

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

October 28, 2013

I. CALL TO ORDER AND ROLL CALL

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

Present: Boardmembers Glover, Kirkpatrick, Zhu, Chair Helber

Absent: Boardmember Escano-Thompson

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

A. Conflict of Interest

There was no reported conflict of interest.

B. Contact with Applicants

There was no reported contact with applicants.

II. PUBLIC COMMENTS

There were no comments from the public.

III. ADOPTION OF THE CONSENT CALENDAR

- A. September 23, 2013 Minutes**
- B. October 15, 2013 Minutes**
- C. Adoption of Meeting Agenda**

On motion by Boardmember Kirkpatrick, seconded by Boardmember Glover to approve the minutes of the September 23, 2013 meeting, as submitted. The motion carried by the following vote:

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

Chair Helber recommended that Consent Calendar Item B, the minutes of the October 15, 2013 meeting, be moved to agenda Item IV. Design Review, as Item C.

On motion by Boardmember Kirkpatrick, seconded by Boardmember Glover to adopt the meeting agenda, as modified. The motion carried by the following vote:

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

IV. DESIGN REVIEW

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

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

Proposed Application: Consider Design Review to install a new sign at the wall at the west elevation and a new sign attached to the awning at the south elevation of an existing restaurant building. CEQA Determination: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines, ("Class 1, Existing Facilities"). (LC, ENS)

Associate Planner Ella Samonsky presented the request for design review to install a new sign at the wall at the west elevation and a new sign attached to the awning at the south elevation of an existing restaurant building located at 581 Moraga Road at the corner of Moraga Road and Lucas Drive, for Iron Kitchen Restaurant within the Moraga Road Scenic Corridor. The building had an L-shaped driveway and parking lot that extended around and behind the building with mature trees located on the south and west sides. The wall sign would be located on the west elevation facing Moraga Road, and the awning sign would be located on the south elevation facing Lucas Drive. Both signs would be non-illuminated; brushed aluminum, brown and white; be the same size, seven feet in length and one foot and ten inches in height; and total 12.8 square feet; with two lines of copy, one reading *Iron Kitchen* and the other *Asian and Fusion*. The two signs generally conformed to Sign Ordinance standards with the exception of the sign located on the awning which extended more than one foot from the face of the building. She commented that the placement of the sign elsewhere on the building would not be feasible given the existing trees. The signs would not be placed in front of any existing vegetation or scenic elements to the corridor, and would not detract or distract motorists.

PUBLIC COMMENTS OPENED

Don Walker, representing the Iron Kitchen, commented that the signs had been under review for some time. He thanked Ms. Samonsky for her assistance. Referencing the Draft Action Memorandum, he expressed objection to Condition 7, stated the existing neon window signs had been in place for five months, and suggested the signs' removal would place the applicant at a disadvantage given that 80 percent of the businesses within a four-block radius enjoyed similar window signage.

PUBLIC COMMENTS CLOSED

Boardmember Kirkpatrick recommended that the existing neon window signs be removed at such time as the new signage was installed, accepted, and inspected as complete.

Planning Director Shawna Brekke-Read reported that staff had received complaints about the use of the existing neon window signs, which were explicitly not allowed pursuant to the zoning regulations.

Mr. Walker reiterated the number of businesses that currently enjoyed neon window signs. He affirmed that the hours of operation had been posted on the front entrance for the business but were non-illuminated and not visible as they were not located directly under a light.

Boardmember Kirkpatrick acknowledged the number of stores in the shopping centers which enjoyed neon window signage, which he suggested was a result of a lack of code enforcement.

Boardmember Zhu agreed that something needed to be done through code enforcement with some of the signage displayed in the Town. He did not find the existing neon window signs to be intrusive although he recognized those signs had been prohibited by the zoning regulations.

Boardmember Glover pointed out the Town had an ordinance in place prohibiting the use of the neon window signs. He suggested that either the ordinance must be changed or the DRB must follow the staff recommendations and conditions stated in the Draft Action Memorandum. Given that a change to the ordinance was currently not under review by the DRB at this time, he recommended the retention of Condition 7.

