 13, 2012. The notice was also posted on the corner of the fence near the intersection of Camino Ricardo and Moraga Way and on the trunk of a Redwood Tree located near the meandering sidewalk and about 150-feet northwest of Camino Ricardo. As of the writing of this report, the town has not received any correspondence regarding the project. If correspondence is received prior to the meeting, it will be emailed or brought to the meeting.

B. Committee Review:

Municipal Code Chapter 12-10 pertains to the "Preservation, Maintenance and Removal of Trees". Section 12.12.030 requires a permit application to be filed with the Planning Director for the removal of any native tree. Redwood trees are classified as a "native tree" in Moraga, regardless of whether or not they were recently planted as a landscape tree. As noted above, it was determined that the Design Review Board was the proper body to consider this tree removal and replacement request because the DRB originally approved the landscaping for the Sonsara project on November 24, 1998 (see **Attachment H**). Also MMC Section 8.132.040-A.7. requires DRB approval for landscaping in a designated scenic corridor.

V. Issues and Analysis

A. Key Issues:

1. Findings for Tree Removal: MMC Section 12.12.040 sets the standards for granting a permit to remove trees as follows:
 - A. The condition of the tree with respect to disease, general health, existing damage, whether or not the condition is a public nuisance, danger of falling, proximity to existing or proposed structures and interference with utility service or other facilities; The planning director may require an arborist report if the health and/or safety of a tree is in question.
Comment: None of the Redwood Trees appear to be diseased; however, their roots are interfering with irrigation lines.
 - B. Whether or not the tree acts as a host for a plant which is parasitic to another species of tree, which is in danger of being exterminated by the parasite;
Comment: The arborist's report does not indicate that any of the Redwood Trees is serving as a host for a parasitic plant.
 - C. Whether the removal is consistent with good forestry practices;
Comment: Several of the Redwood Trees appear to be spaced in clusters where they are within the drip line of adjacent trees. Some conifer trees do not do well when they are competing with each other for water, but Redwood Trees don't seem to have a problem with crowding.
 - D. The species of the tree;
Comment: The arborist's report indicates that the "Aptos Blue" variety of Redwood Tree has particularly invasive roots.
 - E. The effect the removal will have on erosion, soil retention, and the diversion or increased flow of surface water;
Comment: The applicant proposes to replace the Redwood Trees with alternative species. The net effect on erosion, soil retention and diversion of surface water should be negligible.
 - F. On the basis of a review of the neighborhood, the planning director (Design Review Board) shall determine the neighborhood standards in existence, as well as, the density and distribution of trees, and the effect of such removal on the neighborhood standards.
Comment: The selection of the replacement trees will be important to maintain the balance of high and low planting and evergreen versus deciduous trees. At the present time, it appears that the Redwood Trees are the only evergreen species and the tallest trees along the scenic corridor. All of the proposed alternative trees are deciduous. If all of the Redwood trees are replaced, there would be no evergreen species in the mix.
2. Spread of Trees: The Chinese Pistache tree has a very broad spread that is almost equal to the height of the tree. It is a very lovely tree in the Fall when its

leaves turn bright crimson; however, if this tree is used to replace the Redwoods, it will overhang the rear yard fencing and drop its leaves in the adjacent yards.

3. Over use of one or two species of trees: Both the Chinese Pistache and the Flowering Plum are already used on the landscape palette for Sonsara. Using either of these trees as a replacement tree for the Redwoods may result in an over abundance of one type of tree. The European White Birch would provide for some additional variety, although it is also a deciduous tree.
4. Replacement of “native” trees with non-native trees: Perhaps there is a variety of Redwood Tree that does not have invasive roots? A native conifer tree that could be used is the Knobcone Pine, although, its grey-green needles would not be as attractive as the dark green “leaves” of the Redwood trees. When the DRB reviewed the original landscaping plans for Sonsara in 1998, they had recommended that some Oak trees be introduced into the mix. There are evergreen varieties of Oak Trees that could be used, which would also replace a native tree with another native tree.
5. Scenic Corridor Guidelines: The original landscaping was approved and found consistent with the Town’s scenic corridor ordinance and design guidelines. The scenic corridor requirements are listed in **Attachment I**. The primary concern is that the replacement trees should achieve the same balance to the massing of the landscaping. Upon the initial demise of the existing Redwood Trees, the size of the replacement trees will appear very small by comparison. In addition most of the replacement trees will not grow as fast or as tall as Redwood Trees. Other fast growing tree species are not recommended due to fire safety issues, such as Eucalyptus or Monterrey Pine trees.
6. Proximity of trees to property line fence: Some of the Redwood Trees are within five or six feet of the fence line, whereas, others are much further away. Perhaps the arborist can shed some light on the maximum spread of the root system for the “Aptos Blue” variety and some of the Redwoods that are farther from the fence line could be spared.

