

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

**February 10, 2014**

**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, Glover, Kirkpatrick, Zhu, Chair Helber

Absent: None

Staff: Ellen Clark, Senior Planner  
Brian Horn, Associate Planner  
Ella Samonsky, Associate Planner

**A. Conflict of Interest**

There was no reported conflict of interest.

**B. Contact with Applicants**

Boardmember Zhu reported that he had no direct contact with the applicant but had been contacted by the Planning Department to review the preliminary design and provide comments and a recommendation for Agenda Item IV A, 640 Moraga Road.

**II. PUBLIC COMMENTS**

There were no comments from the public.

**III. ADOPTION OF THE CONSENT CALENDAR**

- A. November 12, 2013 Minutes**
- B. December 9, 2013 Minutes**
- C. Adoption of Meeting Agenda**

On motion by Chair Helber, seconded by Boardmember Kirkpatrick and carried unanimously to adopt Item C and to move Items A and B to Design Review as Items C and D.

**IV. DESIGN REVIEW**

- A. 640 Moraga Road**

**Applicant:** Laura Riggs, Avila Design, 2471 Shattuck Avenue, Berkeley, CA 94704

Consider Design Review (DRB 03-14) to install new black metal railings on elevated walkways, staircases, and balconies and to enclose a portion of an existing pool house and convert to a manager's office within an existing multifamily residential complex. (6-DUA, BH)

Associate Planner Brian Horn presented the request to consider design review to install new black metal railings on elevated walkways, staircases, and balconies, and to enclose a portion of an existing pool house and convert to a manager's office within an existing multifamily residential complex in the six dwelling units to the acre (6-DUA) zoning district. He advised that the applicant proposed to reconstruct wood board railings on 16 balconies and elevated walkways, 42-inch high metal railings on four staircases, and enclose a 180-square foot manager's office within the footprint of an existing pool house at 640 Moraga Road. The existing staircase to Building 2D would be relocated approximately 10 feet to the west allowing residents continued access to the second floor during construction. The 480-square foot pool house would be converted to a manager's office, with the remainder of the pool house to continue to be used for pool related storage and laundry facilities. The new walls would match the siding and color of the existing pool house, a window and new exterior lighting on the east elevation would be visible from Moraga Road.

Mr. Horn advised that the applicant had provided several reasons for proposing metal for the railings rather than wood including the high cost of redwood, increased maintenance over time, lower durability, and that the metal railings would allow more sunlight into the interior garden area between the buildings. He identified the Town's Design Guidelines for multifamily residential structures and noted that staff was concerned with the replacement of the existing railings with black metal railings since it would substantially change the character of the site and result in a more commercial appearance, such as a hotel. He added that most multifamily residential properties in the Town typically featured balconies constructed of wood. Since the site was located within the scenic corridor, it would be a highly visible location and any aesthetic changes on the property would have the potential for a more substantial effect on the neighborhood as opposed to the more secluded properties in the vicinity.

As a result, Mr. Horn recommended that the DRB approve the replacement of the existing wood board style railings on the balconies, elevated walkways, and painted metal stair railings, with similar materials and design, and approve the exterior modifications to the existing pool house to be converted to a manager's office. He offered a PowerPoint presentation to identify the existing buildings and condition of the site, surrounding properties, and numerous other multifamily residential properties along with the proposed materials for the balconies, elevated walkways, and staircases.

In response to the DRB, Mr. Horn clarified that the subject development had been constructed prior to the Town's 6-DUA zoning designation, affirmed the project was to have been reviewed administratively but had been brought to the DRB for consideration due to the location of the property within the scenic corridor, and given the proposed changes to the materials for the railings which would substantially change the visual character of the building.

Boardmember Zhu reiterated that he had been contacted by the Planning Department to review the preliminary plans for the project, and since he had already provided his opinion and made recommendations he would suspend his vote on the item although he would participate in the discussion.

Senior Planner Ellen Clark explained that staff had asked for an opinion from a member of the DRB in an attempt to resolve a range of acceptable solutions which would not preclude Boardmember Zhu from participating or voting on the item.

