

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

September 23, 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 Kirkpatrick, Zhu, Chair Helber

Absent: Boardmembers Glover, Escano-Thompson

Staff: Shawna Brekke-Read, Planning Director
Ellen Clark, Senior Planner
Pierce Macdonald Powell, Senior Planner
Rebecca Atkinson, Temporary 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. 101-117 Ascot Court, Consider Design Review (DRB 20-13) to install new support beams and posts for the reconstruction of existing cantilevered balconies, new railing design, and replace T1-11 siding. CEQA Determination: Categorically exempt pursuant o Section 15301 of the CEQA Guidelines ("Class 1, Existing Facilities"). (6-DUA, PMP)

B. Adoption of Meeting Agenda

The DRB acknowledged correspondence received for Consent Calendar Item A. The item was removed from the Consent Calendar to be considered under agenda Item IV. Design Review as Item A, with the remaining Design Review items to be re-numbered consecutively.

On motion by Boardmember Kirkpatrick, seconded by Boardmember Zhu to adopt the Meeting Agenda, as modified. The motion carried by the following vote:

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

IV. DESIGN REVIEW

- A. 101-117 Ascot Court**, Consider Design Review (DRB 20-13) to install new support beams and posts for the reconstruction of existing cantilevered balconies, new railing design, and replace T1-11 siding. CEQA Determination: Categorically exempt pursuant o Section 15301 of the CEQA Guidelines ("Class 1, Existing Facilities"). (6-DUA, PMP)

Senior Planner Pierce Macdonald Powell presented the request to install new support beams and posts for the reconstruction of existing cantilevered balconies, new railing design, and replace T1-11 siding for property located at 101-117 Ascot Court. The project consisted of the removal and reconstruction of fourteen existing 69-square foot balconies and adding support beams and two new support posts to each balcony. The applicant proposed to replace and remodel the balconies at seven of the twenty housing units; two units at 105 Ascot Court, two units at 115 Ascot Court, and three units at 117 Ascot Court. Each unit had two balconies; one at the middle and another at the upper floor of a three-story building, and the posts supporting the upper level balconies would rest on the balconies below which would receive new cantilevered beams. The posts would measure eight feet in height, would not extend to the ground, and would be wrapped in wood trim.

Ms. Macdonald Powell advised that staff had prepared a Draft Action Memorandum approving the project subject to conditions of approval. One of the conditions required a detail of the railing design to be incorporated into the plans filed for building permits, subject to the review and approval by the Design Review Administrator. The item had been noticed to 119 property owners within a 300-foot radius of the site, with posting at 101-117 Ascot Court, Town Hall, Hacienda de las Flores, Moraga Commons, and the Moraga Library.

Ms. Macdonald Powell reported that staff had received one letter from Joan Dorsey, the owner of 115-A Ascot Court, which letter had been provided to the DRB at the meeting. Ms. Dorsey requested DRB consideration of a condition requiring wooden balcony floors consistent with existing materials and vertical balusters/rails consistent with new entry balconies located elsewhere on the property; expressed concern with the finish and treatment of the wood railings; questioned whether they should be painted or treated as natural wood; and asked the DRB to consider as part of the scope of the project approval, replacement of the sheetrock in the garages including smooth wall finish, taping, and painting of the same. She stated that staff continued to recommend the approval of the project, subject to conditions.

PUBLIC COMMENTS OPENED

Pam Gabrielli, a Boardmember of the Ascot Court Homeowner's Association (HOA), spoke to the effort to make improvements to the property that had been constructed in 1973, and which had substantial deferred maintenance. She reported that a special assessment had been approved to allow the HOA to proceed with many of the deferred items. Improvements had already been made to the carports. The balconies were the next project with painting and defective wood to be replaced; the balconies were currently unsafe and had been barricaded. She had received a copy of the letter from Ms. Dorsey and explained that the on-site contractor had recommended the Trex material for balcony floors which had been discussed and approved by the HOA Board, and the railings on the balconies and painting had also been approved by the HOA Board. The colors would consist of dark and light green colors with a beige contrast. Responding to the request for improvements to the sheetrock, she noted that interior items were the responsibility of the individual homeowner and not the HOA.

Ms. Gabrielli explained that pursuant to the special assessment that had been approved, the HOA would proceed with each improvement item subject to the HOA's budget, which was limited. She asked that the DRB approve the project, which was needed for safety reasons and in order to achieve an attractive project for the Town.

Betty Cooper, another member of the HOA Board, also responded to the correspondence submitted by Ms. Dorsey and offered photographs of the existing balconies to the DRB. She reiterated the intent to paint with light and dark green tones to offer a more unified look, with the balcony railings to be painted a tone-on-tone green. She spoke to the extensive maintenance required for the site and the intent to make improvements that would be long standing, which had led to the decision to use the Trex material.

Chair Helber clarified with the representatives from the Ascot Court HOA that in its discussions with the contractor, the contractor had agreed that anything disturbed by the project to make the renovation would be taken care of, with the HOA willing to verify with the contractor to ensure that issue was addressed. As to whether a condition requiring that verification should be imposed on the project, the HOA sought clarification that the sheetrock would only be replaced where the balcony affected construction. It was reiterated that the project design had been reviewed and approved by the Ascot Court HOA Board of Directors.

Given that the parking was located underneath the units, Boardmember Kirkpatrick understood that fire code required that the sheetrock was to be closed off. He also noted the design for the back railing had not been shown on the plans. He questioned Ms. Dorsey, speaking from the audience, who responded that she had attended the Ascot Court HOA Board meetings at which time she had objected to the Trex material.

Ms. Gabrielli and Ms. Cooper reiterated that the Trex material had been discussed and approved by the Ascot Court HOA Board of Directors at the recommendation of the on-site contractor, with the desire for a long-standing material that could be maintained over time.

Ms. Macdonald Powell explained that the detailed railing schematic shown on the plans received on August 15, 2013, as compared to the photographs of the entry balcony railing, had shown the horizontal members of the railing on the outside of the balcony while the railing schematic had shown them on the inside of the railing design for the entry balconies. That and the weight of the balusters represented the difference between the schematic and the photographs.

Boardmember Zhu also identified a gap between the top rail and the new horizontal rail.

PUBLIC COMMENTS CLOSED

Boardmember Zhu did not oppose the use of Trex material and did not see much difference in terms of the design. As to the proposed paint colors, he suggested it was up to the HOA to consider as a whole to ensure consistency as much as possible. He clarified with the applicants that the work would be done component by component, with the first component being the balconies, as the most dangerous and unsafe areas to address for safety reasons.

Boardmember Kirkpatrick commented that Trex material had been available in the market for some time, and while the material had experienced some issues, and was expensive, it had been proven as a decking material. He was unaware of any failures when using that material for decks. He was not opposed to the use of the Trex material.

Chair Helber suggested the railing design on the balcony had more architectural detail than the railing design on the front porch, and questioned whether the railing design where the posts were located on the exterior of the front porch would translate well to the railing, given that the posts were attached to an exterior beam.

Based on the discussion, Chair Helber understood there was consensus from the DRB that the Trex material would be acceptable, was superior in terms of maintenance, and the railings, if painted, would fit in well. The garage and sheetrock would be repaired where cut into to tie into the existing beam and this requirement could be made a condition of approval, offering some level of comfort for Ms. Dorsey. He acknowledged the paint color had been selected and approved by the Ascot Court HOA.