B. General and Area Plan Consistency:

General Plan Policy Analysis: The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy CD1.3–View Protection: Protect important elements of the natural setting to maintain the Town’s semi-rural character. Give particular attention to viewsheds along the Town’s scenic corridors, protecting ridgelines, hillside areas, mature native tree groupings, and other significant natural features.

Staff Analysis: The 40-foot wide landscaping area between the Moraga Way scenic corridor and the residential development was intended to enhance the

Town's semi-rural character and avoid a walled-in effect by setting the subdivision fence back from the road. Although the Redwood Trees are classified as a native tree, they would not be considered "mature native tree groupings" since they did not exist prior to the development.

2. Policy CD1.6–Vegetation: Emphasize and complement existing mature tree groupings by planting additional trees of similar species at Town entries, along major street corridors, in and around commercial centers, in areas of new development, and along drainage ways. Encourage the use of native, fire-resistant, and drought-tolerant species.

Staff Analysis: Redwood Trees are not a drought tolerant species and do not comply with the East Bay Municipal Utility District's guidelines for water conservation. The replacement trees should be more drought tolerant, such as an evergreen Oak tree species such as *Quercus agrifolia* (Coast Live Oak) or *Quercus ilex* (Holly Oak), which are both evergreens. The Coast Live Oak grows relatively slowly and will only achieve a height of 25-feet in 10 years. The Holly Oak has a moderate growth rate and will eventually achieve a height of 40-70 feet.

3. Policy OS2.8–Tree Preservation: Preserve and protect trees wherever they are located in the community as they contribute to the beauty and environmental quality of the Town.

Staff Analysis: It is very unfortunate that the Redwood Tree roots are causing problems on the adjacent residential lots because they have grown large enough to have a significant positive impact on the view along the Moraga Way scenic corridor at the west entrance into the Town. The trees should be replaced with new trees that will eventually have a similar visual impact to the Redwood trees.

VI. Recommendation

Due to the problems with the roots of the "Aptos Blue" variety of Redwood Tree, staff has prepared a draft action memorandum for consideration by the Design Review Board 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. The draft action memorandum is enclosed as **Attachment A**. The recommended conditions of approval include some performance specifications for the planting and growth of the replacement trees. The Design Review Board could also establish some standards for removal and replacement of additional Redwood Trees at Sonsara, so that the Planning Director could consider the requests in the future with notice to the Board.

Attachments:

- A. Draft Action Memorandum
- B. Project Plans, received January 12, 2012

- C. Tree Removal Application with list of problems with Redwood Trees
- D. Letter of authorization from the Sonsara HOA dated October 14, 2011
- E. Arborist's Report from A&M Quality Tree Service dated October 25, 2011, with photos
- F. Applicant's letter dated January 12, 2012 with suggested replacement trees.
- G. Notice of Public Meeting mailed January 13, 2012
- H. DRB Staff Report for Sonsara Landscaping on November 24, 1998
- I. Applicable Scenic Corridor Ordinance requirements and Scenic Corridor Design Guidelines
- J. Correspondence (If received prior to delivery of packet)

Staff Planner: Richard Chamberlain, chamberlain@moraga.ca.us, (925) 888-7040

ATTACHMENT A

DRAFT ACTION MEMORANDUM



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-17-11 – BLS Contractors (Applicant), Sonsara Homeowners Association (Owner), Common Area Landscaping modifications on Moraga Way:

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 for a tree removal permit for 5 Redwood trees adjacent to 28 Reynolds Court with replacement with alternative species. (APN: 255-840-036)

DESIGN REVIEW BOARD ACTION:

The DESIGN REVIEW BOARD hereby grants approval of the a tree removal permit for the 5 Redwood trees in the Sonsara common area adjacent to 28 Reynolds Court in accordance with the following findings and conditions of approval:

PART 1: FINDINGS FROM MMC SECTION 12.12.040:

- A. The condition of the trees with respect to disease, general health, existing damage, whether or not the condition is a public nuisance, danger of falling, proximity to existing or proposed structures and interference with utility service or other facilities;** The Design Review Board finds that none of the Redwood trees are diseased, but the roots of the trees is interfering with irrigation lines and other improvements on the adjacent residential lots.
- B. Whether or not the tree acts as a host for a plant which is parasitic to another species of tree, which is in danger of being exterminated by the parasite;** The Design Review Board finds that the arborist's report does not indicate that any of the Redwood trees is serving as a host for a parasitic plant species.
- C. Whether the removal is consistent with good forestry practices;** The Design Review Board finds that several of the Redwood trees are spaced in clusters where

they are within the drip line of adjacent trees and some of the trees are located very close to the existing subdivision fence along the rear property lines of the adjacent lots.

