TOWN OF MORAGA
DESIGN REVIEW BOARD SPECIAL MEETING AGENDA
Wednesday, January 30, 2013, 7:00 pm
Mosaic Room, Hacienda de las Flores
2100 Donald Drive, Moraga CA 94556

Applicants or their representatives are required to attend the meeting. Agenda items which the DRB has not acted upon prior to 10:00 p.m. may be continued to the next open agenda, unless the DRB chooses to discuss the item after 10:00 p.m.

I. CALL TO ORDER AND ROLL CALL
A. Escano-Thompson, Helber, Kirkpatrick, Sayles, Zhu
B. Conflict of Interest
C. Contact with Applicants

II. PUBLIC COMMENTS - Time reserved for those in the audience who wish to address the Design Review Board (DRB). The audience should be aware that the DRB may not discuss details or vote on non-agenda items. Concerns may be referred to staff or placed on a future agenda. Public input will also be taken for each agenda item.

III. ADOPTION OF CONSENT AGENDA - Items on the Consent Calendar are believed by staff to be non-controversial. Staff believes that the proposed action is consistent with the commission's instructions. A single motion may adopt all items on the Consent Calendar. If any commissioner or member of the public questions any item, it should be removed from the Consent Calendar and placed in part VI of the Regular Agenda

A. Approval of Minutes for October 29, 2012
B. Approval of Minutes for December 10, 2012

IV. PLANNING COMMISSION LIAISON REPORT- Commissioner Levenfeld

V. ADOPTION OF MEETING AGENDA

VI. DESIGN REVIEW - Remarks by an applicant shall not exceed 10 minutes. Comments by others shall not exceed 3 minutes.

A. <u>DRB #18-12 Gary Murphy, Knowles & Murphy Landscape Design & Construction (Applicant) 74 Warfield Drive:</u> Design Review to construct a mailbox pillar within the public right-of-way and two new retaining walls in the backyard and sideyard areas. A Hillside Development Permit is required.

VII. ROUTINE AND OTHER MATTERS

A. Discuss changing the day of the week the DRB meets

VIII. REPORTS
A. Escano-Thompson, Helber, Kirkpatrick, Sayles, Zhu
B. Staff

IX. ADJOURNMENT
Notices of Design Review Board Meetings are posted at 2100 Donald Drive, The Moraga Commons, 329 Rheem Blvd and the Moraga Library. Copies of the agenda packets can be viewed prior to the meeting at the Town Offices, 329 Rheem Blvd. **NOTICE:** If you challenge a Town's zoning, planning, or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Town Council at, or prior to, the public hearing. Judging review of any Town administrative decision may be had only if petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environment determination may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision. The Town of Moraga will provide special assistance for disabled citizens upon at least 72 hours advance notice to the Town Manager's office (888-7050). If you need sign assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

TOWN OF MORAGA
DESIGN REVIEW BOARD MEETING
MINUTES

October 29, 2012

I. CALL TO ORDER AND ROLL CALL

A special meeting of the Design Review Board (DRB) was called to order by Vice Chair Escano-Thompson at 7:00 P.M. in the Moraga Library Meeting Room, 1500 Saint Mary's Road, Moraga, California.

Present:	Boardmembers Kirkpatrick, Sayles, Zhu, Vice Chair Escano-Thompson
Absent:	Chair Helber
Staff:	Planning Director Shawna Brekke-Read Planning Consultant, Doug Donaldson Temporary Planner Katherine Nasset

Conflict of Interest

There was no reported conflict of interest.

Contact with Applicants

There was no reported contact with applicants.

II. PUBLIC COMMENTS

There were no comments from the public.

III. ADOPTION OF THE CONSENT AGENDA

A. Approval of Minutes for September 10, 2012
B. Approval of Minutes for September 24, 2012

Boardmember Sayles requested an amendment to the second sentence of the second to last paragraph of Page 4 of the September 24, 2012 minutes, as follows:

> *He* [Boardmember Sayles] *commended the Landscape Architect who had been involved in many fine projects in the Lamorinda area.*

On motion by Boardmember Kirkpatrick, seconded by Boardmember Zhu and carried unanimously to adopt the Consent Agenda, as amended.

DRAFT

IV. PLANNING COMMISSION LIAISON REPORT - Commissioner Socolich

Planning Commissioner Socolich reported that the Planning Commission had recently received a presentation of four zoning alternatives for potential residential development of the former bowling alley site given that the property was zoned Limited Commercial. The Planning Commission supported Alternative Four to amend the General Plan for the subject property from the Rheem Park Specific Plan Area to Medium Density Residential.

Planning Director Shawna Brekke-Read reminded the DRB of the joint DRB and Planning Commission meeting scheduled for November 5 to discuss a proposal from City Ventures for 55 townhomes on Moraga Way.

V. ADOPTION OF MEETING AGENDA

On motion by Boardmember Zhu, seconded by Boardmember Kirkpatrick and carried unanimously to adopt the meeting agenda as shown.

***After the motion a second motion was made to modify the meeting agenda as follows*:**

On motion by Boardmember Kirkpatrick, seconded by Vice Chair Escano-Thompson to modify the meeting agenda by moving Item A (SMC Recreation Center) under Continued Items to Item B under New Items, and moving current Item B (1800 Donald Drive) to Item C under New Items. The motion FAILED by the following vote:

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

VI. CONTINUED ITEMS

A. UP 05-11 - Saint Mary's College Recreation Center Final Design

Planning Director Shawna Brekke-Read reported that the Planning Commission had approved the Saint Mary's College (SMC) Recreation Center in July 2012 subject to conditions including that the design would return to the DRB for approval. The DRB reviewed and approved the plans on July 23. DRB approval included several conditions of approval including addressing the elevations for the gymnasium, addressing the elevator tower, providing detail for eaves and exterior doors, requesting information for the screening of mechanical equipment, addressing noise and vibration, and providing information on lighting with the site and floor plan to be updated accordingly.

In addition, the swimming pool details had not been provided in the past and the conditions of approval called for those details and for the irrigation to be included in the landscaping plans. Staff noted that the baseball spectator facility would be constructed at a later point with some details still outstanding. The applicant had submitted additional details and requested some preliminary feedback from two members of the DRB who had served on an Ad Hoc Subcommittee that was not subject to the Brown Act. The applicant had made more changes to the plans to be presented to the DRB at this time.

Tim Farley, Director of Public Relations, SMC, clarified that SMC was asking for final approval of the SMC Recreation Center. He noted that the comments from the DRB had been taken into consideration, some of which had been incorporated into the plans.

David Cunningham, Oculus Architects, affirmed that after the last meeting with the DRB four issues had been identified for SMC to address including the detailing of the eaves. He stated that those details and materials had been submitted to staff in advance of the meeting with feedback from staff that the details were not an issue. Also required was a roof plan showing the exact location of the mechanical equipment and building sections to show the high and low points and parapet heights which had also been provided to staff, and which had shown that the units would be screened from view by the parapets.

Mr. Cunningham added that a pitched roof scheme had been presented to the DRB at its July 23 meeting. In response to DRB concerns, attempts had been made to modulate the pitched roof. A sketch provided by Boardmember Zhu during the July 23 meeting had been followed with changes made pursuant to that sketch. As to the elevator tower, during the July 23 meeting concerns had been raised that the tower with the clock face was a weak focal point for the campus. He described the history of that element and explained that the tower was an important link to a bridge although that element had been removed in response to Moraga-Orinda Fire District (MOFD) concerns. Once that link had been removed, the tower element remained and he agreed that it was weak and did not make the desired statement. In response to a recommendation to increase the height of the tower and increase its footing in order to make it more of a focal point for the campus, SMC decided to downplay that element. He described the tower as a utilitarian elevator tower with SMC directing that it be made smaller in contrast to the DRB recommendation that the design element be made larger. As a result, that design element had been eliminated and the roof had been simplified with a simple gable.

Mr. Cunningham identified the existing eave details, building sections, and more detailed drawings of the roof. In response to a request for a photometric study of the lights around the swimming pool, he noted that work had been accomplished with the lights to be mounted on posts around the perimeter of the pool.

In response to a request for clarification of some of the doors on the building, Mr. Cunningham explained that the plans had indicated that some of the doors would be glazed, although some were rear exit doors from the gymnasium and would not be glazed but be solid doors. All mechanical doors would be full flushed doors and not glazed, with transoms rather than louvers. The doors would be eight feet high and match the windows on the building.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Boardmember Zhu commented on the minor change to the panels which had been intended as a relief panel but which now appeared to stand out.

Mr. Cunningham described the panels as recessed with the intent to keep with the vernacular of the campus.

Commissioner Socolich clarified with the architect the location of the lights around the swimming pool to be located on posts under fixtures between the two buildings and all around the periphery of the swimming pool.