## PUBLIC COMMENTS OPENED

Laura Riggs, Avila Design, 2471 Shattuck Avenue, Berkeley, advised that her firm had prepared the design drawings that had been included in the DRB packets. She introduced the property owner, property manager, and contractor present in the audience and commented that it had been her understanding from the beginning of the process that the repair of the building would require an Administrative Review Permit and not DRB review and approval. She explained that the goal of the property owner was to address property she had inherited that had been under-maintained and which had originally been constructed with materials common in the 1960s. The property owner's desire was to use materials that required less maintenance and avoid the current problems of deterioration. She referenced photographs of the site to illustrate the deteriorated paint and the outriggers on the balconies subject to significant dry rot leading to safety concerns for the residents, reported that much of the dry rot had been repaired on the walkways and balconies so that at least the temporary railings would keep residents safe, and explained that in the future a railing system would be sought to prevent deterioration in the future.

Ms. Riggs expressed concern on behalf of the property owner that if the railings and walkways were required to be replaced with wood materials the property owner would be faced with the same deterioration problems, and potentially a lot faster. She explained that the property owner wanted to install railings that would be easier to maintain and retain a nice appearance for a longer period of time than a wood railing. She commented that if wood materials were required, those materials could look bad in two years and possibly be unsafe in eight to ten years.

Ms. Riggs asked that the DRB consider approving the use of metal railings that would suit the style of the building which had nice eaves and pretty fenestration typical of the 1960s. She sought material that would be simple, basic, and clean which did not call attention to itself, which matched the railing on concrete on the stairs with one style and color for the stairs, and railings with the attachment method to be directly to the purlins below and not the outriggers.

Ms. Riggs acknowledged the consideration to move and reconfigure the walkways, although due to building code issues that option would be unfeasible financially. She recommended the use of metal railings that would attach directly. She added that in speaking with planning staff they had discussed the fact that staff preferred wood railings as more desirable especially for those portions facing the public right-of-way.

In response, Ms. Riggs advised she had prepared a drawing for a typical balcony and an overall view of the building that faced the public right-of-way and had been under the impression the DRB had the drawing in black in white. She identified the locations where solid balconies had been proposed facing Ascot Drive and Moraga Road and those sides that faced Moraga Road, and suggested that with small walls facing the public right-of-way it would open the apartments to sunlight, views, and enhance the property. She identified the interior courtyard which was very dark, with leggy plants that had difficulty growing and reported that the property owner would like to provide more landscaping in that area and install metal railings on that portion of the building to provide more sunlight to the garden area.

Ms. Riggs asked that the DRB consider the applicant's request for the use of metal railings. If that could not be done, she asked for a compromise solution where the applicant may provide metal railings facing the public right-of-way allowing more light access for the residents of the complex. She identified the railing as approximately 1,000 lineal feet and emphasized the very tight budget for the project.

Athena Demakas, the property owner, reiterated the poor condition of the railings, which were not covered, and which had posed a very difficult maintenance issue. She explained that she lived on the property, had inherited the building, fought hard to keep it during the downturn in the economy, and was doing her best to address the many maintenance issues on the property.

Ms. Riggs also clarified that the manager's office was intended to serve an on-site manager and not the management of other properties.

Ms. Demakas' fiancée expressed concern with the safety issues related to the existing railings and spoke to the ongoing maintenance required for the building. He expressed his hope that the DRB would consider the applicant's request and the safety concerns.

## PUBLIC COMMENTS CLOSED

Boardmember Glover questioned whether a structural analysis had been done for the balconies themselves. He spoke to the humid environment of the area which would deteriorate any wood and asked whether the eaves under the extensions would be addressed.

Bob Walsh, Allied Construction Services, explained that the eaves under the extensions would be replaced in-kind as part of the dry rot repair, and that there had been no structural analysis. He understood the objective was to repair in-kind, which in his professional judgment was a reasonable approach as opposed to having the property owner expend thousands of dollars unnecessarily.

Ms. Riggs clarified that the balconies were cantilevered and not attached, with the structural portion into the building and when not properly maintained dry rot may enter the property perimeter. She reiterated the intent to cut off the outrigging to ensure that the decking would be covered.

