

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

July 14, 2014

1. CALL TO ORDER AND ROLL CALL

A regular meeting of the Design Review Board (DRB) was called to order by Chair Helber at 7:05 P.M. in the Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, California.

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

Absent: Boardmember Zhu

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

A. Conflict of Interest

There was no reported conflict of interest.

B. Contact with Applicants

Chair Helber reported that he had received an e-mail message from one of the applicants but had no other contact with the applicants other than contact prior to other Design Review Board (DRB) meetings.

2. PUBLIC COMMENTS

There were no comments from the public.

3. ADOPTION OF CONSENT AGENDA

- A. May 27, 2014 Minutes
- B. June 9, 2014 Minutes
- C. Consider Design Review (DRB 19-14) to retroactively approve an eleven foot (11') tall gazebo in the side yard setback, 66 Corte Yolanda
- D. Adoption of Meeting Agenda

Boardmember Glover requested that Item A be removed from the Consent Agenda.

Consent Agenda Item D was also removed from the Consent Agenda.

On motion by Boardmember Glover, seconded by Boardmember Escano-Thompson to adopt Consent Agenda Items B and C, as shown. The motion carried by the following vote:

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

On motion by Chair Helber, seconded by Boardmember Kirkpatrick to modify the meeting agenda to move the Adoption of Consent Agenda Item A to Design Review as Item C. The motion carried by the following vote:

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

4. DESIGN REVIEW

A. 14 Hammond Place

Applicant: Chet and Darlene Simpson, 14 Hammond Place
Consider Design Review (DRB 11-13) to construct a 1,062 square foot addition on an existing residence (3-DUA, ENS).

Associate Planner Ella Samonsky presented the staff report dated July 14, 2014 for the construction of a 1,062 square foot addition to an existing residence. Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact to surrounding properties, she recommended that the DRB approve the Draft Action Memorandum dated July 14, 2014 approving Design Review DRB 11-13, subject to findings and conditions of approval, and approval of a variance to Moraga Municipal Code (MMC) Section 8.28.030 to allow a proposed 9-foot-5-inch side yard setback.

Responding to the Commission, Ms. Samonsky clarified that the front windows on the second story of the home had been modified to be symmetrical.

PUBLIC COMMENTS OPENED

Chet and Darlene Simpson, Property Owners, 14 Hammond Place, Moraga, advised that they cared for Dorothy Simpson, the resident of the home for over 50 years, who had been diagnosed with Dementia. The home expansion would allow for additional family space. The home design had been in process for the past two years in an effort to meet the requirements of the Planning Department and to address neighborhood privacy concerns. The home would have no visual impacts from the front other than an uplift from the aging residence. All concerns raising during a June DRB study session had been addressed in the design.

Regarding the front elevations and pursuant to Plan 4.1, Daniel DeSousa, Architect, 45 Nottingham Place, Clayton, stated that the grids/mullions on the windows could be removed if the DRB so directed.

Ms. Simpson clarified that the windows would have no grids and would be clear, and the stone veneer would terminate at the fence and wrap on both sides of the property.

PUBLIC COMMENTS CLOSED

Ms. Samonsky commented that sometime between the first and most recent submittal, the front yard had been re-landscaped all the way to the curb and at least five feet of that work had been located within the public right-of-way, consisting of two rock walls with concrete steps. Given that prior to any work an Encroachment Permit from the Public Works Department would have been required, Condition 8 had been added to the Draft Action Memorandum dated July 14, 2014, which would require the applicant to execute an agreement with the Town to hold the Town harmless and the applicant would have to pay for the encroachment permit fee. She clarified that the immediate neighbors did not have a sidewalk, and the property at 16 Hammond Place had rock walls in the landscaping but no sidewalk.

Chair Helber re-opened public comment.

Mr. Simpson clarified that previously concrete had been poured by his father in the same location it had been removed, and then redone with moss placed in-between the stones. He apologized for the confusion in that he had replaced something that had already existed and he had not been aware of the Town's requirements for an Encroachment Permit. He acknowledged the sidewalk had been expanded with a strip down the center since he had been informed by a prior Town Planner that an impervious surface would be required. He had not been informed at that time that changing something that existed would require an Encroachment Permit.