Brian Hare, Delta Electric Construction, spoke to the concerns with the building lights and commented that there would be no building lights on the driveway area but Type E lights, a four-foot high concrete bollard downlit component with a louver, on each column of the fence a post top light, and around the back and in the circle a bollard with lights on the walkway and on the back side where the tennis courts were located. Those lights would be a continuation of the campus standard with the Type E lantern fixtures downlit component to continue around the front, in the front entry four more bollards would match those across the street, and in the front of the entrance a lantern style up on the building to match those on Filippi Hall. Type D lights would be on the south side of the building with all down components which was a non-descript area with a loading zone where a less fancy light fixture had been proposed.

Boardmember Sayles commented that the Draft Action Memorandum had indicated that the lighting and landscaping was not being approved at this time. He asked for clarification from staff.

Ms. Brekke-Read clarified that from her point of view, a Draft Action Memorandum was not needed since the DRB had already approved the project with findings and was being asked to approve the final design. The Draft Action Memorandum referenced was from the July 23 DRB meeting for the already approved project.

If the DRB did not have enough information on the lighting, Ms. Brekke-Read suggested that the DRB could choose not to approve the lighting at this time, although SMC was requesting approval of the final design including the lighting plan.

Boardmember Sayles stated that he had been a member of the DRB's Ad Hoc Subcommittee and had initially been concerned with the parapets and the visibility of the mechanical equipment on the roof since he had been concerned they could potentially be higher than the screens. He stated that his concerns had been satisfied with the changes in the design.

Boardmember Sayles offered a motion that UP 05-11, Saint Mary's College Recreation Center Final Design, satisfied Condition 7, subject to staff approval, and Conditions 8, 11, and 12. He acknowledged that the applicant's lighting engineer had submitted correspondence that the project met Condition 7, although staff had raised concerns as to whether or not that condition had been met. He explained that his motion had been stated as such to address the staff concern.

On motion by Boardmember Sayles, seconded by Boardmember Zhu and carried unanimously that UP 05-11, Saint Mary's College Recreation Center Final Design, satisfied Condition 7, subject to staff approval, and Conditions 8, 11, and 12.

After the vote on the motion, Ms. Brekke-Read explained that the project had been approved on July 23. The 10-day appeal period had ended and the current action represented the finalization of the conditions of approval. She asked for clarification from the DRB regarding Condition 12 (f) which required adding massing to the clock tower element. She asked that the motion be revised to reflect that Condition 12 (f) had been satisfied to the DRB's satisfaction. She also asked that the motion reflect that the baseball field spectator facility was not being approved for final design at this time.

On an amended motion by Boardmember Sayles, seconded by Boardmember Zhu and carried unanimously that UP 05-11, Saint Mary's College Recreation Center Final Design, satisfied Condition 7, subject to staff approval, and Conditions 8, 11, and Condition 12 (f), and that the baseball field spectator facility was not being approved for final design at this time.

VII. NEW ITEMS

A. DRB 13-12, Chris & Nathalie Buck (Applicants/Owners) - 1825 St. Andrews Drive: Design Review to expand an existing upper level deck, construct a new lower level deck and patio all connected by new stairs; and to reconstruct an existing lower level deck all at the rear (east elevation) of the single-family residence. Project also includes a Hillside Development Permit.

Ms. Brekke-Read introduced Temporary Planner Katherine Nasset from the City of Orinda.

Temporary Planner Nasset presented the staff report for design review to expand an existing upper level deck, construct a new lower level deck and patio, all connected by new stairs, and to reconstruct an existing lower level deck all at the rear east elevation of the single-family residence in the Moraga Country Club Subdivision. The home currently had two decks which did not provide direct access to the rear yard area and the project would provide direct access to the rear yard area from the home. The applicant also proposed to install 21 light fixtures to be attached to the home, the deck, or to planted areas, with four light fixtures to be placed at the base of oak trees in the rear yard. The applicant proposed new landscaping to screen the decks and a fence to outline the rear of the property along the side and rear property lines. The applicants further proposed to remove two acacia bushes within the development area of the deck and patio areas.

Boardmember Sayles commented that the staff report had included a discussion on accessory structure setbacks. He clarified with staff that the decks were considered accessory structures under the Moraga Municipal Code (MMC).

Chris Buck, 1825 St. Andrews Drive, Moraga, thanked the DRB for its work in the community, particularly related to the SMC proposal. He restated the project design goal to provide access for his family and create a more livable and safe rear yard for his two children while not disturbing the existing oak trees on the property. In working closely with his design architect, he had tried to have full transparency and worked with arborists, a certified design team on certain iterations that had been submitted to the Town over a six-month process, had engaged the design professionals as part of the approval process of the Moraga Country Club Architectural Committee, and had written letters and met with his surrounding neighbors. He suggested that the design is aesthetically pleasing to his neighbors and provides the access and safe environment needed for his family. He suggested that the project met all of the Town's Design Guidelines.

Boardmember Zhu recognized that while California State code imposed no restrictions on the horizontal bars for railings, he expressed concern with the potential safety hazards for children. He otherwise had no other concerns with the project design.

As to the railings on the deck, Jeannie Fitch, the Project Designer, noted that the railings met code, the property owner's children were not toddlers, and she did not see that would be an issue.

In response to the DRB, Ms. Nasset identified the height difference between the upper and lower decks as outlined in the October 29, 2012 staff report.

PUBLIC COMMENTS OPENED

Denise Cunnane, Moraga, commented that she had just learned of the application. She expressed concern for those who lived below the property, noted that this was a massive project with the properties below living on a quiet country road. She expressed concern with the potential impact to homes on Sea Pines and to the existing natural wildlife habitat which could be impacted by the patio and fenced area, concern with the six-foot high fence proposed around the property which would be eight to ten feet from the street and which did not fit the current setting on lower Sea Pines, reported that homes on Sea Pines had experienced problems with drainage which could be exacerbated by the project, homes in the Moraga Country Club were known not to be great places for children given the lack of rear yards which is why Moraga Country Club had improved its amenities to address those needs, recognized that the property owners had worked with the Moraga Country Club Architectural Committee but noted that the Committee did not often notify residents, reported that she had spoken with Moraga Country Club's General Manager about not endorsing projects until all residents had the opportunity to address any concerns, and asked the DRB to postpone any approval of the application pending clarification of residents' concerns.

Mary Anna Lawrence, 35 Sea Pines, Moraga, reported that she too had not been notified by the Town and had little information. She reiterated the concerns raised by the previous speaker, asked for more time for feedback from the neighbors to better learn of the impacts from the street, emphasized that Moraga Country Club is a dense development with the original intent for privately owned property to remain wild with townhomes and single-family homes, and understood that the single-family homes had privately owned property that had been allocated to the common area meant to remain in the common area to camouflage the density and mirror the atmosphere of Moraga as a semi-rural environment. She did not support the development of the common area and expressed concern with the precedent that could be set with the approval of such a project. While she acknowledged that a home in her neighborhood had built a similar project, it had not involved the entire lot as the subject project appeared to involve which would bisect the wooded area which extended from her home to the end of the lot. She expressed concern that the project would appear out of

place, and she raised concern with the potential impacts to her property value which currently enjoyed views of the wooded area.
Ms. Lawrence also understood that while there would be no noise impacts the hardscape that had been proposed may have potential impacts as an entertainment area. Further, she reported that the hill was formerly unstable with landslides and her property was situated in such a way that any disturbance in the soil would impact her basement with water. She inquired whether or not there were any plans to prevent such impacts.

Ms. Fitch explained that she had worked with the Landscape Architect who had prepared the drawings for the drainage plan which addressed many of the residents' concerns. She noted that the majority of the work would be done close to the home. One of the criteria from Moraga Country Club was to preserve the natural environment of Moraga Country Club and the property owners had gone through that process with the Moraga Country Club Architectural Committee. The fencing that had been proposed would be typical open slatted redwood fencing to enclose the back and rear of the home to ensure safety of the children and future pets. She identified the elevations as proposed with foliage and which had shown that the views would not change given the preservation of the natural corridor. She suggested that the design struck a balance between the requirements, awareness of the environment, and natural landscape. She suggested that once the residents had become better aware of the design they would see that it addressed all concerns.

Ms. Nasset added that the property owner had submitted a Geotechnical Soils Report which had been reviewed by a third party peer reviewer who had prepared comments. Staff was waiting for a response to those comments. As to the drainage, the Town Engineer would review all drainage plans which would be required as part of the project submittal. She reiterated that only two acacia bushes would be removed from the site.

Ms. Fitch clarified that the plant species to be removed were six feet tall toyon bushes near the home itself, not on the street and not acacias, and that some elm trees would be preserved. The landscaping plan that had been submitted had identified the plants to be removed, the proposed foliage, and the views from Sea Pines. As to the proposed fence, there would be a drainage culvert approximately five feet back from the curb. She noted that the Moraga Country Club Architectural Committee had approved the fence subject to its design criteria where the open slatted design was compliant with those regulations.

Ms. Brekke-Read acknowledged, when asked, that in some cases Moraga County Club and the Town's Design Guidelines did not agree with one another.

Ms. Fitch advised that the property owners were open to the use of deer fencing if that was an acceptable compromise to the DRB and the neighbors.

