

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

October 15, 2013

I. CALL TO ORDER AND ROLL CALL

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

Present: Boardmembers Escano-Thompson, Glover, Kirkpatrick, Chair Helber

Excused: Boardmember Zhu

Staff: Shawna Brekke-Read, Planning Director
Ella Samonsky, Associate Planner

A. Conflict of Interest

There was no reported conflict of interest.

B. Contact with Applicants

Chair Helber and Boardmember Kirkpatrick reported that they had contact with the applicants for agenda Item B, 5 Paseo Linares.

II. PUBLIC COMMENTS

There were no comments from the public.

III. ADOPTION OF THE CONSENT CALENDAR

A. September 9, 2013 Minutes

B. Adoption of Meeting Agenda

On motion by Boardmember Glover, seconded by Boardmember Escano-Thompson to adopt the Consent Calendar, as shown. The motion carried by the following vote:

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

IV. DESIGN REVIEW

A. 337 Rheem Boulevard (UPA 1-13)

Applicant: Gayle Somers, 460 Center Street #6237, Moraga, CA 94570

Proposed Application: Consider Design Review to modify an approved commercial remodel and signage for a new café/restaurant associated with an approved amended use permit for Home/made Kitchen, UPA 1-13, and review landscaping and outdoor seating area. CEQA Status: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines, Existing Facilities. (CC, PMP/ENS)

Planning Director Shawna Brekke-Read reported that the project had previously been approved by the Planning Commission for modification to the approved use permit which had originally allowed for the former Mondello's Restaurant to be occupied by a café and salon. Gayle Somers, the current applicant and operator of the Café Hacienda, had received approval from the Planning Commission to occupy the entire site to operate a café and had been following through with tenant improvements of interior and some exterior remodeling, with some of the exterior remodel having been approved under a previous DRB application. Some of the windows that had been previously covered had been exposed and the current application called for the continuation of the exterior improvements including the replacement of the existing awnings with new awnings which would contain signage, gooseneck lamps to light the signs from the exterior, and an outdoor patio. The plans currently under consideration included some of the landscaping and outdoor patio design that had formerly been approved although that approval had since expired. She understood the applicant intended to pursue some changes to the landscaping yet to be defined. As a condition of approval, staff or the Design Review Administrator, would be required to approve the final landscape plans. She clarified the conditions of approval in the Draft Action Memorandum dated October 15, 2013, some of which required Design Review Administrator review and approval.

PUBLIC COMMENTS CLOSED

Gayle Somers, Home/made Kitchen, 460 Center Street, #6237, Moraga, spoke to the plans to be considered by the DRB and identified the new signage on the awnings. She explained that the landscaping plans had been prepared in 2012, and she expressed her hope that the plans could be modified to be more culinary kitchen and garden feeling with herbs and insect-friendly perennials along with trees as opposed to the use of freeway planting material. She noted that the tables, chairs, and umbrellas had previously been discussed and would be simple and clean with no form of advertising. She expressed concern with the parking for the lot surrounding the building as a result of the 24-Hour Fitness Center which limited the parking for the remainder of the center's tenants, understood that parking had been an ongoing concern for the tenants in the center, and stated that the property owner had attempted to resolve the parking situation to no avail. She expressed her hope that something could be done to resolve the parking situation.

Ms. Somers suggested that traffic into the parking lot could be directed in such a way to direct vehicles to park on the other side of the center which had more parking availability. She also expressed her hope that 24-Hour Fitness would have a better sense of sharing of the parking accommodations.

Ms. Somers identified the number of parking spaces located across the street from the subject site, and while she would not suggest any customer park in that area given unsafe pedestrian access, she expressed her hope that the Town would consider funds to install a pedestrian crosswalk across Rheem Boulevard at that location. She added that the property owner had allowed her the ability to choose the paint colors for the exterior of the building which would offer a nice, clean, fresh, and uniform appearance in the taupe range, with the awnings to be black with white lettering.

In response to the DRB, Ms. Somers identified the interior pathway to the outdoor patio area, which was the only point of egress and which had been configured in such a way where one would not walk in the door and run into a patio since the traffic pattern was through the middle of the restaurant. She did not see that the pathway would be a safety concern between servers and customers. She also clarified the intent to have space heaters in the outdoor patio area similar to those used at the Café Hacienda. She noted that the security of the tables and chairs in the outdoor area had been discussed with the Planning Commission. There were no plans to anchor the furniture. Responding to a condition that the tables and chairs be stored out of sight from the outdoor area when the operation was closed, she noted there was no place to store the furniture and umbrellas, although given the design of the chairs it might be possible to stack the chairs in the center area of the restaurant when the business was closed.