- D. The species of the tree;** The Design Review Board finds that the arborist's report indicates that the "Aptos Blue" variety of Redwood tree has particularly invasive roots.
- E. The effect the removal will have on erosion, soil retention, and the diversion or increased flow of surface water;** The Design Review Board finds that there will be no adverse effect on erosion, soil retention or diversion of surface water because the applicant proposes to replace the Redwood trees with alternative species.
- F. The Design Review Board has determined that the impact of the removal of the trees on the density and distribution of trees will not have a significant effect on the neighborhood standards** because the replacement trees will be selected to maintain the balance of high and low planting and the numbers of evergreen trees as opposed to deciduous trees.

PART 2: CONDITIONS OF APPROVAL:

1. The tree removal permit is limited to the 5 trees southwest of the property at 28 Reynolds Court. If the Sonsara Homeowners Association wishes to remove additional Redwood trees from the common area in the future, then an arborist's report shall be submitted with a Tree Removal Application to be considered on a case by case basis by the Planning Director, with notice to the Design Review Board.
2. The applicant shall replace each Redwood tree that is removed with an evergreen drought tolerant tree, such as *Quercus ilex* (Holly Oak). The selection of the replacement tree species shall be approved by a sub-committee of the Design Review Board.
3. The replacement trees shall be planted within 30-days after removal of the Redwood trees. If an extension of time is requested for the planting of the replacement trees, then a cash bond shall be submitted to the Town at the rate of \$200.00 per tree to guarantee the planting of the replacement trees within a maximum of 6-months.
4. The specifications for planting the replacement trees shall comply with the following requirements:
 - a. The planting size of the new trees and shrubs shall be 15 to 20 gallon size to have an immediate visual impact. If box specimen trees are used, extreme care shall be taken to make sure that the trees have not become root bound in the box, which would stunt their growth rate.
 - b. Each new tree shall have soil amendment added around the tree equal to four (4) times the volume of the planting size of the container or root "ball" to enhance the growth rate of the trees.

- c. The trees shall be an evergreen variety to maintain the existing balance of evergreen and deciduous species.
 - d. All replacement trees shall be drought tolerant in compliance with Design Guideline L2.4.
 - e. The proposed replacement trees shall comply with the Moraga-Orinda Fire District's fire-safe landscaping list in accordance with Design Guidelines RH7 and L1.2.
5. If any of the replacement trees do not survive the transplanting or die due to lack of maintenance, they shall be replaced within 30-days.
 6. Prior to the removal of the Redwood trees, the applicant shall pay a fee of \$125.00 for a landscape inspection by the planning staff to verify the planting of the replacement trees.
 7. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.
 8. If the tree removal permit is not exercised within one year from the date of final action, the Design Review Board approval becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) 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 10 calendar days after the date of the decision. If you have any questions regarding the action of the Board, please contact the Moraga Planning Department at (925) 888-7040.

ATTACHMENT B

**PROJECT PLANS
RECEIVED JANUARY 12, 2012**

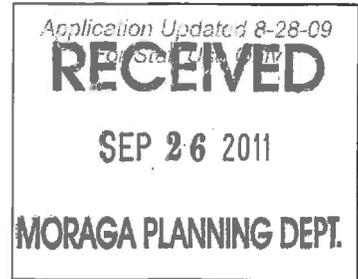
ATTACHMENT C

TREE REMOVAL APPLICATION WITH LIST OF PROBLEMS WITH REDWOOD TREES



Town Of Moraga

PLANNING DEPARTMENT
329 Rheem Boulevard, Suite 2
MORAGA, CA 94556
Phone: (925) 888-7040 Fax: (925) 376-5203
Website: www.moraga.ca.us
Email: planning@moraga.caus



TREE REMOVAL PERMIT APPLICATION

A person who desires to cut down, destroy or remove a general tree, a native tree, an orchard tree or a tree of historic significance, located either on public or private property, shall file this application with the Planning Director. In granting a permit, the Planning Director may impose reasonable conditions to insure compliance for the purpose of the chapter. If the permit is denied, the Planning Director shall specify the basis for denial.

PART I (To be completed by the Applicant)

Applicant: BLS Contractors

Address: 180 Mason Circle, Suite C

Phone Number: (925) 825-8212

Species of Tree: Redwood

Classification of the Tree: Native

- **General Tree:** a tree other than a native tree or one of historical significance.
- **Native Tree:** native to California and indigenous to the Moraga area, the most common being the bay, oak, redwood, toyon, and knobcone pine.
- **Orchard Tree:** a fruit or nut tree that was planted for commercial agricultural purposes.
- **Tree of Historic Significance:** a tree so designated by the Town Council.