Mr. Buck reiterated that he had met with every contiguous neighbor and with residents of the homes below facing the other direction, and he apologized if he had not met with every neighbor on his street.

Boardmember Sayles understood that the neighbors' concerns were that the fence would create a walled effect from their street. He asked whether or not there was any possibility to move the fence behind the mature landscaping which would remove the walled effect and still allow enough yard space for the family.

Mr. Buck described his uneven property line and commented that while he had envisioned a vegetable garden for his children he would be willing to try to make everyone happy in the neighborhood.

Ms. Fitch was uncertain whether moving the fence line would satisfy the neighbors' concerns. She noted that deer fencing appeared to disappear when viewed. She preferred that the fence remain where located.

Commissioner Socolich understood the desire to create a vegetable garden for the children although if a deer fence were placed six to seven feet back from the road it would be within the grove area and be less visible. He asked if that could be considered.

Ms. Fitch pointed out that the lower south portion of the rear yard enjoyed good sun exposure.

PUBLIC COMMENTS CLOSED

Boardmember Sayles commented that the Town of Moraga generally did not review and approve fences, particularly those six feet high and under. Fences over eight feet high must be approved by the Planning Commission through a variance.

Ms. Brekke-Read explained that the DRB may review the fence since it was part of a larger project although the applicant may build up to a six-foot high fence without having to obtain a building permit.

Boardmember Sayles found the decks and terracing to be outstanding and a beautiful design. He noted that the landscaping wrapped the architecture and divided and incorporated it and it had been set substantially back from the neighbor below. While not a fan of exterior steps, he understood that was the property owner's preference. He also acknowledged the difficulty with the site given the detached home where the property owner was entitled to a rear yard. He also acknowledged that the project had gone through a lengthy process with the Moraga Country Club Architectural Committee.

Boardmember Sayles recognized that Moraga Country Club had its own review and notification procedures as opposed to the Town's process which was covered by State law with notification to all residents within 300 square feet of a project site. Supportive of the project, he suggested it was a good one. He added that there were two different gauges for the cabling; one for residential and one for commercial and he did find the residential cabling to be scary.

Boardmember Zhu agreed that the project was a good one. With respect to the fence, he supported the elimination of the fence from the application with the DRB approving only the decks and patio.

Ms.Brekke-Read advised that the DRB may remove the fence from consideration although the DRB may ask to see the fence later, require that it be designed differently, or be situated in a different location.

Commissioner Socolich stated in response to a member of the audience that while the public comment portion of the meeting had been closed for the item comments may be submitted to the Planning Commission. With respect to the fence, he found the fence to be a design element of the project which may impact the community. While a six-foot high fence was within the regulations that did not have to be considered by the Town, it was part of the overall project design and should be considered as part of the project.

Boardmember Sayles clarified that his comments were not intended to suggest that the fence not be reviewed, but based on the way the MMC was written, fences six feet high or under did not require DRB review.

Ms. Brekke-Read clarified that the Draft Action Memorandum for this item had not included the fence.

Boardmember Kirkpatrick clarified with the Project Designer the distance of the patio to the property line. He agreed that a deer fence might represent a good alternative with a solid fence on the sides of the property to prevent a walled-in effect. He otherwise suggested that the property was heavily vegetated and it would likely be difficult to plant a garden regardless of the sun exposure. He recognized that the property enjoyed certain privileges that the condominiums did not enjoy. He liked the project design for the decks and patio and agreed that the decks had been well designed.

Vice Chair Escano-Thompson agreed that the decks and patio had been beautifully designed.

Ms. Nasset asked that that Draft Action Memorandum, Part 2: Conditions of Approval No. 12 be amended to reflect that the bushes to be removed would be *toyon* not acacia.

On motion by Boardmember Zhu, seconded by Boardmember Sayles and carried unanimously to adopt the Draft Action Memorandum dated October 29, 2012, as amended, approving DRB 13-12 for Buck at 1825 St. Andrews Drive, subject to the findings and conditions as shown, with the amendment to Condition No. 12 , as shown.

Ms. Brekke-Read identified the 10-day appeal process of the decision of the DRB in writing to the Planning Department.

Vice Chair Escano-Thompson declared a recess at 8:38 P.M. The DRB meeting reconvened after the recess with all Boardmembers initially shown as present and absent.

B. James Wright (Applicant) 1800 Donald Drive: Design Review of a proposed 4,270.5-square foot single-family residence on a vacant 13,203-square foot hillside parcel. The project involves construction of a three-level hillside residence with access from a circular driveway off the northeast side of Donald Drive, approximately 1,000 feet southeast of Laird Drive.

(This portion of the meeting minutes has been prepared from staff notes from the DRB discussion. There is no audio recording for the remainder of this meeting.)

Doug Donaldson, Planning Consultant, presented the staff report dated October 29, 2012 for the proposed 4,270.5-square foot single-family residence on a vacant 13,203-square foot hillside parcel. The project involves construction of a three-level hillside residence with access from a circular driveway off the northeast side of Donald Drive, approximately 1,000 feet southeast of Laird Drive. He summarized the issues to be addressed and noted that in the future Planning Commission action would include a Hillside Development Permit (HDP) and a Use Permit for a single-family dwelling in a 6-DUA area. He identified eight discussion items for the DRB to consider including the second level deck, exterior materials, landscaping plan, trash enclosure/mailbox, exterior lighting, lower level wall, Driveway Bridge, and side yard setbacks. He asked that the DRB hear testimony from the applicant and interested parties, discuss the issues, and provide direction to staff for the preparation of a Draft Action Memorandum. He advised that the DRB may continue the item or keep the public hearing open and instruct staff to bring the Draft Action Memorandum to the DRB for adoption at a future meeting.

Boardmember Sayles noted that the roof overhangs intruded into the sideyard setbacks, to which Ms. Brekke-Read stated that there were no provisions in the MMC specifying that form of measurement and that staff measured from the foundation.

Boardmember Sayles expressed concern in that it had been tradition for the Town of Moraga to measure from the eaves. He asked for further clarification from staff on this issue.

James Wright, 5 Greenvalley Court, Lafayette, the applicant, summarized the project design, noted that the project would have net zero energy use with incorporated co-generation, and a cistern for use as an energy heat sink/source. He identified the exterior materials that had been proposed which included redwood bark-board siding, a rain screen slate roof, a belly-bank of fiber cement siding stained to look like a Corten steel, and tan stucco on the front side. He presented a photo simulation of the project from lower Donald Drive and photographs taken of the story poles with a tarp attached. He noted that the building would be more heavily screened than shown in the photo simulation included in the staff report and that it would be barely visible from lower Donald Drive and other off-site locations.

Mr. Wright added that the home had been designed to require minimal grading, and would not trigger a grading permit. The roofline would be lower than Donald Drive and the off-street parking would be accessible by a bridge structure. He characterized the building as being designed to belong in the woods.

PUBLIC COMMENTS OPENED

An unidentified resident of 1758 Donald Drive, Moraga, expressed concern with the visibility of the proposed project from locations on Rheem Boulevard and Moraga Road, inquired of the rendering from Moraga Road, and expressed concern about the visibility of the interior lighting at night that could be seen off-site.

John McTeague, Moraga, representing the applicant, explained that the building would not be visible from Moraga Road and that to state otherwise would be a misstatement of the facts.

PUBLIC COMMENTS CLOSED

In response to Boardmember Zhu, Mr. Wright described the rainscreen roof, the attachment of the siding, and the proposed glass railing on the exterior deck.

Boardmember Sayles suggested that the materials were interesting and the creativity was nice although he had concerns with the width of the structure, the

side setbacks, and whether the large structure would fit into the neighborhood. He characterized the design as stunning and suggested that with the exterior materials it would visually melt into the hillside. He questioned whether or not the MOFD Fire Marshal would approve the siding or require the removal of so many trees that the building would become more visible.

Vice Chair Escano-Thompson asked for an explanation of the cistern expressing concern as to whether it would be visible at night.

Mr. Wright explained that the cistern would be filled with rain, that the water would be filtered as it is circulated through the building in a nocturnal cooling system, that the width of the building would be dictated by the driveway and the garage design and must have adequate turning radii for standard cars, and that all lighting would be downcast and minimized. The interior lights would be heavily filtered by the surrounding tree cover.

Boardmember Sayles inquired of the MOFD Fire Marshal's reaction and asked for input from the Fire Marshal.

Mr. Donaldson advised that the project would be referred to the MOFD Fire Marshal before it was presented to the Planning Commission.

The DRB discussed how to proceed and decided to summarize its design comments and then make a recommendation.

Vice Chair Escano-Thompson suggested that the massing was acceptable as the screening was dense. She liked the project and the eco-friendly design.

Boardmember Sayles stated that the 80 foot x 45 foot size would be large, mitigated by circumstances and the materials. He sought a better understanding of the drive structure but suggested that it looked workable and liked that it pulled cars off of Donald Drive keeping it open for accessing Mulholland Ridge above. He did not have a problem with the length of the blank wall on the lower level, and did not have a problem with the residence being a single-family development as compared to the earlier duplex. He believed it would be a safe structure and deferred to the soils engineer to make that happen.