Planning Director Shawna Brekke-Read emphasized the intent of an encroachment permit was so that new improvements meet the design requirements of the Public Works Department; however these improvements were not to Town Public Works standards. Condition 8 allowed the applicant to work around that issue given that the Encroachment Permit had not been obtained as required. A hold harmless agreement would not be necessary if the area under discussion had been designed and constructed to Town standards.

Boardmember Escano-Thompson found that the sidewalk area was too deep and she characterized it as odd compared to the neighboring homes which did not have sidewalks.

Chair Helber recommended that Condition 8 be modified to require the applicant to submit an application to the Public Works Department, and if the applicant installed compliant improvements reviewed and approved by the Public Works Department the condition could be removed.

Ms. Brekke-Read suggested that Condition 9 could be revised to address the Chair's concern. She recommended that Condition 9 be revised as follows:

9. *The applicant shall pay the Public Works Department the fee for the encroachment license for improvements constructed without a permit in the public Right of Way. If the improvements are revised or installed to Town of Moraga Public Works Department standards, Condition 9 no longer applies.*

Chair Helber also asked that Condition 18 be revised to read:

18. *The exterior materials, finishes, and colors shall match and be consistent with the plans approved by the Design Review Board on July 14, 2014, subject to approval of the Planning Director or designee.*

Boardmember Glover requested a modification to Condition 10 as follows:

10. *The applicant shall remove the accessory structures located within the side setback of the 3-DUA zoning district, including the temporary parking structure on the east side of the property and the storage container on the west side.*

Boardmember Glover also asked that Condition 16 include a time period for the completion of all construction.

Ms. Brekke-Read advised that building permits carried a one-year time limit.

Boardmember Glover withdrew his recommended modification to Condition 16.

On motion by Chair Helber, seconded by Boardmember Glover to adopt the Draft Action Memorandum dated July 14, 2014, approving DRB 11-13 for 14 Hammond Place, subject to the findings and conditions, as shown, with modification to Conditions 9, 10, and 18, as shown. The motion carried by the following vote:

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

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

B. Moraga Town Center Homes

Applicant: City Ventures, 444 Spear Street, San Francisco, CA 94105
Consider Design Review of the Moraga Town Center Homes Project, a 36-unit attached single-family residential development in the Moraga Center Specific Plan Area.

Contract Planner Doug Donaldson presented the staff report dated July 14, 2014 for consideration of the 36-unit Moraga Town Center Homes project in the Moraga Center Specific Plan (MCSP) Area.

Mr. Donaldson reported that the applicant had revised the plans in response to the most recent DRB study session on June 16, 2014. The changes to the plans included increased variation in the setbacks to Buildings A through D. The buildings fronting Moraga Way would have setbacks that varied from 12 to 22.5 feet. Modifications had also been made to the garage door design for Buildings A through D. At the Town's request, City Ventures had also erected story poles at the site to reflect the location and massing of the buildings and the shape of the cottages.

Mr. Donaldson reported that the environmental analysis pursuant to the California Environmental Quality Act (CEQA) had been completed identified as Attachment F to the staff report. Determination had been made that the potential environmental effects of the project had been adequately covered in the MCSP Environmental Impact Report (EIR) which had been certified by the Town Council in 2010, and the Mitigation Monitoring Reporting Plan (MMRP) for the MCSP could be, and had been, adapted to fit the project.

Mr. Donaldson explained that the purpose of the hearing was to complete the design review as proposed with the applicable Town Design Guidelines including those found in the MCSP and in the Town's Zoning Code for the scenic corridor. The project complied with the Design Guidelines for the MCSP and the scenic corridor, and a Draft Action Memorandum had been provided for DRB review and consideration.

In response to the DRB as related to the Town's current discussions for viewshed protection, Ms. Brekke-Read explained that the Town did not currently have view shed regulations and the Town Council had adopted a Specific Plan for the Moraga Center in 2010, which called for building heights as high as three stories in the MCSP Area. While she understood the concerns with viewshed protection, she explained that the Town must work within the current regulations and address the project in terms of current policies and regulations. If the DRB was of the opinion it was ready to act, it could include a condition asking the Planning Commission to review and consider that issue. As to the use of the Moraga-Orinda Fire District (MOFD) facility for MOFD training, that had been acknowledged as a concern of the DRB, although disclosure of the property for MOFD training had not been included as a condition of approval since staff it was related to land use and would be included in the conditions for Planning Commission. She added that the DRB may add it as a condition of approval if so desired.