Why do you wish to remove the tree? Five (5) Redwood trees are
damaging property. Community wants to remove them
and replace with something less invasive

E. P. [Signature]
Signature of Applicant

9-26-11
Date

Town of Moraga

Fee: \$500.00
(\$100 per tree)

Receipt
47850

No:

PART II (To be completed by the Planning Director)

Does the tree have any diseases? What type? _____

What is the general health of the tree? _____

Is there existing damage to the tree? How is it damaged? _____

Is the condition of the tree a public nuisance? How? _____

Is the tree in danger of falling? _____

Is the tree within proximity to existing or proposed structures? _____

Does the tree interfere with utility service or other facilities? How? _____

Will the removal of the tree affect the standards in the neighborhood as demonstrated by the existence, density and distribution of trees? Why or why not? _____

Will the removal of the tree affect property values in the area? _____

Will the removal of the tree lead to erosion, soil retention, and/or the diversion or increased flow of surface water? How will the removal of the tree affect the topography of the land? _____

Is the removal of the tree consistent with good forestry practice? _____

PART III: DETERMINATION

IF APPROVED:

Conditions: _____

IF DENIED:

Reasoning: _____

Lori Salamack, Planning Director

Date

Sonsara HOA
Mr. Gengler
28 Reynolds Court
Moraga, CA 94556

Some notes from the Homeowner:

Approximate distance from fence to where damage is occurring:

- Between 4-6 feet from fence
- Roots all over yard
- Some areas – cut roots less than 18” from house foundation
- Root damage from fence – all along fence and into entire yard
- Much of the patio is cracking and lifting in area very close to the house
- Overtaken with roots throughout the entire yard and is starting to lift and crack the concrete

Note: Swimming pool is 5-feet from fence line – very concern about this.

Yard Maintenance guy:

- All heads to the sprinkler system have been replaced (unfortunately no receipts for repairs – only verbal)
- Had to remove many roots from the trees for repairs
- All you have to do is dig down 2” in the yard and you will encounter a solid mat of fibrous Redwood roots
- It’s causing the patio slab to push up

Homeowner has volunteered to meet with the City of Moraga personnel to assist and point out issues as well. Also states maybe a good idea to replace the trees with some variety that is already present in the community. EX: Purple Leaf Plum trees.

ATTACHMENT D

**LETTER OF AUTHORIZATION
FROM THE SONSARA HOA
DATED OCTOBER 14, 2011**

The Sonsara Homeowners Association

A Mutual-Benefit non-profit California Corporation community

RECEIVED

OCT 18 2011

MORAGA PLANNING DEPT

October 14, 2011

To: Moraga Planning Department, attn. Shawna Brekke-Read, Planning Director

RE: Department response letter regarding redwood tree removal permit application

Dear Ms. Brekke-Read;

I am in receipt of the letter you directed to the Associations Landscape maintenance contractor, Eric Rafanan of BLS contractors, dated October 5th, 2011.

Your letter of response posits delays in processing the permit for the following reasons:

1. Please provide authorization of the tree removal from the Sonsara HOA;
2. Please submit a site plan showing the location of the trees in relation to the adjacent homes, common areas, and streets (the plan shall be dimensioned with features labeled and trees identified);
3. Please submit an arborist report; and
4. Please label or explain the photographs you submitted (for your convenience, they have been included this letter).

Please accept this letter as approval from the Sonsara Homeowners Association in that the Association requested its landscape Maintenance Firm, BLS Contractors, represented by Eric Rafanan, to submit for the permit on behalf of the association for the reason that the tree roots are currently causing substantial damage to concrete and plumbing on the property of the owner of 28 Reynolds Court, as shown in the photos originally submitted with the Permit request. Eric is also preparing the requested site plan (#2), and is labeling the photographs of the damage submitted with the original permit application (#4).

We are very disappointed that our efforts to conduct Abatement of this problem the right way instead of doing as we were verbally advised by a member of the Town of Moraga staff (that being to just cut them down and deal with any consequences later) is resulting in this sort of resistance.

It should be noted that these redwood trees, a type of tree known for its aggressive fibrous root structure and which is well documented to intrude on residence utilities and concrete walkways, patios, grade beams and slabs, were planted on the undeveloped property by the Country Club years before the approval of the residential development was approved. It should also be noted that the association fully intends to replace the trees, once removed, with alternate trees in the same number and locations, of varieties which already exist elsewhere within the community property. The varieties under consideration include maple and purple leaf decorative plum trees, which are not known for aggressive root systems but will lend beauty to the overall landscape without causing the significant property damage which is being done by the redwoods now.

