

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

**February 23, 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.

Present: Boardmembers Crews, Glover, Zhu, Chair Helber

Absent: Boardmember Escano-Thompson

Staff: Ellen Clark, Planning Director  
Ella Samonsky, Associate Planner  
Brian Horn, Associate Planner

**A. Conflict of Interest**

There was no reported Conflict of Interest.

**B. Contact with Applicants**

Boardmember Glover reported that he had contact with the applicant for 1049 Camino Pablo, Item 4B on the meeting agenda.

**2. PUBLIC COMMENTS**

There were no comments from the public.

**3. ADOPTION OF CONSENT AGENDA**

**A. January 12, 2015 Minutes**

**B. Adoption of Meeting Agenda**

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

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

**4. DESIGN REVIEW**

**A. 329 A Rheem Boulevard**

**Applicant/Owner:** Matt Shriner/BrightStar, 329 B Rheem Bld. Moraga, CA Consider Design Review (DRB 02-15) to remodel the exterior of the existing building at 329 A Rheem Boulevard including redesign of the front (south) façade, and addition of a new window on the eastern building wall.

Associate Planner Brian Horn presented the staff report dated February 23, 2015 for the remodel of the exterior of the existing building at 329 A Rheem Boulevard including redesign of the front (south) face, and the addition of a new window on the eastern building wall. Due to the project's consistency with the Zoning Ordinance, General Plan, and Design Guidelines, and with minimal impact to surrounding properties, he recommended that the DRB approve the Draft Action Memorandum, dated February 23, 2015 for DRB 02-15 pursuant to Section 8.88.280 of the Moraga Municipal Code (MMC), and subject to the findings and conditions of approval.

Responding to the DRB, Mr. Horn explained that the corrugated siding would be located on both sides of the building; advised that it would be visible from Rheem Boulevard in each direction; and acknowledged that the new window on the east elevation had been constructed absent building permits and would require authorization from the County Building Department, and if there were any issues with the window it may have to be removed. At this time, he was unaware of any Building Code or Moraga-Orinda Fire District (MOFD) violations with respect to the project. He noted that there was good separation from the subject building and the adjacent Town building. He also clarified that pursuant to the Town's Design Guidelines, the Planning Director served as the Design Review Administrator, unless assigned to another individual.

**PUBLIC COMMENTS OPENED**

Matt Shriner, 329 B Rheem Boulevard, Moraga, described BrightStar, his home/health care business, which had been in operation for the past seven to eight years, had previously been located in the City of Lafayette, and served the Lamorinda area. He apologized for his rush to open the business absent some Town approvals, and explained that the new window on the eastern building wall had been installed to accommodate an office. He reported that BrightStar employed eight to ten administrative employees and 200 caregivers and had been an active part of the Lafayette business community. He looked forward to also being involved in the Town of Moraga.

Michael Carradine, 299 Corliss Drive, Moraga, a former member of the Moraga DRB, expressed concern that there was no landscaping to buffer the building from the adjacent former Fire Station; two trees had been removed from the front of the building with no mitigation; the use of wood pieces on the front of the building would be visible from the public side of the building; and the drawings had been poorly drawn with missing information and no details on dimensions or the front setback to the street. He suggested the project should have included a plan for the building all the way to the curb in front of the building, and that some part of the project should have been dedicated to landscaping. The plans had also shown no parking layout. Although the parking lot had been restriped, the Americans with Disabilities Act (ADA) required at least one handicap parking space.

Mr. Carradine noted the drawings had not identified the building use, which raised concerns given the use was related to occupancy which triggered building codes and setback requirements. In addition, no signage had been identified. He suggested a design professional should have been retained and questioned the background of the individual who had been identified as the preparer of the drawings in that he had checked that individual's background and had found the license number belonged to someone else and the license had been canceled. He expressed dismay that Town staff had accepted the drawings. He also suggested that the window on the eastern building wall was not permitted pursuant to the Building Code for office buildings, and provided copies of the Building Code to the DRB. Based on his opinion, the concrete block wall would have to be restored and the areas of the building that had been altered would have to be made compliant with ADA requirements.