Boardmember Zhu stated that the design was very creative and would blend into its surroundings very well. He had no problem with the height and suggested that the roof would eventually look like soil. He remained concerned with the interior lighting and suggested it might be visible at night from far away.

Vice Chair Escano-Thompson stated that the revised deck design was acceptable and noted that the landscaping would depend in part on what the MOFD Fire Marshal determined.

Boardmember Kirkpatrick did not have a problem with the size, noted that the duplex below was just as wide, felt that the interior lighting would be subdued and would not be a big problem, and that the exterior lighting would be limited to the driveway area. He did not have a concern about the lower level wall nor with the driveway bridge.
Boardmember Kirkpatrick suggested that the home would disappear into the wooded site and noted that reflections from the glass windows would only occur in the early morning hours. He favored moving ahead with the application in general.

On motion by Boardmember Sayles, seconded by Boardmember Kirkpatrick and carried unanimously the DRB supported the project, as proposed, subject to being provided the report from the MOFD Fire Marshal.

Staff noted that no further review would be required in advance of the Planning Commission review unless a DRB member requested that it be brought back for further discussion.

As earlier noted, the recording for the meeting ended prior to the last item.

VIII. ROUTINE AND OTHER MATTERS

A. Review and Approval of Edits to the DRB By-laws

IX. REPORTS

X. ADJOURNMENT

On motion by _____, seconded by _____ to adjourn the meeting at approximately P.M.

A Certified Correct Minutes Copy

Secretary of the Planning Commission

TOWN OF MORAGA
DESIGN REVIEW BOARD MEETING
MINUTES

December 10, 2012

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 Escano-Thompson, Sayles, Zhu and Chair Helber
Absent:	Boardmember Kirkpatrick
Staff:	Planning Director Shawna Brekke-Read Staff Planner Katherine Nasset

Conflict of Interest

Planning Commission Liaison Socolich must recuse himself from Item VI.A DRB 16-12, 14 Willow Springs Lane.

Planning Commissioner Socolich reported that he must recuse himself from DRB 16-12, 14 Willow Springs Lane, since he lived within the Sphere of Influence (SOI) of the property.

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 AGENDA

There was no Consent Agenda.

IV. PLANNING COMMISSION LIAISON REPORT - Commissioner Socolich

Planning Commissioner Socolich reported that the Planning Commission had met on December 3 and had discussed the Signature Homes project proposed for the former bowling alley site, and had reviewed alternatives under consideration with the intent to make a recommendation to the project proponents as to the type of project desired at the site.

DRAFT

The Planning Commission had focused on a two-driveway project consisting of 18 homes, a parking area partially on the back side adjacent to the existing storage building, a park located in the center, and with the homes an average of 2,100 square feet to be marketed in the $700,000 range.

V. ADOPTION OF MEETING AGENDA

On motion by Boardmember Sayles, seconded by Boardmember Zhu and carried unanimously to adopt the meeting agenda, as shown.

VI. DESIGN REVIEW

A. DRB 16-12 - Joseph Huettl Landscape Architect (Applicant), 14 Willow Springs Lane: Design Review to allow the construction of an arbor in the back yard area which is visible from a scenic corridor.

Staff Planner Katherine Nasset reported that the site was located at 14 Willow Springs Lane east of Moraga Road and the Corliss Drive intersection. The property was largely covered by a scenic easement located on the west side with no development. An existing backyard remodel had been done with the majority of the improvements approved by Town staff over the counter. The visible portion of the arbor subject to design review was 8 feet 7 inches high, located in the rear yard behind the residence to sit on the top of a six-inch high platform located 6 feet 9 inches away from the residence, 18 feet away from the north side of the property line, and featuring a minimalistic design outside of the required setbacks. The arbor included light fixtures located at the base of each post. She reported that staff had received no comments from neighbors.

In response to the DRB, Ms. Nasset noted that the DRB had previously reviewed an arbor at a neighboring property located at 10 Willow Springs Lane. She clarified that no development was typically allowed in the scenic corridor easement, including fencing, although she was uncertain of the specifics of the subject easement.

PUBLIC COMMENTS OPENED

JOSEPH HUETTL, Huettl Landscape Architecture, 1295 Boulevard Way, Suite J, Walnut Creek, presented a photograph of the previous arbor which had been removed months ago and which had been very visible. The new arbor would have a low profile, would not be located within any of the setbacks, was technically visible from Moraga Road requiring DRB review, would be tucked back behind existing trees, would consist of steel and wood materials, would be compatible with the contemporary style of the home, and lights on the arbor were intended to shine down inside the structure.

Mr. Huettl stated that he would have to verify whether the lights would be dark sky compliant as staff had recommended in the staff report. He expressed his hope that the lights would be allowed to be directional to allow the property owner the flexibility to shine them inward on the patio itself.

In response to the DRB, Mr. Huettl noted that he had not provided samples of the light fixtures but any approval could be conditioned to require that samples be provided to staff. He clarified that the landscape improvements had not triggered DRB review and the water feature had previously been approved by staff. The height of the arbor itself would be six inches above grade, 8 feet floor to ceiling, although he would like the flexibility to increase the height. He acknowledged that story poles had been provided at the height identified in the staff report.

Ms. Nasset commented that the arbor could be approved by the DRB subject to a specific height. She added that the conditions of approval included a condition for the submittal of a photometric plan for the light fixtures.

PUBLIC COMMENTS CLOSED

Boardmember Sayles supported the project and recommended that the DRB approve a Draft Action Memorandum for DRB 16-12, and that Condition No. 7 be eliminated.

Ms. Brekke-Read recommended that Condition No. 7 not be eliminated but be amended to read:

7. *The applicant shall submit for staff's approval cut-sheets for the lighting.*

On motion by Boardmember Sayles, seconded by Boardmember Escano-Thompson and carried unanimously to adopt the Draft Action Memorandum dated December 10, 2012 approving DRB 16-12 for Huettl at 14 Willow Springs Lane, subject to the findings and conditions as shown, and subject to an amendment of Condition No. 7, *The applicant shall submit for staff's approval cut-sheets for the lighting*.

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

B. DRB 15-12 - Ben Amonte (Applicant), 142-148 Ascot Court: Design Review to install new support beams and posts for the reconstruction of existing cantilevered balconies.

Ms. Nasset explained that the project consisted of the reconstruction of eight existing 64.5 square foot balconies, adding a new support beam, and two new support posts to each balcony. The balconies would consist of Trex decking, a plastic and wood based product for the platform of the deck, new railing, and support beam and posts to be constructed of wood painted dark brown. The decks would measure six feet in depth, and 10 feet 9 inches in width, nine feet above grade; support beam below the deck platforms would measure one foot in thickness and the posts would measure seven feet in height. No landscaping would be altered and no new landscaping had been proposed. The project site was described as unique and tucked within the hillside.

Ms. Nasset reported that staff had received a letter from the McLynn Manor Homeowner's Association (HOA) and a letter from one of the owners of one of the units, both supportive of the project.

In response to the DRB, Ms. Nasset noted that the existing balconies had been cantilevered and the proposal called for reconstruction with posts to provide better structural integrity. The majority of the posts would not be visible given that they would be located in an enclosed courtyard; however, the use of posts had generally been discouraged pursuant to the Town's Design Guidelines and their use had necessitated DRB review. The balconies would not be expanded; the project would only replace existing support beams and posts.

PUBLIC COMMENTS OPENED

ROB MASCARONI, a resident of the complex, commented that the intent was to replace the existing balconies which were in disrepair and falling off the buildings. The former cantilever system had allowed a great deal of water infiltration, would be expensive to replace, and was the reason the applicant desired to reconstruct the balconies with a post system. The posts would not be visible from the street, would blend in with the surroundings, would be dark brown in color, and reconstruction would allow water proofing and the balconies to be replaced in the future in kind, if needed, given the use of pressure treated material.

PUBLIC COMMENTS CLOSED

On motion by Boardmember Zhu, seconded by Boardmember, Escano-Thompson and carried unanimously to adopt the Draft Action Memorandum dated December 10, 2012 approving DRB 5-12 for Amonte at 148 Ascot Court, subject to the findings and conditions as shown.

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

C. DRB 17-12 - John MacLeod (Applicant/Owner), 2 Roberts Court: Design Review to place a 6 foot 11 inch-tall freestanding BBQ, fireplace and countertop structure in the side yard setback. (Structure is already constructed.)

Ms. Nasset reported that the project consisted of a freestanding BBQ, fireplace and countertop structure, to be in the side yard of property located at 2 Roberts Court. The structure had been built off-site, placed on the property at the edge of the patio, sits eleven inches from the south side property line, measures 15 feet 4 inches in width by 37 ¼ inches in depth, with the middle portion of the structure containing the fireplace featuring a tiered design and reaching a height of 6 feet 11 inches. The structure was constructed of mortar and stone tiles, contains stainless steel appliances, no existing landscaping would be altered, and no new landscaping had been proposed.

