

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

**October 26, 2015**

**1. CALL TO ORDER AND ROLL CALL**

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

**A. ROLL CALL**

Present: Boardmembers Escano-Thompson, Glover, Chair Helber

Absent: Boardmember Crews

Staff: Brian Horn, Associate Planner  
Coleman Frick, Assistant Planner

**B. Conflict of Interest**

There was no reported conflict of interest.

**C. Contact with Applicants**

Boardmember Glover reported that he had attempted to contact the applicant via telephone for 68 and 70 Vista Encinos, Item 4B on the agenda, to determine whether he could obtain gate access to the property, and receiving no answer had walked the perimeter of the site.

**2. PUBLIC COMMENTS**

There were no comments from the public.

**3. ADOPTION OF CONSENT AGENDA**

- A. September 28, 2015 Minutes**
- B. Adoption of Meeting Agenda**

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

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

#### 4. DESIGN REVIEW

##### A. 1550 Canyon Road, Orchard Supply Hardware

Applicant: Orchard Supply Company, 6450 Via Del Rio, San Jose, CA 95139

Design Review (DRB 12-15) to install four (4) new signs to replace existing signage, repaint the building exterior, and convert the nursery windows to wrought iron fencing at the existing Orchard Supply Hardware building (APN 255-620-011/255-620-013) (CC, CMF)

Assistant Planner Coleman Frick presented the staff report dated October 26, 2015, for design review to install four (4) new signs to replace existing signage, repaint the building exterior, and convert the nursery windows to wrought iron fencing at the existing Orchard Supply Hardware building. Due to the project's consistency with the Town's Design Guidelines, the Moraga Center Specific Plan (MCSP), the Zoning Ordinance, and the General Plan with minimal impacts to surrounding properties, he recommended that the DRB adopt the Draft Action Memorandum dated October 26, 2015, approving DRB 12-15 subject to findings and conditions of approval.

Boardmember Glover clarified some of the specifications with Mr. Frick for the wrought iron fencing proposed for the north and east elevations, where the fencing material would be pre-manufactured and black in color. Since the distance between each bar of the wrought iron fence had not been clearly shown on the plans, he requested that detail be submitted to the Planning Department for review and approval.

#### PUBLIC COMMENTS OPENED

Roger Krause, Senior Project Manager, PM Design Group, Inc., 38 Executive Park, Suite 310, Irvine, CA, described the wrought iron bars which would consist of ½ x ½ inch thickets, four inches apart, and behind that a layer of 1 x 1 inch security mesh, all black in color.

Mr. Krause identified revisions to the plans that had not been part of the initial submittal including the existing entry elevations and column bases, which were currently pink in color and which had some damage requiring repair. The trim element would be raised another eight inches with another row of stone. Given the pink color of the columns, he explained that the applicant would like to add a compatible color pursuant to the proposed color palette, to consist of a darker brown color. The terra cotta stone would be replaced like for like with the exception of color; a dark tobacco color would be used for the natural stone. He offered a rendering to identify the appearance of the stone. He also identified an existing sloped ramp-way leading to the public right-of-way, which was not currently Americans with Disabilities Act (ADA) compliant. The ramp-way had no handles or curbs and would have to be repaired. The existing condition would be repaired and the slope would have to be changed requiring encroachment back into the interior of the building, making the entrance more of a 1:12 slope. As a result, the shopping cart area would be shortened.

Mr. Krause stated he had nothing further to add to the applicant's presentation beyond what staff had already presented.

## PUBLIC COMMENTS CLOSED

Planning Commission Liaison D'Arcy clarified with the architect the location of the cart corral and the ADA ramp, and affirmed that there would be sufficient clearance to push around carts even for someone with ADA issues.

Boardmember Glover requested that the applicant submit details of the proposed wrought iron fencing material and dimensions.

Boardmember Escano-Thompson clarified that the lettering on the skateboard sign, which was so titled because of its shape, would project off the sign and the lighting would project back onto the back of the sign. The lighting would be on the green surface of the sign.

Chair Helber commented that the existing nursery sign sat on the trellis and fit within the dimensions of the top of the trellis and the bottom board of the trellis. He clarified with the representative from Ad Art Sign Company, 2670 W. Shaw Lane, Suite 102, Fresno, that the new sign would be the same size, one foot by eight inches, as the existing sign. He had no issues with the Orchard Supply Hardware sign on the frontage even though it was a bit higher, the sign in the customer pick-up area, or the nursery sign, and clarified with staff that all external illumination would be turned off when the store closed at 9:00 P.M. as stipulated in one of the recommended conditions of approval.