Chair Helber recommended the DRB move forward to revise the Draft Action Memorandum to include a condition to require the sheetrock to be patched where it was cut into and allow the project to move forward.

On motion by Boardmember Zhu, seconded by Boardmember Kirkpatrick, to approve the Draft Action Memorandum dated September 23, 2013, approving DRB 20-13 for 101-117 Ascot Court, subject to findings and conditions of approval, and subject to an additional condition to read:

Any dry wall cut into for purpose of the proposed project shall be repaired in kind to the existing material and quality.

The motion carried by the following vote:

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

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

B. 1460-A Moraga Road (DRB 19-13)

Applicant: David Larsen, HDL Design, 1410 Glen View Court, Roseville, CA 95747

Proposed Application: Consider Design Review of exterior changes at the Union Bank of California in the Moraga Road scenic corridor, including approval of a remodel of the front entry to include installation of a new Controlled Access Unit. CEQA Determination: Categorically exempt pursuant to Section 15311 and 15301 of the California Environmental Quality Act (CEQA) Guidelines ("Accessory Structures" and "Existing Facilities"). (CC, RA)

Temporary Planner Rebecca Atkinson presented the request to consider design review of exterior changes at Union Bank of California in the Moraga Road scenic corridor, including approval of a remodel of the front entry to include installation of a new Controlled Access Unit (CAU). The proposed CAU would consist of a new stained chrome finish as opposed to anodized bronze finish on the existing front entry and would include a weapons detector, and a set of double doors that would electronically open by the branch staff. The existing anodized aluminum double front door entry would remain and be converted to an *Exit Only* door, and the existing cabinet window sign on the east elevation would be relocated. The project would not involve any other changes in the aesthetics or operation regarding the doors, access, or lighting on any of the other elevations. The project would result in the loss of one diagonal parking space at the front entry.

Ms. Atkinson acknowledged the DRB had previously discussed a proposal for a new monument sign and landscaping for Union Bank during a prior study session, to be addressed as part of a separate application during a future DRB meeting.

Ms. Atkinson reported that staff had received no public comment on the project to date. The draft conditions of approval had been discussed with the applicant and the applicant was desirous of discussing with the DRB the conditions restricting the hours of construction, conditions regarding the front entry and CAU, lighting, and the review by Planning, and the Moraga-Orinda Fire District (MOFD). She continued to recommend the Draft Action Memorandum, subject to the findings and conditions attached to the memorandum, and noted the draft findings mentioned the conditions of approval and referred to Attachment B, Moraga Center Specific Plan (MCSP) Design Guidelines Consistency Analysis.

In response to the DRB, Ms. Atkinson reported that she had spoken with the MOFD which had requested an opportunity to review the final plans for the CAU.

Ms. Atkinson understood there would be some wires associated with the CAU which would be visible if the transom had clear glass.

PUBLIC COMMENTS OPENED

David Larsen, HDL Design, Roseville, Architect for the applicant, explained that he had reviewed the conditions of approval and cited concerns with the following conditions. Condition 6, explaining that the bank planned to conduct the construction work during off-hours from the bank operations and would like to increase the hours of construction to allow work on Saturdays. The bank preferred a longer construction period from 7:00 A.M. to 8:00 P.M. Condition 7, regarding the colors of the CAU, he commented that Union Bank reused the CAUs and the CAU to be used at the site was already owned by Union Bank, was set in chrome, but could be painted the bronze anodized color as recommended by staff. The transom windows were proposed to be opaque white glass which existed on the front elevation where the night deposit was located. In response to the conditions regarding lighting, he spoke to State Assembly Bill 8244, which regulated the lighting of ATMs. In this case, the ATM would be illuminated by five surface-mounted light fixtures, two-foot candles at 500 feet out from the face of the ATM, and facing out from the canopy, four on the front elevation and one on the side, which allowed the lighting levels to meet State law. He noted that the parking lot required two-foot candles within the 50-foot radius, and if they were required to shield the lighting, the lighting level would be reduced requiring modification to the lighting for the parking lot with a new pole with a light fixture shining back onto the building.

PUBLIC COMMENTS CLOSED

In response to the Chair, Mr. Larsen explained that in April 2010, the Moraga Union Bank branch had experienced a takeover robbery after which the bank had developed a security program whereby any branches that had experienced robberies would be receiving additional security measures. In this case, a CAU had been proposed for the Moraga location. He clarified he had not specifically reviewed the plans for the CAU with the Moraga Police Department, although he understood that the Police Department had reviewed a CAU at the Walnut Creek branch. He described how the CAU operated for bank customers, and in the event of weapon detection, the individual would not be allowed into the bank. In the event of an emergency, the doors of the CAU would be overridden by the branch to allow exiting as required by code. The other exit doors for the bank were alarmed which would notify bank personnel in the event of any breach.

Mr. Larsen acknowledged a portion of the work to install the CAU could be achieved during the bank's normal hours of operation, although Union Bank preferred not to interrupt its customers. Most CAUs were installed over a weekend, with the exception of training and final building inspection. He clarified the CAU had its own metal ceiling, with open space and a light fixture located above. He also noted, when asked, that the CAU was too wide to fit into the existing entrance location.

Chair Helber recommended the addition of a condition of approval that the CAU be reviewed by the Moraga Police Department and the MOFD, with the applicant to submit evidence of acceptance or approval. He was pleased the CAU could be painted and the transom window could be placed above.

As to the hours of construction, Chair Helber noted that the current condition was for the protection of residential uses within the proximity of a project. In this case, there would be no impacts to residential uses. He suggested if the hours of construction were allowed to be extended it would likely result in fewer impacts to Moraga residents. He clarified with the applicant that the CAU would involve wiring coming down into the unit, although a case could be built around it.

Mr. Larsen also explained that the existing doors would be maintained until such time as staff had been trained to operate the CAU, with the existing doors to be replaced once the CAU was in operation, which would involve the removal of existing hardware to be replaced with new hardware.

Boardmember Zhu suggested the transom windows above the CAU be opaque concealing whatever was behind the transom. He pointed out there was already a white whimsical sealed panel located below.

Boardmember Kirkpatrick suggested if the architect could maintain the continuity of the transom moving around until it hit the ATM it would appear better in terms of the architectural treatment. If that could not be done, he could support covering the transom windows. He also supported weekend hours of construction to allow the work to be done during that time when the bank was closed.