Ms. Brekke-Read suggested that Condition 8 (d) of the Draft Action Memorandum be amended to address the concerns with the outdoor patio furniture.

PUBLIC COMMENTS OPENED

Jeanne Moreau, Moraga, supported a restaurant with outdoor seating which would likely be supported by many Moraga residents. She encouraged the DRB to support the application.

Ellen Beans, 20 Carr Drive, Moraga, commented that she had been involved in the re-visioning of the Rheem Shopping Center several years ago as part of the Economic Development Action Committee (EDAC), which had identified community support for outdoor seating, places to gather, a sense of place, and a greater sense of pride. She suggested what was being presented was consistent with what Moraga residents preferred. She emphasized the need for the business to be successful and thrive, although the parking needed to be addressed which should be a priority for the Planning Commission or Planning Department. She expressed her hope that all parties could be brought together to reach an equitable parking solution. She too encouraged consideration of a crosswalk across Rheem Boulevard from the subject site to the property across the street, which was important not only for parking for the restaurants but also for the Rheem Theatre.

Kathy Nelson, Executive Director, Moraga Chamber of Commerce, emphasized the goal of the Moraga Chamber of Commerce for local businesses to remain vibrant, and attract business that would be successful in the Town. She too spoke to the efforts of EDAC, which had spent a great deal of time researching what would work in the community.

Ms. Nelson emphasized the community wanted the Rheem Center to be a vibrant center where people could gather and the subject business was exactly the type of business that was preferred. She spoke to the success of the Café Hacienda, operated by the same applicant, which illustrated the applicant's vision for the business operation and her confidence the applicant would carry that vision to the subject location. She looked forward to the grand opening of the business. She also pointed out that the property owner, Mr. Chao, had been a very loyal supporter of the Chamber of Commerce and the Town for many years, and suggested that resolving the parking situation in the center would be a benefit to everyone.

PUBLIC COMMENTS CLOSED

Boardmember Glover understood there were multiple property owners in the center and he was unsure how the Town could resolve the parking situation. He recognized the parking concerns of the retail tenants and could support the fact that the parking should be shared, but he was uncertain that situation could be resolved by the DRB. He suggested the Planning Commission and the Town Council may have to become involved.

Ms. Brekke-Read affirmed that parking was not under the purview of the DRB unless a design related issue or recommendation to the Planning Commission. The Planning Commission had reviewed the parking as part of the project, had reviewed the parking allocation table which was updated on a regular basis when a new business moved in, that the subject business had been compared to the parking allocation table, and that staff had determined that parking for the use would be adequate. She also affirmed there were a few property owners engaged in a mutual joint use parking agreement, which was non-exclusive where anyone from any of the businesses in the center could park anywhere. While not a Town issue, as the Planning Director she had volunteered to approach 24-Hour Fitness to determine whether or not clients could be encouraged to change their parking habits. She had not been able to have that discussion as yet, but had discussions with Ms. Nelson with the Chamber of Commerce and she and Ms. Nelson would approach 24-Hour Fitness in the next week in a voluntary capacity.

Ms. Brekke-Read also stated the Town was utilizing the services of a transportation planning firm that had been working with staff on the Livable Moraga Road project, which included a finite number of areas where the firm would provide a level of design. Staff had asked about a pedestrian crossing on Rheem Boulevard, noted as part of the remodel of 331 Rheem Boulevard to accommodate Town Council Chambers, and a pedestrian crossing for the community room had been discussed. While funding was an issue, staff continued to work to obtain grants which had yet to be successful.

Boardmember Glover recognized that inadequate parking could be a detriment to a successful business. He wanted to see the restaurants in the community thrive and did not want to see the subject business fail due to a lack of adequate parking.

Chair Helber also recognized that parking was a valid issue although he reiterated that parking was not under the purview of the DRB. He was uncertain how the DRB could assist with the parking issue.

Boardmember Escano-Thompson recommended that a member of the DRB be designated to review and approve the submittal for landscaping, furniture, and lighting plans along with staff as a condition of approval.

Chair Helber pointed out that the last time the application had come before the DRB the DRB did not have the concept of a Design Review Administrator. He commented that a subcommittee had previously reviewed the application and since that time Planning Department staff had increased. He suggested that staff was more than capable to review the plans although if a subcommittee of two Boardmembers was appointed to review the plans; he volunteered to serve as one of those members.

