

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

May 28, 2013

I. CALL TO ORDER AND ROLL CALL

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

Present: Boardmembers Escano-Thompson, Glover, Kirkpatrick,
Chair Helber
Absent: Boardmember Zhu
Staff: Planning Director Shawna Brekke-Read
Senior Planner Ellen Clark

Conflict of Interest

Boardmember Glover reported that he would have to recuse himself from the discussion of Item A under V. Design Review, due to a potential conflict of interest.

Contact with Applicants

There was no reported contact with applicants.

II. PUBLIC COMMENTS

There were no comments from the public.

III. ADOPTION OF THE CONSENT CALENDAR

- A. Approval of January 30, 2013 Minutes**
- B. Approval of April 8, 2013 Minutes**
- C. Approval of April 22, 2013 Minutes**
- D. Adoption of Meeting Agenda**

The minutes for the April 22, 2013 meeting were removed from the Consent Calendar to be considered under Item V. Design Review, as Item C.

On motion by Boardmember Escano-Thompson, seconded by Boardmember Kirkpatrick and carried unanimously to adopt the Consent Calendar, as shown, with the removal of Item C.

another 24 inches into the front yard and side yard setbacks if the Planning Commission approved the variances.

Given that the addition was at the front of the property, issues with respect to shade and separation would not be applicable and it would be consistent with other properties in the neighborhood which had also been built to the same setback standards. There was also a small encroachment on the side of the property approximately 4 inches into the side setback from the side of the wall, which was minimal and produced no negative effects.

Ms. Clark advised that staff had determined that the proposed materials and addition would be aesthetically compatible with the neighborhood, the Design Guidelines, and would create no negative impacts. She recommended approval of the project subject to findings and conditions. She asked that the DRB recommend approval of the design subject to any conditions to be forwarded to the Planning Commission, with said conditions to be approved at such time as the Planning Commission considered and approved the variance request.

Responding to the DRB, Ms. Clark clarified that although the scenic corridor did not include the Lafayette-Moraga Trail, it had been called out since it was visible and well used.

PUBLIC COMMENTS OPENED

Ryan Thompson, 205 Fernwood Drive, Moraga, introduced his wife and the builder for the project. He had nothing further to add to the staff report and welcomed any questions from the DRB, affirming that he had submitted the plans to his neighbors who were supportive of the project. When asked, he noted he had lived in the home for the past five years.

PUBLIC COMMENTS CLOSED

Boardmember Kirkpatrick found the extensions of the garage line and the porch at the rear yard with the hip and gabled ends to add to the profile of the home at the front and rear. He supported the inclusion of those design elements with a recommendation to the Planning Commission. He also clarified with the applicant that construction materials would be moved to the side yard immediately after delivery for safety and security reasons, and if that was acceptable to staff he did not recommend modification to Condition 10 of the Draft Action Memorandum dated May 28, 2013.

As to Condition 12, Ms. Clark explained that the intent of the condition was that the outdoor light fixtures be down directed to ensure no off-site spillage. She was uncertain if the lights would be Dark Sky compliant.

Ms. Clark explained that the project involved a rebranding from 76 to Arco and the applicant had worked with a signage consultant to prepare a signage proposal for the site; separately the applicant's architect had provided colors and materials for staff review, which had been included in the DRB packets.

Ms. Clark reported that the project site was located at 425 Moraga Road, a visible location within the scenic corridor along Moraga Road and Rheem Boulevard. Staff strongly felt this was an opportunity to upgrade the appearance of the site to improve the site and enhance the scenic corridor consistent with the semi-rural character of the Town. Staff had conducted an extensive analysis of the project and had recommended numerous conditions of approval, as outlined in the May 28, 2013 staff report, regarding the signs, pump valance signs, canopy signs, wall signs, directory signs, freestanding monument sign, lighting, colors, and the pay station.

In response to the DRB, Ms. Clark clarified that landscaping had previously been reviewed and approved by the DRB, with a decorative fountain having been installed. The basic building design had also been approved including the number of bays for the gas station. She noted the proposed light poles had been identified on the plans pursuant to the use of symbols but were not called out on the plans.

Ms. Brekke-Read added that staff had requested information on signage at the time the application was considered by the DRB in February 2012, at which time the property owner stated he had not decided on a brand. She stated that this was the reason the items before the DRB at this time, lighting, exterior colors and signage. She understood that the illumination of the freestanding monument sign had been proposed to be externally illuminated pursuant to Sheet SNA-1, on the submitted lighting plan.