Mr. Donaldson affirmed that the location of the MOFD driveway and the driveway to the project site had not been identified by the Public Works Department as a potential traffic conflict.

Ms. Brekke-Read commented that Town staff had encouraged the consolidation of the driveways to have as few driveways as possible onto Moraga Way, although the MOFD had correctly pointed out an existing row of trees that would be impacted if the driveways were combined. She acknowledged that the MOFD had raised concerns with

the driveways, which Town staff had validated, although staff was uncertain whether the Public Works Department had identified it as an issue. Staff had recommended that the applicant and the Planning Commission explore that issue further.

Mr. Donaldson took the opportunity to clarify Country Club Drive configuration, Option 1, which would involve a modification to the median of Country Club Drive to be narrowed by approximately seven feet adjacent to the site, and the pavement would be widened to allow a bicycle lane to be added along with a 14-foot travel lane. As a result, there would be an eight-foot parking lane, five-foot bicycle lane, and 14-foot travel lane, as shown in a separate memorandum pursuant to a recommendation from the DRB during a prior study session.

PUBLIC COMMENTS OPENED

Charity Wagner, Director of Development, City Ventures, asked staff to clarify the applicability of the Town's Hillside Guidelines to the proposed project and noted the intent not to conflict with any existing or proposed Town policies. She identified the project site along Moraga Way, over three acres in size, adjacent to Moraga Way, Country Club Drive, an office complex, and the MOFD Fire Station and Training Facility. She offered street views of the site and from the MOFD property, and identified a row of street trees to be retained as part of the project plan. The project was located within, and would be consistent with, the MCSP allowing for residential development. She added that the project was substantially in conformance with the MCSP and the Town's Design Guidelines.

Ms. Wagner explained that City Ventures had been working on the project a little over two years and described the earlier iterations of the project design. She referenced a number of study sessions with the DRB, Planning Commission, and the public leading to the current iteration for 36 units, the minimum density allowed in the MCSP. The project would consist of two different housing types; attached two-story townhomes and duplexes and a triplex "cottages." The three-story loft units would be limited to the center units, not along Moraga Way. There would also be a pocket park and one point of access along Country Club Drive and along Moraga Way.

Ms. Wagner stated that City Ventures had considered consolidating the driveway entrance with the MOFD although it would have required the removal of a row of trees. The compatibility of the project had been addressed with the MOFD; no MOFD engines would come out of the MOFD driveway adjacent to the project driveway, and the location of the proposed driveway was also consistent with what had been identified in the MCSP. The Traffic Engineers for the project had reviewed the driveway and found no conflict with the MOFD driveway since peak hour traffic would be less than 20 trips from 7:00 to 9:00 A.M. and 4:00 to 6:00 P.M., with adequate and safe turning movements. The MOFD driveway was for a small number of parking spaces for the admin offices, with over 80 feet of space between. She suggested the driveway would function almost like one large driveway with landscaping down the center.

Ms. Wagner reported that story poles had been erected on the site to show an outline and height of the proposed buildings along Moraga Way and Country Club Drive, where

the loft would step up to, and approximately where things would go, although the story poles had not captured all details of the buildings.

Dan Hale, Hunt Hale Jones Architects, identified the most recent changes to the project design including a variation of the building setbacks, with the buildings shifted to be 12 and up to 22.5 feet; approximately 30 to 40 feet back from the curb. The two-story massing of Building B had been broken up, with a roof porch around the corner, bay window elements, the addition of a butterfly soft arch at the roofline, and better material changes to provide articulation between the buildings. The massing, materials, colors, and details of the roof elements, and windows had also been changed for Building C, along with the addition of vent dormers at the roofline to break the massing. No changes had been proposed to Building D. The garages had been recessed a foot, as previously requested, with different garage style doors, the addition of wood trellis elements and wires screwed into the building to allow vines to grow, soften, add greenery to the ends of the buildings.