Ms. Brekke-Read explained that the Design Guidelines for signs which dealt with lighting stipulated that lighted signs, whether externally or internally illuminated, shall be avoided except where found to be necessary for location and/or identification, which was the reason staff had encouraged the use of external illumination for the proposed signs. Decorative product signs, such as beer and informative type of signs for the purposes of interior design, were identified as non-accessory signs and shall be located no closer than six feet to an exterior window. All lighted accessory signs needed to be approved by the DRB, and exposed neon tubing was not normally considered to be in good taste for exterior display. Staff had processed the application and had included Condition 7 since staff understood the existing neon window signs were illegal and would be removed.

Ms. Brekke-Read suggested the first sentence of Condition 7 could be revised to reflect that the existing neon window signs shall be removed prior to final inspection rather than prior to issuance of a building permit.

On motion by Boardmember Kirkpatrick, seconded by Boardmember Glover to adopt the Draft Action Memorandum dated October 28, 2013 approving SGN 3-13 for Iron Kitchen at 581 Moraga Road, subject to the findings and conditions of approval as shown and with a modification to the first sentence of Condition 7, to read:

7. *The existing neon window signs shall be removed prior to final inspection.*

The motion carried by the following vote:

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

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

B. Camino Ricardo Subdivision (DRB 16-13)

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

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

Senior Planner Ellen Clark presented the request for design review approval of the Camino Ricardo, 26-unit Single-Family Residential Subdivision located in the Moraga Center Specific Plan (MCSP) area on a 14.25-acre site. The item had previously been considered by the DRB on September 23, 2013, at which time the DRB had received a presentation from staff and the applicant on the number of changes made to the project in response to comments from the DRB and the public during various prior study sessions. The DRB had considered the changes and a variety of aspects of the project, and had offered further comments after which the applicant had again revised the site plan package. The October 28, 2013 staff report detailed the changes to the plans.

Ms. Clark identified the changes to the plans which included the lowering of the elevation of the building pad on Lot 26 by three feet similarly reducing the maximum elevation of the roofline; incorporated additional 4-foot retaining walls at the north side of Lot 26 to allow for a maximum 3:1 slope in this area to provide vegetation and plantings to screen that site; and provided revised story poles (with the exception of Lot 26) to illustrate the views of the height of the buildings to neighboring residences, specifically to the Kim property located at 170 Danefield Place and the tree height at the time of planting, noting that the Town's ordinances did not protect private views from private properties. The applicant had worked with the neighbors to reach a reasonable proposal to address the concerns with respect to view impacts.

Ms. Clark reported that the applicant had also proposed to relocate the pedestrian bridge further to the south to address neighbor concerns with noise and traffic generation and in a location that would require the removal of fewer trees. The applicant had also provided a conceptual alignment for the path and connection which reflected a curvilinear 12-foot wide hard surface or compacted soft surface path that would approximately bisect Parcel C, and which would require Americans with Disabilities Act (ADA) access.

For the record, Ms. Clark advised that staff had received a letter from SummerHill Homes dated October 28, 2013 related to the ADA access for the pedestrian bridge and the fact that it was unknown whether the adjacent slopes could accommodate ADA accessibility at that location. The applicant was desirous of further study of the pedestrian bridge and surrounding regions with respect to ADA compatibility to the satisfaction of the Public Works Director and/or staff.