PUBLIC COMMENTS OPENED

Pete Tobin, Project Architect spoke to the conditions of approval recommended by staff, noted the property owner was present, and there was agreement with the staff recommendations for only two wall signs, with no signage on the canopy structure. In working with staff, the proposed blue color on the building would be modified to produce more of an earth tone. The existing fluorescent lighting tubes under the overhang would be removed and replaced with a more decorative LED lantern fixture, and an updated photometric study had been submitted but had not shown a light at the rear other than standard wall packs which should provide sufficient illumination.

Mr. Tobin, stated that identification was critical; the applicant had given up signage on the canopy and the corporate colors, and there was a need to retain the size of the existing freestanding monument sign at 43 to 44 square feet allowing for the actual Arco brand on one side and three price signs on the other. The price signs would be approximately four feet in length and one foot high; if

be replaced with LED wall light packs and could include a light shield, if so directed, although that would dumb down the light. The lights proposed at the front of the building would be shielded.

As to whether the cabinet for the freestanding monument sign could be raised while also staying within the 30 square foot size as recommended by staff which would allow the sign to be more visible, Ms. Brekke-Read noted there were other issues related to the height of the sign which was very large, and the applicant would have to reduce the height and rebuild the face of the sign as part of the approval.

Chair Helber commented on the number of changes made to the application between the time of submittal and now, and the recommended changes to conditions of approval which he found to be substantial. He asked whether the DRB could provide a clear concise decision for the record, particularly given the code enforcement issues with the Valero station.

Ms. Brekke-Read commented that if the DRB decided to approve the project that could be done at this time pursuant to conditions of approval including a condition that the Chair review the final plans prior to building permit issuance for the signage. Another option could be to delay review and ask the applicant to submit revised plans. She acknowledged staff had been working with the applicant for some time.

Mr. Tobin acknowledged the DRB's concerns but expressed concern about coordinating plan revisions, noting the sign contractor who also did some of the color portion of the project, would submit a formal sign permit, which would include revised plans. He stated the conditions of approval were clear and the plans would be revised. He clarified, when asked, that the existing frame of the freestanding monument sign was 43 square feet in size.

Ms. Clark clarified the staff recommendation that the sign faces not be of a translucent plastic sign facing and be an opaque material or material that would not accept internal light, requiring the replacement of the cabinet in its entirety.

Ms. Brekke-Read identified the options before the DRB to approve the project as recommended; to approve the project as recommended subject to the changes requested by the applicant; to give clear direction to the applicant and staff on how the DRB wanted the plans changed and continue to a date certain; or to approve the project subject to additional changes with Condition 3 of the Draft Action Memorandum dated May 28, 2013, to be revised to include a statement to reflect *The following changes shall be made to the plans*, with a list of the proposed changes.

Chair Helber was reluctant to allow the project to move forward while also realizing it had previously been considered by the DRB at which time the applicant had decided to defer the signage. He did not want to see a similar

- Exterior Material - Consensus to support the staff recommendation to repaint the existing stone facing on the building and propane enclosure a compatible color, to be identified on the revised plans.

Chair Helber supported the project; wanted to see it move forward; viewed the site on a daily basis; recognized it was the only gas station on the outgoing side of the road; looked forward to its grand opening; and while recognizing the time required for the application, wanted clear and concise direction to avoid any problems in the future.

Mr. Ghassem explained that he had purchased the property in September 2011, had worked with the Town since that time, and continued to pay taxes and was suffering financially. He had been experiencing obstacles with the Town and while he respected the position of the DRB, expressed concern whether he would be able to open the business. He wanted to obtain approval as soon as possible.

Chair Helber noted that the DRB wanted to see the project move forward but needed clear and concise plans and as soon as the applicant submitted the revised plans, as discussed, he would be willing to schedule a hearing as soon as possible.

Ms. Brekke-Read commented on the time involved in receiving revised plans, allowing staff the opportunity to review any new or additional information, to then schedule the item. She recommended the item be continued to a date certain so that a re-noticing of the public hearing would not be required. The next meeting of the DRB was scheduled for June 10, with the following meeting on June 24. She acknowledged the applicant had stopped work on the site since it had reached the prior to final or occupancy permit stage, and the signage needed to be approved and installed pursuant to the approved permit.

Chair Helber understood the DRB was not holding up the progressive building inspections but the final for building inspections.

Mr. Ghassem reiterated the costs incurred, commented that he had paid PG&E for power to the site, landscaping had been installed but was being severely impacted since he was unable to turn on the water, recognized the County and not the Town had caused many of the delays for the project, and acknowledged a recommendation to consider the use of a small generator in the interim to address the power situation at the site.

On motion by Chair Helber, seconded by Boardmember Kirkpatrick and carried unanimously to continue Design Review DRB 15-11 at 425 Moraga Road to a date certain of June 24, 2013, and encouraged the applicant to consider the DRB's comments and submit revised plans as discussed.

C. Approval of April 22, 2013 Minutes