Ms. Nasset explained that at the time of the installation the property owners had been unaware of the accessory structure setbacks which applied to the new BBQ structure. A Contra Costa County Inspector had issued a courtesy notice informing the property owners of the need for Planning Department approval and a building permit. After contacting the Planning Department, the property owners had been informed of the setback regulations for an accessory structure measuring taller than six feet in height; the setback criteria for side, front, exterior and rear yard setbacks; and the options available to rectify the situation. Because of the location of the existing improvements in the backyard area, including the pool and patio, and the limited space between the side property line and the house, the property owners had submitted the application requesting approval of the structure within the required ten foot side yard setback.

Ms. Nasset advised that two letters had been received; one from the property owner and the second from an adjacent neighbor expressing concern with the safety of the fireplace structure and the associated gas line. Staff had contacted the County Inspector to address the gas line situation, and had learned that there were no setback requirements from the property line for gas lines other than a minimum depth requirement of 18 inches. The BBQ structure and gas line had been inspected as part of the required permits.

In response to the DRB, Ms. Nasset commented that the gas line had been required to be permitted and had been installed prior to the issuance of the permits, although after inspection by the County Inspector all of that work had been inspected and approved. As to whether the Moraga-Orinda Fire District (MOFD) had inspected the installation of the BBQ structure and fireplace, the MOFD had not reviewed the application but staff could contact the MOFD to provide comments.

Ms. Brekke-Read suggested adding a condition of approval that the MOFD Fire Marshal sign-off on the plans prior to approval.
PUBLIC COMMENTS OPENED

JOHN MacLEOD, 2 Roberts Court, Moraga, explained that the BBQ had been purchased from a firm in Walnut Creek, was a pre-manufactured structure in three sections put into place on-site, consisted of a metal skeleton frame with hardy board on the back, and with no wood inside the BBQ structure. The fireplace insert was intended to be used with natural gas, with the heat blown out toward the patio and not vented towards the top. He noted that the location in the rear yard had been chosen as the best fit on the property.

Ms. Nasset noted that if the structure was no more than six feet in height, it could be as close as three feet from the property line, an option that had been discussed with the property owners.

In response to the DRB, Mr. MacLeod reiterated the location of the BBQ structure and fireplace insert, which had been set on a concrete pad; identified the existing fence on the property line and an iron fence and gate leading to a swimming pool; explained that the water line for the sink had already been installed at an 18-inch depth; and that the gas line had already been installed 18 to 20 inches below and had been installed by a licensed private contractor. He also identified the location of the gas meter; a walkway; pavers; the path of the gas line on the property; and existing landscaping.

PUBLIC COMMENTS CLOSED

Boardmember Sayles described the BBQ structure as almost a portable unit which could be removed if the property owner sold the property. He had no issue with the project, acknowledged the letter from the neighbor who had expressed support as long as the structure was safe and inspected by the County Inspector, and he supported the application.

Boardmember Escano-Thompson clarified with Mr. MacLeod that he desired the BBQ, fireplace and countertop structure, as shown, due to the aesthetics, and that the gas insert had yet to be installed in the fireplace, with the fireplace designed to burn wood or gas.

In response to Boardmember Zhu, Mr. MacLeod stated that although the BBQ, fireplace and countertop structure had been designed in sections, he did not want to locate the fireplace three feet from the fence and leave the BBQ and countertop as one unit. He preferred that the three sections of the unit remain as one, as proposed, which was the reason he had purchased the unit. He emphasized that the unit would not be visible from the street or from the side neighbors.

Boardmember Zhu found the structure to be too much in one place, suggested the fireplace be used for wood only, and expressed concern that the fireplace structure, if a permanent structure, must comply with the Town's Design Review Guidelines.

Ms. Brekke-Read explained that the design and aesthetics of the unit must be reviewed by the DRB given it was considered an accessory structure with required setbacks, given its height and placement, with safety also one of the issues the DRB may consider. She added that the DRB could reduce the required setback for accessory structures if the design was found to be acceptable.

Ms. Nasset added that if in the future the property owner desired to move the structure elsewhere on the property, the property owner would be required to ensure the placement met the 10-foot required setback. If the DRB approved the structure in its current location, it would be allowed only in that location.

Boardmember Zhu expressed concern with the safety of the fireplace.

Chair Helber commented that he was not concerned with the fireplace since it was a gas insert fireplace and the DRB could potentially add a condition of approval that final sign-off would require certification of the installation of the gas insert.

Ms. Nasset noted that the DRB may impose a condition that the fireplace not be used for wood burning.

Chair Helber suggested that if the structure had been inspected by the County Inspector and if the MOFD Fire Marshal signed-off on the plans prior to the issuance of final permits that should cover any concerns by the adjacent neighbor regarding the safety of the fireplace.

Planning Commissioner Socolich agreed that safety should be a consideration, not only for the property owner but for the neighborhood as well. He supported conditions to ensure the safe installation, as appropriate.

Ms. Brekke-Read suggested that the Draft Action Memorandum for DRB 17-12 be amended with a new condition added to Part 2: Conditions of Approval, Subject to all Town and Other Regulations, to read:

> *The plans shall be checked and approved by the Moraga-Orinda Fire District (MOFD) prior to issuance of a building permit.*

Boardmember Sayles opposed a condition prohibiting the use of the fireplace from wood burning given that the fireplace had been certified and rated appropriately, and had been approved for both gas and wood burning.
Boardmember Sayles understood that exterior fireplaces were exempt and not subject to the same conditions of the Bay Area Air Quality Management District (BAAQMD).

Ms. Brekke-Read commented that the BAAQMD and the County regulated fireplaces; she understood the law allowed wood burning fireplaces if the structure met air quality standards.

As to whether he objected to a condition prohibiting wood burning in the fireplace, Mr. MacLeod stated that he would not object to such a condition. He reiterated his intent to place an insert in the fireplace which would blow air toward the patio.

Ms. Brekke-Read recommended an additional condition to Part 2: Conditions of Approval, At All Times:

> *The fireplace insert shall be operated as a gas fireplace and shall not operate as a wood burning fireplace.*

On motion by Boardmember Escano-Thompson, seconded by Boardmember Sayles to adopt the Draft Action Memorandum dated December 10, 2012 approving DRB 17-12 for MacLeod at 2 Roberts Court, subject to the findings and conditions as shown, and subject to the addition of conditions that *The plans shall be checked and approved by the Moraga-Orinda Fire District (MOFD) prior to issuance of a building permit;* and *The fireplace insert shall be operated as a gas fireplace and shall not operate as a wood burning fireplace.* The motion carried by the following vote:

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

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

VII. REPORTS

A. Escano-Thompson, Helber, Kirkpatrick, Sayles and Zhu

There were no Boardmember reports.

B. Staff

Ms. Brekke-Read introduced Staff Planner Katherine Nasset who had been assisting the Planning Department after the loss of planning personnel.
Ms. Brekke-Read added that staff continued to recruit for Assistant/Associate Planner and Senior Planner/Economic Development Coordinator positions. She reported that the Planning Commission would meet on January 7, 2013 to consider the Summerhill Homes, Camino Ricardo project; offered an overview of the project description; and reported that the DRB would consider the Signature Homes project in the near future.

Ms. Brekke-Read also updated the DRB on the status of the Rancho Laguna II and City Ventures projects, with staff continuing to work on zoning text amendments in the Commercial District and for Moraga Country Club. She added that the new Town Engineer/Public Works Director had identified two vacant positions in that Department for Staff Engineer and Inspector, and had determined the highest need for a Senior Civil Engineer and Engineering Technician/Inspector. A temporary engineer was currently assisting the Department with a number of projects.

Ms. Brekke-Read further reported that staff would be advertising for open seats on the Town's Commissions and Boards, with existing members having the opportunity to reapply.

VIII. ADJOURNMENT

On motion by Chair Helber, seconded by Boardmember Escano-Thompson and carried unanimously to adjourn the meeting at 8:16 P.M.

A Certified Correct Minutes Copy

Secretary of the Planning Commission

DESIGN REVIEW BOARD

STAFF REPORT

FOR BOARD ACTION
JANUARY 30, 2013

74 Warfield Drive

Design Review #18-2012 for the construction of a mailbox pillar within the public right-of-way and two new retaining walls in the backyard and sideyard areas. A Hillside Development Permit is required. (1-DUA, K.N.)

I. Application Basics

A. Zoning Permits Required:

- Design Review, under Moraga Municipal Code (MMC) Section 8.172.030-A and 8.72.180 for the placement of a structure within the right-of-way.
- Hillside Development Permit, under MMC 8.136.050-A for grading on a slope steeper than 20 percent.