Ms. Clark also identified a revision to the deposition of the fill on Parcel C and reported that the applicant had requested reduced fill rather than zero fill for Parcel C to a maximum of 10,000 cubic yards, raising the slightly sloping site from elevations between 515 and 507 feet to a uniform elevation of 515.5 feet, representing a significant reduction in the total amount of fill over what had previously been proposed. The depth of fill would range from zero for a distance of approximately 80 feet from the north property line transitioning to a maximum depth of approximately eight feet at the south edge of the property, with a 3:1 maximum slope to transition from the edge of the fill area to the riparian area beyond. She noted that the staff analysis had shown that the reduced fill would result in an appropriate transition from the park area to the adjacent properties to the north, with the natural grade to be preserved in this part of the site. The more level site would offer more diverse programming opportunities for the public open space area, with a greater amount of usable space. Staff was supportive of the reduced fill alternative as a reasonable proposal which addressed a number of the major concerns previously raised by the DRB, and since prohibiting fill altogether offered only marginal benefits at substantially greater costs, and may compromise the applicant's ability to provide other public benefits.

Ms. Clark stated that the applicant had also provided a conceptual plan for the public open space area on Parcel C, including more orchard trees to the north side of the pedestrian path with a more open meadow area buffered by additional trees to the south, with other facilities limited to two seating areas along the path, and with no active play areas or other amenities proposed. In addition, the applicant had provided a plan for the design of the observation area to include a seating area with trellis screening behind, landscaping with permanent and temporary plantings, and a trash receptacle. An additional detail for the bio-retention pond had also been included with a more detailed review of the plan to be completed by the Public Works Department. There were no major issues with the proposed design. Staff had suggested the applicant separate the parcels for the bio-retention facilities in the subdivision map in order to allow them to be deeded to the Homeowner's Association (HOA) for maintenance and repair and to avoid the use of or encroachment issues with private property owners.

Ms. Clark acknowledged that the change would reduce the average parcel size, a detriment to the applicant and the overall lot size, but that the recommended condition of approval included a caveat that the aggregate area of the two affected lots included the future bio-retention parcels for the purposes of calculating average parcel size.

Ms. Clark explained that the Moraga-Orinda Fire District (MOFD) had requested that the entrance driveway access be 20 feet in width on each side of the median rather than 20 feet for ingress and 15 feet for egress as currently shown. The applicant's letter had expressed concern with that requirement and with a request that verbiage be added to Condition 2(b), which request staff supported.

Ms. Clark further explained that the applicant had provided additional information on the development standards to guide future modifications and additions to the homes in the subdivision with a condition of approval added to the project related to additions. She also reported that Town staff, the Town Attorney, and the Town Manager had met with the applicant to discuss a potential Development Agreement (DA) that would address project fees, required amenities and improvements, operation and maintenance beyond those required to mitigate the project's impacts pursuant to Town policy, and the Environmental Impact Report (EIR). The discussions were ongoing. The Planning Commission was to review a draft DA in conjunction with its review of the project, anticipated in November.

During the September 23, 2013 DRB meeting, Ms. Clark reported that there were a number of components that had been discussed to return to the DRB for approval of final plans or drawings; however, the applicant had already provided much of that information in significant detail and the conditions of approval included a more limited list of items requiring subsequent DRB review, including the final landscaping plans, final lighting plans, and a proposed streetscape palette.

Ms. Clark reported that the agenda item had been noticed to the public. Staff had received one e-mail this date from Bryan Grunwald, representing Shawn Kim, 170 Danefield Place, Moraga, who expressed concern with the staff recommended approaches to mitigate views.

Ms. Clark recommended that the DRB approve the Draft Action Memorandum, as shown, recommending approval of the design of the proposed Camino Ricardo Subdivision with or without modifications recommended by the DRB.

In response to the DRB, Ms. Clark acknowledged a request for secure mailboxes for the project site and her understanding that as long as the mailboxes met the requirements of the U.S. Postmaster, secure mailboxes could be provided. She recalled that the applicant had stated during the September 23, 2013 DRB meeting that the design of the mailboxes had been presented to the U.S. Postmaster to confirm the style as appropriate, and she suggested the applicant clarify that issue. She also clarified that the lowering of Lot 26 by three feet had been an effort to reduce the visual impacts to the adjacent properties. It was not possible to eliminate all views of that lot from the neighboring properties and whether that was a significant and adverse impact was subjective.