Ms. Brekke-Read opined that she would prefer that the plans be handled administratively although she recognized that it was up to the DRB.

Boardmember Escano-Thompson pointed out the DRB had not seen any colors and materials which was the reason she preferred that a Boardmember also review the plans with staff.

Boardmember Glover commented that over the past year there had been a great deal of effort to expedite permit approvals and Planning Department staff had moved in that direction. He recommended that the Planning Department be allowed to do what it could do and not slow the permit process. He opposed the formation of a subcommittee to review the landscaping, furniture, and lighting plans with staff.

Ms. Brekke-Read affirmed there were no substantial changes to the plans referenced, with the exterior wall lights to be approved as part of the Draft Action Memorandum. She clarified that the landscape plan was for the outdoor area, landscaping, furniture and umbrellas, with Condition 8 referencing the outdoor furniture. She recommended a modification to Condition 8 to read:

Prior to certificate of occupancy, the applicant shall submit the following for Design Review Administrator review and approval in consultation with the Design Review Board Chair:

Ms. Brekke-Read also recommended that Condition 8 (d) be revised to read:

Color and materials board, manufacturer's specifications, and samples for proposed outdoor patio furniture (tables and chairs) umbrellas, and heating elements.

When asked, Ms. Brekke-Read clarified that the repainting of the entire exterior of the building would not normally require DRB approval.

On motion by Boardmember Escano-Thompson, seconded by Chair Helber to adopt the Draft Action Memorandum dated October 15, 2013 approving UPA 1-13 for Somers at 337 Rheem Boulevard, subject to the findings and conditions as shown and with the modifications to Conditions 8 and 8 (d). The motion FAILED by the following vote:

Ayes: Escano-Thompson, Helber
Noes: Kirkpatrick
Abstain: Glover
Absent: Zhu

Boardmember Glover explained that he had abstained from the vote since staff had the expertise and should be able to make such decisions. Staff had offered conditions for the permit's approval, and he saw no reason not to follow the staff recommendation. He affirmed that if the modification to Condition 8 was removed from the motion, he would support the approval of the application.

Boardmember Kirkpatrick concurred and suggested if the project was larger he may have agreed with the modification to Condition 8, but suggested that the subject project should be handled as expeditiously as possible. He too would support the project with the elimination of the modification to Condition 8.

On motion by Boardmember Kirkpatrick, seconded by Boardmember Glover to adopt the Draft Action Memorandum dated October 15, 2013 approving UPA 1-13 for Somers at 337 Rheem Boulevard, subject to the findings and conditions as shown and with the modifications to Condition 8 (d) only. The motion carried by the following vote:

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

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

B. 5 Paseo Linares (DRB 15-13)

Applicant: SpringHill Homes, LLC, 1431 Oakland Avenue #210, Walnut Creek, CA 94596

Proposed Application: Consider Design Review DRB 15-13 for new construction of a proposed 5,021-square foot, two-story single-family residence. CEQA Status: Categorically exempt pursuant to Section 15303 of the CEQA Guidelines, New Construction of Conversion of Small Structures. (1-DUA, ENS)

Associate Planner Ella Samonsky presented the application for the new construction of a two-story single-family residence at 5,021-square feet located on an existing residential lot. In addition to the new home, the applicant also requested the approval of a Grading Permit and Hillside Development Permit (HDP). The single-family home would be designed in a Spanish Mediterranean style, utilizing a terracotta roof tile, painted stucco finish, arched reliefs, shutters, and iron fixtures. The elevations of the home would be articulated with bay windows and inlets, and a stepped second floor. In addition to the home itself, site improvements would include new landscaping throughout as well as paved front patio, rear patio, and walkway and a side driveway.

The grading on the site would expand an existing pad that had been created when the subdivision was first put into place and allow for driveway access. The pad was currently near flat towards the front end of the parcel with the rear end a steep slope which was under a scenic easement. Along the rear of the graded pad would be a retaining wall, reaching eight feet at the highest point, split into two paralleled walls along the rear yard. A low retaining wall would be installed along the edge of the driveway with two low retaining walls at the front yard to support bio-filtration basins.