On motion by Boardmember Kirkpatrick, seconded by Boardmember Zhu, to approve the Draft Action Memorandum dated September 23, 2013 approving DRB 19-13 for HDL Design at 1460-A Moraga Road, subject to the findings and conditions of approval; with modification to the following conditions:

- Condition 6 to be modified to read: *Construction hours shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, to minimize potential disturbance of adjacent properties, unless additional hours are approved by the Planning Director,*
- Condition 7 (a) to be revised to read: *The Controlled Access Unit (CAU) and the framing for the transom windows shall utilize a bronze anodized finish or paint consistent with the existing doorway that would remain;*
- Condition 7 (h) to add a new sentence at the end of the condition to read: *The applicant shall submit to the Planning Department a lighting study to be approved by the Planning Director which shall either be revised or comply with this condition*; and
- Condition 9 to be revised to read: *The project plans shall be reviewed by the Police Department and Planning Department prior to the issuance of a building permit. Proof of Moraga Police Department approval shall be submitted to the Planning Department.*

The motion carried by the following vote:

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

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

C. 581 Moraga Road, Iron Kitchen (SGN 3-13)

Applicant: Alan Jiang, OD Signs, 965 W. Winton Avenue, Hayward, CA 94545

Proposed Application: Consider Design Review to install a new internally-illuminated cabinet wall sign on the west elevation and two new internally-illuminated signs attached to awnings at the west and south elevations of an existing restaurant building. CEQA Determination: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Class 1, Existing Facilities"). (LC, PMP)

Ms. Macdonald Powell presented the request for consideration of design review to install a new internally-illuminated cabinet wall sign on the west elevation and two new internally-illuminated signs attached to awnings at the west and south elevations of an existing restaurant building. She reported that at the end of June 2013, the Iron Kitchen Restaurant had submitted sign plans as reflected in the staff report. Since that time, staff had worked on the application, and had contacted the applicant to work on potential alternative plans. At that time, it did not make sense to require more detailed plans from the business since the proposal deviated from the location and number of signs reviewed and approved by the DRB less than a year ago for the prior business, Basil Restaurant. She noted that the application was due to be considered by the DRB during its September 9, 2013 meeting, although the item had been continued at the request of the applicant. Staff had sent three e-mails to the applicant, conducted three site visits, and made nine telephone calls to the applicant in an attempt to discuss possible alternatives to the proposed sign application. The applicant had appeared interested in amending the signs but had not submitted revised sign plans.

Ms. Macdonald Powell advised that the applicant proposed to install new internally-illuminated wall signs and display new internally-illuminated awning signs. The wall and one of the awning signs would be located on the west side of the building facing Moraga Road, a scenic corridor. The second sign was a duplicate and would face the south side of the building facing Lucas Drive. The awning signs would be attached to the front valences of the existing awnings through the use of metal anchors. The awning signs would read *Iron Kitchen Asian or Fusion*, and the lettering would consist of both brushed aluminum letters and white internally-illuminated lettering on two lines of copy. The three signs would be similar in appearance but located in different areas of the building.

Ms. Macdonald Powell reported that the public meeting notice had been mailed to 22 property owners within a 300-foot radius of the site, and posted near the site on September 11, 2013. Staff had received no correspondence for the application.

Ms. Macdonald Powell explained that the DRB had reviewed and approved signage on July 23, 2012 for Basil Restaurant (the former restaurant at the same location), for one awning sign facing Moraga Road and a freestanding sign in the yard area between the building and Moraga Road, and no signs on the south elevation. She stated there were alternatives to the proposed sign application, and suggested halo lighting rather than the internally-illuminated cabinet signs, which would be more subtle and appropriate with the surroundings of the restaurant business. The halo light would be permitted in the Rheem Shopping Center Sign Program, subject to DRB review and approval. Given the fast moving traffic along Moraga Road and with no signalized intersection to slow traffic, she suggested it may be appropriate to have a lighted sign to attract motorists along Moraga Road.

Ms. Macdonald Powell recommended that the applicant change the sign design by differentiating the two signs on the west elevation by introducing a business logo, symbol or change the design by combining the signs proposed for the west elevation for a single, larger sign. She further recommended that the applicant reduce the visual clutter by reconsidering the awning signage. She noted that the sign guidelines limited the projection from the face of the wall to one foot; the awning would be two feet from the face of the building wall projecting the signs outward. She also noted the presence of LED signs in the windows that could be removed and noted that the awning text could be more simplified to reduce the clutter on the building face.

Ms. Macdonald Powell stated that staff could not find that the proposed sign would be in conformance with the Design Guidelines, the Sign Ordinance, and the Scenic Corridors Ordinance. She recommended that the DRB consider the item, take public comment, and provide direction to staff and the applicant.

PUBLIC COMMENTS OPENED

Don Walker identified himself as a friend of the applicant who was unable to attend the meeting. He presented the DRB with an annotated copy of the plans, noted there were no lights on the signs, suggested the signs were consistent with the requirements, would be attractive, and were intended to make the business look good.

Edy Schwartz, Moraga, spoke to a past effort which had been unsuccessful to update the Town's Sign Ordinance. She expressed concern making this sign application conform to the existing Sign Ordinance which was not working. She suggested that the Scenic Corridors Ordinance also needed to be reviewed and possibly updated. Having viewed the site, she found glaring signs from other nearby businesses and she found that the signs that had been proposed would not result in excessive glare, particularly since the site was not near a residential area other than residential on the south side.

Ms. Schwartz expressed concern with the use of rules and regulations to regulate applications through an ordinance which was not working, an issue which had been ongoing for years. Having spoken with local business owners, concerns had been expressed with the amount of time and money to obtain approval of signage within the scenic corridor. She emphasized that issue needed to be addressed.

Ms. Schwartz also understood that the signs would not be illuminated and that there had been some miscommunication between staff and the applicant.

Bill Synder, Moraga, owner of Moraga Hardware and Lumber, pointed out that the scenic corridor under discussion was lined with vacant gas stations, a torn down bowling alley, and was one of the most unsightly scenic corridors in the Town. He identified himself as a passionate retailer and business owner in the Town. He reported that he had received a telephone call regarding this agenda item, and he appreciated the hard work of staff and elected officials, but questioned the cost of signage and entry into the Moraga business community. He commented that he had reviewed the signs that had been proposed; there would be no electrical or wires from the cabinet signs, and nothing that would illuminate the signs. He agreed there had been miscommunication between the applicant and staff, understood the cabinet signs would just be filled, and opposed the staff recommendation for halo lighting given the cost to the business. He urged approval of the applicant's sign application in order to allow the signs to be installed and the business to be able to succeed. He otherwise took exception to a statement that the signs would be too visible and emphasized that was what signs were for, to be visible and to be read.

PUBLIC COMMENTS CLOSED

Ms. Macdonald Powell clarified that staff had based its analysis on the sign application and submitted plans which referenced a light box sign in several locations. The signs for Basil Restaurant had also been illuminated cabinet signs. Staff had received no other plans to analyze or make a recommendation. She acknowledged materials that had just been provided by Mr. Walker at this time, which staff would be more than happy to review. She also clarified that staff's correspondence had been with the identified applicant, OD Signs, the sign contractor. Staff would have to speak with the property owner to clarify the intent and reflect the applicant's desires. If the signs were not illuminated that would address the concerns with respect to clutter in the scenic corridor and the residential character of the south elevation, but would not remove the issue staff had raised with similar signs on the same wall face, and the signs projecting from the face of the wall.

Mr. Walker reiterated that he was present on behalf of the applicant (tenant) who had been unable to attend the meeting, and whose English was not good. He emphasized the intent that the signage would have no internal illumination whatsoever.

Boardmember Zhu concurred with staff's concern placing two similar signs located next to one another; one on an awning, and the other to be located on a brick wall at the same height.

Ms. Brekke-Read reiterated that as part of the sign approval for the previous tenant, Basil Restaurant, the DRB had approved one monument sign and one sign facing Moraga Road. The applicant for Basil Restaurant had placed one sign on Moraga Road and one on Lucas Drive, and although a monument sign had not been installed the landscaping had been improved. She commented that the cabinet was not part of the awning and it was possible to remove the awning and eliminate the issue of visible wiring.