Mr. Shriner explained that Town staff had gone out of its way to provide assistance in the processing of the application. As to the individual who had prepared the drawings, that individual was a friend who was helping him with his application. The intention of the design had been to convert a flat ugly building to one which had more depth. He acknowledged that non-native trees had been removed, and although he had planned to replace them with a Japanese maple to match the Town's work on the adjacent building, he had been waiting for a stump removal product to do its work on the stumps from the prior trees. He affirmed that the parking lot had been slurry sealed and restriped with a large section to the right intended to accommodate handicap parking, although work on that area had stopped given questions related to the slope and other considerations.

Mr. Shriner reiterated that his business was a home/health care business, his employees visited their clients, and clients rarely came to the office; there was space to stripe for handicap parking; and while he agreed that the area in the front was too exposed absent the trees, he reiterated that he was waiting for the stumps to disintegrate. He also reiterated the intent for the new window on the eastern building wall to provide an office with a window to correct what was otherwise an uninviting windowless space.

#### PUBLIC COMMENTS CLOSED

Mr. Horn explained that landscaping improvements had not been included since the property was already improved, had limited parking and the remodel was to improve the façade of the building. He acknowledged that the parking lot as it exists was something the Town would not normally have approved. Working with a legal non-conforming building, staff had determined that the nature of the improvements were essentially cosmetic. He also acknowledged one of the trees that had been removed had been conditioned to be replaced. The primary intent of the project was to improve the building. The use was not changing and additional requirements were not being imposed.

Boardmember Crews recognized that the building changes were minor and there would be no change in use. He suggested that ADA parking could be accommodated with striping, and he wanted the DRB to discuss that issue.

Mr. Horn identified the application requirements for a remodel application, and explained that a Licensed Architect was not required to prepare the plans although the plans were required to be readable, to scale, make sense, and offer a good sense of the proposed project.

Mr. Horn recognized the challenges with the drawings, which was why the applicant had been required to provide a sample of the proposed rock material. A survey of the property had not been required since the footprint of the building had not been expanded. A landscape plan was also not required in all cases. Based on the staff review of the application, façade improvements to an existing building had been reviewed with the intent to upgrade the appearance of the building. The site was at its limit for parking, with no area for additional landscaping in the public right of way (ROW). He also stated there was an agreement between the property owner and the Town as to the use of two of the Town's existing parking spaces, which agreement had been put in place at the time the property had been subdivided.

Boardmember Crews questioned whether street trees or landscaping along the edge of the walkway or roof overhang could be considered.

Mr. Horn suggested that a landscape buffer behind the sidewalk would limit movement of vehicles into the parking lot.

Boardmember Crews suggested placing a wall on a property line was a life safety issue, which was generally a priority over aesthetics or occupancy issues. He suggested that an indentation in the wall could be considered and could be protected with fire sprinklers or laminated windows with gel. He suggested the daylight issue could be accommodated with skylights.

Boardmember Glover clarified that staff had not spoken with the applicant about transient parking. While he was not trying to impede the application, he suggested the plans had been brought to the DRB prematurely. He suggested too much was missing from the plans and he found the unknowns about the window and potential impacts to the scenic corridor important issues that remained unresolved. He suggested the removal of trees should be mitigated following the concept of the front of the property with driveways in/out as a good mitigation. He suggested that any permit issued in the future should state that no development would be allowed to occur in the ROW currently used for parking. He sought a more complete idea of the project plans including input from the County Building Department regarding the window, and from the MOFD with respect to Fire Code compliance.