Mr. Hale spoke to a project condition of approval to increase the porch sizes to six feet, which would be accommodated with nice sized outdoor areas as previously discussed.

Ms. Wagner clarified, when asked, that the developer had not planned to spray paint the alignment of the sidewalk. The sidewalk would meander along the area within the right-of-way of the existing pavement of the road and the width of the actual road along Moraga Way would remain the same. The sidewalk would connect to the MOFD sidewalk and a sidewalk in front of the office building, and would be of a standard width. She expressed the willingness to meet with anyone at the site to identify the sidewalk location.

Dick Olsen, 1861 St. Andrews Drive, Moraga, understood based on his experience with planning processes that conceptual plans were to have been approved by the Planning Commission prior to consideration by the DRB. He found the current process to be backwards as compared to what he had experienced in other jurisdictions and how the Town had processed applications in the past.

Ms. Brekke-Read explained that for the City Ventures project and the SummerHill Homes Camino Ricardo subdivision, both projects were located within the MCSP which had been subject to seven years of scrutiny and community input. The MCSP called for a streamlined development review process and Town staff had encouraged City Ventures to provide all information to allow the DRB and Planning Commission to make a well-informed decision.

Mr. Olsen stated he had been a resident of the Town of Moraga for the past 42 years. He detailed his background and experience with Town government during that time, participation in the MCSP process, and his background and experience serving with the MOFD. He noted the reason the Town had incorporated was to ensure that no development such as what had been proposed would ever be approved and he objected to the fast-tracking of a project that was inconsistent with the Town's semi-rural environment. He objected to the development adjacent to the MOFD property, which he suggested was in violation of Land Use Policy LU1.6, suggested the proposed development was incompatible with the activities of the MOFD facility, and understood

Town staff had been provided a letter from MOFD Counsel who had also expressed concern with the proposal's non-compliance.

Mr. Olsen objected to the untimely placement of the story poles, suggested that many in Town were not aware of the project and that noticing had not been adequately posted, suggested the project was not compliant with the scenic corridor requirements, and there had been considerable concern expressed by both Lafayette and Orinda that increasing the number of units in the General Plan would impact and increase traffic and air pollution. He questioned the fact that a separate EIR had not been required for the project, as had been required for the Hetfield Estates project. He also understood that the west side of Moraga Way had envisioned development such as senior housing which would not have involved the impacts that the proposed project may create.

Charlie Coane, Moraga, stated he had attended all of the workshops City Ventures had hosted for the proposal at the Country Club. He suggested the buildings, when completed, would appear to be one large building with the MOFD on the other side. He too found the project to be inconsistent with all the scenic corridor guidelines in that the project would create a walled-in effect within the scenic corridor. He asked whether the project would include a Homeowner's Association (HOA), whether there would be a HOA manager on-site, and questioned the adequacy of the parking given the current parking situation along Country Club Drive.

Marv Winer, 784 Country Club Drive, Moraga, inquired of the potential view impacts of the four homes that had been left out of the story poles that had been installed, and which would be located directly across from his residence.

John Pearson, 804 Country Club Drive, Moraga, supported Mr. Olsen's position, and commented that the story poles, while not an exact placement, were anywhere from 8 to 12 feet from the back of the sidewalk along Country Club Way. Having worked with City Ventures in the past to preserve a 35-foot height limit, he stated the buildings were much taller, would appear like a canyon impacting views of the scenic corridor, with a 27-foot roadway on one side and a substandard and unsafe road at less than 19 feet in width on the other side. He asked for a roadway on the west side of Country Club Drive that could accommodate on-street parking. He commented that residents along Country Club Drive had requested consideration of a green wall inside their driveways given the potential light, noise, and security impacts from the City Ventures project. He referenced the number of break-ins in the community in the past six months, stated he had spoken to staff about his concerns, and noted that the Planning Director had expressed the willingness to speak with City Ventures as to the possibility of volunteering a green wall, although the Moraga Country Club HOA had desired a green wall in the center divide and the issue had gone from a voluntary gift to confusion. He added that Country Club Drive had three lanes on St. Andrews feeding into and from Moraga Way, but in the last 30 days the Town had modified that situation leaving one exit from Country Club Drive resulting in a back-up which would only increase with the City Ventures project and the development of the future Bruzzone project, also along Country Club Drive. He asked that a designated left turn light at the intersection be included to allow traffic out of St. Andrews Drive.