Ms. Samonsky identified three areas in which the project design was an exception to the Town's Design Guidelines. The two-story home would be located adjacent to two existing two-story homes which were not permitted under the Design Guidelines, although there could be some design articulation that could reduce the appearance of three two-story homes adjacent to one another. The lot was triangular in shape with a narrow frontage on the edge of a curved cul-de-sac that traveled upslope and at a different angle and elevation than the neighboring homes. The home's two neighbors were situated on oversized lots for a single-family home, and the home would not have an overbuilt appearance. As to the usable yard space, due to the location of the home at the base of a very steep slope, in order to create a 20 x 45 square foot usable rear yard extensive grading would be required. The project would have two smaller attached yards; one located at the rear and the other at the side, and combined would be equal to or greater than the usable space that would have been created by a 20 x 45 square foot usable yard space.

Ms. Samonsky also identified the large retaining walls and reiterated their location along the rear of the graded pad reaching eight feet at the highest point near the parking turnaround, split into two paralleled walls along the rear yard. A low retaining wall would be installed along the edge of the driveway and there would be two low retaining walls at the front yard to support bio-filtration basins. Staff had recommended that the height of the retaining wall be restricted to five feet and that the area of height at eight feet be treated similar to the wall at the rear yard, and split into two parallel retaining walls to reduce the total height and visual impacts. In addition, the spacing between the pair of parallel retaining walls was approximately three feet and was required to be twice the width of the height of the two walls; in this case 10 feet apart.

Ms. Samonsky explained that because of the way the site had been graded there was an extremely steep slope along the rear wall to make the level pad, and where it was located behind the home the lesser depth between the two parallel walls would only be viewed by the residents and their guests, and adjacent to the parking area was a distance of 60 to 70 feet from the street and an oblique angle, which would not have a strong visual impact to the general public from the street. Further, one of the two retaining walls at the front yard for the bio-filtration basin was on or close to the front property line, causing some of the footing or drainage to be over the property line and on public property. She recommended that this feature be moved further back into the lot, or be removed entirely.

Ms. Samonsky reported that story poles had been installed and the project had been noticed to the public. Three letters of support from residents on Paseo Linares had been submitted by the applicant to staff this date.

Responding to the DRB, Ms. Samonsky identified the two easements on the site; one the scenic easement along the 600-foot elevation with over two thirds of the lot in the scenic easement, and a drainage easement which served the neighbor to the south for drainage maintenance. She also affirmed that a soils report, which had been peer reviewed by the Town's Consulting Engineer, had been submitted as part of the drainage for the project but had not been included in the packet to the DRB.

PUBLIC COMMENTS OPENED

Matt Hane, SpringHill Homes, 1431 Oakland Avenue, #210, Walnut Creek, explained that he had been building spec and custom homes in the cities of Lafayette and Orinda, and described his passion for home building. He stated that he had a good design team and suggested they had done a good job designing the home for the property at 5 Paseo Linares.

Rick Rosenbaum, Consultant to SpringHill Homes, commented that the home plans had been submitted to the Town in June. He introduced the consultant team present in the audience, commented that 5 Paseo Linares was the last remaining lot on Paseo Linares and had been sold to SpringHill Homes, and the project's Civil and Soils Engineers had designed the original subdivision. He identified the proposed 4,000 square foot two-story home with a three-car garage featuring a split design, and stated that three covered parking spaces would be provided, with a flat driveway space at the top of the driveway for additional guest parking. The home would be in the Spanish Mediterranean style with the second story of the home to be set back from the first floor on three sides with a low pitched roof preserving some of the vistas behind the home. The home would be consistent with the other homes in the neighborhood, which ranged from 4,000 to 6,000 square feet and which were one and two stories. The home had been designed to fit on the lot, with a shallow and wide floor plan, and would not have to be pushed back into the existing lot.

Mr. Rosenbaum explained that the home would fit within the existing building pad, with usable rear yard space, although some grading would be required to create the rear yard space. There would be a double retaining wall design for most of the home, with a single wall design to create a planting area behind the driveway and a turnaround. He stated that if needing to push back into the hillside, the retaining wall would be higher and the grading would be more extensive. The plant material would be six to eight feet tall once mature to shield the wall and the wall would be painted a birch tone color to blend in. The home would not be on the street but be set back quite a ways.

Mr. Rosenbaum advised that a detailed drainage plan had been submitted to the Town to address the water from the hillside and the lot, with bio-retention having been incorporated on the site to treat the water and retain the drainage. It was intended that one of the drainage basins located farther down the hill would be removed since the project had been overdesigned for on-site detention. In discussions with the Town Engineer, he noted that other on-site mitigation would be appropriate. A final drainage plan would be submitted to the Town for staff approval with the second wall to be eliminated. He identified a decorative stacking boulder wall sitting lower on the hill, not impacting the home, and appropriately designed.