Chair Helber understood the intent of the new corporate colors although he suggested the darker color pronounced the mass of the building. The white colors currently on the building would be made darker and in some areas the same color of the field of the building itself.

Mr. Krause identified the columns and pilasters located further back on the fence line of the nursery and pointed out the proposed ginger snap orange color forward of that line.

Chair Helber clarified that the columns that adhered to the building façade and behind the nursery would be a coconut grove color, with the columns out of that elevation being the ginger snap orange color. The current color scheme of those columns was all white/beige. He understood the intent was that the columns be the same color as the field to blend in and disappear since they were on the fence line, with the trellis element to stand out more between the lighter colors and the ginger snap color of the columns. The trellis would be repainted a sandy brown. The current color of the wood trellis was a dark green as shown in Figure 2 in the staff report.

Chair Helber suggested the current color scheme of the building had helped to break the mass of the building. He expressed concern with the more standardized colors that had been proposed since that variation would be lost along with some of the architectural detail to break the mass. He asked whether the trellis could be a different color to stand out more, and the columns a color to match the columns at the front to break the mass of the building. He recommended that the columns that backed up to the building be the ginger snap orange color to offer some visual interest, with the same color for the wood trellis to make it stand out more.

Boardmember Glover agreed with the Chair's recommendation and intent to break up the visual mass.

The applicants indicated that direction would be acceptable.

Mr. Frick asked whether the intent was that the trellis and columns all be the ginger snap color, to which Chair Helber identified the trellises at the rear and suggested another color be chosen to make that element pop, and possibly something lighter which would make it pop more.

The applicants indicated that would be acceptable.

Chair Helber understood that the wrought iron fencing would be wrought iron itself, and while he could accept the bars being four inches apart, he was uncertain how the 1 x 1 inch mesh screen behind it would look.

Mr. Krause explained that the mesh was for security purposes to address theft issues. The wrought iron fencing also provided a better environment for the plants, with a free and open design, air circulation, and an open environment.

Chair Helber shared Boardmember Glover's concern with the visual appearance and impacts of the wrought iron material and the mesh behind the wrought iron fencing.

Mr. Krause noted that the views of the area would be of the plants. The wrought iron fencing would be centered the same as the windows, recessed back, and the mesh would adhere to the back of the wrought iron.

Boardmember Escano-Thompson clarified with the applicants that the color scheme that had been proposed was the new corporate color scheme companywide for Orchard Supply Hardware.

Chair Helber recommended the use of a lighter color than the sandy brown that had been proposed for the trellis, although the applicants noted the sandy brown color was pretty light. He sought a color that would pop. He also clarified with staff that Condition 9 would address illumination, which would be extinguished after normal business hours.

Boardmember Glover offered a motion and recommended additional conditions that the Planning Department review and approve the wrought iron fencing design, that there be a reduction of the massing through the use of colors, and that a lighter color be added to the color palette.

Mr. Frick asked that any motion include the applicant's modifications which had not been presented as part of the original project application. He explained that staff would work with the applicant on those designs.

In response to the Chair as to whether the Draft Action Memorandum should be modified to include the applicant's revisions, Mr. Frick affirmed that the findings in the Draft Action Memorandum might need to be modified, which could be handled administratively by staff, or be on the Consent Agenda at a future DRB meeting.

Chair Helber suggested the findings could be modified by adding the replacement of tile on columns; raising the height of the foam trim on columns; and reworking the ADA ramp so that the slope would be changed, although the length would extend to the interior of the overhang/entry portal with no changes on the exterior side of the building footprint. He also understood a motion for approval would include additional color on the color board for the trellis and the Planning Department would review and approve the wrought iron fence design. He asked Boardmember Glover to provide specific direction to staff on what detail he wanted to be provided for the wrought iron fencing material.

Boardmember Glover asked the applicant to submit something for the wrought iron fence to be reviewed and approved by the Planning Department. If the DRB was uncomfortable with that direction that element could be brought back to the DRB for review and approval.

Mr. Krause again described the wrought iron material, to consist of ½ inch bar stock, steel material, steel tubing, spaced four inches apart, custom made to fit into each opening, welded to a frame similar to a window frame, centered in the stucco walls, with the 1 x 1-inch mesh to be placed in the inside, to be fastened either by welding or through the use of clips. The mesh would also be black. If the mesh was an issue, he suggested that a different color could be considered.