PUBLIC COMMENTS OPENED

Denise Cunningham, Director of Development, SummerHill Homes, thanked the DRB for its comments during the September 23, 2013 study session, at which time positive feedback had been received on the architecture and overall site plan, with the DRB requesting more detail on a couple of items. She noted that the pedestrian bridge had been relocated about 60 feet to the south from its previous location; the fill on Parcel C had been significantly reduced; and the developer had been working with the adjacent neighbors on transitioning from the existing neighborhood to the new development. She added that the mailboxes would be located at the rear of the cul-de-sac and had been approved by the U.S. Postmaster.

Ms. Cunningham identified the three home plan types with three elevations to include an upslope lot nestled into the hillside with a 5-foot split in the foundation which reduced grading and visual impacts; a side-split home with a 5-foot split in the foundation which transitioned up the topography with the hill; and a Bay Area Traditional flat lot pad. She identified the project site located within the MCSP along with the surrounding uses, and explained that the MCSP had been approved in 2010 after a full EIR had been prepared which had evaluated up to 42 homes on the site with no parks or open space.

Ms. Cunningham identified the 26 homes to be located primarily on the western portion of the site allowing for over eight acres, over 50 percent of the property, to be preserved as permanent open space, with pedestrian access/sidewalk to be extended not only at the frontage but all the way down to Moraga Way transitioning into a trail and over the pedestrian bridge, through the open space area all the way to Moraga Road.

Greg Miller, CVG Civil Engineers, San Ramon, offered a picture of the overall site plan and noted that the primary modifications to the plans since the September 23, 2013 DRB meeting had been made to Lot 26, which had been reduced in elevation three feet with the introduction of two four-foot high retaining walls located mid-slope creating a 3:1 slope in that area to address the Kim's concerns with visual impacts and the planting of trees on the slopes. The park site was also discussed with a number of different alternatives considered. He identified the prior alternatives in an attempt to balance the overall project grading and explained that the plans had currently been revised to reduce the fill on the site to 10,000 cubic yards. The grade would then match the existing grade approximately 20 to 30 feet away from the backs of the existing homes where fill would level out that area to three percent grade or flatter, which was not a significant change to the terrain other than some effects to the orchard trees which were not in good condition in their present state.

Ms. Cunningham and Mr. Miller identified the density of the existing homes to the proposed new homes, and explained that the residential on the north side of the street had larger lots and setbacks, and transitioning to the south the smaller lots would be located adjacent to the higher densities. A number of exhibits were provided to identify the relative setbacks to the neighboring homes in relation to the new development, and in all cases the setbacks between existing and proposed new SummerHill Homes would be greater, with no existing residence on Danefield Place to have a new home closer than an existing neighbor.

Shari Van Dorn, Van Dorn Abed Landscape Architects, walked through the landscaping changes since the last meeting with the DRB and noted that the Civil Engineer had submitted more information on the water treatment area. From the landscaping perspective, the planting along Camino Ricardo would consist of two and a half to three foot tall grasses with colorful plant material creating a meadow blanket starting at Camino Ricardo under the orchard trees to the bio-treatment area for a seamless transition. She noted that the connector road with the overlook had added a seating area at the end of the trail until the trail was finally connected. More detail on the overlook was provided with the benches and a curved arbor to be provided on both sides flanking the connector road for a comfortable seating area to overlook the views where ornamental pears trees and permanent landscaping would be located on both sides, and with temporary landscaping in the road until the future road had been connected.