Mr. Walker pointed out it would be less expensive to install the sign with the existing cabinet in place. He clarified, when asked, that other than the fact the signs would not be illuminated, all materials, size, and dimensions for the signs would remain the same.

Ms. Macdonald Powell acknowledged that it was within the purview and authority of the DRB to condition the plans just presented by Mr. Walker and have them comply with the DRB's direction for the signage; however, staff preferred the submittal of plans at least 10 days before a meeting date to allow staff the opportunity to review the plans, and allow the plans to be made available to the public. She reiterated the removal of the electrical components and internal illumination would address one of the three issues raised in the staff report.

Chair Helber stated he was uncomfortable moving forward with the just submitted plans, and the lack of a prepared Draft Action Memorandum for DRB review and approval based on the just-received plans. He recognized staff had not had the opportunity to review and prepare a Draft Action Memorandum and recommended the item be continued to the next meeting of the DRB.

Ms. Brekke-Read asked whether the DRB would be inclined to approve three signs; two facing Moraga Road and one facing Lucas Drive.

Chair Helber suggested that two signs would be appropriate although two signs on the same building face would be redundant and clutter the façade.

Boardmember Zhu concurred with the Chair's comments that two similar signs side-by-side on Moraga Road would be too much. Of the two signs, he recommended consideration that one of the signs be larger in size with possibly a logo. He was not opposed to leaving the cabinet box on the awning and moving the sign letters on the wall given that the color of the sign matched the awning color.

Mr. Walker suggested the signage could read *Iron Kitchen Asian or Fusion* on the awning and on the brick wall

Boardmember Kirkpatrick agreed that two similar signs on Moraga Road would be redundant; suggested a sign on Lucas Drive was needed to attract passing motorists, and whether placed on the brick or the awning was not as critical as having only one sign on the Moraga Road elevation. He saw the need for two distinct signs to identify the building.

Mr. Walker explained that the intent of the just-submitted plans was to have one sign on the brick wall reading *Asian or Fusion*, one on the awning, and the third sign facing Lucas Drive.

Ms. Macdonald Powell recommended consideration of a gooseneck lighting fixture for the wall sign consistent with other development along Moraga Road. She recommended consideration of a lower cost option by eliminating the sign on the west elevation facing Moraga Road, with the gooseneck light fixture shining back on the signage.

Ms. Brekke-Read acknowledged that there had been several applications, including the subject application, where staff had spent a great deal of time on outreach with the deposit account having been exhausted and with staff operating on cost recovery. Staff had attempted to accommodate the applicant, including not requesting more money, and if the item were continued staff would not request additional monies.

Based on the discussion, Ms. Brekke-Read understood the DRB was amenable to three signs as long as the signs facing Moraga Road had different copy and different elements, either cabinet or lettering only on the brick. Another sign on Lucas Drive would be appropriate with no possibility of internal illumination at all, and external illumination would be acceptable. She asked the DRB whether opacity would be important on the portion of the sign that was a cabinet.

Chair Helber asked staff if action could be taken at this time if the applicant agreed to submit a plan that was opaque precluding future installation of internal illumination, and if the DRB was in agreement contingent upon the Planning Director's review that the plans submitted in the future were compliant with the intent of the DRB's action, and would not require future DRB action and review.

Ms. Brekke-Read cautioned that the DRB did not typically take such action and typically had conditions of approval to consider when taking action, although she acknowledged that it was up to the DRB to decide which action to take.

Chair Helber acknowledged that absent a Draft Action Memorandum with findings and conditions, it would be difficult to draft something at this time. He recognized that staff had made every effort with the applicant and if the applicant provided the material requested in a timely manner to staff the item could be continued to the next meeting of the DRB.

Ms. Brekke-Read recommended continuation to a date certain.

On motion by Boardmember Zhu, seconded by Boardmember Kirkpatrick to continue SGN 3-13 for 581 Moraga Road to a date certain of October 15, 2013. The motion carried by the following vote:

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

D. Camino Ricardo Subdivision (DRB 16-13)

Applicant: SummerHill Homes, 3000 Executive Parkway, Suite 450, San Ramon, CA 94583

Proposed Application: Consider design review of the Camino Ricardo Project, a 26-Unit Single-Family Residential Subdivision. CEQA Determination: Environmental Impact Report prepared pursuant to Article 7 of the CEQA Guidelines. (MSCP, 3-DUA, EMC)

Senior Planner Ellen Clark presented the request for consideration of design review of the Camino Ricardo 26-unit single-family residential subdivision located within the northern portion of the Moraga Center Specific Plan Area (MCSP). She identified the required entitlements including rezoning to Planned Development District (PDD), Conceptual Development Plan (CDP), Tentative Subdivision Map, Hillside Development Permit, Grading Permit, and Design Review. The DRB would be asked to consider and take action on the Site Plan, Site Plan Layout, Conceptual Architecture, Landscape and Circulation Plans.

Ms. Clark reported that an Environmental Impact Report (EIR) had been prepared as part of the project with a Draft EIR released in late May 2013. The Final EIR (FEIR) had been published on September 23, 2013 and was now available for public review.

Ms. Clark identified the project site as just over 14 acres in size, the site of a former walnut orchard with a large number of walnut and pear trees, and two drainage easements located along the eastern portion of the site including Laguna Creek and the Corliss Tributary along a narrow configuration extending along Camino Ricardo and two prominent knolls. The DRB had reviewed the project during past study sessions jointly with the Planning Commission and the Park and Recreation Commission in 2012 and 2013, and the DRB had met during a study session most recently on July 22, 2013. A number of comments had been received and revisions had been made sequentially to the project, which had also been reviewed by the DRB.

The project consisted of 26 units to be clustered on the south and west portions of the project site, to be served by an access road from Camino Ricardo, with a significant amount of open space with over eight acres to be preserved as open space including open space buffers to the north and east in the vicinity of the creek, and a parcel to be dedicated to the Town as open space. The site was hilly and would require a significant amount of grading to grade out the access road to meet the minimum design standards and grade for the road, and to create the 26 building pads and surrounding livable yard areas. The majority of the fill would be placed on-site and deposited on a peninsula open space parcel. During the July 22, 2013 DRB Study Session, the DRB provided preliminary input on the various aspects of the project. In response to comments from the DRB, the applicant had made a series of changes to the project as identified in the Revised Site Plan package attached to the September 23, 2013 staff report.

Ms. Clark walked through each of the revisions made by the applicant, as reflected in the Revised Site Plan package, and identified the discussion items staff would like the DRB to consider as to whether the revisions made adequately responded to previous concerns and provide direction on major outstanding items. Those major outstanding items included the approach to deposition of fill on Parcel C and whether either of the options (reduced fill, or no fill) on the parcel should be recommended to the Planning Commission; direction as to whether ornamental pear trees or fruiting pear trees should be installed along Camino Ricardo frontage, and whether pear trees should be retained/replanted on Parcel C; direction regarding the alternative pedestrian bridge location; direction regarding public access through the open space areas in the north part of the project site; and direction regarding location of the garages, and whether the proposed forward placement would be an acceptable approach given the applicant's concerns regarding grading.

Ms. Clark also identified the detailed staff recommendation as outlined on Pages 24 and 25 of the staff report, and the recommended conditions of approval to be attached to the approval of the project. She reiterated that the FEIR had been published and was available for public review.

In response to the DRB, as to the details of the Grading Plan, Ms. Brekke-Read explained that the grading would be regulated through Title 14, with technical permits handled through the County's Building Department. The County also handled the review of the engineer's drawings and conducted inspections along the way. There was also a discretionary component depending on the volume of grading and steepness of the slope. If the slope was less than 20 or 25 percent, the DRB had the authority to approve the discretionary aspect of the grading permit. If the slope was greater than 20 or 25 percent the Planning Commission would make a recommendation to the Town Council on the grading permit. All of the other entitlements for the project required Town Council review and approval, particularly the rezoning application, with the Planning Commission to make a recommendation to the Town Council. The DRB was not being asked to review all of the individual findings, but was being asked to review the overall design and grading; the staff report had identified the grading cuts for Parcel C. She described Parcel C as a remnant orchard, open and not particularly native.

Ms. Clark clarified that Parcel C was currently open, level, and a modest two to three percent grade across the site with walnut trees and brush. Parcel C was not visible from Moraga Road. She noted the FEIR included a biological assessment which identified every single tree on the site, and which had been labeled, tagged, and counted in the arborist's report and biological assessment.

PUBLIC COMMENTS OPENED

Denise Cunningham, Director of Development, SummerHill Homes, thanked the DRB for its comments during the July 22, 2013 study session, which the developer had taken into consideration and incorporated into the plans. She hoped that at the end of the presentation a recommendation from the DRB to the Planning Commission would be made on the project.

Ms. Cunningham identified the 26-unit development with the homes thoughtfully designed to keep most of the homes on the southerly flattest portion of the site with the top of the hill preserved and with the homes clustered on the western side of the parcel, allowing for the preservation of over eight acres of permanent open space. Setbacks from the existing neighbors side-to-side in the existing conditions and setbacks to the new proposed homes in most cases were much greater than the existing current setbacks. She noted that several community outreach meetings had been held with one of the revisions to the plans a desire to place the pedestrian bridge approximately 80 feet farther to the south, which was the farthest it could be placed due to the proximity of the creek. Additional revisions included an 8-foot wide bench area, almost the same elevation as the pad, to allow for tall evergreen trees.

In response to the amount of fill on the open space parcel, Ms. Cunningham offered a cross section of the open space parcel showing the existing grade, and explained that if the fill was reduced by approximately 7,000 cubic yards, it would not appear as a mound but would flatten out the gentle slope on the parcel, and it would be feasible to plant orchard trees in that area, if desired.

Greg Miller, CVG Civil Engineers, San Ramon, presented cross sections of the site and the various cut and fill plans for each; stated that the lot elevations had been based on street profiles in order to maximize the grading for the road and minimize cut in the area; noted that one of the benefits of that approach was that the homes would sit below neighboring properties on Danefield Place; and identified existing redwood trees along a neighboring property and noted that prior concerns with planting along that area had been reviewed by the various project engineers who were comfortable with the 2:1 slope. In response to neighbors' concerns, an additional four-foot high retaining wall would be added to the area to flatten the slope a bit, and through the use of that wall, a spot could be created of eight to nine feet of flatter ground positioned closer to the homes allowing a level area for the planting of trees as high as possible, which could provide a buffer from the edge of Lot 26 and the neighboring homes.

Shari Van Dorn, Van Dorn Abed Landscape Architects, walked the DRB through the landscaping changes that had been made to the plan, and identified the entry wall which would stop and not create a sharp return, which had been a concern previously identified and which allowed for plenty of room for landscaping in front of, and at the end of the wall. She noted that the wall which sat on the property line could be curved into Lot 11 if the DRB so desired. In addition, the orchard trees would consist of fruiting pears or ornamental pears rather than the initial cherry trees that had been proposed. She identified the addition of a view fence to be located along the back yard of every new home with the exception of Lot 11 for privacy reasons, and explained that not all of the fences would be located on the property line with the fencing for Lots 1 through 10 to be flat pad only, with unfenced open space beyond. Any property owner without a fence would be asked to choose a view fence or a solid fence to ensure the property line would be fenced.

Ms. Van Dorn noted the mail box design had been reviewed by the U.S. Postal Service which had accepted the design and which had recommended the addition of a parcel box, with staff having recommended a yellow painted curb. She also spoke to the recommendation for the possibility of overlook seating with a trellis on either one side or both sides depending on the grading, with permanent landscaping around the trellis and with temporary landscaping in the area of the future connector road. Once the future connector road had been built, the Town could then decide whether it would like to extend the overlook area farther into the next project. The circulation for the open space area was identified as a possible area for the overlook and the open space view corridor was identified with no access to be provided behind Lots 1 through 10 to maintain privacy for the new and existing homes although access would be provided from the sidewalk to a trail along the Corliss Tributary, and a future connection or across the bridge into the open space park area and the potential Town connection to the exit bridge to Moraga Road. The sidewalk would be connected all the way down to Moraga Road.

Dan Hale, Hunt Hale Jones Architects, identified the project architecture and site plan, noting that there would be similar home types next to one another due to the grading but not the same house elevation next to one another. The project consisted of three homes with four elevations each, for a total of twelve elevations for the 26 units. One of the homes had been plotted four times and half of the homes had been plotted twice. No two homes would be the same color. He identified the variety of home plots on the site plan, with each of the homes to have custom entries to be installed at the time of construction, and emphasized the variety and custom feel that would be provided for the project design.

Mr. Hale clarified there would be a 20-foot separation between building face with a great deal of articulation and grading changes between home sites which would open greater distances on the upper floors. He identified the five upslope lots for the project, with the plan for the garages to be placed forward, and suggested with the architecture and the way the lots were graded to be upslope and with the articulation change in rooflines and massing views would be created to the front and outdoor space. He found the design to be an elegant approach to the upslope homes and did not feel the garages would dominate through the creation of the architecture, articulation, and streetscape.

In response to comments on the architecture, Mr. Hale cited the Arts and Crafts style with the use of shingles with stucco or masonry accents, flat concrete tile roof, gables, with different detailing, and color changes to break up the massing. He identified the left elevation where adjustments had been made to the floor plans to create a massing and roofline break from the first and second floors, highlighted window changes to the stairwell, had created a featured gabled element, and provided articulation of the left elevation. He noted that the other two architectural styles followed a similar massing form.

Mr. Hale also offered a sketch of the elevations at the rear showing a porch option, which reflected the design changes where the developer had responded to some of the massing changes suggested by the DRB, with the left elevation having improved as a result of the DRB's comments. The side split plan in the Arts and Crafts style would be applied to ten of the lots and would use applied stone work, paneled doors and divided light windows, gables, and the like to break up the massing. The Bay Area Traditional style would feature painted horizontal lap siding, front facing gables and dormers, divided light windows, and decorative trim and shutters, with composition roof shingles, with all three plans in this style having been changed to incorporate gable elements in the architecture to provide scale and mass. The right elevation would bring the roofline down, cascade all the way down from the upper level down to the lower level, incorporate gable elements, a low roof around the garage, wrap brick around to the fence line, with stucco on the lower portion of the garage, and change to lap siding to break up the mass, with light two-colored tones.