B. CEQA Determination: Categorically exempt pursuant to Section 15302 of the CEQA Guidelines ("Class 2, Replacement or Reconstruction")

C. Parties Involved:

- Applicant — Gary Murphy, Knowles & Murphy Landscape Design & Construction, 128 Pioneer Avenue, Walnut Creek, CA 94597
- Property Owners — Winifred Au, 74 Warfield Drive, Moraga, CA, 94556

D. Board Members within a 500-foot Radius of the Project Site: None

Figure 1: Vicinity Map

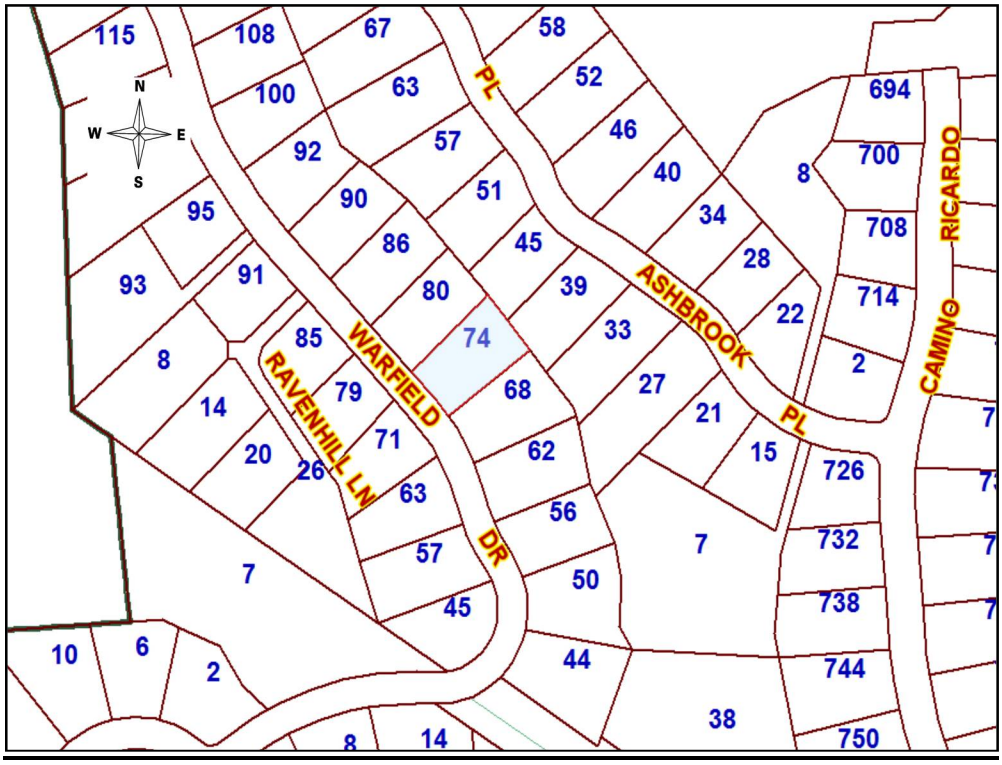


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single family residence	1-DUA	Residential 1 du / ac
Surrounding Properties	North, East	Single family residences	1-DUA with open space beyond	Residential 1 du / ac
	South	Single family residences	1-DUA with an elementary school and 3-DUA beyond	Residential 1 du / ac
	West	Single family residences	1-DUA with the city of Orinda beyond	Residential 1 du / ac

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Hillside Land	Yes	Grading on land with a slope steeper than 20 %.

Table 3: Project Chronology

Date	Action
Dec. 7, 2012	Application submitted
Jan 4, 2013	Application deemed complete
Jan. 18, 2013	Public meeting notices mailed/posted

Jan. 30, 2013	Design Review Board public meeting
Mar. 29, 2013	PSA deadline[1]

1. Project must be approved or denied within 60 days after being deemed complete if exempt from CEQA, or 60 days after adoption of a negative declaration, or 180 days after adoption of an EIR (Govt. Code Section 65950).

II. Project Setting

A. Neighborhood/Area Description: The rectangular-shaped property is located in a single family residential neighborhood near the Moraga and Orinda border. The neighborhood is characterized by up-sloping roadways with single and multi-storied houses situated on terraced development pads. The front yards are adorned with lawn areas, ornamental plantings and a few mature trees. The properties that do have mailboxes generally have a standard mailbox attached to a decorative post. The properties along both sides of Warfield Drive have views towards the east. The houses on Warfield Drive sit approximately 30 to 50 feet above the homes on Ashbrook Place to the east. The sloped portions of the properties on Warfield Drive are generally undeveloped and contain mature trees and grasslands.

B. Site Conditions: Built in 1965, the existing one-story home at 74 Warfield Drive sits on a 16,500-square foot lot that slopes down towards Ashbrook Place. The upper half of the property contains the front yard area, the house and a small patio behind the home. A low wooden retaining wall which was recently removed separated the developed portion of the lot from the undeveloped lower half. Four existing pine trees were recently removed from the backyard area due to safety concerns for the downhill properties.

III. Project Description

The project consists of a new mailbox pillar, two retaining walls, a deer fence, stairs on grade, flagstone steps and landscaping. The mailbox pillar would sit within the public right-of-way, approximately six feet from the front property line and approximately one foot away from the curb. The pillar would measure 5'-6" in height from the base to the top of the light fixture. The pillar would be clad with a brown and cream colored stone veneer or stucco. The light fixture would match the existing black lamp post located adjacent to the front walk way. A photo of the existing lamp post is included in Attachment B. Behind the house there would be two new retaining walls, one running along the southeast, right, side of the house and the other running parallel to the rear elevation of the house. The retaining wall to the southeast would be at most eight inches in height, constructed of wood and would be used to outline the new crushed rock side yard area. The retaining wall that runs parallel to the rear elevation would be approximately 17 feet from the house, four feet farther away from the house than the existing retaining wall, creating a larger useable flat area behind the home. A new set of stairs at the right side of the wall would be placed on grade and extend 16-feet out from the face of the wall. A new six-foot high deer fence would be constructed in the rear yard. It would start approximately at the new retaining wall and extend 37 feet along the side property lines towards the rear of the property; a new 6-foot high deer fence running lengthwise across the backyard area would connect the two fences. Within the upper portion of the backyard area, new flagstone steps would be placed creating pathways, a new lawn area and plantings would be installed adjacent to the house. New landscaping would also be installed below the wall.

The improvements shown on the project plans in the front yard area, aside from the mailbox pillar, are already under construction as they do not require discretionary review.

IV. Community Discussion

Neighbor/Community Concerns: The public meeting notice was mailed to 36 property owners within a 300-foot radius of the site and posted at the site on January 18, 2013. To date, the Planning Department has not received any written correspondence regarding the application.

V. Issues and Analysis

The following issues apply to the project. Each issue contains the applicable factors or standards and is followed by staff's analysis of these standards.

A. <u>Design Review Standards</u> The project is subject to design review because it involves the placement of a structure within the public right-of-way. The design aspects found in MMC 8.72.080(A), listed below, are applied in evaluating compliance with the following design review standards:

Design Aspects: Maximum height, lot coverage and setbacks (if not covered in the zoning ordinance); overall mass and bulk of structures; special features of the development, such as fences, walls, and screens; effective concealment and sound attenuation of exposed

mechanical and electrical equipment; colors and materials on the exterior face of the building or structures, striving for a limited number of colors and materials for each project; avoidance of repetition of identical entities whenever possible; harmonious relationship with existing and proposed adjoining developments, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted; pleasing landscaping which incorporates existing landscaping and terrain as a complement to the structure, using plants which thrive in the Moraga climate and which are large enough in size to be effective; compliance with Chapter 8.132 (scenic corridors); impact on neighboring properties; impact on public safety; and harmony with the general plan, design review guidelines and floor area ratio guidelines.

1. **The structure conforms with good taste, good design and in general contributes to the character and image of the town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality.**

   The property is located in the 1-DUA zoning district. The structure would contribute to the character and image of the town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality. Though it would be one of the few enhanced mailbox pillars in the neighborhood, it would complement the existing developments and utilize colors and quality materials compatible with the existing residences in the neighborhood.

2. **The structure will be protected against exterior and interior noise, vibrations and other factors which may tend to make the environment less desirable.**

   The structure would not create nor affect any noise levels because it does not have any noise making elements. The pillar structure would feature a light on top. The street is already serviced by street lights and the new light would not be a significant source of light.

3. **The exterior appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value.**

   The pillar would be clad with either stucco or stone veneer. The color scheme would consist of browns and creams to blend with the existing residence. The new pillar in combination with the landscaping improvements in the front yard area would have a positive effect on the neighborhood because it would improve the appearance of the streetscape in front of the subject residence.

4. **The structure is in harmony with proposed developments on land in the general area.**

   At this time, staff is not aware of any proposed developments along Warfield Drive or Ashbrook Place. As described in standard #1, the structure would complement existing developments in the neighborhood.

B. Hillside Development Standards: The project is subject to the hillside development standards because the project involves grading and the construction of a new retaining wall on a slope that is steeper than 20 %.