The Association would appreciate an explanation regarding the demand (item number 3) for an arborist report. The submittal for the tree removal permit regards damage being done to private property by the root systems of the redwood trees resulting in financial hardship for them, and not the form, appearance, or health of the trees themselves. Our request for the removal permit includes the

information that we intend to replace these trees with alternate trees with a less aggressive and damaging root system. Redwood trees are known for their intrusive root system and proven damaging characteristics related to plumbing and concrete, and we do not understand why the Town of Moraga directed that they be installed by the developer in the first place, much less why the Association would now be directed to assume the expense of an arborist report after being advised by the planner during the submittal that one would not be necessary. As you do not have an arborist on staff to interpret any technical information which could be given in a report which would be obtained at the further cost of the membership of the association, we question the validity of this requirement.

Our prior requests regarding these trees met with delays and being outright ignored by your predecessor, Lori Salamack, who failed to show up to 3 site meetings arranged by the original Landscape firm and arborist retained by the community to handle the tree removal permit, removal, and replacement process about a year ago. Is there some overriding reason that the Town of Moraga is determined to insure that these trees remain and this sort of property damage continues to occur? If so, is the Town willing to assume the financial obligation for that damage?

Please explain, as we cannot fathom the apparent jurisdictional resistance to this request. If we sound frustrated, it is because we ARE. When a jurisdiction insists upon control of elements of private property, they also assume an obligation to that property regarding care and consideration for the residents and taxpayers who live there. We anticipated that the town would at least attempt to take a common sense approach instead of leaning on 'process' to the detriment of owners. In this case, an owner faces significant property damage already becoming apparent, and the trees in other areas of the community may well pose the same risk in the future to nearby homes.

Thank you,



The Sonsara Homeowners Association Board of Directors
c/o Boardwalk Investment Group, Inc.
317 Lennon Lane, Suite 200, Walnut Creek, CA 94598
Attention to: Dawn Emerson

ATTACHMENT E

**ARBORIST'S REPORT FROM
A&M QUALITY TREE SERVICE
DATED OCTOBER 25, 2011,
WITH PHOTOS**

A&M Quality Tree Service

Professional Tree Workers/Certified Arborists

1900 Judith Pl.
Concord, Ca, 94521
Phone (925) 932-3318 Fax (925)881-2444

DATE
Arborist report 317
WC7713A Matt Walters

To:

BLS Contractors
180 Mason cir.
Concord, Ca.

10/25/2011

RECEIVED

NOV 01 2011

MORAGA PLANNING DEPT.

We've inspected 5 redwood tree's (Sequoia Sempervirens) "Aptos Blue" @ the corner of Camino Ricardo Dr. and Moraga Wy. for the Sonsara HOA in the town of Moraga, Ca. The property is well landscaped and properly maintained, however the Redwood tree's inspected are creating root problems for the adjacent property. The buttress and feeder roots have invaded the property in more than one area and have created damage. The root system of these "Aptos Blue" variety grow at a rapid rate in the early years and can cause irreversible damage in the long run. The diameter of tree (1) 30" (2) 43" (3) 36" (4) 45" (5) 50" respectively. Also, walking further west on the property on Moraga Wy, there are potentially 15 Redwoods "Aptos Blue" that could cause the same root damage in the future to these property's. In conclusion we suggest to remove the 5 Redwoods inspected and in question and replant more desirable ornamental less root invasive tree's.



Overall picture of Redwood trees



First Redwood tree near corner of property



Fifth Redwood tree from corner of property



First & second Redwood tree



Pictures of first three Redwood trees - starting from corner of property



Patio & pool deck on other side of fence line





Surface roots coming from trees toward homeowners property



Roots damaging irrigation system



This area is really close to the house - approximately 18"

ATTACHMENT F

**APPLICANT'S LETTER
DATED JANUARY 12, 2012
WITH SUGGESTED
REPLACEMENT TREES**



January 12, 2012

BLS Contractors, Inc.
180-C Mason Circle
Concord, CA 94520
P (925) 825-8212
F (925) 825-5105

Dear Town of Moraga Planning Division:

This letter is in reference to **Sonsara HOA**. There are twenty-two (22) Redwood trees along Moraga Way that range from approximately 4 – 10' from the private property of this HOA.

The Association is requesting the removal of those trees, as needed; due to property damage. We've marked the twenty-two (22) Redwood trees on the attached landscape planting plans.

We are recommending the trees be replaced with one of the following types:

- Pistachia chinensis (Chinese Pistache) 30 – 60' tall / 25 - 50' wide (*please note this tree is already part of the landscape*)
- Prunus 'Krauter Vesuvius (Flowering Plum) up to 18' tall / 12' wide (*please note this tree is already part of the landscape*)
- Betula pendula (European white Birch) 30 – 40' tall / 15- 20' wide

The trees 1 – 5 as marked on the landscape planting plans are causing immediate damage to the private property at 28 Reynolds Court; which is located on the corner of Moraga Way and Camino Ricardo.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads 'Eric Rafanan'.