Mr. Rosenbaum added that a soils report had been prepared for the original property owner in 2004 by ENGEO, which the project inherited, had been updated for the project design, and would be less intrusive on the hillside. The report had been peer reviewed by the Town's Engineering Consultant with comments having been provided, and with the applicant having submitted correspondence that the issues that had been identified would be resolved. He explained that the final engineering for the retaining walls had not yet been identified.

PUBLIC COMMENTS CLOSED

Responding to Boardmember Glover, Mr. Rosenbaum again referenced the initial soils report prepared by ENGEO as related to an ancient slide, commented that he had walked the site and had identified a home on a flag lot which abutted the project site and was unsure of the drainage improvements for that property, although the soils engineer had recommended the installation of a 24-inch wide concrete V-ditch above the retaining wall to catch water coming down the slope and carry it to the drainage ditch on the south portion of the property, as reflected in the submitted drainage plan.

Ben McVey, Civil Engineer for the project, added that the 24-inch wide concrete V-ditch would direct surface water coming down from the hill to the north and the south. From the north it would wrap around and come down to a catch basin, and to the south connect to the existing concrete ditch along the southern property line.

Ray Skinner, ENGEO, explained that he had done testing bits in 2006 and recalled seeing fill type debris at the base of the cut slope that had been made, which would be re-graded with the pad coming out and with the cuts proposed to increase the size of the pad. He did not recall pipes, but understood the overall picture of the site was a very steep slope with shallow slides that tended to fail in bits at a time and accumulate in a fan of material. He identified the source and accumulation areas, and stated in order to preserve the accumulation area it would be enhanced with freeboard on the retaining walls to improve the catching capacity, and between those two elements it would protect the home and lot from adverse impacts. He emphasized the importance of designing the retaining wall so that it could support the loads of the active accumulated material located behind it.

Ms. Samonsky explained that Paseo Linares was a public street.

Chair Helber commented on the appearance of the architecture from the outside, identified a fireplace to be located in the living room which on the elevations pursuant to Sheet A4 had shown a small peaked roof for the fireplace, and clarified with the applicant the fireplace would have a direct vent. He also commented that Sheet A2 of the architectural plans had shown a bench seat underneath the shower head, which was typically done the other way around with the bench on the other side. which the applicant acknowledged.

Chair Helber also spoke to Bathroom 2 between Bedrooms 3 and 4 and recommended a Jack and Jill bath which would not change the exterior layout.

Chair Helber asked about the recessed window in Bedroom 4 and clarified with the applicant it was intended for architectural interest for the rear yard of the home which was the reason it had been recessed. He also commented on his understanding that 250 square feet of the roof was required for photovoltaic purposes pursuant to State green building requirements, which must be shown on the plans. He opposed the placement of that material at the front of the home. He also clarified the scenic easement on the property, which had been identified on the initial subdivision map to be dedicated to the Town, and understood no development was permitted within the scenic easement with the exception of landscaping opposite the scenic easement although there was nothing to prohibit the planting of trees in front of the scenic easement.

Ms. Samonsky affirmed the scenic easement had been identified on the map and that the scenic easement prohibited development.

Ms. Brekke-Read noted that there were many scenic easements in many of the subdivisions in Moraga that were owned by the property owner, and not the Town, although no development beyond landscaping was allowed.

Chair Helber referenced the applicant's testimony that the C.3 drainage plan would be revised with the removal of one of the bio-filtration areas, and clarified with the applicant's Civil Engineer that would not alter the other bio-filtration areas.

Mr. McVey explained that the bio-retention filter was elevation dependent and took water running down the driveway, and permeable pavers could not be used on the driveway because of the steep sections where the water would skip over the pavers. As a result, the material must be concrete. In order to treat the runoff from the concrete portion of the driveway, it would be captured in a trench drain running across the width of the driveway, to be piped to a small bio-retention filter. If sliding the bio-retention filter up the hill, the trench draining the driveway would also have to slide up the hill, which was not worth doing. As a result, the small bio-filtration filter and associated plumbing must be eliminated. It was noted that the other Contra Costa County accepted means for C.3 was the use of rain valves, permeable pavers, and dispersement of the roof runoff to the vegetated areas. He suggested it would be a good idea to run the roof leaders along the north side of the home near the garage with water from the roof to travel down the downspout, out onto the permeable pavers, and soak in like regular rainfall. Under the permeable pavers subdrains would not go to the bio-filtration system but connect to the internal storm drain system and then out to the street to a catch basin located at Paseo Linares and Moraga Road.