From an engineering standpoint, Boardmember Glover questioned how the cantilevered area supporting the balcony had avoided dry rot, to which Ms. Riggs noted they would conduct any calculation required by the Building Department which would ensure that the balcony railing attachment was corrected with respect to adherence to all codes. As to an analysis of the existing building and its extensions, that had not been part of the scope of work required by the client and not under the existing repair budget. She also clarified that the cantilevered portion was dimensional lumber, and preferred not want to use the term "deck" to prevent confusion over what was being discussed.

Ms. Riggs again identified the cantilevered balconies into the buildings, the walkways supported on posts, the outriggers painted and subject to weathering, which although architecturally pleasing in the 1960s was not good professional practice to have exposed wood at this time. The proposal was to cut those off, attach the railings to the purlins in a bayonet attachment below, with the walkable deck to come through with a drip edge, and with everything below to be protected from weathering. With wood connections, she stated they would have to bring the posts down on the outside, connect them through in the same way, and worry about the code's sphere requirements with vertical spaces required to be three and half, to three and three quarter inches to prevent children from falling through the railings. She clarified that the outriggers were on the elevated walkways and the balconies were as displayed in the photographs. As part of the dry rot repair, they had been cut back three to four feet.

Mr. Walsh commented that by reducing the cantilever they would cut the load down to 30 to 40 percent. He added that a registered engineer had walked the site with him and that could be done if required as part of the building permit.

Boardmember Glover sought the submittal of a formal report to the Town.

Responding to the Chair, Ms. Riggs identified the drawing she had provided of a typical balcony reiterating the current alternative proposal for material that was wood-like in appearance, such as Trex, and solid in those areas depicted on the drawings.

Mr. Walsh also described, when asked, the method for testing for solidity. He again noted that the Building Inspector would be on-site to inspect the beams.

Boardmember Zhu expressed his appreciation for the alternative design, particularly the use of alternative materials such as cement board or PVC, as he had previously recommended. He remained concerned since the development was located within the scenic corridor whether anything behind the railing should be visible. He wanted to see the scenic corridor be visually protected from items that may be stored on the individual decks.

Ms. Riggs explained that the development was a rental property and had not been condominiumized. The tenants were subject to specific rules.

Ms. Demakas commented on the difficult enforcement where balconies were not to be used for the storage of personal items, which was the reason she hoped to make the balconies smaller to discourage such use.

Ms. Riggs commented that in discussions with the property owner it had been recommended that all balconies be enclosed and that the walkways have metal railings to keep the project buildable. At this time, she offered a verbal revised proposal to enclose all balconies to address the concerns with views within the scenic corridor and maintain metal railings in the interior courtyard area.

Chair Helber understood and clarified with Ms. Riggs her new revised verbal suggestion which meant the submitted drawing from the applicant would enclose all balconies that were cantilevered with three-sided enclosed railings, with the elevated walkways facing Ascot Drive and Moraga Road to be solid, and with the interior to be metal to help provide light to the units.

On the discussion, Mr. Horn identified the interior walkways that were visible from Ascot Drive and Moraga Road, noted there was metal on the existing stairwells and the applicant was desirous to use metal railings on the stairwells, and explained that staff required they be painted to match the building rather than the black metal the applicant had proposed.

Chair Helber recommended that if the balconies around the perimeter of the project were solid it would mitigate the concerns with stored personal items on the balconies. He suggested the applicant had shown a willingness to work with the DRB on those balconies that faced the street and sympathized with the applicant's desire to have a more transparent railing on the interior of the project to have more light and air for plant material to grow.

As to the revised alternative, Ms. Riggs commented on the need to explore all options in terms of materials given that this was a cost-driven project and they needed to consider all financial implications. She did not want to be restricted to any particular material but would be considering Trex, board and batten, some metal rails that could only be seen from the inside of the balcony, and then attach the non-deteriorated wood alternative material. If a solid railing, cement board (as had been previously proposed as part of the initially submitted drawing) would not be strong enough to withstand the impact force they would be moving away from cement board and consider more of a railing than a wall type design.

Boardmember Glover suggested the DRB did not have an approvable design to consider at this time. While there had been suggestions, there was no formal design the Planning Department could make part of the approval. There was also no design provided for the metal railing beneath the railing itself as part of the new proposal and he was therefore not confident the safety concerns had been addressed.

Ms. Riggs advised that sections had been provided as part of the DRB application.

Mr. Horn identified Attachment C to the staff report dated February 10, 2014 as part of the original all metal railing style.

Ms. Riggs added that as part of the building permit process they would be required to provide sections of the metal railings and the wood solid railings.

Ms. Riggs assured the DRB that as a professional architect and with the review of the Contra Costa County Building Department, the railings would be secure and safe.

Chair Helber suggested the DRB could move forward with the application. He recommended the creation of a DRB subcommittee to review a revised submittal for compliance with the DRB's intent which would allow the applicant to move forward, yet give enough direction and oversight to ensure the work was done appropriately.

Boardmember Glover suggested the oversight process be done by the Planning Department.

Chair Helber suggested a condition of approval could be added to achieve that intent.

Boardmember Escano-Thompson supported the application, as revised by the applicant, in addition to any direction from the DRB.

The DRB and staff discussed the February 10, 2014 Draft Action Memorandum and made the following modifications:

Part 1: Design Review Finding 1, revised to read:

*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 Condition of Approval 6 requires a solid railing on all balconies visible from the exterior of the property which would be consistent with the design of the majority of multifamily residential properties within the area that are visible from public streets that have various styles of balcony wood balcony railings. (Guideline: MFR1.1, MFR2.7)*

Design Review Finding 2, revised to read:

*The proposed improvements will not have a substantial adverse affect on neighboring properties or the community due to poor planning; neglect or property design standards; or the existence of building structures unsuitable to and incompatible with the character of the neighborhood and the character of the community because Condition of Approval 6 requires a solid railing on all balconies visible from the exterior of the property, which would be consistent with the design of the majority of multifamily residential properties within the area that are visible from public streets that have various styles of balcony wood balcony railings. (Guideline: MFR1.1, MFR2.7)*

All uses of the phrase *requires all railings to be replaced with railings that have a similar appearance to the existing railings*, in the Draft Action Memorandum to be revised to read *a solid railing on all balconies visible from the exterior of the property*.

Part 2: Conditions of Approval, the last sentence of Condition 1 revised to read:

*Any significant changes to the plans beyond those required in these conditions of approval will require re-submittal to the Design Review Board for approval.*

Part 2: Conditions of Approval, the first sentence of Condition 2 revised to read:

*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, as conditioned, under the title 'Design Review Board Conditions'.*

Condition 6 A revised to read:

*The wood board railings on all balconies and portions of elevated walkways visible from the public right-of-way shall be replaced with similar, visually solid design as the existing railings and painted to match the existing building or building trim.*

Condition 1 further revised by adding a new second to last sentence to read:

*Revised plans shall be submitted to the Planning Department for review and approval.*

And Condition 6 C revised to read:

*The manager's office shall be constructed with T1-11 plywood and horizontal hardy plank siding pursuant to the applicant's drawing and painted to match the existing pool house.*

On motion by Boardmember Glover, seconded by Boardmember Kirkpatrick to adopt the Draft Action Memorandum dated February 10, 2014, approving Design Review DRB 03-14 for 640 Moraga Road, subject to the findings and conditions of approval, as shown, as discussed, and as modified. The motion carried by the following vote:

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

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

**B. Massage Envy, 555-560 Center Street**

**Applicant:** Arrow Sign Company, 1051 46<sup>th</sup> Avenue, Oakland, CA 94601  
Reconsideration to consider revising Condition of Approval #7, 556-560 Center Street - Massage Envy Spa (DRB 25-13) CEQA Determination: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Class 1, Existing Facilities") (CC, BH) Item to be continued to March 10, 2014

Mr. Horn reported that the applicant had not submitted new information and staff planned to meet with the applicant to determine how to address the staff recommendations.

On motion by Boardmember Glover, seconded by Boardmember Escano-Thompson and carried unanimously to continue Massage Envy, 555-560 Center Street, to the Design Review Board meeting scheduled for March 10, 2014.