Eric Rafanan
Landscape Director

ATTACHMENT G

**NOTICE OF PUBLIC MEETING
MAILED JANUARY 13, 2012**



Design Review Board

Notice of Public Meeting

Sonsara Homeowners Association Moraga Way

Design Review Board review of an amendment to the approved landscaping in the 40-foot wide planting area along Moraga Way between Camino Ricardo and Moraga Valley Lane and an initial request to replace 5 Redwood trees adjacent to 28 Reynolds Court with alternate trees.

The Design Review Board of the Town of Moraga will hold a public meeting on the above matter, pursuant to Moraga Municipal Code Sections 8.12.060-070, on **Monday, January 23, 2012** at the meeting room in the La Sala Building at the Hacienda de las Flores, 2100 Donald Drive (wheelchair accessible). The meeting starts at 7:00 p.m.

PROJECT INFORMATION:

- Potentially a total of 22 Redwood trees could be replaced with alternate trees.
- Applicant's suggested alternate trees include: Chinese Pistache, Flowering Plum and European White Birch.
- The roots of the existing Redwood trees are reported to be causing damage on the adjacent lots.

PERMITS REQUIRED:

- Design Review Board approval
- Tree Removal Permit

APPLICANT: BLS Contractors, Landscape Division, 180-C Mason Cir., Concord, CA 94520

PROPERTY OWNER: The Sonsara Homeowners Association, c/o Boardwalk Investment Group, Inc., atten: Dawn Emerson, 317 Lennon Lane, Suite 200, Walnut Creek, CA 94598

ZONING DISTRICT: 3-DUA (three dwelling units per acre)

ENVIRONMENTAL REVIEW STATUS: The project is categorically exempt under CEQA Section 15301(h) Maintenance or minor alteration of existing landscaping.

ATTACHMENTS: Vicinity map, project plans (some drawings not included to facilitate mailing; all drawings are available for public review; see "Further Information" below).

PUBLIC COMMENT

Comments may be made verbally at the public meeting and in writing before the meeting. Those wishing to speak at the meeting should submit a speaker card by 7:15 p.m. The Design Review Board may limit the time granted to each speaker. Written comments to the Design Review Board are encouraged and should be directed to:

Planning Department
329 Rheem Boulevard
Moraga, CA 94556

Fax: (925) 376-5203
E-mail: planning@moraga.ca.us

To assure distribution to Board members prior to the meeting, it is recommended to submit **correspondence by 12:00 noon, seven (7) days before the meeting.** Please submit fifteen (15) copies of any correspondence with more than ten (10) pages or for any item submitted less than seven days before the meeting.

FURTHER INFORMATION

Questions about the project should be directed to the project planner, Richard Chamberlain, at (925) 888-7040 or planning@moraga.ca.us. All project application materials, including full-size plans, may be viewed at the Planning Department, 329 Rheem Boulevard, during normal office hours.

Filename: DRB 17-11 Sonsara Landscaping Public Notice 01-23-12

ATTACHMENT H

**DRB STAFF REPORT FOR
SONSARA LANDSCAPING ON
NOVEMBER 24, 1998**

DESIGN REVIEW BOARD STAFF REPORT

MEETING DATE: November 24, 1998 REPORT WRITTEN: November 20, 1998

ITEM NUMBER: VII. B. – CONCEPTUAL PLAN REVIEW

SUB 7764 and SUB 7301 / TAYLOR WOODROW HOMES, INC. (Applicant/Owner): Review of a proposal to modify the approved landscape plan and project fence design for the exterior frontage of the Moraga Valley Lane development, generally at the northwest corner of the Moraga Way and Camino Ricardo intersection. The proposal would result in removal and replacement of the existing fence and landscaping.

BACKGROUND:

On August 25, 1998, the Design Review Board considered a proposal by the applicant to modify the approved landscape plan and project fence design for the exterior frontage of the Sonsara project (formerly Moraga Valley Lane SUB 7764 and 7301), along Moraga Way and Camino Ricardo. The Board continued the matter with the following direction:

1. The applicant shall increase the number of trees to be consistent with the number shown on the approved landscape plans for Subdivisions 7301 and 7764.
2. The plans shall include the size and location of trees and shrubs.
3. Trees and shrubs as designated in the Design Guidelines for this portion of Moraga Way shall be incorporated into the landscape design.
4. Provide a detail of the entry wall design at Whiting Court.
5. Details of the proposed fence design entry wall shall be provided, including cross sections of the stucco wall and lattice portion, and stucco columns.
6. Provide a detail of the proposed painted metal logo.

The applicant has submitted revised plans that address the comments of the Design Review Board.

APPLICABLE DESIGN GUIDELINES

6. Greenbelts shall have a balance of high and low plants to give a natural look to the landscaped area. At no time will a landscaped area (other than grass) exceed 50 lineal feet along the scenic corridor road without a change in massing, character and color.