1. **In reviewing an application the reviewing body shall consider the following factors: slope, soil instability, drainage, soil characteristics, seismic factors, existing and future residential development, view shed, access, potential traffic congestion, fire risk, noise, glare, wildlife, dust and impact on existing vegetation.**

   The property contains existing drainage culverts which the new drainage would be connected to. Prior to the issuance of a grading and drainage permit, the Town Engineer would review the plans to ensure the existing and proposed drainage facilities are adequate. New fencing would be installed; however, it does not enclose the entire back portion of the property minimizing any impact on wildlife migrating through the neighborhood. The new fencing would utilize a see-through design to minimize any impact on views of the hillside. No new lighting is proposed at the rear of the property.

2. **The site plan shall provide an appropriate living space on a site consistent with the site's constraints in relation to the review and approval criteria set forth in this section.**

   Approximately half of the property is developed. The new retaining wall pushes the developed area out four feet to the northeast. A large portion of the property would remain undeveloped aside from a new fence.

3. **A building site which is adjacent to a steep slope not abutting a ridge shall be located at the lowest possible elevation on the site.**

   The existing development pad is at the top of the slope. The new retaining wall would expand the existing developed area out four feet to the northeast.

4. **Residential development that is adjacent to a steep downslope shall be designed so that the principal and accessory structures blend with the topography.**

   The development does not affect the existing residence; it does expand the rear yard patio area. Because the new retaining wall that runs parallel to the house would be wooden and the landscaping that would be installed in front of the retaining wall utilizes evergreen species, the improvements would blend with the natural environment of the hillside.

C. Design Guidelines: All projects must be in conformance with the applicable design guidelines. The guidelines are used to maintain the Town's semi-rural character; protect ridgelines and hillside areas; complement existing landscaping; enhance the Town's scenic corridors; minimize the impacts of development; thoughtfully design single-family residential neighborhoods; thoughtfully design new multifamily residential developments;

and promote commercial centers as community places. The following findings must be made:

1. **The proposed improvements conform to good design as set forth in the Town's Design Guidelines and in general contributes to the character and image of the Town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality.**

   The improvements at both the front and the back of the property would complement the character of the town. At the front of the property, the mailbox pillar would blend with the existing developments along Warfield Drive because it utilizes colors and materials that are compatible with the neighborhood. Though the project is located on a visible hillside, the improvements at the rear of the property would minimally alter the natural setting of the hillside because the new retaining wall would be constructed of wood and the new landscaping would help the structure blend with the natural environment. Because of the open design of the new fence, it would not interfere with the scenic quality of the hillside. (Guideline: RH5, RH6, RH8, RH10, ID11.1)

2. **The proposed improvements will not have a substantial adverse affect on neighboring properties or the community due to poor planning; neglect of proper design standards; or the existence of buildings and structures unsuitable to and incompatible with the character of the neighborhood and the community.**

   The improvements would have no negative effects on the neighboring properties. The pillar would have the same purpose as a standard support post for a mailbox and it would not interfere with neighborhood traffic. The new structure would feature a light on top. The street is already serviced by street lights and the new light would not be a significant source of light. The new retaining walls would be substantially screened by the new landscaping. The new landscaping would provide year round screening because it utilizes mostly evergreen species. The new fence would utilize an open design to blend with the open hillside character of the neighborhood. (Guideline: RH5, RH8, ID11.1, ID11.3)

3. **The proposed improvements will not lower property values; discourage the maintenance and improvement of surrounding properties; or preclude the most appropriate development of other properties in the vicinity.**

   The improvements would not lower property values nor discourage the maintenance and improvement of surrounding properties. Though the hillside would be minimally altered, the improvements would not detract from its natural appearance because new landscaping is proposed which would screen the new retaining wall and re-vegetate the upper portion of the hillside. The improvements would not preclude any appropriate development on other properties in the vicinity because the improvements would meet all zoning requirements, would not affect privacy levels for surrounding properties, nor alter the single family residential nature of the neighborhood. (Guideline: RH5, RH10, ID11.1, ID11.2, ID11.3, ID11.5, SF1.3)

4. **The proposed improvements will not impair the public health, safety or welfare.**

The proposed improvements would be built in accordance with the uniform building code. An encroachment permit from the Public Works Department would be required for the installation of the mailbox pillar. (Guideline: ID10.3, ID11.3, ID12.6)

D. General and Area Plan Consistency: The following policies of the 2002 General Plan apply to the project:

1. Policy LU1.1–Neighborhood Preservation: Protect existing residential neighborhoods from potential adverse impacts of new residential development and additions to existing structures.

Staff Analysis: The project meet does not exceed the maximum height restrictions or encroach into any required setback. New landscaping would help the retaining wall blend with the natural setting of the hillside.

2. Policy CD1.2–Site Planning, Building Design and Landscaping: Retain natural topographic features and scenic qualities through sensitive site planning, architectural design and landscaping. Design buildings and other improvements to retain a low visual profile and provide dense landscaping to blend structures with the natural setting.

Policy CD4.1–Property Development Standards: Maintain and enforce existing property development standards for the Town's single-family residential neighborhoods.

Staff Analysis: The project does not significantly alter the existing streetscape or view of the hillside. The mailbox pillar would blend with existing streetscape and the new retaining wall would be significantly screened by the new landscaping.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Design Review Board adopt the attached draft action memorandum to approve DRB 18-12 with conditions pursuant to MMC 8.72 and 8.136 subject to findings and conditions of approval.

Attachments:

A. Draft Action Memorandum
B. Site Photos
C. Project Plans

Staff Planner: Kathrine Nasset, planner1@moraga.ca.us, (925) 888-7041

Reviewed by: Shawna Brekke-Read, sread@moraga.ca.us, (925) 888-7043

ATTACHMENT A

DRAFT ACTION MEMORANDUM

Town of Moraga
PLANNING DEPARTMENT
329 RHEEM BOULEVARD
MORAGA, CA 94556
(925) 888-7040

DESIGN REVIEW BOARD ACTION MEMORANDUM

On January 30, 2013, the Town of Moraga Design Review Board considered the application described below:

> **DRB 18-12 – Gary Murphy, Murphy Landscape Design & Construction (Applicant) and Winifred Au (Owner), 74 Warfield Drive:** Design Review for the construction of a mailbox pillar within the public right-of-way and two new retaining walls in the backyard and sideyard areas. A Hillside Development Permit is required,

DESIGN REVIEW BOARD ACTION:

The DESIGN REVIEW BOARD hereby grants approval of the project at 74 Warfield Drive in accordance with the following findings and conditions of approval:

PART 1: DESIGN REVIEW FINDINGS:
The findings below are required in accordance with Planning Commission Resolution 16-01 in order for the Design Review Board to approve an application within a single-family residential district:

1. **The proposed improvements conform with good design as set forth in the Town of Moraga Design Guidelines, and in general contributes to the character and image of the town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality** because the improvements at both the front and the back of the property will complement the character of the town. At the front of the property, the mailbox pillar will blend with the existing developments along Warfield Drive because it utilizes colors and materials that are compatible with the neighborhood. Though the project is located on a visible hillside, the improvements at the rear of the property will minimally alter the natural setting of the hillside because the new retaining wall will be constructed of wood and the new landscaping will help the structure blend with the natural environment. Because of the open design of the new fence, it will not interfere with the scenic quality of the hillside.

2. **The proposed improvements will not have a substantial adverse affect on neighboring properties or the community due to poor planning; neglect of proper design standards; or the existence of building and structures unsuitable to and incompatible with the character of the neighborhood and the character of the community** because the pillar will have the same purpose as a standard support

post for a mailbox and it will not interfere with neighborhood traffic. The new structure will feature a light on top. The street is already serviced by street lights and the new light will not be a significant source of light. The new retaining walls will be substantially screened by the new landscaping. The new landscaping will provide year round screening because it utilizes mostly evergreen species. The new fence will utilize an open design to blend with the open hillside character of the neighborhood.

3. **The proposed improvements will not lower property values; discourage the maintenance and improvement of surrounding properties; or preclude the most appropriate development of other properties in the vicinity** because the hillside, though it will be minimally alter, the improvements will not detract from its natural appearance because new landscaping will screen the new retaining wall and re-vegetate the upper portion of the hillside. The improvements will not preclude any appropriate development on other properties in the vicinity because the improvements will meet all zoning requirements, will not affect privacy levels for surrounding properties, nor alter the single family residential nature of the neighborhood.

4. **The proposed improvements will not impair public health, safety or welfare** because the new improvements will be built in accordance with the uniform building code. An encroachment permit from the Public Works Department will be required for the installation of the mailbox pillar.

PART 2: CONDITIONS OF APPROVAL:

1. The plans submitted for a new mailbox pillar within the public right-of-way, two new retaining walls, a fence and landscaping at 74 Warfield Drive shall be substantially in accordance with the plans approved by the Design Review Board on January 30, 2013, and this Design Review Board Action Memorandum. Any significant changes to the plans will require re-submittal to the Design Review Board for approval.