Boardmember Zhu noted that he had initially been pleased to see the plans to improve an existing facility. He emphasized that ADA compliance was the responsibility of the property owner. In response to the concerns as to the legality of the plans, the uncertainty about the person who had prepared the drawings, and whether or not the license number belonged to that person or someone else, was something the DRB should consider by delaying the application until those issues had been resolved. He did not want to see the Town be held liable if the drawings had not been produced by a Licensed Architect.

Chair Helber agreed that the DRB was not trying to impede the application, prevent the business from moving forward, or prevent improvements to the property. He agreed there were some outstanding issues that should be addressed although he was uncertain those issues should be brought back to the DRB.

In terms of what had been presented, Chair Helber appreciated the presentation of a conceptual plan that appeared similar to an open area plaza with a covered deck, but questioned how that would be applied to the side of the building with windows.

Mr. Shriner identified a 10-foot overhang on the front of the building, posts along the front edge, with walking allowed in between, and the window on the eastern building wall. While he had considered a living wall, due to costs he was uncertain how to achieve that effect.

Chair Helber suggested the use of succulents for a living wall.

Boardmember Crews agreed with the staff observation that the proposal for the façade was an improvement. He liked the vertical elements and the screening but reiterated his issues with the application.

Chair Helber recommended that the applicant approach the County Building Department now to determine what would be accepted with respect to the new window on the eastern building wall and then forward that input to the Moraga Planning Department.

Planning Director Ellen Clark clarified the area that would continue to be used for parking for the use of the Town's Corporation Yard, vehicles, and Town equipment. She also clarified that landscaping would be permitted in the area directly in front of the property not affected by the ROW. Landscaping would be allowed in the ROW with an approved encroachment permit with the exception of large trees and shrubs.

The DRB directed the applicant to:

- Approach the County Building Department now to determine what would be accepted with respect to the new window on the eastern building wall and then forward that input to the Planning Department;
- Ensure the plans were prepared by a Licensed Architect or a Professional Engineer;
- Consider the inclusion of signage as part of the entire application;
- Consider the inclusion of landscaping, and provide a parking layout;
- Consider landscaping along the property line with screening from the Town's Corporation Yard with landscaping that mirrored the Town's landscaping; and
- Provide more details for the design of the façade, and possibly break up the panels with different shapes or curves to provide more interest from the scenic corridor.

In order to provide clarification to the applicant in the event the applicant resolved the parking, ADA, window issues, and provided some landscaping, but did not proceed with façade improvements, Chair Helber explained that such a proposal would still require DRB review and approval. He suggested it would be in the best interest of the applicant to do the work all at once since it would cost more if the project were bifurcated.

Ms. Clark advised that the applicant had the right to amend and submit the application, although the window would still require DRB review and approval. The DRB would review the window design and any potential landscaping improvements. It was up to the applicant to determine whether to move forward with the application.

In terms of the proposed screening of the HVAC units, Chair Helber found the screening to be adequate; Boardmember Crews appreciated the screening of the HVAC units; and Boardmember Zhu clarified there was no screening of the existing HVAC units.

Ms. Clark clarified that any signage could be approved administratively by staff if non-internally illuminated and found to be compliant with the Sign Ordinance.

Chair Helber encouraged the applicant to consider signage in compliance with the Sign Ordinance that could be approved administratively.

Chair Helber offered a motion to continue 329 A Rheem Boulevard (DRB 02-15) to the Design Review Board meeting of April 13, 2015, allowing the applicant additional time to obtain the materials, as discussed.

For the record, there was no second or formal vote on the motion.

**B. 1049 Camino Pablo**

**Applicant:** Ken Hertel, Hertel Architects, 857 Birdhaven Court, Lafayette, CA

Consider Design Review of conceptual architecture for Minor Subdivision (MSub 1-14) to subdivide an existing 1.04-acre residential parcel at 1049 Camino Pablo in two (2) single-family residential lots

Associate Planner Ella Samonsky presented the staff report dated February 23, 2015 for consideration of conceptual architecture for Minor Subdivision (MSub 1-14) to subdivide an existing 1.04-acre residential parcel at 1049 Camino Pablo in two (2) single-family residential lots. She recommended that the DRB approve the Draft Action Memorandum, dated February 23, 2015 recommending to the Planning Commission the approval of Minor Subdivision (MS 1-14).