## **V. ROUTINE AND OTHER MATTERS**

### **A. Update on Projects Approved as Exempt from Design Review Following the Implementation of Ordinance No. 241**

Associate Planner Ella Samonsky advised that the DRB had been provided with a memorandum dated ~~September 25, 2013~~; a summary update on projects approved as exempt from dDesign rReview, or processed through an administrative design review following the implementation of Ordinance No. 241, and outlined the total building permits and Administrative Design Review applications and the number of applications affected by the amendments in Ordinance No. 241~~that had been approved~~. She added that none of the approved permits had been appealed.

### **B. Planning Commission Liaison Report - Kuckuk**

Planning Commissioner Kuckuk reported that the Planning Commission had met on January 6, had held a second and lengthy public hearing on the Camino Ricardo Subdivision with a great deal of discussion on the park parcel, and that the Planning Commission had approved the Environmental Impact Report (EIR) along with various entitlements, and recommended Town Council approval of the Development Agreement (DA). She briefly detailed the Planning Commission's discussions on the park parcel, the issue of connectivity, and the amount of fill and bridges as part of the project.

## **VI. REPORTS**

### **A. Design Review Board**

Chair Helber reported that he had attended two Livable Moraga Road Project Town Advisory Committee (TAC) meetings and looked forward to the next workshop. He commended staff for the work on the project and for the public outreach efforts.

The DRB went back to the approval of the meeting minutes at this time.

### **B. November 12, 2013 Minutes**

Chair Helber requested an amendment to the third sentence of the sixth paragraph on Page 8, as follows:

*He [Chair Helber] wanted to see the project incorporate some type of accommodations that could mirror that transit stop, and suggested the bio-retention area could be redesigned to accommodate some of that area.*

Boardmember Zhu requested an amendment to the second sentence of the second to last paragraph of Page 6, as follows:

*While residential development may be allowed as part of a specific plan, he disliked the streetscape montage, he [Boardmember Zhu] found there was a disconnect between the two buildings on both side of the subject site which had a commercial appearance and where the project would have three units with front doors facing Moraga Road on the same frontage.*

Staff was also asked to verify the comments from Mr. Quaglia on the second paragraph of Page 6 as related to the pedestrian crossing given that there was an understanding from the DRB that a pedestrian crossing would be required but the location had yet to be determined.

On motion by Chair Helber, seconded by Boardmember Escano-Thompson to approve the minutes of the November 12, 2013 meeting, as modified. The motion carried by the following vote:

|          |                                      |
|----------|--------------------------------------|
| Ayes:    | Escano-Thompson, Glover, Zhu, Helber |
| Noes:    | None                                 |
| Abstain: | Kirkpatrick [due to absence]         |
| Absent:  | None                                 |

#### **C. December 9, 2013 Minutes**

On motion by Boardmember Glover, seconded by Boardmember Zhu and carried unanimously to approve the minutes of the December 9, 2013 meeting, as submitted.

#### **D. Staff**

Ms. Clark updated the DRB on pending applications in the Planning Department, reported the Camino Ricardo project had been scheduled for Town Council consideration and approval on February 12, the Planning Commission would meet to consider project approvals for Hetfield Estates on February 18, and the Town Council had considered an appeal of the residential development proposed for 1800 Donald Drive on January 22 when it had denied the appeal but required a grading permit which would be considered by the Town Council on February 12. In addition, staff was working on updates to the Town's Nuisance Abatement Ordinance.

Boardmember Glover commended staff for the analysis of the project at 640 Moraga Road although he expressed concern with the applicant's last minute submittal. In the future, he recommended that any last minute modifications to the staff analysis and the Draft Action Memorandum require applicants to resubmit plans to clarify the presentation.

Chair Helber thanked staff for the timely distribution of the DRB packets.

### **VII. ADJOURNMENT**

On motion by Boardmember Glover, seconded by Boardmember Kirkpatrick and carried unanimously to adjourn the meeting at approximately 8:45 P.M.

A Certified Correct Minutes Copy

A handwritten signature in blue ink, appearing to be "J. M. ...", written over a horizontal line.

Secretary of the Planning Commission