An Unidentified Resident of Country Club Drive, Moraga, who asked not to be identified, commented that an eight-foot setback on Country Club Drive would not allow the City

Ventures residents to have a gate, leading to security and safety concerns with passing traffic. The unidentified resident agreed with the opinions raised by the public, how the Town was not following its own Design Guidelines for the scenic corridor, and expressed concern with the potential violation of General Plan Land Use Policies LU1.1, LU1.3, LU1.9 and CD4.3. She suggested a common turn lane onto Moraga Way as an entrance/exit, asked that the median not be removed since it assisted with left turn movements for existing residents, and questioned how the plans would impact emergency response access. In addition, she asked for clarification of the project zoning since there were discrepancies in the paperwork, asked whether resident taxes were paying for the pocket park, suggested vegetation be placed inside the development, and asked whether the project included a Civil Engineer.

Wes Spewak, 8 Glen Eagle, Moraga, a longtime resident of Moraga Country Club, stated he too had attended all of the meetings at the Country Club that had been hosted by City Ventures. He noted that the residents of the Country Club had recommended a total of 25 units, more parking within, and possibly a swimming pool since the potential development did not include any recreational facility for children and children from the development could impact the Country Club swimming pool. He emphasized the inadequacy of the parking in the existing Country Club neighborhood which would be further exacerbated by the potential development. He stated that Moraga Country Club also had difficulty enforcing its residents to park in their garages or driveways and that parking was an existing problem that would only get worse. He also agreed with Mr. Olsen's comments and suggested the project was not a good thing for Moraga and should not be fast-tracked. He asked that the suggestions made by the public at this time and during the meetings between the developer and the Country Club be considered.

Denise Coane, 38 Sea Pines, Moraga, submitted comments in writing, expressing concern that there were too many unknowns.

Elizabeth Foster, 768 Augusta, Moraga, asked that the parking situation be taken into consideration. She expressed concern the project could become an eyesore and although she had been informed that 18 guest parking spaces would be provided, asked that the applicant consider an increase in parking.

Rosemary Coburn, 832 Country Club Drive, Moraga, asked that City Ventures consider extending the story poles to identify how far and how close the project would be visually to the bridge. She also asked the location of the children's playground in relation to the bridge.

Olaf Vlieks, 565 Augusta Drive, Moraga, asked whether quality materials would be used for the units, what process would be utilized for design review, and asked for assurance the building materials would not be cheap.

An unidentified individual asked why the buildings must be three stories given that no other development in Moraga was three stories in height.

Ms. Coane asked that a three-dimensional visual rendering be considered.

Ann Wilcox, 1753 St. Andrews, Moraga, commented that if the development had a setback on the second story, it would appear much better on the front façade along with a change in materials. She urged consideration of more thought before the project moved forward.

Responding to comments, Ms. Wagner explained that the adjacency to the MOFD facility had not been taken lightly; City Ventures had conversations with the MOFD since the inception of the project and had incorporated design elements to address those concerns. An eight-foot high CMU sound wall had been proposed along the entire perimeter of the site and an acoustical engineer had been on-site during an MOFD training exercise, and had made recommendations as to how the project could best fit adjacent to the MOFD facility. She noted there were other fire training stations in the Bay Area which were adjacent to residential development and that most MOFD stations in Moraga were adjacent to residential development. She added that the staff report had outlined the project from its inception including the community workshop discussions and public outreach efforts.

Ms. Wagner stated as part of the simulations and renderings that had been prepared, the developer had made an attempt to show how a walled-in or one large building effect would not occur. She suggested that the story poles had done a good job showing at least 30 feet between all of the buildings along Moraga Way, the building placement, and the four buildings to be broken up and staggered, to be built as independent buildings. An HOA would be part of the project and the Country Club Drive improvements, at the request of staff, had considered different options, and Option 1 had been chosen. In response to a request for a three-dimensional rendering, she commented the renderings that had been provided had shown the massing of the buildings although that discussion could be continued with the community. She clarified that a formal playground had not been proposed beyond the pocket park, which would be over 10,000 square feet in area and be a passive park in response to a request from the MOFD. The pocket park would be built and maintained by the development. The pocket park would include a lawn area, two picnic tables, benches, barbeque, loop trail around the creek, and a natural play area with boulders.

Ms. Wagner spoke to Condition 2 c), clarifying that the porches for the townhomes would be in excess of six feet, with the usable outdoor space at six feet. As to Condition 2 b), signage and striping for bicycles, it was intended to be in the park area. The garages for all units would include space outside of the units for bicycles.

Ms. Brekke-Read explained that the location of bicycle parking would be accomplished through final design review.

Ms. Wagner also spoke to Condition 4 and the requirement for the applicant to provide a final site plan et al, prior to issuance of a building permit and/or improvement plans as appropriate. She understood that involved a substantial conformance review and not further changes by the DRB.

Ms. Brekke-Read clarified that the project would also be considered by the Planning Commission which may make additional adjustments, and the condition allowed the DRB to make further adjustments to ensure the aesthetics worked for the community.

In response to the Chair, Ms. Wagner referenced Sheet C1.1, and clarified the setbacks for the story poles. She commented that she had measured the setback for the story poles, had not reached the same calculations as some members of the public, but could confirm they were posted correctly to be consistent with Sheet C1.1.

Ms. Wagner also responded to recommended Condition 3 a), and noted that the developer had considered different alignments for Moraga Way, the alignments had been evaluated by a third party engineer, the proposed driveway location was most consistent with the grade of the adjacent properties and allowed the preservation of an existing row of trees, and the MCSP identified the proposed location of the driveway for access for both properties on either side of Country Club Drive. A traffic analysis had been prepared and the driveway compatibility had been evaluated by traffic engineers, which had been submitted to the Moraga Public Works Department. The developer had worked with the Public Works Department throughout the process, had received significant comments throughout the process, and that issue had not been raised as a concern by the Public Works Department. The units would be for sale units, with disclosures of the land uses in the area.

As to a suggestion by the Chair for a requirement for a recorded notice on the property, Phil Kerr, Northern California President, City Ventures, stated the developer would be amendable to such a condition.

In response to Condition 2 a), Ms. Wagner identified the proposed sidewalk along Moraga Way, which would meander, connect through the proposed project at two points all the way to the sidewalk at Country Club Drive, with a loop through the park, and with direct access from the project to the park without having to come out through Country Club Drive, which would be done through the use of decorative pavement consistent with materials proposed for the project. She also identified the use of scored concrete.

Ms. Wagner added that renderings had been prepared for the project, and although there had been no plans to provide views driving down Moraga Way, that could be provided if it would be helpful for Planning Commission consideration.

PUBLIC COMMENTS CLOSED

Boardmember Kirkpatrick found that the project had improved from its initial iteration. He recognized that many in Town did not like development, and acknowledged that things had changed over the years and there had been an effort to make developments more compatible. He found that the project matched the density set by the Town Council and that the project was overall a good one, although there remained concerns with respect to access and parking, and he was uncertain how the driveway adjacent to the MOFD facility would work with traffic. He also commented that the views of the hills had been addressed in the past, that the Town Council had set the density, and that the developer had made concessions during the process. The project would also be reviewed by the Planning Commission where additional revisions may be made, and thereafter to the Town Council allowing further opportunity for public input.

Boardmember Kirkpatrick agreed that the parking along Country Club Drive was a serious issue, recognized that suburbanites did not like to use their garages for parking, and expressed his hope the garages would be used for parking and not storage. He was overall pleased with the project and suggested it was heading in the right direction. He found that the architecture had also improved over prior iterations, with a lot of detailed changes and variations for the front elevations, which he appreciated.

Boardmember Escano-Thompson suggested the project was very viable, and she applauded the architect for the design as compared to past iterations. She was not concerned with the location of the driveway adjacent to the MOFD although she shared concern with turning onto Moraga Way, which was a busy street. She was ready to support the project.