Mr. Krause commented that Orchard Supply Hardware had opened a new store in the Crow Canyon Shopping Center in the City of San Ramon. That site had used identical materials and it would be possible to prepare a mock up to be presented to the DRB for review. He reiterated that the wrought iron with mesh method would visually market all of the plants in the nursery area.

Chair Helber commented that in the past the DRB had approved portions of a project with a subcommittee of the DRB designated to review certain aspects. In this case, the DRB could approve the project with the exception of the issues surrounding the wrought iron fence and mesh material, which could come back to the DRB subcommittee to ensure that aspect met the DRB's design intent, and which could be done via e-mail or letter.

Staff was comfortable with that direction.

Chair Helber recommended the addition of a condition, to read:

*The applicant shall submit further specifications on the wrought iron fence material and mesh to staff to be considered by the DRB via e-mail for compliance with the design intent before the DRB at this time.*

Boardmember Glover accepted the modification to his initial motion.

On motion by Boardmember Glover, seconded by Boardmember Escano-Thompson to adopt the Draft Action Memorandum dated October 26, 2015, approving Design Review (DRB 12-15) for Orchard Supply Hardware at 1550 Canyon Road, subject to the findings and conditions as shown, and subject to the following:

- Findings to be modified by adding the replacement of tile on columns; raising the height of the foam trim on columns; and reworking the ADA ramp so that the slope would be changed, although the length would extend to the interior of the overhang/entry portal with no changes to the exterior side of the building footprint;
- Additional color to be added on the color boards for the trellis; and
- The applicant shall submit further specifications on the wrought iron fence material and mesh to staff to be considered by the DRB via e-mail for compliance with the design intent before the DRB at this time.

The motion carried by the following vote:

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

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

**B. 68 and 70 Vista Encinos**

**Applicant:** Branagh Development, Inc., 100 School Street, Danville, CA 94526

Design Review Consideration for the construction of two two-story single-family residences on two lots at 68 (Lot 4) and 70 (Lot 5) Vista Encinos (DRB 08-15) and (DRB 10-15) (3 DUA, BH)

Associate Planner Brian Horn presented the staff report dated October 26, 2015, for design review consideration for the construction of two two-story single-family residences on two lots at 68 (Lot 4) and 70 (Lot 5) Vista Encinos. He recommended that the DRB adopt the Draft Action Memorandum dated October 26, 2015 approving DRB 08-15 and DRB 10-15, subject to findings and conditions of approval.

Planning Commission Liaison D'Arcy clarified with staff that once the projects had been approved they would be required to follow the recommendations from the geotechnical engineer, who would determine the proper supports required for the decking.

Boardmember Glover commented on the fact that the application related to only two lots of an entire subdivision. He questioned whether a Stormwater Prevention and Pollution Plan had been submitted for the entire subdivision and whether it was in place and being maintained.

In speaking with the Public Works Department, Mr. Horn understood that an overall plan had been submitted although some standards had been changed since then for stormwater control. Given that the lots were being considered separately, he stated they would have their own plan.

Boardmember Glover expressed concern that the project's stormwater control plan required less compliance than a Stormwater Prevention and Pollution Plan (SWPP). Given that the subdivision was being presented for DRB approval one or two lots at a time, he questioned whether the larger subdivision's SWPP was being maintained and would continue to be maintained throughout full development of the subdivision.

Boardmember Glover noted that the DRB had previously requested that lot development Applications include cross-sections showing structure and lot slope relationships. For lot 5 of the Vista Encinos development, a cross-section cut 90-degrees to that shown in Exhibit 2 of 2 would have given the reviewer better graphic of the structure's vertical and horizontal proximity to the creek.

Mr. Horn clarified that the Town's Design Guidelines allowed two two-story homes side by side, although the third home would have to be single story.

Bob Pickett, Senior Development Associate, Branagh Development, 100 School Street, Danville, CA 94526, explained that the developer had the opportunity to meet with the adjacent neighbors over the past few months when a lot of time had been spent to ensure an open dialogue. The application had originally been submitted in March 2015 in the hope of a mid-summer DRB meeting, and story poles had been erected. Once the story poles had been erected, the developer had met with the neighbors and it was clear the impacts would be significant and it was appropriate to reduce the impacts. The developer had revised the drawings, created new renderings of what the homes would look like from the rear, and held another series of meetings with the neighbors. He provided before and after renderings that had been prepared to show the changes that had been made.

Mr. Pickett identified Lot 4 and stated that the plate lines had been lowered a foot on each floor, lowering the overall height two feet, with changes to the roofline to a hipped roof to reduce the visual impacts of the structure. Changes to Lot 5 had eliminated a portion of the second floor (the left side), moved the deck away from neighbors' rear yards to the right of the home towards the creek, reduced the structural mass and further reduced the impacts to the nearby residents, and had proposed a hipped roof on the second floor on the side elevation. In addition, drawings had been provided from the vantage point of nearby residences to show the changes that had been made and the significant reduction in massing.

Mr. Pickett emphasized that the scale of the homes had been reduced based on the design in that the developer had taken measures to reduce the structural impacts to the neighbors. While he understood the requirements and conditions that had been proposed for landscaping, he asked that Condition 46 be modified. He recommended coastal live oaks as an appropriate tree to be used to screen the rear of the property since they were hardy and good, bushy screen trees but at 36- or up to 48-inch box size. If required to be much larger, he stated there would be diminished returns.

Mr. Pickett expressed a willingness to go up to a 48-inch box, was willing to have staff review the specimens prior to planting on site, and asked that 48-inch box trees be

allowed to screen the rear of the property rather than the requirement that the trees be a minimum 15 feet in height.

Mr. Pickett was otherwise satisfied with the conditions of approval. He also clarified that whatever requirements had been in place for the Stormwater Prevention and Pollution Plan more than a decade ago involved less and different standards than the current conditions and were locked into the development. He clarified that the application was taking an existing legal lot and adding a home. Pursuant to discussions with the Town Engineer, the developer would have to comply with the standards required for a single-family residence. In response to the concern with respect to cross sections, he explained that the developer had taken random cross sections and they could be put wherever desired. The original direction for the perspective had been cutting through, coming down the hill, cutting through Vista Encinos, through the subdivision's lots, through the homes on Larch Avenue, and over to Larch Avenue. If something else was required, he suggested it would be easy to do.

Mr. Pickett presented photographs from Larch Avenue with the revised story poles to identify the lower height of the homes. He explained that the plans submitted were neither structural nor permit plans but design review plans, and anything bearing load in terms of the decks would have a pier underneath based on the recommendations from the Structural Engineer. The Structural Engineer had not yet designed those details given that the plans had not yet been approved by the Town.

Mr. Shuo, 1097 Larch Avenue, Moraga, acknowledged that he had met with Mr. Pickett a couple of times. He found the renderings to be inaccurate and in his opinion the revisions had not improved the homes. He suggested the story poles had not been installed correctly or in the right location and he was uncertain whether sunlight to his residence would be impacted. He sought clarification as to whether that would be the case.

Mike Fass, 7 Louise Court, Moraga, identified the location of his property and noted he had not been contacted by the developer, probably since his property was not adjacent to the development area. He expressed concern with 70 Vista Encinos (Lot 5) given the size of the home, drainage situation, and the proximity of the creek to his residence. He noted the creek had not been identified on the topographical map, and while seasonal it did run heavy during the rainy season. He understood that Lot 5 would be over 4,000 square feet in size as compared to the surrounding homes which were no more than 2,000 square feet in size. He explained that his rear yard was below grade and Lot 5 would sit above his home, impact his views, and potentially result in views of what he characterized as a three-story home.

Mr. Fass also questioned the appropriateness of the size of Lot 5 given that it would face many neighbors' rear yards. He again expressed concern with the proximity of the creek, noted that in the past it had washed out a corner of his rear yard that had to be rebuilt, and the fact the creek took a 90-degree turn towards the culvert into the sewer system with no work on erosion control at the corner. He added that the story poles appeared to have been erected on the property line, in the setback, and right in the creek.

Dave Ricketts, 5 Louise Court, Moraga, identified his residence as directly adjacent to 70 Vista Encinos (Lot 5). He too emphasized that the views of the property would impact his home and he also had little or no communication with the developer other than letters from the developer in May.

Mr. Ricketts expressed concern with the height of the home for Lot 5 since the bottom started at his roofline, with views of nothing but the side of the home once built, and with no mitigation proposed for the east elevation. He commented that an existing 75-foot pine tree was the only thing blocking views of the proposed home although that tree must be removed given its size and age. He suggested the development of Lot 5 would significantly impact the use of his rear yard since it would loom over his rear yard and would be on top of his residence, and the rear deck would have views into his rear yard and living room. He too expressed concern with the proximity of the creek since it took a 90-degree turn, had washed out a portion of his fence in the past, and any work on the lot could impact the creek and his rear yard. In addition, his property was 1,650 square feet in size and the proposed home would appear to be a giant monstrosity at his rear yard. He questioned whether any environmental impact work had been done for the seasonable creek, or a seasonal pond, which had wildlife and which existed on Lot 5.

Amy Fabo, 1011 Larch Avenue, Moraga, submitted written correspondence to the DRB and provided photographs. She suggested the homes would dramatically change her residence since the homes would sit dramatically above her property. Views from her rear bay window would be significantly impacted and the sunlight into her residence would be blocked. She noted that the lot behind her home was one of the largest lots with the largest home. While the developer had been patient, had acknowledged some of the impacts, and had made revisions to the project, she suggested the revisions were minor as compared to the impacts to the existing residents.

Mike Larkin, 1099 Larch Avenue, Moraga, found the plans to be unacceptable, too large, incompatible, and robbing residents of their privacy. He stated he had had raised those concerns with the developer and had found the landscape plan to be sorely lacking. He had been informed by the developer that the landscape plan would be revised although it had not. While story poles had been installed to depict how 12-foot tall trees would appear on the property, he stated a 12-foot tree would not preserve his privacy and suggested that 15- to 17-foot tall trees should be required. If the homes were approved, he sought specific landscaping and tree screening to show how it would screen his bedroom, including the location, height, width and species of the trees proposed; or alternatively that the developer be required to reduce the proposed 9-foot high to 8-foot high ceilings which would lower the windows.

Mr. Larkin also asked for clarification of the tree screening which the developer had stated would be part of the landscape design. He agreed with the staff recommendations and conditions regarding landscaping, but asked that a specific width be specified given that a three-foot wide tree, as an example, would not provide screening. He pointed out that the original tree screen called out in a previous design review document had stipulated that any of the trees would have a 40-foot maturity, although the landscaping behind Lots 3 and 4 had failed and would not have grown beyond 15 and 25 feet in height.

Jane Britton, 1176 Rimer Drive, Moraga, commented that the plans had not shown the initial story poles that had been erected in April/May 2015. She stated the homes were too large. She also understood the property was considered to be open space and was a ridge with water issues. She questioned how development had been allowed to occur on the property and expressed concern with the potential impacts from an El Niño event along with the potential privacy and visual impacts to nearby residents.

REBUTTAL:

Mr. Pickett responded to the comments and disagreed that the drawings and renderings were inaccurate in that the story poles had been installed, staked, and certified by a civil engineer in conformance with the drawings, and installed in the same location as before. In addition, several letters had been sent to the resident of 7 Louise Court; letters had also been sent to the resident of 5 Louise Court inviting the opportunity to meet with the developer; and he had photographs from Louise Court although not from the rear yards of the residents of Louise Court as he had from other neighbors' properties. He referenced some of the existing vegetation between some of the homes on Louise Court and the subject property, some of which was located in a swale, and understood the need for further conversations on that issue. He clarified that the development would not touch the creek; any work would be outside of the creek area; there would be no impacts to the flow of the creek; there was no evidence of any significant threat to the neighbors or the subject development; and there were no structural or environmental issues.

Mr. Pickett acknowledged that architectural and visual issues needed to be considered, understanding the concerns expressed by the Fabo family, and the perception of what their rear yard could be like when the homes had been built. He suggested landscape screening after a few years would be sufficient and noted that the renderings had shown how the homes would appear. He noted that 12-foot high poles had been erected as a reference point to identify the potential views, and suggested ideally one more tree at the back of Lot 4 should be placed between the windows of the proposed home and the Larkin residence, about 100 feet apart.

Mr. Pickett suggested the privacy concern with the main bedroom of the Larkin residence was a little overstated. He suggested a tree either on the Larkin property or the subject property would solve that issue. He acknowledged that he had promised Mr. Larkin another tree, to be strategically located, which could be spotted by staff or the resident, but questioned planting a 15-foot tall tree. He identified an overlap between the minimum requirements of the Town for planting or restoring the original screening, a portion of which had died. The developer had supplemented the minimal screening level in the landscape plan and could add more trees in the rear if it helped with mitigation.

Mr. Pickett added that the minimum screening as part of the Town's approval of the subdivision must be done prior to issuance of a building permit. The developer could install screening behind the homes since it could be protected during construction with shrubs in the middle, and they could plant the screening along the common property line behind the project and the resident's home, and it could initially be done in cooperation with the neighbors where it was most beneficial and a size easily obtainable

in a 48-inch box, which was challenging on a hillside. Anything larger would require a hole in the slope.

Mr. Pickett otherwise explained that the subdivision had been approved a long time ago and the current developer had not been involved at that time. The Town had approved the subdivision with the regulations in place at that time and the current developer was purchasing the lots from the current owner who was not the owner of the original subdivision. The current developer had designed homes to fit the standards for the lots and nothing had been done in excess of those standards.

Mr. Pickett suggested the developer had done a reasonable job being responsive to the guidelines, which allowed not more than two two-story homes in a row. He understood that three two-story homes in a row would require justification as to why that should be allowed. In this case, the story elements were at the rear of the homes, and had nothing to do with preventing a row of two-story homes along the street.

Mr. Pickett recognized that Lot 5 might require more vetting given issues of which he had been unaware. He requested approval of Lot 4 and suggested more discussion of Lot 5.

Further responding to some of the comments from the public, Chair Helber pointed out that the staff report had listed the summary of actions taken and the dates of approval for some of the entitlements as part of the project from 2002. He clarified with staff that the history of the project had been ongoing since the late 1990s leading to the Town Council's approval in 2002.

Chair Helber acknowledged the unusual case of having an approved Final Map with legal lots being submitted for consideration piecemeal as opposed to all at one time, a concern that had been raised by the DRB during the discussions of previous applications. He clarified that the piecemeal applications were legal pursuant to the Town Council's approval of the subdivision and acceptance of the Final Map. He also clarified in response to a member of the audience that the Town Council had approved a Planned Unit Development (PUD) with certain restrictions with which the applications had to comply.

Mr. Horn further clarified that the Floor Area Ratio (FAR) being used had been established by a previous Town Council. Lot 5 did not have an FAR, and Lot 4 had proposed a home within the allowable FAR. In a review of the conditions and past meeting minutes, there had been some discussion of the second story design of the homes when the Town Council at that time had decided that no more than two two-story homes would be allowed adjacent to one another, with no restrictions on building height, with tree screening conditions, and with a DRB review of those design elements. The tree screening on the plans had not previously included anything beyond the site property lines.

Ms. Britton suggested a legal error had been made by allowing 4,000 square foot homes.

An unidentified resident speaking from the audience read into the record a portion of the Town Council resolution that had approved the subdivision, which had described the

site, and which was to have been compatible with existing residential development. In that context, it was suggested that statement had been overlooked and abandoned in the process.

Planning Commission Liaison D'Arcy clarified with Mr. Horn that an Environmental Impact Report (EIR) had not been prepared for this project, although a Mitigated Negative Declaration (MND) had been prepared.

Mr. Horn stated he would have to check whether wetland areas had been addressed or any setbacks for preservation had been identified in the MND.

Planning Commission Liaison D'Arcy understood the desire to build larger homes, although she suggested that an EIR should have been prepared to address the size of the homes and any drainage issues, with measures taken to determine whether the creek would be impacted, and particularly whether Lot 5 would impact the nearby neighbors.

Mr. Horn clarified that the DRB's role was one of design. The DRB did not review environmental documents. The Planning Commission and the Town Council reviewed environmental documents.

Chair Helber affirmed that the Town Council had previously adopted an MND and it was not under the purview of the DRB to undermine that action.

Boardmember Glover further affirmed that the DRB did not address environmental issues. He described the process as arduous for the applicant. Based on his conversations with the neighborhood and correspondence he had read, the developer had tried to be responsive to the questions raised, although questions remained, particularly regarding privacy. Speaking specifically to 70 Vista Encinos (Lot 5), he suggested it had raised privacy issues for the surrounding neighborhood which had yet to be resolved. He had no issues with 68 Vista Encinos (Lot 4).

Boardmember Escano-Thompson expressed concern with the potential for soil erosion, and while that issue would be addressed by the Soils Engineer, the project was being reviewed piecemeal with no overall plan for the entire development to prevent soil erosion. She shared the concerns with respect to the creek, and agreed it should be shown on the plans. She sought a condition to ensure the protection of the creek. While the landscape screening had been well conditioned for the homes fronting Larch Avenue, she suggested it should also be provided for the homes along Louise Court, and supported a condition of approval to that effect.