9. In order to enhance the landscaping along the major scenic corridors, new development within 500 feet of the corridors shall include trees and shrubs from the following list along the major streets:

- d. Zone 4, on Moraga Way from School St. west to Orinda city limits.
 - (1) Sequoia sempervirens "Aptos Blue" Coastal Redwood
 - (2) Prunus "krauter vesuvius" Flowering Plum Tree
 - (3) Shrub: Escallonia "Compakta" and "Langleyensis" Evergreen.

The above varieties are specified because they provide additional color, minimally obstruct the view of hills and other scenic features, are drought resistant and non-allergenic and require minimal care.

10. All street trees along the scenic corridors shall be no smaller than 24" box size and shall be planted and staked according to the Town's standard details.

ANALYSIS:

The applicant is proposing to modify the location of the fence in relation to the existing property lines. The rear property lines of the lots along Moraga Way currently jogs out 4 feet, creating a 38 foot wide section, situated between an 82 foot section. The existing fence is constructed on these property lines. The proposed plan would reverse this relationship and move the main fence line out 4 feet closer to Moraga Way and create a narrower section of fence that jogs in 4 feet toward the lots. This will require a Lot Line Adjustment to add the area to each lot. The existing lot lines are shown as dashed lines on the landscape plan. In terms of the overall design compared to the previous fence line, the new design will move the narrower fence sections to the intersection of the side property lines of the lots, where the previous design had these sections in the center of the rear lot line. This will result in a slight increase in the size of the lots, and will provide a longer section of straight fence along the rear property line of each of the lots.

The proposed lattice section consists of a 1 foot high stucco base on which lattice panels will be located. Each lattice panel is approximately 8 feet wide, with 4 inch wide boards as a frame, and with the panels separated by a 4 inch wide block. The lattice portion will be 2 x 2 inch boards in a square pattern. The lattice portion of the fence is separated by a stucco column that is 4'-6" wide and 6"-8". Along Camino Ricardo, the columns will be 4'-6" wide and 3'-9" deep. The columns include a planter within the top in which the planting of Star Jasmine is proposed. Where the narrower sections of the fence jog back into the lots, there will be a section of stucco wall connecting the columns. The stucco sections vary from 25 to 41 feet wide.

The proposed entry feature consists of stucco walls with a wood trellis above. A round painted metal logo (open center) is shown in the walls on each side of the entry. A small subdivision identification sign is shown inset in the stucco wall. In terms of the design of the entry feature, the Board should consider whether it is appropriate for the Scenic Corridor. The design does not appear to be consistent with the semi-rural character of the community. It may be possible that a reduced scale would be more appropriate.

The applicant has responded to the standards of the Design Guidelines for landscaping along Moraga Way by including Coastal Redwood (*Sequoia sempervirens* "Aptos Blue") and Flowering Plum Tree (*Prunus* "krauter vesuvius"). However, it would be appropriate to consider use of some Oak trees in the design. The Town Council has expressed an interest in Oaks within this project. The approved landscape plan included Coastal Live Oak (*Quercus agrifolia*) and Scarlet Oak (*Quercus coccinea*).

The number of trees has been increased from the previous proposal submitted for review on August 25, 1998. As noted for that meeting, the approved landscape plan included approximately 181 trees. The preliminary design reviewed on August 25th provided 78 trees. The revised plan includes 197 trees. One significant difference, as compared to the approved landscape plan is the sizes of the trees. The approved plan included 24 inch box and 15 gallon trees. The proposed plan includes a minimum size of 24 inch box, as well as 36, 48 and 60 inch box specimens.

Another change to the landscape concept is the inclusion of turf area. This appears to be a feature that will tie in well with the golf course across Moraga Way. Although turf is generally a high water user, Fescue varieties as proposed use less. The applicant should address the overall water efficiency of the landscape plan, based on a water budget designed for water conservation.

One issue that should be clarified is whether there will be any grade changes with the landscape plan. As discussed during considering of the home design on Lot 14 (SUB 7764), there was an indication that the landscaping along Camino Ricardo would involve some berming, raising the height of the fence above the street. This should be address on the landscape plans.

RECOMMENDATION:

The staff recommends that the Design Review Board grant Conceptual Plan Approval, with the following Conditions:

1. The applicant shall consider modification of the entry feature to reduce the scale.
2. Color and material samples shall be provided for Final Plan Review.
3. If grade changes are proposed, a cross-section shall be provided, and revised contours reflected on the plans.
4. An irrigation plan shall be provided before Final Plan Approval.
5. The applicant shall incorporate Oak trees into the design.