Ms. Van Dorn also identified more detail for the park area which had been presented to the Park and Recreation Commission months ago when a more active use of the park had been shown, although the Park and Recreation Commission had expressed a preference for a more passive park. She identified the use of fruiting pear and orchard trees for the Town's benefit as an educational opportunity, noted that the bridge had been relocated further to the south, and that an open meadow on the other side of the trail had been pulled away from the neighbors' homes, with the existing trees in a state of decline to be replaced. A conceptual tree plan was also presented to show the types of trees on the different areas of the site, with native and Mediterranean trees on the hillside, native trees around the park, and native and Mediterranean trees around the streetscape. A real tree planting plan for the open space area only was also presented to identify the actual species; location and size, ranging in size upon installation from 15-gallon to 48-inch box; with height upon installation of 10, 18 and 24 feet; to be strategically located to screen or mitigate neighbors' views. She emphasized that the developer would work with any neighbor desirous to work with the developer to consider potential view impacts in the placement of the trees.

Bryan Grunwald, Architect and Certified Planner, representing Shawn Kim, 170 Danefield Place, Moraga, advised that he had submitted written comments in response to the staff report. He reported that Mr. Kim was generally not pleased with the revised plans since he would be losing the entire southern view from the front of his home as a result of the development that would add 41 feet of fill with a 28-foot high home on top of it, totaling 70 feet equal to a six-story building. He commented that the concept of the MCSP was to create a transition between the existing to the higher density residential, although the Kim property at one to two stories would be within 150 feet of a potential six-story building, inconsistent with the MCSP and the Town's Design Guidelines. He added that the developer proposed two parallel retaining walls running 250 feet along the slope, which he described as a dam-like structure that was not natural, and would appear to be manmade and unattractive in the near or long term. He also noted that the root ball for some of the trees that had been proposed were too small for a 24, 36, or 48-inch box tree comprising the retaining wall. He asked that the slope be reduced to 3:1 consistent with the Design Guidelines with a bench at the top of the hill for a flat space to plant the specimen trees.

Mr. Grunwald suggested there were discrepancies with the height of the proposed trees upon installation and suggested the preparation of an arborist's report to identify the height and survivability of the trees proposed in that area. He also suggested there were numerous other inconsistencies with the Town's Design Guidelines, and he questioned the precedent allowing the approval of a 2:1 slope half the size of a football field adjacent to the Kim property which would already lose views from the southern direction. He suggested that when the story poles had been installed they should also have been installed for Lot 26 to show the ridge top and the height of the fill which could be done with a single telephone pole, which he suggested would show there was still a 2:1 slope with the proposed benches. He emphasized that the project would have over 3,500 feet of retaining walls, three to five feet in height. He requested that Lots 10 and 26 be removed and that the slopes be re-graded to 3:1 consistent with the Town's Design Guidelines and the General Plan.

Robert Fleischmann, 164 Danefield Place, Moraga, whose property was located at the end of the cul-de-sac, noted that Lot 10 had not been shown in the drawings and would be visible from his bedroom window. He presented photographs from this bedroom window which would view Lot 10 in front of his home. He commented that the existing cul-de-sac was located in front of his residence, and with the project he would also have a cul-se-sac behind his residence which he found to be a poor design. He pointed out that Lot 10 would be two stories and that some of the earlier plans had not shown a home on that parcel.

David Kim explained that his office had been retained this date to represent Shawn Kim, 170 Danefield Place, who was of the belief that even with the mitigation measures there remained concerns, and while Mr. Grunwald had identified some of the concerns, he [David Kim] had not yet had the opportunity to review the files for his client. He reiterated his client's concerns that notwithstanding what had been proposed, it would not be adequate to address the privacy issues and obstructed views that would adversely affect the use and enjoyment of the Kim property as well as the impacts to property values of not only the Kim property but of neighboring properties as well. He understood that Mr. Kim and the applicant had one or more discussions on remedial or alternatives to mitigate Mr. Kim's concerns with a suggestion that Mr. Kim may have sufficient trees on his own property to serve as sufficient buffer to screen the proposed development to greater privacy. He suggested it would not be fair to Mr. Kim to place the onus on him to expend his own monies to minimize the privacy impacts from the proposed project. He asked that the DRB and applicant reconsider the plans and propose something along the lines expressed by both Mr. Grunwald and Mr. Fleischmann.