Responding to the DRB, Ms. Samonsky clarified the action before the DRB was a recommendation to the Planning Commission for the approval of MS 1-14 and not the design of the two homes which would require a separate application before the DRB for the architecture. She also clarified the 33 percent lot coverage standard pursuant to the Design Review Guidelines; and the square footages for Parcels A and B, with Parcel A at 45,143 square feet (gross) and Parcel B at 12,400 square feet (gross).

Boardmember Glover questioned the appropriateness of a conceptual design before the DRB at this time. He reported that his contact with the property owner had informed him that there was no plan for the property other than a goal to build a home for one of his children someday. Given that there was no real plan at this time, he questioned why conceptual architectural approval was being requested. He also questioned the appropriateness of a potential batting cage as part of the conceptual plans.

Ms. Samonsky explained that the action before the DRB was a recommendation to the Planning Commission on whether to approve the Minor Subdivision only.

Ms. Clark stated that the language in the Subdivision Ordinance required said action before the DRB as a requirement of the minor Subdivision. The Minor Subdivision Process includes the consideration of conceptual architecture and site plan when making a recommendation to the Planning Commission on the subdivision of a property. The intent was to show that the site had the ability to accommodate a project. In this case, two single-family homes which could meet the Town's design and site planning standards, including Floor Area Ratio (FAR), setbacks, massing, and bulk. She emphasized the future development of the lots would have to come back to the DRB for review and approval. The action before the DRB was only a recommendation to the Planning Commission with the goal that a suitable project met the Town's Guidelines through the Subdivision Ordinance process.

Ms. Clark added that since the final architecture would be reviewed at a future date, she encouraged the DRB to provide input on the specifics of the conceptual plans.

Planning Commission Liaison Marnane commented that he had reviewed the conceptual plans in detail, and had a significant number of questions related to the conceptual design, which he suggested would similarly concern the Planning Commission.

## PUBLIC COMMENTS OPENED

Tim Cecchin, 268 Scofield Drive, Moraga, the property owner, explained that he intended building on the project site, looked forward to using the property for his family, and wanted the option to build another home at a later date. At this time, he had no plans to build on Parcel B but would like to know whether or not the property could be subdivided, and wanted to go through the process now to learn of the potential options. If the property could not be subdivided, he might want to orient the home on parcel A at the rear differently. He recognized that no homes would be approved at this time and would require future DRB review and approval. He expressed his hope the DRB would provide a positive recommendation to the Planning Commission to allow him to move forward with the plans to subdivide the property.

Ken Hertel, Hertel Architects, 857 Birdhaven Court, Lafayette, advised that he had designed the home in the front of the property at 1045 Camino Pablo, for the Cecchin family. He too described the intent of the conceptual architecture is to demonstrate whether the subdivision of the property would work within the Town's regulations. He clarified that Phase One was all that was intended at this time although his clients would like to be able to subdivide the property. The primary home at the rear was fairly close

to the concept the property owners would like to pursue for a shingle-style home. He commented that he had intentionally gone to the maximum with the conceptual design on Parcel B as proof of concept that it could be done since the parcel was large enough to hold a two-story home with the maximum square footage, yard area, drainage fixture, basin, drainage easements, circulation, and the like. He did not really want to see a home in that location or in that configuration, or a batting cage up against the property line. The landscape design was not prepared for this conceptual design.

Mr. Hertel reiterated the desire for proof of concept for the subdivision, to then solicit input on the primary home as to whether the concept of a home on the one acre lot made sense.

In response to the DRB, Ms. Samonsky commented that along Camino Pablo itself there were some larger parcels greater than 20,000 square feet in size. