

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

July 22, 2013

I. CALL TO ORDER AND ROLL CALL

A regular meeting of the Design Review Board (DRB) was called to order by Chair Helber at 7:00 P.M. in the Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, California.

Present: Boardmembers Glover, Kirkpatrick, Zhu, Chair Helber

Absent: Boardmember Escano-Thompson

Staff: Shawna Brekke-Read, Planning Director
Ellen Clark, Senior Planner
Pierce Macdonald Powell, Senior Planner

A. Conflict of Interest

There was no reported Conflict of Interest.

B. 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. May 2, 2013 Minutes**
- B. June 24, 2013 Minutes**
- C. Adoption of Meeting Agenda**

On motion by Boardmember Zhu, seconded by Boardmember Glover and carried unanimously to adopt the Consent Calendar, as shown, with Boardmember Kirkpatrick abstaining from Item B, the minutes of the June 24, 2013 meeting due to absence.

IV. DESIGN REVIEW

- A. 4 Peralta Court, DRB 7-13 (WITHDRAWN)**
Applicant: Amy and Peter Jeter, 4 Peralta Court, Moraga, CA 94556

Proposed Application: Request for a 448-square foot second story addition including a Design Guidelines exception to allow more than two (2) story homes side-by-side and an exception to maximum Floor Area Ratio. (2DU-Acre, EMC)

Planning Director Shawna Brekke-Read clarified that staff was not recommending the item be withdrawn. The item had been continued by the Design Review Board (DRB) from the meeting of June 24, 2013 to a date certain, and the applicant had since completely withdrawn the application.

B. Moraga Way, Sonsara Landscaping Changes

Applicant: BLS Contractors, 180 Mason Circle, Suite C, Concord, CA 94520

Proposed Application: Review of an amendment to the approved landscaping to remove three redwood trees in the 40-foot wide planting area, located within the Sonsara Subdivision along Moraga Way, north of Camino Ricardo (OS-M, PMP)

Senior Planner Ellen Clark presented the request for a Tree Removal Permit to remove three redwood trees in a 40-foot wide planting area located within the Sonsara Subdivision on the east side of Moraga Way, north of Camino Ricardo. She reported that in 2009 a proposal had been submitted to remove five trees, and as part of that application and subsequent requests from the applicant, the DRB had considered amendments to the Sonsara Subdivision Landscaping Plan to allow for the removal of 22 redwood trees based on the fact that the redwood trees had the potential to cause damage to neighboring properties and structures. At that time, the DRB had reviewed the request, approved the removal of five redwood trees, and as part of the Draft Action Memorandum approval for the project, a provision had been included to allow additional trees to be removed subject to the approval of a Tree Removal Permit on a case-by-case basis by the Planning Director. Since that time the applicant, BLS Contractors, had submitted a request to remove additional trees.

Ms. Clark explained that the Town's consulting arborist had determined there did not appear to be justification for the tree removal since no damage had been found to be caused by the trees and the trees had been found to be healthy. Staff also found that the trees contributed to the visual character of the scenic corridor. In response to a concern by the Planning Director that the removal of the trees would negatively affect the appearance of the landscape area along Moraga Way, a Scenic Corridor, the Tree Removal Permit had been referred to the DRB for its consideration. She suggested that findings could not be made to approve the Tree Removal Permit and the request should therefore be denied by the DRB.

Ms. Clark outlined the findings detailed in the arborist's report attached to the staff report dated July 22, 2013, and advised that staff had received one letter from a resident of the Sonsara neighborhood.

In response to the DRB, Ms. Clark clarified that the three trees the applicant was now requesting be removed were in addition to the five previously approved trees to be removed.

Responding to concerns as to whether the Sonsara Homeowner's Association (HOA) had approved the tree removal request, Ms. Clark had contacted the HOA Management Company and had confirmed the HOA Board had approved the application. However, she noted that Board approval did not necessarily reflected the opinion of all Sonsara homeowners. She added that as part of the previous application, the applicant had provided an arborist report which had documented that some of the trees were causing damage. In this case for the three trees to be removed, the applicant had not provided an updated arborist report. However, the Town's arborist had evaluated the three trees to be removed and had observed no visible damage.

PUBLIC COMMENTS OPENED

Mike Gengler, President of the Sonsara HOA, reported that the 45 homes within the Sonsara development had been notified on a quarterly basis of HOA meetings and agendas. The correspondence referenced by staff had been received from a resident who had not attended HOA meetings. He affirmed the HOA Board had reviewed and approved the tree removal request with its primary objective being the development plan for the scenic corridor to maintain the beauty and excellence of the area. He explained that the original arborist report for the initial five redwood trees to be removed had identified 22 trees that had been planted too close to the fence and property line causing severe damage to properties. Since the initial report had been presented, the HOA did not feel it was necessary to submit an additional arborist report. He commented that during the renovation along the scenic corridor, it had been brought to the attention of the HOA Board that the majority of its fencing was failing due to the fact that the redwood trees had been planted too close to the fence line, with acidity from the trees impacting the stability of the fence.

Mr. Gengler explained that the HOA had recently hired an arborist who reported that the fence line was being compromised because of the trees. (Mr. Gengler provided a copy of an email from the HOA's arborist to the Planning Commission that included this opinion). At this time the request was to remove three trees. He added that of the five original redwood trees that had been removed, they had been replaced with 20-gallon or greater in size oak trees in keeping with the appearance of the area. The HOA had also removed approximately 27 sycamore trees located on Camino Ricardo which were causing severe damage to properties backing onto Camino Ricardo; all those trees had been replaced with crepe myrtle trees. He referenced the financial impacts to the HOA as a result of the damage to the fencing and the intent to replace the entire fencing with new fencing when an agreement had been reached with respect to the trees. It was intended that the three redwood trees would be replaced with oak trees.

Mr. Gengler pointed out that the original approval for the Sonsara development had called for the planting of oak, not redwood, trees and the intent was to plant oak trees in certain areas. Of the approximate 44 redwood trees in the area, only three more would

be removed. Responding to the DRB, he reiterated that the trees were causing damage to the fencing, as reflected in the HOA's arborist report, noted that all of the HOA irrigation/sprinklers had been re-directed away from the fence as opposed to towards the fence on both the public and private sides, and explained that the major damage to the fencing had been to the rails and posts which was the reason the fence would need to be replaced. There had also been plant damage on the other side of the fence given the lack of sunlight because of the trees.

Mr. Gengler commented that when the original redwood trees had been removed and replaced with the oak trees, the oak trees had been planted in a staggered fashion to allow for adequate sunlight, which had allowed the planting on both sides of the fence to flourish. As to the exhibit shown on Page 2 of 9 of the staff report, which had identified the trees to be removed, he clarified that Trees 1, 2, 3, 12, 13, and 14 had already been removed as part of the prior approval. The request at this time was to remove Trees 5, 6, and 7 only. There had also been efforts to trim some of the existing redwood trees to provide better light on the private side of the HOA. As to whether the HOA planned to remove additional redwood trees, the HOA had surveyed the area and had been in contact with homeowners, all in an effort to protect the homeowners. He acknowledged there could be additional tree removal requests in the future based on the original footprint of the 22 trees as identified in the original arborist report. As to whether the HOA had considered any mitigation measures to address the problem, such as the use of root barriers, Mr. Gengler noted that such measures had been discussed in the past although the trees were too tall and any mitigation would damage the root structure of the tree possibly causing it to fall, potentially along Moraga Road.

Boardmember Kirkpatrick found the referenced arborists' reports conflicting and suggested that the problem was not the trees but the irrigation system which had rotted out the rails and posts of the fence.

Mr. Gengler reiterated that adjustments had been made to the irrigation system two years ago, the fence had been painted and re-maintained as well, but was again rotting. He suggested that the major issue was not the irrigation but the trees themselves.

Michelle Simi, 7 Whiting Court, Moraga, a resident of the Sonsara Subdivision, commented that she had a large redwood tree two feet from her fence causing her other trees to lean at a 30 to 35 degree angle given that they were at the same height or less. She noted that she had an independent arborist evaluate her trees, and the arborist had determined that her other trees had the potential to fail as the redwood tree grew larger. She also had to replace her irrigation system twice because of the roots from the redwood tree. She commented that when the other redwood trees had been allowed to be removed, it had allowed a portion of her rear yard to flourish. She suggested that the three redwood trees under discussion would have a big impact in the next few years and she supported the request for their removal.

Mr. Gengler commented that he had viewed Tree 11 (adjacent to the property at 7 Whiting Court) and confirmed it was right up against the fence line, as were Trees 5, 6, and 7.

PUBLIC COMMENTS CLOSED

Boardmember Glover commented that he had experienced a similar issue at his property and based on his experience, redwood fences, as those used by the HOA, did not last 20 years given the way the posts had been installed, the way the rails had contact with the soil, and how the irrigation system had been set. He expressed concern with the tree removal request given the location within the scenic corridor.

Boardmember Kirkpatrick suggested it was a mistake to have installed redwood trees against any manmade substance. He liked redwood trees in the forest but not if someone had to live next to them. He was surprised the trees had been planted and would have liked to have seen the use of other tree species. He agreed if the trees were causing damage they should be removed.

Boardmember Zhu suggested the removal of the trees was not the answer given the need to preserve the scenic corridor as much as possible, unless there was evidence supporting damage to property or if the trees were a safety issue. As an alternative to removal, he suggested that a barrier could be considered, such as a steel plate. He emphasized the location within the scenic corridor, and agreed that such requests should be considered on a case-by-case basis.

Chair Helber recognized the location of the Sonsara development within the scenic corridor, which he found to be one of the best examples of landscape buffers in the Town. He also found the landscaping and the way it had been maintained for the Sonsara development to be "top notch," and expressed concern with the potential impacts to that aesthetic with the removal of the redwood trees to be replaced with substantially sized trees, which might not maintain the same aesthetic appeal, particularly given a potentially ongoing request. He recommended that the applicant take measures to wrap the fence posts when the fence was erected and ensure a dry, rather than a wet set concrete for the posts, as well as consider other measures to ensure the fence would be more durable. He noted there were many methods that could be considered to increase the longevity of the posts.

Mr. Gengler clarified that no new fence had been installed, the Sonsara development started in 1999 when the first homes had been built; the actual fence had been installed eleven years before the development started. He acknowledged during that time it was possible the irrigation had been spraying the fence although he was not certain since he had not joined the HOA until 1999.

On motion by Boardmember Glover, seconded by Boardmember Zhu to deny, without prejudice, approval of a Tree Removal Permit for three Redwood trees (numbered 7, 8, and 9 in the application, received by the Town on June 7, 2013) located in the landscaped areas along Moraga Way, north of Camino Ricardo, and based on the fact that findings to approve the removal could not be made, pursuant to the Draft Action Memorandum dated July 22, 2013. The motion carried by the following vote:

Ayes: Glover, Zhu, Helber
Noes: Kirkpatrick
Abstain: None
Absent: Escano-Thompson

Chair Helber identified the 10-day appeal process of a decision of the DRB in writing to the Planning Department.

C. 1928 St. Mary's Road

Applicant: Saint Mary's College, 1928 St. Mary's Road, Moraga, CA 94556

Proposed Application: Modification of Design Review approved by the Design Review Board on July 23, 2012 and October 29, 2012 for new recreation facilities at Saint Mary's College. Proposed modifications to the approved plans include changes to skylights, exterior lighting, roof color, parking lot, tree removals, project landscaping, and other minor changes. (LC, PMP) (*Staff recommends that the Design Review Board continue this item to the meeting of September 9, 2013*)

Senior Planner Pierce Macdonald Powell reported that the item had originally been scheduled for the July 22, 2013 DRB meeting, although the applicant and staff had requested a continuance to the DRB meeting of September 9, 2013.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

On motion by Boardmember Kirkpatrick, seconded by Boardmember Glover and carried unanimously to continue the application for 1928 St. Mary's Road to a date certain of September 9, 2013.

V. ROUTINE AND OTHER MATTERS

A. Study Session: Preliminary Design Review of Proposed Camino Ricardo 26-unit Single-Family Subdivision (No action will be taken on the project at this meeting.)

Ms. Clark explained that the purpose of the Study Session was to provide the DRB with an opportunity to review the 26-unit Camino Ricardo Single-Family Subdivision located within the Moraga Center Specific Plan (MCSP) area allowing the opportunity to consider the design related aspects of the project prior to a formal review process. No action would be taken at this meeting, which was intended as a study session only.

Ms. Clark presented an overview of the 26-unit Single-Family Residential Subdivision located on the northern end of the MCSP area, proposed as a cluster development in

order to provide open space buffers between the project site and existing residential development parcels to the north, preserve open space at the west end of the project site in the vicinity of Laguna Creek and a tributary of Corliss Creek, with a 2.52-acre portion of the latter area proposed to be dedicated to the Town as open space which may include a park. The project approval would include the following entitlements: rezoning to Planned Development (PD) District pursuant to Section 8.12.100 and Chapter 8.48 of the Moraga Municipal Code (MMC) requiring all parcels larger than 10 acres to be zoned PD, with the PD zoning required to accommodate the proposed lot size and setbacks; a Conceptual Development Plan (CDP); a General Development Plan (GDP); a Tentative Subdivision Map pursuant to the Subdivision Map Act; a Hillside Development Permit (HDP); Design Review approval of landscaping and other design factors; and Grading and Tree Removal Permits.

The project history was described as outlined in the July 22, 2013 staff report, with the project having been presented jointly to the Planning Commission and the DRB on October 1, 2012; and again to the Planning Commission on January 7, 2013. The Park and Recreation Commission had also reviewed the proposed park concept at meetings on February 19 and March 19, 2013; the applicant had modified the project based on input received during the various meetings and the changes had been reflected in the Draft Environmental Impact Report (DEIR) published in late May 2013.

The major changes made to the project since the application had been submitted included a reduction in the total number of single-family home lots from 28 to 26; reconfiguration of the site plan to re-orient the homes originally proposed to front on Camino Ricardo to take their access from the project's private street and provide a buffer along Camino Ricardo; revision of the site plan to increase setbacks, lot sizes, and vary lot configurations; a custom approach had been taken for the landscaping for the individual lots and home sites; and modification to the access road to be curvilinear rather than straight and provide a more varied streetscape. She noted that when the project had been submitted to the Park and Recreation Commission, the overall direction was that the park be passive.

Ms. Clark reiterated a PD would be required for any site over 10 acres in size, intended to allow coordinated planning for such sites, with the PD process allowing for a variation in the setbacks. The staff report had analyzed the design related issues and included an initial analysis of conformance with applicable development standards including setbacks, lot sizes, dimensions, Floor Area Ratio (FAR), as well as review of architectural design, landscaping design, and grading and hillside development. The staff report included a table that provided a summary of each lot area, type of building pad, proposed setbacks, and allowable FAR, identifying the areas where the proposed development had been found to be non-conforming to the MCSP standards, also identified. Staff had also described, for discussion purposes, areas where smaller setbacks may be appropriate in the project design.

Ms. Clark stated that the preliminary architectural plans had been included in the staff report and had shown the colors and materials for the project buildings. Three architectural styles had been proposed including Early California, Bay Area Traditional,

and Arts and Crafts; styles commonly found in Bay Area neighborhoods. Staff had commented that in order to make the architecture more customized, building plans for each of the lots might help to mitigate a sense of repetition among the 26 homes. The homes would be green rated with energy efficient features, consist of two-story structures which would not exceed the 35-foot height limit, varying roof forms, pitches, bays and gables. As to the front setbacks, staff had recommended recessed garages in order to avoid garages dominating the building frontages.

Speaking to the landscaping, Ms. Clark identified the proposed customized landscaping concept for each of the homes. The project frontage along Camino Ricardo would maintain the former orchard appeal. The applicant had proposed several rows of orchard trees to be planted along Camino Ricardo along with low stone walls and split rail fencing. As part of the mitigation, substantial planting of trees would be required with a 3:1 tree planting ratio, with some trees to be removed as part of the project. Native trees would be planted in the open space buffer areas.

Ms. Clark advised that grading plans had been included in the staff report, mass grading would be required for the road, and the grading would be required to comply with the Town's grading requirements. The building pads would be split level into the hillside or side-to-side depending on the slope, with a split pad design allowing for the homes to be stepped into the hillside. She identified the amount of cut and fill that had been proposed with most of the cuts to occur on the west and north sides of the site and with the fill to be deposited on the east side of the site.

Ms. Clark advised that a DEIR had been prepared for the project and the close of the public review on the DEIR had been July 15, 2013. The Final EIR would be published in the fall of 2013, with DRB and Planning Commission public hearings on the EIR and project approvals scheduled for the fall and winter of 2013. Town Council public hearings on the EIR, project approvals, and consideration of the Final Subdivision Map were anticipated in early 2014.

PUBLIC COMMENTS OPENED

Wendy Baker, Vice President of Development, SummerHill Homes, introduced the development team present in the audience to address each component of the project. She spoke to the evolution of the site design and suggested the project was consistent with the MCSP and its goals. She described the topography of the 14-acre site, zoned 3-DUA and located off of Camino Ricardo, and characterized it as a transition zone between existing residences and the future area to be developed as part of the MCSP. She noted that SummerHill Homes had initially proposed 36 homes with the project having evolved to the current iteration of a 26-home cluster development with sensitivity to the existing neighbors, and to provide a transition to areas that would become more dense as part of the future development of the MCSP.

Ms. Baker explained that the MCSP EIR had studied the impacts of 42 homes on the site and the 26 homes represented a significant reduction. The project would preserve eight acres of open space, with open space retention adjacent to the existing homes

and the parcel across the street, a setback of 80 to 200 feet from the existing homes, with smaller lots along the southern border. She understood based on input from the joint DRB and Planning Commission meetings that a more custom design, variation on the entries and landscaping for each lot, and curvature to the street had been recommended. The plans had been revised accordingly. In addition, a sidewalk had been added to both sides of the street in response to the input received although that would require more grading. Parking would be kept to one side of the street.

Shari Van Dorn, Van Dorn Abed Landscape Architects, walked the DRB through the landscaping concept along Camino Ricardo with the homes to be set back 36 feet. She identified the creation of an ornamental orchard along the entire street frontage in order to recall the site history as an orchard. A landscape median would be installed and the road would meander, both to accentuate the topography and to create a varied street scene. Each lot would have a unique frontage, size, and shape. Every front yard would be customized with entries, patios, and landscaping. New street trees would be planted along the new street and the front yards. Trees would also be planted along the entire project perimeter to nestle the project into the hillside and create effective buffers of views of the new homes.

A stone retaining wall would also be erected with a split rail fence with stone pilasters to be installed on both sides of the street. Flowing grasses and colorful yarrow would be planted underneath the rural fence to the water treatment area behind to create a consistent meadow appeal along Camino Ricardo. All driving and pavement treatments would be unique and a variety of colors would create a varied street scene throughout the project.

Details of the stone wall and split rail fence with pilasters were presented; images of retaining walls in the back of the lots and sides of the yards, and in some cases the front yards with earth tone textures were identified; proposed street lights, good neighbor fences, and a variety of different colors and textures for the concrete throughout the project were displayed.

Dan Hale, Hunt Hale Jones Architects, identified the Sonsara development as inspiration for the project given its design and significant landscaping with homes set back, and found each of the homes in Sonsara to be unique, from the approach from the street to the homes themselves. He described the proposed side stepped homes as stepping up the hill and towards the back since the street would be curved; with the actual physical enhancement work more than 15 feet back from the road. The homes would step up the street on both sides with multiple massing with three locations where the street and homes would curve back and across creating a larger setback and opening the view corridor. The site would level off at the top and there would be five homes with upslope lots. He described the home sites as side slope, upslope, and flat lots.

Mr. Hale identified the flat lots located generally on the south side of the property with the street back down towards the cul-de-sac with more side slope homes. The larger lots would have a higher FAR and future development would be higher density. He

identified the separation between the homes of 20 feet and while that disagreed with staff's interpretation of the MCSP at 25 feet stated a 20-foot separation had been achieved in all situations with the exception of a couple of homes. (Staff confirmed that Mr. Hale's interpretation was correct, and the required building separation is 20 feet). First and second floor setbacks were identified as was the building envelope for all of the different home types.

Mr. Hale advised that three architectural styles had been proposed, as outlined in the staff report, with the intent for a great deal of variety, and pointed out the Sonsara development had used the same architectural styles. The three architectural styles would vary offering a natural massing break with varied and cascading roof lines. The Arts and Crafts style would feature single siding, stucco finishes, applied stone work, paneled doors, and divided light windows. The Bay Area Traditional style would feature painted horizontal siding, front facing gables and dormers, divided light windows, and decorative trim and shutters with shingle roofs. The Early California style would feature the use of painted stucco and terracotta looking concrete, S-tile roof, recessed divided light windows with heavy timber sills, wood shutters and doors, and decorative iron work features and embellishments. He offered renderings of the three architectural styles, explained that 21 of the 26 homes would have architecture in front of the garages to ensure that the garages would not dominate the street, and the five upslope homes would have views out the front with outdoor living spaces, such as outdoor courtyards.

Mr. Hale identified Lot 4 which had a wider front than the back, a large front yard with a gracious entrance, a low and easy path to the upper level with an outdoor courtyard, and with elegant colors and materials. He offered a rendering of one of the flat lots with the Arts and Crafts style with shingles, a side entry courtyard, low masonry wall, a walk-through fence, and a door to the outdoor courtyard with articulation on the rooflines. The homes had been designed so as not to appear too close to one another, with the flat lots primarily on the south side of the site. Another rendering of a side entry garage was displayed, with Lots 7, 9, and 20 having side-entry garages for each of the different home types, (upslope, side slope and flat). Of the 26 lots, there would be 12 different exterior expressions; no two homes would be the same color or plan type, and custom landscaping would create a unique feeling. He emphasized the effort to create a balance between the grading and home design in order to create homes that were livable and respond to current lifestyles.

Rich Scarpitti, 920 Camino Ricardo, Moraga, stated he had been involved with the development of the MCSP. He found the landscaping that had been proposed to be nice but he had concerns, noting that the development would be all two stories and while some homes would be split level, he questioned how the homes on the south side would tie into the future 3-DUA development anticipated along Camino Ricardo as envisioned in the MCSP. He expressed concern views from the Moraga Way corridor all the way up would look on to bulky two-story homes, particularly along the south side.

Mr. Scarpitti commented that he had visited a SummerHill Homes development in the City of Mountain View, "Enclave at Waverly Place," which had involved appealing one-story homes, specifically Residence 1 which fit in closely to what had been planned for

the subject project, and which he suggested would be appropriate for the flat lots. He pointed out that the flat lots in the Sonsara development on the Moraga Way and Camino Ricardo corridor were all one story. He sought other options to the proposed three diversified models, and while recognizing that the lots were difficult to build given the grading issues, he sought consideration of other designs for the flat lots at the top of the hill.

Mr. Scarpitti also expressed concern with development on the ridgelines given potential future development and noted that there would be future development all the way to Camino Ricardo, and he would like to see the project tie into future development. He suggested the current plan would not do justice to potential future development, and noted the MCSP recommended closed cul-de-sacs backing to open space although in this case he was uncertain the proposed cul-de-sac would be considered closed given the access road. He also expressed concern with the setbacks and minimum lot sizes given that the average lot sizes for the homes between Camino Ricardo, Sonsara, and Danefield Place were all over 18,000 square feet, with the 10,000 square feet minimum SummerHill Homes lots to be considered a transition, with five of the lots visible from the road. He suggested that possibly the five most visible lots should be reduced to three lots.

As to the aesthetics, Mr. Scarpitti found that the two-story frontages had not been recessed and the homes were right on the road with visual impacts and problems with the building heights.

Mr. Scarpitti expressed concern with the future potential impacts of the development, sought variety and lot sizes compliant with the MCSP and the MMC, and suggested alternatives to the plan. He otherwise commented that he would love to purchase a home in the development if it were satisfactory and consistent with the neighborhood and the semi-rural character of the Town of Moraga.

Robert Fleischmann, 164 Danefield Place, Moraga, expressed specific concerns with Lot 10 since his home would be located directly behind that lot, and the two-story home would look directly into his bedroom, and had discussed that issue with the developer who had offered to consider his concerns. He also expressed concern with the fence line since he had no fence in the rear of his property nor did the adjacent neighbor to the north. He also spoke to the walkway at the rear of the property which would be serving only those lots, noting that his children had used that area as a shortcut to the shopping center, and it would be nice for the entire neighborhood to use the same walkway.

PUBLIC COMMENTS CLOSED

Boardmember Zhu liked the overall direction of the development plans. As to the architectural style, he found some of the design concepts to be debatable but suggested the overall direction was good; was surprised to see such large homes with no formal dining room options for Plans 1 or 2; and liked the Early California style and the craftsmanship but had reservations with the Bay Area Traditional style which lacked

details or had too much siding. He suggested a mixture of siding and stucco for that style. Referencing the retaining wall at the site entrance shown in the renderings, he found that the sharp angle shown was too much of a statement but liked the stone retaining wall otherwise and suggested it could be softened with planting or be curved rather than a sharp angle. He also asked how the open space would be elaborated, particularly the access; asked whether it would be private or semi-private for the development only or for the entire Town; and sought more design from a design perspective to communicate better the use of the open space.

Boardmember Kirkpatrick found the design and use of the architecture to be interesting. He was interested in how to negotiate the FAR for each of the lots; found the grading too severe up the hill and to the east, although he recognized it was necessary for the stepping and side slopes; and while he understood the principle, he had general concerns with the grading and the need to meet the slopes and coverage. He liked the proposed tree planting and acknowledged that once the trees were mature the homes would not be clearly visible. He pointed out that the trail Mr. Fleischmann had referenced would not exist once the property had been graded.

Boardmember Kirkpatrick also liked the undulating front of the buildings, did not like garage doors as the dominant feature of the streetscape, liked that the garages had been set back taking into account the differentiation of the lots, recognized the project must comply with drainage regulations with retention basins to be part of the project, and recognized the property would be extensively graded particularly given the vertical site and in order to achieve flat lots. He was uncertain that all of the yardage would be needed on site and would support the off-hauling of some of the fill.

Chair Helber clarified with the architect that of the three architectural plans and elevations, the homes would be lot specific based on the elevations to ensure no two of the same elevation types next to one another. He otherwise found the renderings to be attractive with the features displayed. He clarified with the developer that many of the design elements shown would be standard features, with the landscape driveways to be predetermined. He also clarified with the developer that most of the design elements, as shown on the exterior, would be standard features with most optional upgrades for the interior of the plans with the exception of extended patios in the front of the homes.

Ms. Van Dorn verified that in terms of the landscaping all of the homes would have custom front entries and patios, and that upgrades, such as larger trees, may be possible although she was uncertain the developer had reached that level of detail.

Chair Helber verified with the developer that the mail boxes would be clustered in one location, if approved by the U.S. Postmaster. He liked the overall design and concept and suggested the developer had done a good job creating a high-quality design. As to the landscaping, specifically the ornamental trees along Camino Ricardo, he asked for consideration of pear rather than cherry trees given the Town's history of growing Bartlett pear trees. He wanted to see the pear trees go all the way down Camino Ricardo to create a buffer for the entire area.

Chair Helber suggested the best benefit the project had to offer the community was the pedestrian connectivity from one portion of the community to another. He wanted to focus on that connectivity in the presentations and exhibits, with the landscaping plan cutting off at the park, and with a connection to Camino Ricardo. He asked for sidewalk improvements down Camino Ricardo on the project side of the project; asked to see how the pedestrian path would be connected once it was across the first creek, and the second creek crossing, and then connect to Moraga Road; a provision of pedestrian connectivity to the crest; a path between Lots 3 and 4 or behind Lot 1 in the bio-retention area; and pedestrian access to the crest with views of the area and back down and around between Lots 10 and 26, with connection back up the path.

Chair Helber added that he also wanted to see all eight acres of open space be made accessible to the public, and all nine of the elevations to be presented when the project returned to the DRB, with extensive details. As to the architectural styles, he found they would work well together and encouraged the retention of those styles. He was pleased to see the inclusion of green features and was pleased to see that solar would be pre-wired. Speaking to the landscape buffer on the south side of the project, he clarified with the developer the trees would be maintained by the individual homeowner and be specified as such in the project CC&R's, and that the landscaping in the rear yards would be left up to the homeowner.

Chair Helber reiterated that he liked the three different architectural styles, as proposed, but would like to avoid plan types located directly next to or across one another, which appeared to be the case with Lots 14 and 15, and Lots 7 and 20. He liked the landscaped custom design for each lot, the stamped driveways, the doors on the Early California style and use of ornamental iron. He agreed with the other Commissioner that some of the side elevations started to become more unarticulated with more work needed on the design of those areas, further noting that some elevations did not have much fenestration.

Chair Helber recommended that vents be placed at the rear of the homes minimizing the amount of vents and penetrations in the front elevations. He clarified with the developer the maintenance of the front yards had yet to be determined (as to whether it would be maintained by an HOA), but encouraged HOA maintenance of the front yard landscaping to ensure its success and attractiveness. Speaking to the Early California style, he identified the use of a rotunda roof and suggested it be high enough above or below the secondary roofline to ensure the it could accommodate necessary stucco waterproofing.

Chair Helber again spoke to the landscaping plans and clarified the use of SMART Irrigation controllers and rain sensors using local weather station systems. As to the civil engineering details, he commented that he had reviewed the C.3 bio-retention areas and found them to be fairly well located but recommended that the long-term maintenance of Parcel A be clarified. He wanted to see a parking area that was designated for the mailboxes; either a pull-out area or painting of a parking space with 15-minute limited parking, to prevent a traffic congestion situation when picking up mail.

While he understood the General Plan policy to balance grading on the site as much as possible, Chair Helber suggested in this case it would not be appropriate to place as much fill as proposed on the park area. He would rather see the fill be removed and hauled off-site. He found the public open space to be a major benefit to the Town and did not want to see it reduced by the slide slopes or raised that high, and therefore recommended the fill be hauled off-site. He was also pleased to see the sidewalk on both sides of the street for a more pedestrian-friendly environment but would like to see a proposal for the extension of the sidewalk down Camino Ricardo, which would improve the pedestrian connectivity.

Speaking to the two uphill slope lots which had shown retaining walls, Chair Helber suggested installation of irrigation sleeves through retaining walls. As to Lots 20 and 21, which focused on the private street potentially connecting to the future neighborhood, he noted that Lot 21 had been shown with a 10-foot setback, which he suggested was too tight and which could be pushed back a bit. Given it was a corner lot, it could enjoy a front yard setback or the upper story of the homes could be set back somewhat.

Boardmember Glover commended the use of energy efficiency and pre-wiring for solar panels although Lots 1 through 10 would be on the south facing side with the potential solar panels on the front sides of the homes, which would not be an architectural enhancement. He spoke to the area east of Lot 25 and commented that it would be and he urged the HOA to have a program to maintain the bioretention pond. In response to the issues with respect to setbacks, and past practices of variances sought as routine rather than exceptions, he urged the careful review of the required setbacks. Speaking to the civil engineering and the enormous amount of cut and fill proposed for the project, and specifically in response to Page 13 of the staff report regarding the Town's hillside development regulations, he found that to be a key issue for the development.

Boardmember Glover commented that he had visited the rear property of a residence on Danefield Place which currently enjoyed clear views of the valley and of the Town of Moraga located below. He expressed concern those neighbors would lose views of the valley to be replaced with views of a 28-foot fill and a 25-foot cut slope to the west.

Boardmember Glover also suggested the rooftop of Lot 26 would be at an elevation that would dramatically impact properties along Danefield Place. Given that Lots 1 through 10 would be two-story homes likely requiring a fire ladder in the event of a fire, he expressed concern with the adequacy of emergency response ingress/egress to the property. He commended the amount of work on the proposal but did not see that the civil design of the development was appropriate for the area given the potential impacts to the surrounding neighbors.

Greg Miller, CBG Civil Engineer, spoke to the FAR issue for those properties along the south side and acknowledged that FAR ratios were a higher but lot coverage ratios were half of what had been allowed by the Town. He noted that the 3-DUA allowed for a coverage factor of 60 percent while the highest proposed lot coverage was around 30 percent. As to fire access, a street connection plan between Lots 20 and 21 to the

neighboring development to the south had been proposed and it was a requirement in the MCSP; the developer had met with the Moraga-Orinda Fire District (MOFD) concerning fire access.. The cul-de-sac portion of the road would meet the standards and specifications of the MOFD and adequately serve the number of homes on the cul-de-sac in the interim even before the road connected to the south.

Mr. Miller acknowledged the fair amount of grading on the site, much of which had been dictated by the topography, the road configuration, and design of the site access, as well as the goal of as much of the material as possible to be kept on site. The fill would be placed on the park site and at the end of the cul-de-sac. He had met with some of the neighbors on Danefield Place to review the adjoining boundary and had discussed how to buffer that area strategically, with the key being the placement of the plantings in such a way as to buffer the neighbors from the project and not obstruct any of the existing views. While fill would be placed in those areas, the pad elevations of the lots would be the same elevation of one of the neighboring homes on Danefield Place. Also, in discussions with the neighbors on Danefield Place, some sort of informal pedestrian access along that edge to be used by those neighbors was under consideration.

In response to the concerns with the FAR, Boardmember Glover asked to see north/south cross sections for Lots 10, 24, and 26 so that the homeowners on Danefield Place could visualize what might occur.

Boardmember Zhu found the current aggregate setback between the homes at 20 feet to be a good trade off with the open space for the project. He had no concerns with the FAR given that a different variety of setbacks would be provided and as long as the aggregate was maintained.

Boardmember Kirkpatrick noted that the south lots would have problems with the larger FAR and smaller lots, and suggested the siting, architecture, and landscaping would balance that out. He suggested the developer had done a good job on the FAR balance of the size of the lots.

Chair Helber commented that he too was not concerned with the FAR. He recognized that all of the homes would be two stories while the homes across the street would be one story.

Chair Helber suggested that cutting back on the massing of the homes, on the massing to one story on Camino Ricardo, could be achieved and articulation on the second story or the landscaping, but he was not as concerned with the FAR on this project.

Chair Helber declared a recess at 9:09 P.M. The DRB meeting reconvened at 9:15 P.M. with DRB members Glover, Kirkpatrick, and Chair Helber present.

B. Recommendation to Planning Commission to Amend Chapter 2.20 (Design Review Board), Chapter 8.72 (Design Review) and Moraga Municipal Code Section 8.68.060 (Lot Size, Yard and Setback Requirements) of Title 8, Planning and Zoning of the Town of Moraga.

Ms. Macdonald Powell explained that the item had previously been considered by the DRB in preparation for a recommendation to the Planning Commission. During the July 8, 2013 DRB meeting, the DRB had recommended changes to the Design Review section of the MMC, with a motion that the staff also consider the comments that the DRB had provided to staff at the meeting. Ms. Macdonald Powell advised that the July 22, 2013 staff report had addressed the DRB's recommendations specifically related to story pole plans and public infrastructure projects. As to story pole plans, staff recommended working with the Planning Commission and the DRB to develop a detailed story pole policy to consist of a handout booklet that would outline the Town's requirements for the design and adequacy of story poles. The handout would include requirements for story pole plans for different types of proposed construction.

As to public infrastructure projects, Ms. Macdonald Powell noted that the Town's Capital Improvement Program (CIP), a five-year program, detailed the work plan for the public infrastructure projects and was updated on an annual basis. Consistent with state law, the Planning Commission reviewed the CIP update each year to determine consistency with the General Plan prior to Town Council approval. The Planning Commission may recommend the DRB consider or review any item listed in the CIP work plan. In addition, staff continued to review the other changes to the proposed text amendments in response to the DRB's comments, as outlined on Pages 2 and 3 of the staff report.

Ms. Macdonald Powell identified amendments to Section 8.68.060, Lot Size, Yard and Setback requirements, as shown on Pages 3 and 4 of the staff report, and outlined the discussions of the Planning Commission during its July 1 and 15 meetings, with staff to present the zoning text amendments a final time to the Planning Commission during a Special Meeting scheduled for July 29, 2013. At that time, staff would be moving forward with a recommendation that would be in line with Option B, which would allow extensions of existing walls (as shown in Diagrams A and B of the staff report), allowing the extension of up to 50 percent of existing wall area and up to 50 percent of length of wall area, to encroach into the Town-established setbacks. She noted that there were currently no findings for spaciousness and privacy in the Design Review Findings. She continued that some language would be required in the approach staff was preparing regarding findings of privacy protection and maintaining a sense of spaciousness between properties. Staff was proposing that the DRB would review any changes to height including second-story additions. Projects that did not meet the standards would continue to require a variance and Planning Commission and DRB review.

Ms. Macdonald Powell stated that the DRB had already recommended Planning Commission review and approval of the changes to Design Review, but had not made a recommendation on MMC Section 8.68.060. She asked for input on the staff recommended approach at this time.

Ms. Macdonald Powell identified Attachment A, MMC Chapter 8.72, Design Review, with proposed text amendments, which had previously been presented to the DRB and the Planning Commission and which contained most of the Board's recommended ordinance revisions. She stated that the text amendments were not expected to change, beyond Town Attorney revisions, prior to presentation to the Planning Commission on July 29, 2013.

Ms. Brekke-Read clarified that the text amendments and setback issue had been packaged as one item but had been presented in the past as two separate items. The proposed changes would be presented to the Town Council as one packaged item.

Chair Helber supported the changes proposed for Administrative Review and was pleased the document was getting close to Town Council action to allow implementation. He reiterated a concern with lack of DRB review and exemptions for everything that had been included in the CIP. He supported this portion of the agenda item and expressed his hope it would be allowed to move forward quickly.

Boardmember Glover clarified with staff that past discussions on changes to the Implementation Procedures would address all the different types of composite materials that could be considered for decks, as an example, pursuant to Section 8.72.090, Item 3.

Staff also clarified that the amendments to Section 8.68.060 related to regulating second story additions that encroached into the Town's setbacks, and the building of an addition into the Town's setbacks that was allowed by the County but no longer allowed by Town setback standards.

Boardmember Glover spoke to Attachment A, and clarified with staff that ridgelines had been referenced in the text amendments by referencing Chapter 8.136 Slope Density, with that section cross referenced to Chapter 8.132 Scenic Corridors, and Title 8, Grading.

Ms. Brekke-Read added that Section 8.72.020 Purpose, also included language stating that there were thresholds for design review in other sections of the Zoning Ordinance, including Chapter 8.136 Slope Density.

Boardmember Glover referenced the Rheem Theatre and concerns he had previously stated regarding the structural attachment of the elevator to the building. He also referenced Page 12, Section 8.08.070, Design Review Administrator, and clarified that the Design Review Administrator was the Planning Director, and understood the intent was to streamline the process. He asked staff to clarify that issue.

Ms. Macdonald Powell explained the language in that section was to ensure consistency with Sections 2.20.090 and 8.72.030 through 8.72.050; in most cases, the Design Review Administrator was the Planning Director although there were some

instances, such as a vacation, when the responsibility would fall on another staff person.

Ms. Macdonald Powell added that the Design Review Administrator's role was also to work with building permits and it might not be a streamlining direction to require each building permit to be reviewed by the Planning Director.

Ms. Brekke-Read emphasized the language was a consistency issue, with Administrative Design Review having occurred only the last six to seven years; however, the language in Section 8.08.070 could be revised to reflect the "*Planning Director or designee*." She reiterated the struggles staff had with the Zoning Ordinance, which was not clear when an application required DRB review.

Boardmember Glover was not opposed to the Planning Director's revision but was opposed to the language in the second paragraph of Section 8.08.070, suggesting that many applications should not come to the DRB but should be addressed by the Design Review Administrator.

Chair Helber did not want the language to cause delays in the approval of an application. He supported the Planning Director's proposed revision.

Ms. Macdonald Powell read into the record the revision to the first sentence of Section 8.08.070, Design Review Administrator, as follows:

The office of design review administrator is established. The design review administrator is the planning director or the planning director's designee as provided in Section 2.20.090.

By consensus, the DRB supported its original recommendation for changes to MMC Chapter 7.82, Design Review with Text Amendments, as further revised.

On the issue of the setback requirements, Boardmember Zhu clarified with staff that an open staircase, bay window projections, eaves, and chimneys were allowed to encroach into the Town's setback requirements, and there were also design review findings that would be required for an application which would also address that issue. He understood that the Town of Danville's policy for setbacks included a definition for an overhang which included encroachment up to two feet and he supported a similar definition for the Town of Moraga for accessory structures.