PUBLIC COMMENTS CLOSED

Boardmember Glover acknowledged the concerns with view mitigation but was uncertain how those concerns could be mitigated. He suggested the applicant had made an effort to reduce the amount of fill in the park area, with the east side of the park area now having a nine-foot fill which, while large, would be manageable. He otherwise questioned who would manage and maintain the proposed orchard given that the existing orchards in Town had not been tended, farmed, or irrigated and had deteriorated.

Ms. Van Dorn explained that the intent was to give the orchard to the Town and it was up to the Town's discretion whether or not to maintain the orchard; however, during the course of the development there was a desire for the fruiting and orchard trees and a suggestion that there were groups in Town that would harvest fruit in the orchard which would be irrigated.

Ms. Clark clarified that the maintenance of the orchard was part of the Development Agreement discussions between the Town and SummerHill Homes with the intent for the property to be dedicated to the Town. Maintenance costs or contributions to the maintenance costs had yet to be identified.

Boardmember Zhu emphasized the number of times the DRB had reviewed the project, and acknowledged the great deal of effort on the part of the applicant to make improvements each time. He liked the style and variety of architecture and suggested the project would be an asset to the Town. He otherwise asked for a more detailed design for the bridge.

Ms. Clark clarified that the applicant had provided a more detailed design for the bridge in a photographic format identified as Sheet L1.6, with the bridge to consist of a wooden plank bridge with wood railings, to be designed in a rustic character.

Boardmember Kirkpatrick commented that the views for both Mr. Kim and Mr. Fleischmann would be obstructed by five and possibly six lots; Lots 9, 10, and 22 through 26, and the elimination of those lots may make them happy; however, there was no grant deed of view that had been presented to protect those views. He suggested that while the Town may have a desire there was no strict ordinance to preserve views, and while he sympathized with the residents' potential loss of views he also recognized the right of the developer to develop the land. He also recognized that while all sides may not come to an agreement, it was the purview of the DRB to consider the project and evaluate its appropriateness for the Town. He added that whatever the DRB decided for the project, it would ultimately be approved by the Town Council with recommendations from the DRB and the Planning Commission. He liked the revisions the applicant had made to the proposal, found the homes to be contemporary in design and liked some components of the project better than others, and given the lack of a grant deed of view for existing residents or a grant deed of fill for the applicant, suggested it all came down to a reasonable process.

Chair Helber clarified with Ms. Van Dorn that Sheet L1.3 (b) covered the vast majority of the project area but not the frontage along Camino Ricardo, that Sheet L1.3 (a) had called for ornamental or fruit bearing pear trees, and that the plan for Camino Ricardo was to be open for both with a preference for orchard in the park and ornamental in the front, although that would be up to the Town to determine. He sought a condition for the applicant to work with local community service organizations for an agreement to harvest pears along Camino Ricardo.

Ms. Cunningham was amendable to such a condition although if the local community service groups were unable to harvest the trees, she asked that they be allowed to be ornamental.

Chair Helber spoke to Parcel C and liked the redesign that had been presented but asked for clarification if an alternative section were cut what it would look like. He referenced Sheet L1.7 (a) and suggested if a cut line were taken at the property line of the Kline property it would be at existing grade and away towards the project south where the vast majority of the fill was located. He sought a cut line from the Reed property towards the bottom, lifting the grade from the opposite side of the rear yard. He also verified with the Civil Engineer a V-ditch running along inside the property line of King and Reed to a dissipater to Laguna Creek.

Chair Helber also commented that without the placement of fill, the pedestrian bridge would be difficult to connect across Laguna Creek, to which Mr. Miller noted that the fill allowed the pedestrian bridge to be placed above the 100-year flood.

In further response to Chair Helber as to the phasing of the overall project and the completion of the landscaping for Parcel C, Ms. Cunningham advised that the phasing plans had not yet been defined although the grading would be done under one phase.

Ms. Brekke-Read commented that staff had been discussing the completion of the park at the time when one third of the project was to be completed.