Prepared By: Kenneth Kent, Associate Planner

EXHIBIT A - DRB Minutes, August 25, 1998

EXHIBIT B - Proposed Plans

ATTACHMENT I

APPLICABLE SCENIC CORRIDOR ORDINANCE REQUIREMENTS AND SCENIC CORRIDOR DESIGN GUIDELINES

Attachment I

APPLICABLE DESIGN GUIDELINES AND SCENIC CORRIDOR REQUIREMENTS FOR SONSARA LANDSCAPE REVISIONS

3 MAINTAIN THE TOWN'S SEMI-RURAL CHARACTER (SRC)

- SRC1 Retain, protect, and utilize existing natural features, such as trees and other vegetation, interesting ground forms, rocks, water, and significant views in the design.
- SRC5 Preserve natural site amenities.
- Development should be planned in relation to natural features.
 - Natural features must be protected both during and after construction of the project.
 - Retain trees and other native vegetation, consistent with tree preservation ordinance, to maintain current stability of steep hillsides, retain moisture, prevent erosion, and enhance the natural scenic beauty. Grading under tree driplines should be avoided to protect the root system during development.
 - Treat significant natural features, such as creeks, rock out-croppings, and prominent knolls, as assets.
- SRC7 New trees should be planted to compliment the natural pattern of tree placement.
- SRC8 Mature native tree groupings should be protected.

5 COMPLEMENT EXISTING LANDSCAPING (L)

L1 FIRE SAFE LANDSCAPING

- L1.1 On residential lots located adjacent to open space or heavily wooded areas, trees should be planted no closer than 15 feet from the exterior wall of a residence.
- L1.2 Consideration should be given to avoiding flammable trees and shrubs where possible. Consult the Moraga Fire Protection District for highly flammable plant species to be avoided such as certain pine, juniper, and eucalyptus species.
- L1.3 Landscaping should be properly irrigated to assure that plants retain their fire retardant capability, but shall not be over watered so as to create runoff from the site.
- L1.6 The Town will weigh the merits of water conserving landscapes in conjunction with fire safety and stormwater management.

L2 SINGLE-FAMILY RESIDENTIAL LANDSCAPING AND IRRIGATION

- L2.2 New irrigation systems shall include automatic rain shut-off controller devices.
- L2.3 Irrigation runoff shall not be discharged into the storm drain system. Therefore, over watering of the landscape shall be avoided. Opportunities shall be provided for biofiltration that routes stormwater through landscaping and then to an appropriate drainage facility.
- L2.4 Drought tolerant plant species are encouraged as they use less water and are often fire safe.

6 ENHANCE TOWN'S SCENIC CORRIDORS (SC)

The project site is within 500 feet of the Moraga Way scenic corridor. The purpose of these guidelines is to provide further criteria for development that is visible from a major scenic corridor.

- SC3 A greenbelt should be established between the scenic corridor major road and a parking area or building that is located adjacent to the road. The greenbelt must be landscaped and appear to be natural (i.e. a high percentage of the ground area could be a mounded redwood bark or stone covered area as long as plants provide a reasonable amount of massing to create a screening effect). All landscaped areas shall be appropriately irrigated to maintain healthy plants while preventing runoff from over watering.
- SC5 The greenbelt separating a single-family residence from a scenic corridor roadway should have a minimum depth of 20 feet. This depth can be lessened if mitigated by shrubbery, trees and/or other acceptable elements or landscaping.
- SC8 Greenbelts should have a balance of high and low plants to give a natural look to the landscaped area. At no time will a landscaped area (other than grass) exceed 50 lineal feet along the scenic corridor road without a change in massing, character, and color.
- SC11 In order to enhance the landscaping along designated scenic corridors, new development within 500 feet of these corridors should include trees and shrubs from one of the palettes in Appendix B. The Town of Moraga encourages planting of native species over non-native species and encourages applicant's to refer to the Native Plant Society website to check that the plants that you select are not invasive species.
- SC12 Roadside landscaping should be selected and maintained so that street signs and other directional signs are not blocked from view.
- SC16 Design shall be consistent with the Moraga Municipal Code Section 8.132. (*See below*)
- SC17 Viewsheds, including but not limited to close up and distant views, ridgelines, hillsides and mature native tree groupings should be protected along the Town's scenic corridors to retain the Town's semi-rural character.

APPLICABLE SCENIC CORRIDOR ORDINANCE REQUIREMENTS

Chapter 8.132 SCENIC CORRIDORS

8.132.050 Development guidelines.

- B. Development or improvements within a major scenic corridor and subject to regulation under Section 8.132.040 shall comply with the following guidelines:
1. The design and location of landscaping shall create a compatible visual relationship with surrounding development and with the natural terrain and vegetation.
 2. Landscaping shall be so located that it does not create a walled effect along the scenic corridor.
 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.
 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 vegetation in conjunction with a low earth berm.

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.

ATTACHMENT J

**CORRESPONDENCE
(IF RECEIVED PRIOR TO
DELIVERY OF PACKET)**