Boardmember Escano-Thompson struggled with the privacy concerns and while she understood the concerns of the neighbors who had enjoyed open space behind their homes up to this point, she stated the neighbors needed to understand they were part of a community that was being built up.

Chair Helber complimented the architect for revising the plans to mitigate the massing in response to past DRB design direction. Commenting on the overall architecture for Lot 4, which included a brick façade and lap siding, he clarified with Dan Hale, Hunt, Hale,

Jones, Architects, 444 Spear Street, Suite 105, San Francisco, that the deck at the rear would have a stucco finish. He expressed concern that could stand out.

Mr. Hale noted that the deck was to be of a similar color and if trimmed out in wood would appear too busy. The intent was to keep it simple to avoid drawing attention.

Chair Helber commented that he would rather see a beam and remove the middle column of the deck to open the view for the rear yard. He liked the four-sided architecture that had been designed for the home. He also liked the design elements for Lot 5, although he recognized the left/east side elevation was a concern to the neighbors.

Mr. Hale explained that a hipped roof on the entire home for Lot 5 had been studied. He suggested it would be appear closer to the roof for Lot 4 where the pitch had been kept at 5:12 with a consistent eave line.

Mr. Hale suggested the rooflines offered a side elevation with a gutter line where the roof would fall away lowering the mass of the home from the sides eliminating the gable. The overall height of the building with the overall ridgeline would remain the same although the edges would drop quite a bit with a 5:12 pitch. He measured the plate line at 9 feet with another 9 feet straight up, which would start to fall away although there would still be a ridgeline.

Chair Helber spoke to the landscape plan for Lot 5, which screened the property to the south although he noted there was little landscaping to the east due to the ravine. He recommended screening with trees such as coastal live oak or those with dense foliage year round. For Lot 4, he understood four trees would be planted in the corner of the lower left side where three existing trees were located and where the master bedroom window aligned with the master bedroom window of the Larkin property. He understood the developer's concerns with the staff conditions regarding landscaping, and pointed out that a 48-inch box tree would provide more immediate impact than a 15-gallon tree. He urged a compromise.

Chair Helber was satisfied with the architecture of the homes but suggested the landscape plan could evolve a bit more with an opportunity to meet with neighbors previously involved to mitigate some of the concerns. He also acknowledged the developer had provided cross sections that had not previously been provided which offered beneficial information.

Boardmember Glover was comfortable with Lot 4 with the exception of the landscape screening. He suggested the screening where the three trees were shown pursuant to Sheet L-1 could be improved and the screening increased to block the visual impacts. If that was done, he could support Lot 4. As to Lot 5, he suggested there would be impacts to the homes on Louise Court given the height of the hipped roof. He recognized again the arduous process the developer had gone through, although he wanted to see additional screening on behalf of the residents of Louise Court to address the privacy issues. He was not ready to take action on Lot 5 at this time.

Mr. Pickett identified the three tree species on Lot 4, as shown on Sheet L-1, and suggested they could add a fourth coastal live oak in the gap area to benefit the most

affected neighbors. He asked whether it could be clarified that could be a 48-inch box as opposed to a 15-foot high tree.

Boardmember Glover did not oppose that direction.

Chair Helber was comfortable moving forward with Lot 4 with the revisions discussed, and suggested the trees would mitigate any impacts.

Boardmember Escano-Thompson concurred.

Chair Helber recommended a motion include a condition that Sheet L-1 be revised to include a fourth coastal live oak in the western rear corner of the lot and that all coastal live oaks along the rear property line be 48-inch box trees.

Mr. Horn noted that there would have to be a modification to Condition 46 of Attachment A, the Draft Action Memorandum for 68 Vista Encinos, (Lot 4) to show the replacement of red bud and flowering plum with coastal live oaks.