Ms Van Dorn also verified in response to the Chair that the trees proposed to be planted between the Kim and Fleishmann properties were coastal redwoods consistent with Sheet L1.7. She described the intent to create a variety of types and textures for a more natural look with a variety of trees staggered on the 3:1 slopes which would be achievable. Redwoods had been proposed since they could attain a quick height, were located on the Kim property, would blend in, and there would be a combination of species on the slope area. As to Sheet L1.3 (b), it had shown the use of plentiful redwoods and she reiterated the intent to be strategic with the placement of the trees and be sensitive to views and provide the best screen at the top of the slope right-of-away.

Chair Helber found that the applicant had made an attempt to mitigate the visual impact to the surrounding neighborhoods, with trees at the height of planting to mitigate at least the first if not a good portion of the second floor. The applicant had also reduced the building pad of Lot 26 to be below that of the Kim residence. He suggested the applicant had made a good effort to be neighborly and to mitigate any impacts that could be created, with the applicant creating a good asset for the Town as to Parcel C, and with the work to be done in a timeframe beneficial to the Town. He supported the project moving forward.

Planning Commissioner Stacia Levenfeld spoke to the concerns raised by the Kim and Fleischmann families and while she understood it would be new information when the application was heard by the Planning Commission, she suggested it was always the best case scenario if issues were resolved prior to the Planning Commission consideration. She agreed that story poles should be installed, particularly for Lot 26. She also liked the idea of the planting of fruit and ornamental trees in the park, commented that third graders studied Moraga history, and suggested it may be beneficial to speak with the Moraga School District (MSD) in that regard.

Boardmember Glover sought an agreement on the vegetation to be placed in the park area or Parcel C, and the maintenance and irrigation of the frontage trees.

Chair Helber offered a motion to approve the Draft Action Memorandum for Camino Ricardo Subdivision, DRB 16-13, subject to the following revisions:

- Page 4 of 5, Revise Part 4: Conditions of Approval 2 (d), the third bullet to read:
Design and maintenance of any public improvements specified in the approved Development Agreement that have not yet been reviewed by the DRB.

- Add the following new conditions:

Parcel C improvements shall be completed prior to the issuance of the building permits that represents one third of the project.

The final landscape plan shall be deemed compliant by the Design Review Administrator with Exhibit L1.7.

The applicant shall make a good faith effort to work with a local organization to harvest fruit bearing pear trees along the project's Camino Ricardo frontage. If an agreement cannot be reached fruit bearing trees shall be replaced with non-fruit bearing pear trees.

On motion by Chair Helber, seconded by Boardmember Kirkpatrick to adopt the Draft Action Memorandum dated October 28, 2013, recommending approval of DRB 16-13 for Camino Ricardo Subdivision, subject to the findings and conditions as shown, and as modified. The motion carried by the following vote:

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

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

While he recognized that action had already been taken, Chair Helber suggested that when the item was considered by the Planning Commission it consider with respect to the pears proposed in the public park that less is more.

C. October 15, 2013 Minutes

Chair Helber requested the following modification to the October 15, 2013 meeting minutes:

- Page 6, the motion as shown for UPA 1-13 be revised to show that Boardmember Escano-Thompson had abstained from the vote.

Boardmember Glover spoke to the discussion on Page 9, noted that he had raised questions regarding the soils report which had stated that pipes and debris in the slopes that had been removed from a surface cut and plated back against the slide were to be removed, and stated that had not been reflected in the discussion on that page.

Ms. Brekke-Read advised that staff could go back and re-listen to the meeting tapes to ensure that Boardmember Glover's comments were adequately reflected in the minutes.

Boardmember Glover suggested it would be adequate as long as the issues raised in the initial soils reports were addressed, and that the conditions in the initial soils report were adhered to. He offered no modification to the minutes of the October 15, 2013 meeting.

Ms. Samonsky affirmed that the initial soils report had mentioned pipes, although the updated soils report had not mentioned pipes or debris. The sampling had also found no pipes or debris. She added that staff had no way of knowing what the drainage would be from the private property located above on the ridge.