Three-sided entry garages would be provided for Lots 7, 9, and 20 with articulation of the front elevations and garages. Eleven of the homes would consist of the flat home sites and would be in the Early California style featuring the use of painted stucco, exposed rafters, 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.

The Early California style plan involved a great deal of articulation and single-story elements and had been designed as a home on the entry, the corner, and at the end of the cul-de-sac. Rear elevations had shown an optional porch. All three of the homes in this style would involve rear options including a terrace for the single-story element, and deck off of the master suite. Two of the three home sites would be covered and one uncovered. All of these homes would incorporate some sort of a bay window element that was appropriate to the architecture to provide some interest.

Shawn Kim, 170 Danefield Place, Moraga, identified himself as representing the residents of the east end of Danefield Place. He reported that he had worked with the developer to add a retaining wall, the overlook space, and to add some trees but noted the maximum tree height was 15 to 20 feet and would not entirely cover the buildings which would likely be visible on the top of the hill from Danefield Place. He also found that the landscape plan was detailed for the front of the site although he suggested that more details should be provided for the rear of the project site. He commented that he had retained the services of a consultant to review the project EIR and asked that he be allowed to speak to those details.

Bryan Grunwald, Architect and Certified Planner, explained that his client, Mr. Kim's main concerns with the project, were the views from the cul-de-sac of Danefield Place, where Mr. Kim's front door was located. The current views to the south from the Kim property currently enjoyed views of rolling hills with orchards and the hills of the Moraga area in the distance, which would be obliterated by the project's amount of fill to be located directly in front of Mr. Kim's home, along with the building structures and impact views some distance to the west. He characterized the impacts as the equivalent of a six-story building in front of the Kim home, which was not in keeping with the small town character of Moraga. He noted the slope next to the Kim property was 2:1, the maximum a geotechnical engineer would allow, difficult to landscape with erosion potential, and difficult to landscape with large trees.

Mr. Grunwald suggested the slope was 50 percent; two and half times the Town's 20 percent policy. In addition, the retaining wall allowed for an eight-foot wide planter area and even if planted with 24-foot conical trees, the root balls would be eight feet wide and could potentially push over the retaining wall. He commented that the trees shown in the submittal for that area intended to obscure Lot 26, were 40 to 50 feet in height, which would not be achievable in an eight-foot wide planting area. Also, there was no landscape plan, just a cross section showing the eight-foot wide planting area, whereby at 450 feet there would be a line of trees lined up in a row which was not natural. He had hoped that the FEIR would have been made available prior to the meeting given his client's request for a simulation of views from Danefield Place to show the before and after impacts that he suggested would be substantial. In addition, the area of the 2:1 slope, as mentioned in the staff report, was allowed at 3:1 given a precedent of 2:1 at the site, and the area of 2:1 in the proposed project was half the size of a football field, a large amount of 2:1 slope and unprecedented in the Town. He asked that Lot 26 be lowered to reduce the slope to 3:1 making it more natural in the area, which would allow larger trees to be planted without having to place retaining walls and creating a straight military line of trees standing up like soldiers.

Rita Harris, 178 Corliss Drive, Moraga, supported the movement of the pedestrian bridge farther south and away from the existing homes. She expressed concern with the peninsula parcel, identified as Parcel C, given that it was difficult to review the plans in their entirety and make good comments absent the knowledge of the entire scope in terms of the public use of Parcel C, if the project was allowed to move forward. She also identified a second bridge linking Parcel C with Moraga Road ending near the skate park, where there were some safety issues. She also wanted to see a more detailed landscape plan for the rear of the project.

Paul Kline, 834 Crossbrook Court, Moraga, stated that he had spoken during the Planning Commission and Park and Recreation Commission meetings in the past on the project. He thanked staff, the Commission, the DRB, and the applicant for responding to the concerns expressed with the project, particularly the concerns surrounding Parcel C. He too was pleased that the pedestrian bridge would be moved farther south given that the Corliss Tributary widened out but was unsure why it would involve a longer pedestrian bridge. He strongly opposed placing any fill on the pristine land of Parcel C and would like to see that issue addressed in the FEIR. He also spoke to the intent of this new development and some of the existing developments, to provide access down towards the shopping center and Commons Park for recreational use. He wanted to see some consideration of potential development of the other Bruzzone property discussed now, and suggested that Parcel C needed better clarification of what would be placed there to ensure privacy to the existing neighbors.

Carolyn Cunningham, 852 Crossbrook Court, Moraga, identified her property at the end of the court, the location of the potential pedestrian bridge, and expressed concern with the pedestrian bridge in terms of safety for her family and neighbors as related to access to the park. She questioned why the pedestrian bridge was being provided, did not find it ideal to have access from a park, and questioned who would supervise or police the use of the park after hours.

PUBLIC COMMENTS CLOSED

In response to the DRB, Ms. Van Dorn reiterated the intent to provide a view fence to be located along the back yard of every new home, with the exception of Lot 11 for privacy reasons. Lots 1 through 10 were flat pads only with open space beyond and were not fenced. Any property owner without a fence would be asked to choose between a view fence or a solid fence to ensure that the property line would be fenced. The front yards would have fences with view lattices and the side yards would be solid fences.

Ms. Cunningham clarified that Lots 1 through 10 extended to the top of the hill, which area would be preserved as open space easement, with no fencing, and the homeowners would be made aware of the preserved open space located behind the homes preserving the views. The usable space for those homes would be the flat pad areas and the open space area would be maintained by the Homeowners Association (HOA) and could not be physically used by the homeowners.

Boardmember Kirkpatrick was pleased to see that the grading would be reduced with 100 percent of the fill to be off-hauled given his concerns with the initial volume of grading.

Boardmember Kirkpatrick preferred that the fill be 100 percent off-hauled which would make the neighbors happier as well. He identified an access road down to the detention pond located next to the creek, which he was uncertain would be drivable with the relocation of the pedestrian bridge, and recommended that the access road have all-weather access. He also acknowledged correspondence that had been received from Mr. Kim regarding his concerns with view impacts related to Lot 26, and suggested that Lot 26 either be dropped or be lowered to a single story to allow the existing views of the neighbors to be preserved.

Mr. Miller presented the DRB with additional information on a plan showing alternative designs for the pedestrian bridge and pad elevations. He commented that the area was being characterized as a mountain, and while fill would be placed in the area, the elevation would be held on the lots as much as possible, with the intent to reduce or eliminate the fill material on Parcel C.

Mr. Miller commented that Mr. Kim's property would be within the closest proximity to the subject development, approximately 85 feet from the property line to the Kim property, and to Lot 26 sitting back 70 to 75 feet from the property line, a comparable setback. He noted that the largest area in the Kim's rear yard was around the pool deck which was at an elevation of 566, with the Kim property from the pool deck going up to an approximate elevation of 570. Lot 26 was at an elevation of 569.

Mr. Miller again identified the Kim property and neighboring properties on Danefield Place, identified existing redwood trees which were around 16 feet, and stated based on the elevations of the homes the elevation was around 600, and the ridgeline of the proposed two-story homes would be on the order of 598 elevation. In terms of existing screening before any new planting, he suggested there could be some spots where one could look through although the area would be well screened. He emphasized the developer had met with the existing neighbors to address privacy and view issues, and the idea of being more specific with the planting to the extent where trees could be planted which may affect the existing homeowners. The intent was to work with the neighbors to find a solution that addressed the neighbors' concerns.