Mr. McVey explained that the maintenance of the permeable pavers would be the responsibility of the homeowner as part of the maintenance of the driveway. Over time, small particulate matter would get into the permeable pavers although over time the gravel layer with large components reaching 2-inch size gravel would eventually plug up the permeable pavers.

Chair Helber expressed concern that the current design included several different features with a lot of ongoing maintenance for a future homeowner. He asked whether all of the components must be approved by the County as part of the issuance of a building permit.

Ms. Samonsky clarified that a final stormwater plan would be submitted to the Town's Public Works Department which would determine consistency with C.3 standards.

Chair Helber also commented that the plans were not clear that some of the landscape features were picking up drainage and bypassing the C.3 measures while other areas appeared to be treated. As long as the plans were reviewed by the County and signed off, that would be acceptable to him.

Mr. McVey clarified that one storm drain would direct to a treatment system and be dispersed to landscaping while the other had the water directed to permeable areas and then directly into the storm drain.

Boardmember Kirkpatrick agreed that the bio-filtration system required maintenance and asked how that would be maintained.

Mr. Hane noted that maintenance specifications would be provided to the future homeowner on how to keep the bio-filtration system operating functionally. He understood that maintenance was not required up front but over time.

Mr. McVey referred to a Maintenance Matrix which included a checklist identifying the needed maintenance that would be required on a regular basis. He noted that typically the bio-filtration systems lasted around 15 years and after that could be dug out and replaced with new soil. He also explained that pursuant to Sheet 2.0, the steps would be impervious although if the basin was removed he would not have a drain there, but have steps like a regular home with the water directed into the street, the gutter, and down Paseo Linares.

Chair Helber did not want to see water flowing down the pedestrian pathway. He also referenced the retaining wall, as shown in Section C3.1 Section A, which had shown drainage for the first retaining wall. He clarified with Mr. McVey that the second wall would also have drainage, with both walls to have subdrains and gravel packs behind them to catch the water, and with no concrete ditch for the bottom retaining wall given the limited three-foot separation between walls where that amount of water would not be significant.

Chair Helber referenced an existing oak tree to be preserved with a small retaining wall proposed within close proximity. He asked for clarification from the Landscape Architect.

Andrea Swanson, Landscape Architect, Thomas Baak & Associates, 1620 N. Main Street, #4, Walnut Creek, explained that the retaining wall would not impact the oak tree which was small and which was expected to endure the intrusion into the canopy.

Mr. Hane stated that an arborist had evaluated the oak tree to determine its health and had submitted written recommendations. The arborist had recommended that since it was a young oak tree, a retaining wall rather than a continuous below grade be utilized. The arborist's recommendations had not been identified in the staff report although a copy of the arborist's report had been provided to staff.

Chair Helber sought the inclusion of the arborist's written recommendations by reference in the conditions of approval.

Boardmember Kirkpatrick referenced the slope starts and the excavation for the retaining wall, and asked whether the excavation would be done with buttressing.

Mr. Skinner clarified that where the wall was being built there was a thick accumulation of soil, and the wall would be designed to accommodate that type of soil. In the event of active soil movement, it would be scooped out, although test pits had been done and no slide plains or likely movement had been found. Upslope movements had also been triggered and while the risk was higher with slide plains, or layers of weakness, the applicant would be present during the grading to observe the cut and fills.

Chair Helber clarified with staff the intent of Condition 34 of Attachment A, the Draft Action Memorandum dated October 15, 2013, which would ensure that no plant material would be highly flammable, with exterior safety conditions to be met.

Ms. Samonsky stated that while the project had already been reviewed by the Moraga-Orinda Fire District (MOFD), with the movement of retaining walls and perhaps some other changes and modifications, the condition was intended for the MOFD to ensure that with those changes there were no other issues. The final landscape plan would have to be submitted to the MOFD prior to the issuance of a building permit. She also clarified the intent of Condition 33, as shown, with the final landscape plans to also be submitted to the Planning Department prior to the issuance of a building permit.

In response to the Chair, Ms. Samonsky also clarified Condition 30 and explained that staff had recommended that the retaining wall along the eastern edge of the property be divided into two walls with a minimum of three feet of space between them given that the retaining wall was eight feet high. By splitting the wall into two walls, additional landscape screening could be added in between to reduce the overall appearance of one solid wall. The same treatment had been proposed along the rest of the wall to the rear yard, and extending that same treatment along the driveway would be consistent and improve the appearance.