On motion by Boardmember Kirkpatrick, seconded by Boardmember Glover to approve the minutes of the October 15, 2013 meeting, as modified. The motion carried by the following vote:

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

V. ROUTINE AND OTHER MATTERS

A. **Planning Commission Liaison Report - Levenfeld**

Planning Commissioner Levenfeld reported that the Planning Commission had approved an addition to a residence in the Moraga Country Club; and had continued to a date uncertain consideration of the Saint Mary's College (SMC) Parking Plan given the lack of a quorum to consider the item. The Commission had also been discussing Commercial District zoning guidelines in the Rheem Valley Shopping Center, and she identified the efforts of the visioning workshops to revitalize the shopping center.

VI. REPORTS

A. **Design Review Board**

There were no reports.

B. **Staff**

Ms. Brekke-Read reported that the Planning Commission had also been discussing the Via Moraga project for the former bowling alley site with a study session to be scheduled with the DRB.

Planning Commissioner Levenfeld affirmed that the Planning Commission had requested feedback from the DRB on the Via Moraga project given concerns with respect to visual impacts, screening, and parking given that the project was located within the scenic corridor.

Ms. Brekke-Read identified the numerous entitlements for the Via Moraga project and advised that the project was to be introduced to the DRB at its next meeting, reported that the changes to the Design Review Regulations had become effective this date with a Design Review Administrator process for non-single-family residential zones now in place, and reported that the Town Council would consider the second reading of the ordinance amendments to setbacks at its November 13 meeting and once adopted the amendments would become effective on December 14, 2013. She also updated the DRB on the staff priority to update the Sign Ordinance with a work program presented to the Planning Commission. Staff intended to update the entire Sign Ordinance at one time using existing regulations that had been successful in other cities. In addition, staff was still considering applicants for the three open planner positions in the Planning Department.

Ms. Clark updated the DRB on efforts to date for the Livable Moraga Road Project with a meeting scheduled for October 29, 2013 at 6:00 P.M. at the Hacienda, La Sala meeting room for the first working session with the public. She updated the DRB on the input received on the project to date through on-line tools, staff, and the consultants, and reported that public workshops with various groups would be scheduled in the next few weeks.

Ms. Brekke-Read also updated the DRB on the staff efforts for the preparation of a Request for Proposal (RFP) to be distributed in the next week or two for a consulting team to work with staff to look at the Town's hillside and ridgelines policies and regulations as part of the Town Council goals for 2013. The Town Council had approved the draft RFP and draft scope of work which would be funded by Palos Colorados funds. The Town Council had also conceptually endorsed a Steering Committee for the project to be comprised of two Councilmembers, two Planning Commissioners, and one member of the DRB and Park and Recreation Commission. She recommended that the committee be comprised of two different types of groups; those that were preservation oriented and the development community.

Ms. Brekke-Read added that she had attended all three community engagement workshops hosted by the SMC Leadership Center and she highlighted the discussions with the resounding consensus for such efforts to continue.

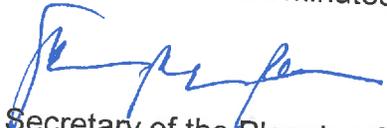
Ms. Clark reported that SummerHill Homes would be scheduling a community meeting for its Camino Ricardo project to be held on November 7 at the Hacienda. She updated the DRB on the active project list for the Planning Department, which she noted was very busy.

Ms. Brekke-Read added that a Planning Commission study session for the SummerHill Homes Rancho Laguna II project would be held in December. She had contacted City Ventures to inquire of the status of their project and had learned they were preparing a new conceptual plan to be submitted to the Town in the next couple of weeks.

VII. ADJOURNMENT

On motion by Boardmember Glover, seconded by Boardmember Kirkpatrick and carried unanimously to adjourn the meeting at approximately 9:15 P.M.

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Secretary of the Planning Commission