Planning Commissioner Teresa Onoda commented that she had measured the setbacks with the existing homes on Country Club Drive across the street at 58 feet, as compared to the applicant's calculation of an eight-foot setback for the project side. She understood the Town's goal was to have things fit nicely into a neighborhood. Given the public testimony, she stated it was the responsibility of the builder, staff, the DRB, and the Planning Commission to compromise with the residents to ensure a development in which the Town could be proud although she suggested the project was not yet at that point. She commented that the project was also absent a bus pull-out or bicycle improvements along Moraga Road, and had not included any improvements envisioned for the scenic corridor.

Boardmember Glover recognized that the General Plan and MCSP were in place, although over the years the Town's Design Guidelines had evolved, some contradicting one another and not following ordinances and guidelines previously in place. He found that City Ventures had come a long way, it was a good project, although concerns with viewshed protection remained to be resolved. He recommended that the Planning Commission consider the viewshed protection issue as part of its deliberations on the project. He also asked that Condition 3 be modified to include an additional statement that the Planning Commission consider viewshed protection issues identified in General Plan Policy CD1.3, currently under review for clarification.

Chair Helber commented that the existing site plan had shown the height of the existing redwood trees on either side of the property with shadow casting onto Moraga Way, with views of those trees while traveling down Moraga Way in either direction. The project would not dramatically alter those views other than intermittent views of the project as one walked or drove down the road or were directly in front of the project.

Boardmember Glover disagreed with the Chair's assessment. In his opinion, the story poles had blocked the views of the ridge behind it.

Chair Helber stated the Town Council had adopted the MCSP which had created the building envelope for the project. While the Town was currently considering other regulations, in this instance, the DRB had to consider whether the project complied and was compatible with the existing approved General Plan, MCSP, and other approved land use regulations that would apply to the project. In his opinion, the project was in compliance with those regulations.

Chair Helber recognized that the developer had been before the DRB on several occasions and there was DRB consensus that the project had been improved over time, he appreciated the horizontal setbacks which helped to mitigate the visual impacts, understood the developer would return to the DRB for specific design details, and wanted to see more details on the use of the trellises and how they would be used to help mitigate views. Not a fan of stamped asphalt, he encouraged the use of stamped concrete or pavers and not just paint as recommended in the staff report.

Chair Helber offered a motion to approve the Draft Action Memorandum, dated July 14, 2014, subject to the findings and conditions as shown, and subject to modifications to Part 4: Conditions of Approval, as follows:

- Eliminate Condition 3 a);
- Add a new condition to read: *The applicant shall record on each lot a notice of adjacent land uses against the property in a form approved by the Planning Director in consultation with the Town Attorney prior to issuance of a building permit;* and
- Remove the word “paint” from Condition 2 a);

Boardmember Glover reiterated his recommendation to add a new Condition 3 c) that the Planning Commission consider viewshed protection issues identified in General Plan Policy CD1.3, currently under review for clarification.

Chair Helber was in favor of including that statement in the staff report but not in the formal Draft Action Memorandum since it created the perception that the DRB was of the opinion the project was not compatible. He understood the concerns with viewshed protection, but did not share them.

Ms. Brekke-Read advised that the Town Council had specifically stated that the Hillsides and Ridgelines project would not affect the MCSP.

Senior Planner Ellen Clark added that the Hillsides and Ridgelines Steering Committee had also confirmed that direction following the Town Council statement.

Ms. Brekke-Read acknowledged that the concern could be raised in the staff report for the next Hillsides and Ridgelines Steering Committee. She added that the project would move on to the Planning Commission which would also consider the Vesting Tentative Map and any Engineering or Public Works Department issues.

Chair Helber restated his motion, and reiterated his recommendation to add Boardmember Glover’s recommended condition to the staff report to the Planning Commission rather than being included in the July 14, 2014 Draft Action Memorandum.

On motion by Chair Helber, seconded by Boardmember Kirkpatrick to adopt the Draft Action Memorandum dated July 14, 2014, approving Moraga Town Center Homes, subject to the findings and conditions as shown, and modified as follows:

- Eliminate Condition 3 a);
- Add a new condition to read: *The applicant shall record against the property a notice of adjacent land uses in a form approved by the Planning Director in consultation with the Town Attorney prior to issuance of a building permit; and*
- Remove the word “paint” from Condition 2 a).