Mr. Kim reiterated his concerns with the impacts of Lot 26 and suggested no trees would be able to screen the building from view.

Boardmember Kirkpatrick agreed that the elevations of the homes were about the same and there would be down views from the Kim property that would be blocked. He also referenced correspondence that had been received from Boardmember Glover regarding Parcel C and reiterated that Parcel C should not be used for the fill from the site.

Boardmember Zhu suggested the architect had presented an excellent architectural design solution as compared to the prior iterations, although he expressed concern with Parcel C noting that he had asked a question earlier as to the real purpose of the space. He found that the space remained to be defined as open space but suggested it would be nice as an open space that was dedicated to the Town. He wanted to see some consideration of connecting the open space to Commons Park located across the street.

While such connectivity would bring more activity to the open space area, and in response to neighbors' concerns with the use of the parcel, Boardmember Zhu wanted to see the intended use of the space be better defined.

Ms. Cunningham advised that the MCSP had been the guiding principle for Parcel C with the preservation of open space, bridges, and with connectivity to the parks and shopping center. She suggested that the park should be a passive use, acknowledged at one time the plans had shown homes in the peninsula area of the open space which had not been supported, and was more than willing to work with the Town to better define the use of Parcel C.

Chair Helber acknowledged the applicant had incorporated a sidewalk from the project off-site and all the way down to Camino Ricardo. He recognized the entire area would be developed but suggested the sidewalk would help future residents of the community and the entire community as well. He liked the inclusion of the pear trees along Camino Ricardo which were good for Moraga since many people picked pears locally and donated them to the Food Bank, and would likely commit to picking the pears on the subject location. He liked the inclusion of the pedestrian path along the Corliss Tributary which would benefit the community and hopefully may extend all the way down to the Moraga Shopping Center and Moraga Commons in the future tying in the entire area once built out.

Chair Helber also liked the added fenestration that had been provided and the articulation to the side elevations which dramatically improved the overall project, the views from house-to-house, and the overall street corridor. He wanted to see conceptual plans showing the installation of the pedestrian sidewalk along Camino Ricardo, and a detail and section of the path itself as it left the cul-de-sac and travelled along Lot 26 all the way through to Parcel C, to ensure it met the specifications of the East Bay Regional Parks District (EBRPD) or associated design specifications that would be required.

As to the protected trees proposed for removal along the riparian corridor, Chair Helber asked for clarification since there appeared to be substantial oak trees within the riparian corridor. He asked whether the grading would impact and remove those trees or whether some of the trees would be protected.

Ms. Van Dorn advised that many of the trees along the riparian corridor would remain; 75 percent of the trees to be removed were walnut trees located on the project site with some near the creek.

Ms. Cunningham added that in working with the project biologist and arborist, the pedestrian bridge had been shifted accordingly to avoid mature trees. She understood that of the two pedestrian bridge alternatives, trees would not be impacted.

Speaking to the civil plans, Chair Helber asked for clarification of the storm drains at the bottom of the property line and the bio-retention areas, to which Mr. Miller explained that at the back of Lot 19 there would be a small low spot where they had been tasked to make the grading on the boundary, and where a 10-inch storm drain would be placed, to be conveyed to the west, with a drainage ditch located along the edge.

The V-ditch had been designed to allow for a five-foot corridor, and would likely require a drainage easement to run along the edge to allow for some flexibility when the neighboring property to the south was developed in the future. There would be some sort of mutual easement along that edge, likely a grading easement, although those details had not been finalized.

Chair Helber liked the idea of an observation area but sought more information on that component. He asked of the intention of the phasing for the development of Parcel C as related to the overall phasing of the homes, to which Ms. Cunningham advised of the intent to develop Parcel C at the same time as the construction of the homes.

Chair Helber preferred some ratio of homes to be delivered prior to the completion of Parcel C. Speaking to the architecture and referencing elevation A42, he liked the elevations and changes made but suggested that color scheme Nos. 6 and 9 stood out, with bright white colors as the primary colors, which could result in reflectiveness and loss of color.

Mr. Hale stated the intention was to have a white house although the color schemes could be reviewed to ensure lower reflectivity.

Speaking to the landscape plan for the split-level homes which had shown four-foot retaining walls, with a six-foot privacy fence between each home, Chair Helber noted that the retaining walls may block views, and the downslope lots would now be 10 feet below the line of sight in terms of the light coming in. He wanted to see that element be reviewed further. As to the bio-retention area, he found the details to be fairly generic and sought greater details on the plans given that the DRB would be asked to make a recommendation to the Planning Commission on the overall design and the respective entitlements. He wanted to ensure there was a well-informed advisory recommendation to the bodies that would take action on the project.

Chair Helber also found the overall landscape plans and renderings to be lush but wanted to see more details, particularly after the public testimony from the existing neighbors, exactly what trees would be specified to help mitigate the view impacts, and what trees could be larger than normal now to create the view buffer. He understood the applicant would be considering an alternative to the plans presented with less fill on Parcel C, although the only plans before the DRB had the full amount of fill. He suggested that the developer could find a solution and propose something in which the DRB could respond, discuss, and refine, and he requested a revised grading plan to show those options.

As to the two pedestrian pathway alternatives, Chair Helber preferred the original alternative which allowed the path to run along the side of Parcel C, leaving more of Parcel C as a passive use and which would not bisect Parcel C. Recognizing the concerns of the existing neighbors, he suggested if the pedestrian bridge was moved down closer to Corliss Creek, it would preserve more of the natural trees and could be a superior option. He acknowledged the intent that the park not be active and be more open space, and he sought a more detailed landscape plan than the conceptual plan that had been provided for Parcel C to show the section and depth of the path.

Chair Helber also suggested a more detailed plan to show how the path traveled across the two creeks and connected to the two existing pedestrian facilities on the opposite side of Moraga Creek, and show the linkage even if just a conceptual line, which would be helpful to the DRB, the Planning Commission, the Town Council, and the public to illustrate the benefits of the pedestrian connectivity.

Chair Helber agreed that Mr. Kim had raised valid concerns for how he would personally be impacted by the subject development. While views may not necessarily be protected, he wanted to see potential mitigation of the impacts to the Kims' views by either proposed vegetation or bringing the elevation of the pad for Lot 26 down. He asked that the item return to the DRB based on the discussion before final DRB action was taken, allowing the applicant to provide additional information to staff, and allowing staff the opportunity to prepare a Draft Action Memorandum for DRB consideration.

Planning Commission Chair Comprelli asked that the DRB opine on what Parcel C should be intended for, whether public open space associated with the development or be incorporated into something larger in the future. He noted his understanding that the applicant had indicated that Parcel C would be deeded to the Town. He recommended if the DRB was of the opinion that Parcel C would be associated with the subject development and not integrated into any future larger Commons Park, the DRB should recommend to the applicant, rather than deed the parcel to the Town, that the parcel be made part of the project HOA to be owned and maintained by the HOA.

Chair Helber understood the Vesting Tentative Map had shown ultimate ownership of each parcel.