Chair Helber recommended Condition 46 be revised to read:

*All trees required for tree screen at the rear of the property shall be a minimum 48-inch box. Sheet L-1 shall be revised to include a fourth coastal live oak at the southwest corner of the lot, and the landscape plan shall be revised to specify trees that are dense throughout the year as approved by Planning Department staff.*

On motion by Boardmember Glover, seconded by Boardmember Escano-Thompson to adopt the Draft Action Memorandum dated October 26, 2015, approving DRB 08-15 for 68 Vista Encinos (Lot 4), subject to the findings and conditions as shown, and with a modification to Condition 46, as follows:

46. *All trees required for tree screen at the rear of the property shall be a minimum 48-inch box. Sheet L-1 shall be revised to include a fourth coastal live oak at the southwest corner of the lot, and the landscape plan shall be revised to specify trees that are dense throughout the year as approved by Planning Department staff.*

The motion carried by the following vote:

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

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

As to Lot 5, Chair Helber understood the DRB's consensus was to continue Lot 5 for revisions to the roofline, as outlined by the project architect; revisions to the landscape

plan to be informed by meetings with neighbors to provide further screening to the east property line; and with concerns raised about the proximity of the structure to the creek below and to the slope.

On motion by Boardmember Escano-Thompson, seconded by Boardmember Glover to continue the application for DRB 10-15 for 70 Vista Encinos (Lot 5), subject to revisions to the roofline, as outlined by the project architect; revisions to the landscape plan to be informed by meetings with neighbors to provide further screening to the east property line; and with concerns raised about the proximity of the structure to the creek below and to the slope. The motion carried by the following vote:

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

Mr. Pickett reiterated that the development would not encroach into the creek area which was protected under State law and the Department of Fish and Game, which prohibited any development in the area absent required permits.

Chair Helber declared a recess at 9:41 P.M. The DRB meeting reconvened at 9:44 P.M. with Boardmembers Escano-Thompson, Glover, and Chair Helber present.

## **5. ROUTINE AND OTHER MATTERS**

### **A. Review and Approval of Edits to the DRB By-Laws to Change Location of Regular Meetings**

Mr. Horn reported that Section 2.1 of the DRB By-Laws required the DRB to review and approve any edits to the By-Laws including any change to the location of regular meetings. The next meeting of the DRB would be held in the new Council Chambers at 335 Rheem Boulevard and the By-Laws would be modified accordingly.

#### **PUBLIC COMMENTS OPENED**

There were no comments from the public.

#### **PUBLIC COMMENTS CLOSED**

On motion by Boardmember Glover, seconded by Boardmember Escano-Thompson to approve the edits to the Design Review Board By-Laws to Change Location of Regular Meetings to 335 Rheem Boulevard and Revise Sections 2.1 and 3.1 of the By-Laws accordingly. The motion carried by the following vote:

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

Mr. Horn reported that parking would be available in the Town's parking lot, and while there was on-street parking, parking was limited in the immediate area. There was no official parking program for the new Council Chambers at this time.

**B. Planning Commission Liaison Report – D’Arcy**

Planning Commission Liaison D’Arcy reported that the Planning Commission had met on October 19, had reviewed and approved amendments to the Moraga Municipal Code (MMC) regarding Small Farm Animals and Bee Keeping; and had adopted changes to the Planning Commission Rules and Procedures regarding the change in location of regular meetings.

Planning Commissioner D’Arcy also reported that she had met with those who had met with the Chief Executive Officer (CEO) of Elder Care Services as part of the Moraga Center Specific Plan (MCSP) Implementation Project Steering Committee discussions; had participated in a telephone call with a senior housing developer; and had attended the American Planning Association (APA) Conference.

**6. REPORTS**

**A. Design Review Board**

Boardmember Glover stated he would contact the Public Works Department to advise that the regular street sweeping was being done at the same time as garbage pick-up.

Chair Helber reported that a joint meeting between the Planning Commission and the DRB had been scheduled for November 9 to receive a presentation on the recommendations from the MCSP Implementation Project Steering Committee, to be held one hour prior to the regularly scheduled DRB meeting.

Boardmember Escano-Thompson reported that she would be unable to attend the meeting scheduled for November 9.

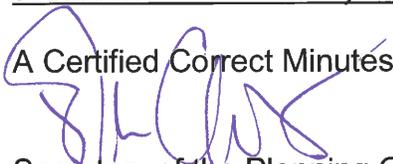
**B. Staff**

Mr. Horn reported that the vacancy on the DRB might remain until March 2016. He was uncertain whether staff had been successful in persuading former member John Zhu to continue on the DRB. He also recognized the concerns with the potential that there might be a lack of quorum with only four members on the DRB.

**7. ADJOURNMENT**

On motion by Boardmember Glover, seconded by Boardmember Escano-Thompson and carried unanimously to adjourn the meeting at approximately 10:00 P.M.

A Certified Correct Minutes Copy



Secretary of the Planning Commission