The motion carried by the following vote:

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

Ms. Brekke-Read reported in this instance that no appeal period was necessary since the item would automatically be forwarded to the Planning Commission.

Chair Helber declared a recess at 9:32 P.M. The Design Review Board meeting reconvened at 9:45 P.M. with Boardmembers Escano-Thompson, Glover, Kirkpatrick, and Chair Helber present.

C. May 27, 2014 Minutes

Boardmember Escano-Thompson requested that the motion shown on Page 19 be revised to reflect she had voted yes to continue the Moraga Town Center Homes application, and had not voted to abstain from the item.

On motion by Boardmember Escano-Thompson, seconded by Boardmember Glover to approve the May 27, 2014 Minutes, as amended. The motion carried by the following vote:

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

5. ROUTINE AND OTHER MATTERS

A. Planning Commission Liaison Report – Onoda

Planning Commissioner Onoda reported that the Planning Commission had met on June 16, 2014, had considered and approved an application for new decks for property located at 1873 St. Andrews, and had considered resolutions for State mandated housing related amendments.

6. REPORTS

A. Design Review Board

Chair Helber understood this was the last meeting for Boardmember Kirkpatrick. He expressed his appreciation to Boardmember Kirkpatrick for his service on the DRB.

Boardmember Kirkpatrick reported that he would be moving to the State of Colorado. He expressed his appreciation to all Boardmembers and staff he had worked with during his tenure on the DRB.

The DRB wished Boardmember Kirkpatrick well in all his future endeavors.

B. Staff

Ms. Clark reported that the Livable Moraga Road Project Town Advisory Committee (TAC) was expected to meet at the end of next month, with staff working on refined options for the Corliss to Donald Drives sections, to be presented to the Town Council in the fall.

Ms. Brekke-Read added that an information flyer was also being created to better explain the Livable Moraga Road Project to the community, and the next Community Workshop had been planned for late September.

Boardmember Glover commended Town staff for all of its hard work on the various Town projects.

Ms. Brekke-Read reported that a Hillside and Ridgelines Steering Committee meeting would be held in August with a discussion on the implementation of the changes, with the project to then proceed to the Planning Commission and then on to the Town Council.

Ms. Brekke-Read added that a joint Planning Commission, DRB, and Park and Recreation Commission meeting had been envisioned in the near future to provide a recommendation and feedback to the Town Council on the Livable Moraga Road Project; a joint Planning and Park and Recreation Commission meeting had been held in June, with all Commissioners providing positive feedback on development projects in general, the various processes, and an exchange of ideas; an Administrative Draft of the Housing Element was currently under review by staff; the Signatures Homes development project would be considered by the Planning Commission on Monday, July 20, 2014; the Country Club lots owned by the Bruzzone family had been reviewed with remedial grading permits to be pulled soon through the County to be inspected by the County Inspector; the SummerHill Homes Camino Ricardo project would likely not obtain full grading permits for this year with the developer exploring interim grading to allow for the construction of model homes in the spring; and SummerHill Homes had submitted design review applications for the 27-lot Rancho Laguna II project and the developer had requested a study session with the DRB in August.

Ms. Brekke-Read also reported that the developer of Palos Colorados was working to obtain grading permits and approval of the Final Map for this year and the project had gone through plan check a couple of times.

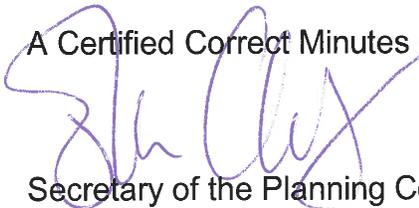
Ms. Clark further reported on the status of the Town Hall meeting room improvements and reported that building permits had been pulled.

Ms. Brekke-Read also reported that the Planning Department had been very busy in that the Town Council had adopted the Draft Sign Ordinance in June. She commended Ms. Samonsky for the six-month completion period of that project with user guides to be prepared to better educate potential applicants. The Town Council had also adopted new nuisance abatement regulations, and staff continued to work on administrative citations, with options to be presented to the Town Council in September.

7. ADJOURNMENT

On motion by Boardmember Kirkpatrick, seconded by Boardmember Glover, and carried unanimously to adjourn the meeting at approximately 10:08 P.M.

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Secretary of the Planning Commission