<u>Conditions Shall be Printed on Plans</u>

2. The conditions of this permit shall be printed on the first sheet of each plan set submitted for a building permit pursuant to this approval, under the title 'Design Review Board Conditions.' The second sheet may also be used if the first sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

<u>Applicant Responsible for Compliance with Conditions</u>

3. The applicant shall ensure compliance with all of the following conditions. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the approval.

DRAFT

Subject to all Town and Other Regulations

4. The approved construction is subject to, and shall comply with, all applicable Town Ordinances and laws and regulations of other governmental agencies.

5. The applicant shall apply for and pay all appropriate fees for building permits, plan checks and inspections.

During Construction

6. Construction hours shall be limited from 8 a.m. to 5 p.m. Monday through Friday to minimize potential disturbance of adjacent residents.

7. The applicant and their contractors shall be responsible for preventing spills of any demolition debris or construction materials on Town streets. If any spills of debris occur, then the applicant will be held responsible for the immediate cleanup of the spill and repair of any damage that may have been done to the street. The correction of the problem shall be made to the satisfaction of the Town Engineer.

At All Times

8. The property owner shall be responsible for maintaining all landscaping, including the existing trees west of the new arbor.

9. Any additional exterior lighting is subject to staff review and approval.

10. This permit and each condition contained herein shall be binding upon applicant and any transferor, or successor in interest.

11. If construction is not commenced within one year from the date of final action, the permit becomes null and void. However, this discretionary action may be renewed by the Planning Director for a maximum period of one (1) year provided the applicant places such a request in writing to the Planning Director showing good cause prior to the expiration of the discretionary action.

Design Review Board action is appealable to the Planning Commission within ten (10) calendar days after the date of the decision. Questions regarding the action of the Board should be directed to the Planning Department at (925) 888-7040.

_____

Shawna Brekke-Read
Planning Director

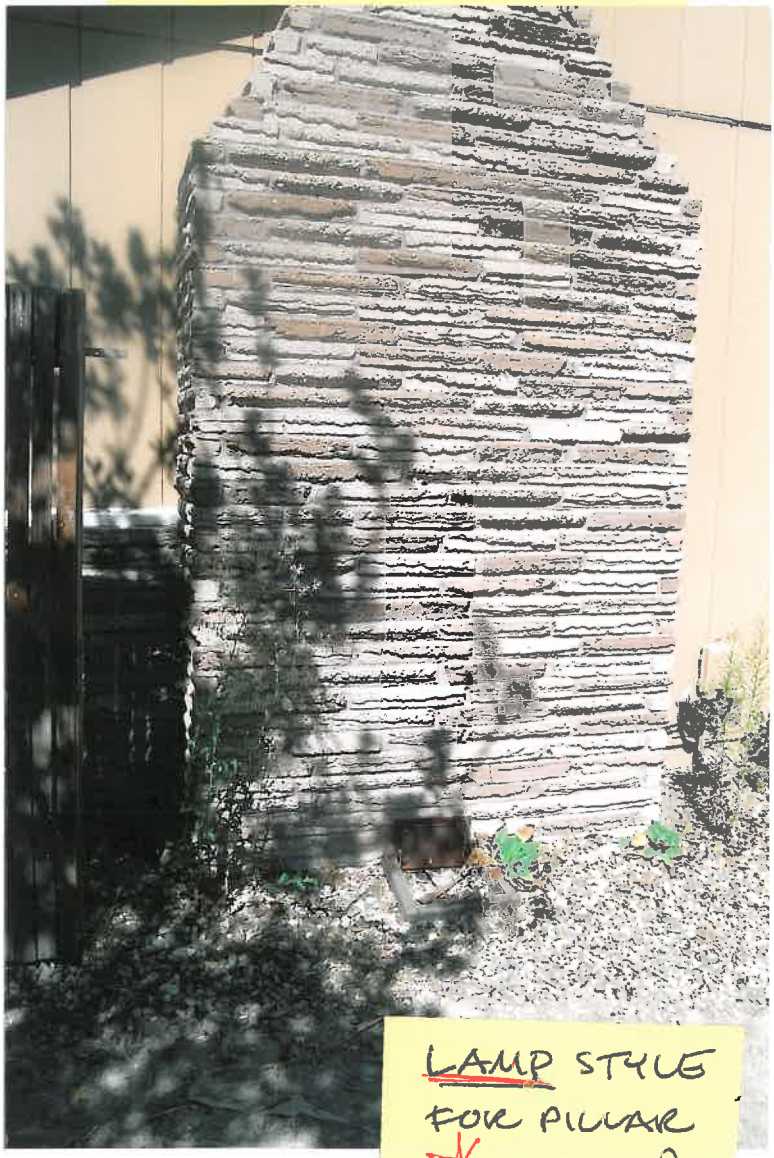
DRAFT

ATTACHMENT B

SITE PHOTOS

VIEW ALONG CURB SHOWING SLOPE AND MAILBOX ↗S

MAILBOX FINISH WILL EITHER BE STUCCO W/ COLOR TO MATCH HOUSE, OR HAVE STONE FASCIA TO HARMONIZE @ HOUSE ★



LAMP STYLE FOR PILLAR ★

PUBLIC RIGHT-OF-WAY PROJECT –

★ MAILBOX PILLAR @ LAMP TO REPLACE EXISTING WOOD MAILBOX AND LAMP POST.

EXISTING BACK RETAINER BOARD & SLOPE

BACK STEPS DOWN SLOPE ↗ EAST

HILLSIDE DEVELOPMENT PERMIT

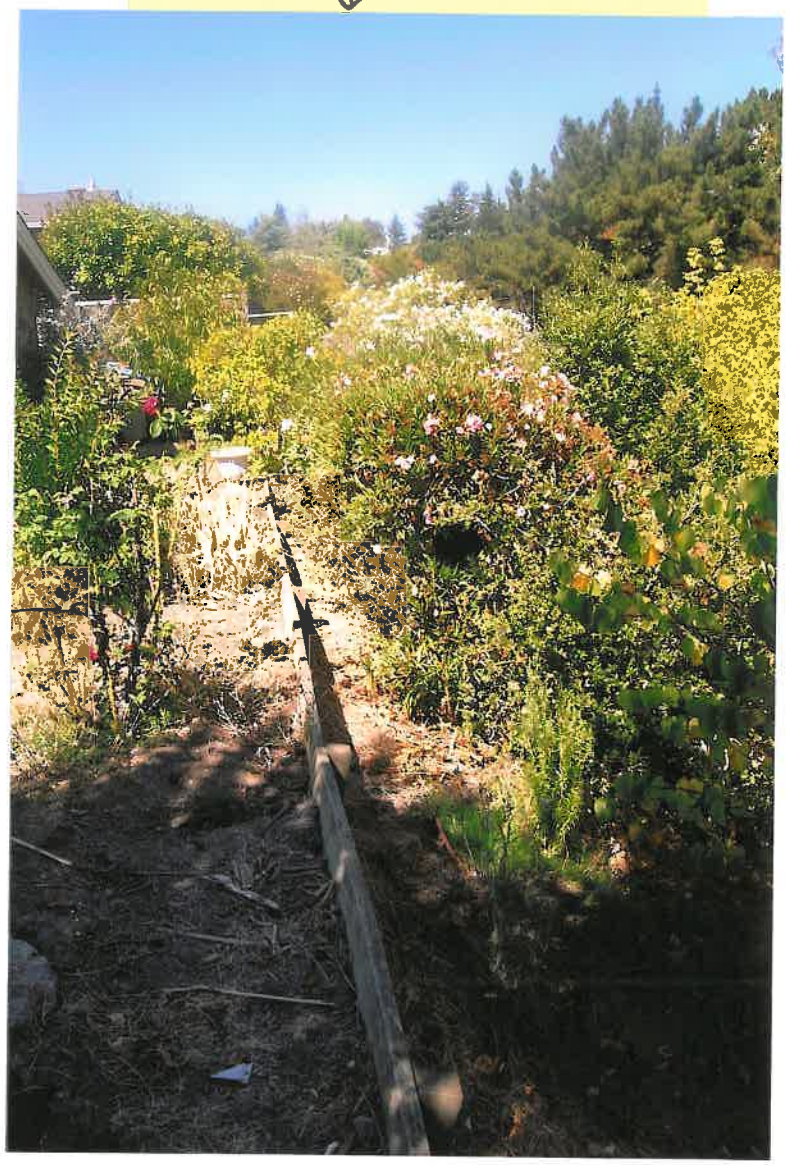
3' HT WOOD RETAINER WALL AND WOOD TIMBER ACCESS STEPS

VIEW OF BACK RETAINING BOARD ALONG TOP OF SLOPE

EXISTING BACK RETAINING BOARD

1' HT

SLOPE



VIEW ACROSS LEVEL PORTION OF BACK YARD

LEVEL BACK YARD AREA

VIEW ALONG LEVEL AXIS OF BACK YARD

N

S

ATTACHMENT C

PROJECT PLANS