Ms. Swanson stated that she was aware the wall would be eight feet in height at the time she had designed the landscaping. She again identified the existing oak tree in front of the wall and large pineapple guava shrubs that could get as tall as six feet and screen the wall in approximately five years. She commented that an earlier version of the plan had included the second wall although it had been removed since the thought was it would be better to have the eight-foot wall rather than three feet between. In addition, the hammerhead was needed to allow exiting out of the garage.

Chair Helber suggested rather than pushing the wall and separating it into two vertical planes buffered by three-foot horizontal landscaping, the pineapple guava and crepe myrtle could also easily buffer the area. If Condition 30 was amended, he asked staff whether that would impact any other retaining wall.

Ms. Samonsky identified a small area on the corner on the south side next to the turf which would be above the maximum of five feet.

On the discussion, Ms. Swanson identified the area where the lower wall returned where a small red bud tree would be planted, noting that there were no windows on the lower floor looking in that direction. She also identified the ground cover as pink carpet rose.

Mr. Hane spoke to Condition 32 and clarified there would be seat walls in the rear yard with the intent not to plant in front of the seat walls, which should be clarified in that condition.

Mr. McVey further spoke to the backup area out of the garage and noted the bumper would be up against the eight-foot high wall. If the double wall was swung all the way at the end and wrapped around the corners where no wall was more than five feet in height, it would reduce the width of that backup area.

Chair Helber offered a motion to approve DRB 15-13, subject to the following amendments to the Draft Action Memorandum:

- Eliminate Condition 30 in its entirety;
- Correct the typographical error in Condition 34;
- Correct the typographical error in Condition 18 (a);
- Add a new condition to include the recommendations in the Arborist Report;
- Eliminate Condition 33; and
- Revise the last sentence of Part 1: Design Review Findings, 1, as shown on Pages 1 and 2 of the Draft Action Memorandum to read: *Likewise, the Design Review Board finds that the exception for the height and spacing of the retaining walls relative to one another would not impact the overall view of the hillside or open space area as seen from public vantage points because screening would be provided by landscaping and the residence itself.*

Chair Helber suggested the applicant had designed an attractive architectural residence that would be an asset to the community.

On motion by Chair Helber, seconded by Boardmember Kirkpatrick to adopt the Draft Action Memorandum dated October 15, 2013, approving DRB 15-13 for SpringHill Homes LLC at 5 Paseo Linares, subject to the findings and conditions as shown, and subject to the modifications as listed. The motion carried by the following vote:

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

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) (CONTINUE TO A DATE UNCERTAIN)

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

Proposed Application: Consider Design Review to install a new illuminated cabinet wall sign on the west elevation and two new 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, Existing Facilities. (LC, PMP)

Ms. Brekke-Read reported that the DRB had last reviewed the sign application on September 23, 2013, at which time a representative for the applicant had indicated the plans would be revised; however, staff had received no revised plans since that time. There had been confusion as to who was representing the applicant, and staff recommended the item be continued to a date uncertain since staff was not certain what should be prepared for a Draft Action Memorandum and what findings should be identified.

PUBLIC COMMENTS OPENED

Don Walker identified himself as a friend of the applicant, and explained that after the September 23 DRB meeting, he had spoken with Senior Planner Pierce Macdonald Powell and advised of the intent to use existing Sign 3 at location 1 and 3, and omit location 2. The existing sign boxes would also be removed, but outside of that there were no changes to the plans. He had asked the Senior Planner if anything else was needed but as of September 16, he had no word from planning staff. He stated he had left a telephone message for staff on September 26, and understood that Senior Planner Macdonald Powell had sent an e-mail to the property owner and the sign company. There had been no communication with the property owner or the applicant. He had later spoken with Senior Planner Macdonald Powell on October 10, reminded her of their conversation, and she had informed him that he needed a letter from the property owner to identify him [Mr. Walker] as the agent. He advised that he had obtained said letter, reiterated the plans had not changed, and the intent was to use existing Sign 3 at location 1 and 3, and omit location 2.

PUBLIC COMMENTS CLOSED

Ms. Samonsky stated for the record that she had just received written information from Mr. Walker stating that Ruby Lee, the property owner, had given Mr. Walker permission to act as his agent. The applicant was Alan Jiang with OD Signs.