Ms. Cunningham explained that the project description and the FEIR had discussed the intention of Parcel C to be deeded to the Town, which information could be added to the Vesting Tentative Map.

Chair Helber encouraged the applicant to deed Parcel C to the Town and suggested it should be under Town control

Boardmember Zhu asked how the MCSP had defined the use of Parcel C, to which Ms. Cunningham explained that the MCSP had shown the trails and the pedestrian connectivity, had shown the pedestrian connectivity going across the creek, and the only way to provide that access was through the pedestrian bridge.

Chair Helber also understood that the MCSP had envisioned connectivity to the west looping around towards the Moraga Shopping Center.

As to whether the Town should accept dedication of Parcel B in response to Boardmember Kirkpatrick, Ms. Brekke-Read stated that staff would not recommend the dedication of that parcel to the Town.

Chair Helber offered a motion to direct the applicant to take the comments provided at this time and return with additional information, and present the project again having incorporated many of the suggestions made at this time.

Chair Helber recommended that any revisions to the plans be provided to staff in a timely manner to allow the opportunity for staff review and the preparation of a staff report.

Ms. Brekke-Read asked the applicant when materials could be provided given that they would need to be submitted at least three weeks prior to a meeting date, and asked whether the DRB desired to continue the item to a date certain.

Ms. Cunningham sought direction from the DRB on the additional information desired. She was confident they could provide the information in a timely manner and asked that the item be continued to a date certain.

Mr. Miller concurred that many of the items the DRB had requested had already been included in the project package. He clarified that SummerHill Homes had not proposed an alternative grading concept for Parcel C other than a request from the DRB to state that was the proposal.

Chair Helber sought details on the grading plan for Parcel C and wanted to see the Vesting Tentative Map be revised to clarify that the proposal for Parcel C would be less fill than that shown on the application for the Vesting Tentative Map now, and include greater details on the path itself, and the materials for the pedestrian bridge.

On the discussion, Ms. Brekke-Read recommended that the item not be continued to a date certain, leaving the date open since that would allow staff and the developer the opportunity to submit materials and information and staff to prepare the staff report. She affirmed the item could be continued in a timely manner.

Ms. Cunningham asked that the item be continued to a future date as soon as possible to allow the project to move forward. She expressed the willingness to provide the information to staff within one week. She also spoke to the design for the grading for the park area and noted the developer had done that work in the past with a great deal of community input. She expressed the willingness to provide a generic conceptual plan for the pedestrian pathway and how it would connect, and acknowledged the Chair's request for the path to show less fill, the identification of the alignment of the path itself, and possibly an alternative for the bridge alignment.

Chair Helber commented that the questions he had asked about the impacts to the protected trees within the riparian corridor would be informative in terms of his preference for the alignment of the pathway. If the path was pulled away from Corliss Creek, without bisecting Parcel C, he suggested it would be more amenable to the neighbors. He commented that he had recently walked the project site all the way to Commons Park where it was apparent there was no pedestrian pathway on this side of Moraga Road. If the applicant was being encouraged to build a path, he did not want to see a path to nowhere and would like to see the eventual plan to show the connectivity and an ultimate plan for a safe crossing.

Ms. Clark clarified the intent of the Chair, for a broader view to show the connectivity to, from, and across into Commons Park.

On motion by Chair Helber, seconded by Boardmember Zhu, to continue DRB 16-13 for Camino Ricardo Subdivision to a date uncertain, subject to the DRB's discussion. The motion carried by the following vote:

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

V. ROUTINE AND OTHER MATTERS

A. Planning Commission Liaison Report - Comprelli

Planning Commission Chair Comprelli reported that the Planning Commission had met on September 16, 2013 and continued a discussion on setbacks to allow further staff work; and had held two study sessions to discuss the proposed scope of work for amendments to the Sign Ordinance and the Moraga Municipal Code (MMC) to ensure the regulations were clear and more consistently applied.

Chair Helber asked that the public's comments from this DRB meeting about the Sign Ordinance and the View Corridor be forwarded to the Planning Commission.

VI. REPORTS

A. Design Review Board

Chair Helber reported that a Livable Moraga Road project meeting had been scheduled for Thursday, October 3, and a Community Engagement Workshop meeting sponsored by Saint Mary's College (SMC) and other organizations in Town had been scheduled for Thursday, September 26.

B. Staff

Ms. Brekke-Read reported that the Town Council would meet on September 25 and consider three planning department items including a second reading and adoption of the Design Review Ordinance amendments, contracts related to the Bollinger Valley project, and a discussion on hillside and ridgeline options and alternatives. An appeal of the project on 1800 Donald Drive had also been scheduled for that date but would be continued to a future meeting at the request of the applicant.

Ms. Brekke-Read updated the DRB on the repairs to replace the walls at Laguna Creek at the Hacienda de las Flores property and while the project would not require DRB review and approval, she presented the plans to the DRB for informational purposes. She added that Senior Planner Pierce Macdonald Powell would be leaving the employ of the Town on October 9 to return to Grad School. Temporary Planner Rebecca Atkinson would also soon be leaving the employ of the Town. A new Associate Planner had been hired and would start employment with the Town on September 30. She acknowledged that there would be an opening in the Senior Planner position and staff was discussing how to fill that position.

Ms. Brekke-Read also updated the DRB on the status of the SMC Recreation Center project, and acknowledged that the recent DRB approval of project amendments had not been appealed although there had been a question regarding the authority of the DRB as it related to the swimming pool lights. She clarified the DRB's action could not overturn a decision of the Planning Commission and the Planning Commission's conditions were clear that the swimming pool lights were allowed to operate until 9:00 P.M. only although SMC had indicated the lights would be operational until 2:00 A.M. Staff had encouraged SMC to re-evaluate the lights behind the swimming pool that could be low level and still provide the safe emergency exiting which would not create an issue to the adjacent neighbors. In addition, there had been inquiries about the plans the DRB had reviewed and the spec sheets which had shown lights that had spill above 90 degrees. There was a question that the DRB had approved those lights but the conditions were clear that the lights could not be above 90 degrees. If SMC could not accommodate the condition with the light fixtures that had been proposed, it would have to use other light fixtures.

Chair Helber recalled that the DRB had given the Design Review Administrator the authority to approve alternative lighting. He commented that during the DRB discussion of the SMC project, he was more certain about the guidelines of Dark Sky compliant lighting and that the DRB had required Dark Sky compliant fixtures. He asked for more information on the different Dark Sky guidelines used by other jurisdictions in terms of the light fixtures that were industry accepted, and which light fixtures were being used more than others. He asked that issue to return as a discussion item in the future.

Ms. Clark suggested that issue could be discussed during the Zoning Code update.

Ms. Brekke-Read also commented on the fact the DRB was having to negotiate conditions of approval during this meeting, which was the reason she would like the applicants to see those conditions prior to the meeting date to allow for any discussion or negotiation of conditions to occur with staff prior to the meeting, and allow staff the opportunity to explain any outstanding issues.

Chair Helber asked in the future that the DRB be provided with a Draft Action Memorandum for an item for DRB consideration, whether the item was continued, or recommended for approval or denial.

VII. ADJOURNMENT

On motion by Boardmember Kirkpatrick, seconded by Boardmember Zhu and carried unanimously to adjourn the meeting at 11:00 P.M.

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Secretary of the Planning Commission