Ms. Macdonald Powell clarified that this regulation of the MMC was not currently under consideration for amendment, although a comprehensive review of the zoning and design review would be considered for the work program for the entire Planning Department in the near future. In the meantime, each application would be judged as to whether it was a typical eave or chimney projection characteristic of the existing development. She also explained, when asked, that staff had not made a recommendation on which of the four setback options to choose.

Chair Helber asked that the DRB consider directing staff to prepare actual text amendment language for DRB review given that this was a paramount decision and change the Town was preparing to make, prior to Planning Commission recommendation to the Town Council. He wanted the opportunity to make comments on the specific language proposed to revise the MMC.

Ms. Brekke-Read reported that she had been directed to have the item ready for Town Council action on August 28, 2013. In order to accommodate that timeline, a Special Meeting had been scheduled for Planning Commission consideration on July 29, 2013 and, in order to follow that direction, the item would not return to the DRB before that time although the DRB could make a recommendation to the Planning Commission.

Chair Helber was disappointed he would not have the opportunity to comment on specific language amendments to the MMC. He did not believe the item should be rushed given the importance of the action.

Ms. Brekke-Read advised that the DRB's comments would be incorporated into the staff report to the Planning Commission.

Ms. Clark walked the DRB through Options A through B, and described the differences between the options.

Ms. Brekke-Read advised that the Planning Commission Special Meeting scheduled for July 29, 2013 had been agendized as a public hearing. Staff was in the process of preparing the agenda packets and could designate that meeting as a joint meeting of the DRB and the Planning Commission. Staff would provide the DRB with the meeting materials which would include any language revisions which would allow the DRB the opportunity to attend the meeting and allow for direct feedback as part of the meeting.

Boardmember Kirkpatrick supported an option more in line with Option B. He suggested if the second story was an architectural treatment that would extend the wall vertically and horizontally. He notes that the other issue was that a single-story foundation would not likely support a second story but he recognized it could be reinforced to support the addition.

Ms. Macdonald Powell clarified for the discussion that the diagrams in the staff report almost all represented Option B, which was the direction in which staff was working. Diagrams A and B were examples of what would be allowed under Option B, and Diagram C was what would not be allowed under Option B. She again walked through the specifics of the four options under consideration and the feedback provided by the Planning Commission on Commissioners' preferred options.

Ms. Brekke-Read suggested another option for consideration: whether a single-story addition that followed an existing building line could be handled through administrative design review. A two-story addition following the existing building line would require DRB review and approval.

Ms. Macdonald Powell noted that findings would have to be made, whether approval was through the DRB or the Design Review Administrator, and when an addition expanded to a second story, it should have the benefit of public noticing and DRB review.

Based on the discussion, the DRB was not supportive of Options C or D.

Ms. Macdonald Powell commented that based on the feedback received from the Planning Commission, Option B would be limited to single-story encroachments into Town regulated setbacks, although that could be amended at the direction of the DRB. Option B would include amendments with limits on the massing of second stories addressed in municipal code findings. She would not recommend allowing the same flexibility to a second story as a first story. She noted that staff had not seen requests for building up a second story in the Town regulated setbacks.

Chair Helber recommended as a compromise that the DRB encourage staff to proceed with the preparation of language consistent with Option B, with additional language as discussed by the DRB regarding second stories with anything higher than the first floor to require DRB review. He did not recommend that the Special Meeting on July 29, 2013 be a joint DRB/Planning Commission public hearing but that staff prepare language to be presented to the Commission and ultimately to the Town Council.

Ms. Macdonald Powell understood the direction to recommend Option B, with extensions 10 feet high or greater for a new second story.

On motion by Chair Helber, seconded by Boardmember Kirkpatrick and carried unanimously to direct staff to proceed with the preparation of language consistent with Option B, with additional language as discussed by the DRB regarding second stories with anything higher than the first floor requiring DRB review; and direct staff to prepare language to be presented to the Planning Commission and ultimately to the Town Council.

C. Planning Commission Liaison Report - Levenfeld

No report was presented.

VI. REPORTS

A. Design Review Board

There were no Design Review Board reports.

B. Staff

Ms. Brekke-Read reported on Planning Department activities, including: that staff was in the process of reviewing Associate Planner applications; a Kick-Off meeting had been held for the Livable Moraga Road Project; reminded the DRB of the Planning

Commission Special Meeting on July 29, 2013; the Planning Commission and DRB would recess for the month of August; the Town Council was holding its summer recess until its next meeting scheduled for August 28, 2013; building permits for the Saint Mary's College Alioto Recreation Center had been issued; and staff would be presenting some material to the Planning Commission on July 29, 2013 in response to the Council's goal of strengthening the General Plan regarding hillsides and ridgelines, and Moraga Open Space Ordinance (MOSO) consistency.

Ms. Brekke-Read added that the applicant/architect for the Rheem Theatre had submitted plans for building permit check which were found to be non-compliant with DRB conditions of approval related to soils and geotech requirements. There was no response as yet from the applicant. She also reported that Amoroma would like to add a pizza oven but had not submitted a formal application to staff other than plans for plan check. Staff had approved the plans for plan check only to be forwarded to the Health Department.

Ms. Macdonald Powell also added that staff had conducted research on the Shell gas station site regarding a request for clean-up and concerns with the fencing. She reported that the building permit for the work had been finalized. Concerns with tripping hazards from the dark posts during evening hours could be brought to the attention of the property owner, and she expressed the willingness to report back to the DRB at its next meeting.

Chair Helber suggested an abatement letter be sent to the property owner given the location of the property within the scenic corridor.

Ms. Brekke-Read also reported that on July 15, 2013, the Planning Commission had approved a use permit modification for homemade / kitchen café & bakery located at 337 Rheem Boulevard in the former Mondello's Restaurant site, and a modification to the use permit for the gas station at 425 Moraga Road for one of the bays to be changed from an oil change station to a smog "test only" facility.

VII. ADJOURNMENT

On motion by Boardmember Kirkpatrick, seconded by Boardmember Glover and carried unanimously to adjourn the meeting at 10:28 P.M.

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Secretary of the Planning Commission