Mr. Walker understood that OD Signs may still manufacture the signs although OD Signs was not acting as the applicant. He [Mr. Walker] was now acting as the applicant.

Ms. Brekke-Read suggested it would be helpful to have documentation from OD Signs and that the applicant was also required to give permission to someone to act as the agent. She emphasized staff was trying to help the business move forward to obtain signage, acknowledged there had been a turnover situation with staff, and stated that Ms. Samonsky was the new Project Planner. She emphasized the importance that staff have permission for the applicant to change the plans to be submitted to the DRB and to make note how the plans had been revised in order to allow staff to proceed.

Ms. Brekke-Read clarified with Mr. Walker the cabinet would be completely removed from the awning, and Mr. Walker again expressed the intent to use existing Sign 3 at location 1 and 3, omitting location 2.

Ms. Brekke-Read asked that Mr. Walker and Ms. Samonsky work together to identify the changes to the plans. She suggested that could be done immediately the next business day.

Chair Helber stated for the record that absent any written information presented to the DRB to make a recommendation, he supported the staff recommendation for a continuance to a date uncertain. While he wanted the business to have adequate signage to be able to move forward, there was no information before the DRB for review to be able to take any action. He explained that during the September 23, 2013 DRB meeting, a straw poll had been taken from those DRB members present that rather than have two identical signs on the front façade, the applicant should split the sign into two separate unique signs; one reading *Iron Kitchen* and the other sign to read *Asian or Fusion*, with one of the signs to be located where the Basil Restaurant sign was located and the other to be placed on the left hand side of the same façade where the brick portion of the façade was located. He also understood that Sign 1 would be removed from the west elevation.

Mr. Walker identified Sign 1 as existing, with the same sign to be used in location 3, with the sign boxes for locations 1 and 2 to be removed. He reiterated again, the intent to use existing Sign 3 at location 1 and 3, omitting location 2.

Chair Helber added that the monument sign for Basil Restaurant had been removed and the applicant had also previously agreed to remove all internal illumination, which Mr. Walker affirmed would be done.

Ms. Brekke-Read reported that staff had also received complaints about the lighted signs in the windows which did not conform to the Town's regulations.

Chair Helber supported a condition of approval to remove the window signs at such time as a formal application had been approved by the DRB.

On motion by Chair Helber, seconded by Boardmember Kirkpatrick to continue SGN 3-13 for Jiang at 581 Moraga Road to a date uncertain to allow the applicant to submit the necessary materials, as discussed, allow staff review, and thereafter allow DRB review and action. The motion carried by the following vote:

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

V. ROUTINE AND OTHER MATTERS

A. Planning Commission Liaison Report - Kline

Planning Commissioner Kline reported that the Planning Commission had met on October 7, 2013, and had considered and approved an addition to a residence on Augusta Drive located in the Country Club; considered and recommended Town Council approval of setback changes to Section 8.68.060, Lot Size, Yard and Setback Requirements of the Moraga Municipal Code (MMC); and held two study sessions for the Via Moraga 18-unit development project, and potential ordinance amendments for the Rheem Planning Area (RPA). He provided a brief overview of the Planning Commission discussions for both study session items.

VI. REPORTS

A. Design Review Board

Chair Helber reported that as the liaison from the DRB to the Livable Moraga Road Project Committee, he had attended an opening workshop which had been well attended when staff and the consultant had provided a brief presentation. In addition, he had participated in a walking tour of the Livable Moraga Road Project area, and advised of a website to be formed which would follow the design path for the project and allow for public comment. Additionally, he and Boardmember Escano-Thompson had attended a quasi-Town sponsored event at Saint Mary's College (SMC) for the recent Leadership Symposium.

B. Staff

Ms. Brekke-Read introduced new Associate Planner Ella Samonsky, who introduced herself to the DRB and identified her background and experience. She also updated the DRB on Senior Planner Ellen Clark's efforts leading the Livable Moraga Road Project, reported that staff was interviewing for another Senior Planner position, and affirmed, when asked, that the application for 337 Rheem Boulevard for Home/made Kitchen had been expedited. She was pleased that the DRB desired to see complete plans since staff was notifying applicants that a complete set of plans would be required.

The DRB welcomed Ms. Samonsky to the Town of Moraga.

VII. ADJOURNMENT

On motion by Boardmember Kirkpatrick, seconded by Boardmember Glover and carried unanimously to adjourn the meeting at 9:32 P.M.

A Certified Correct Minutes Copy



Secretary of the Planning Commission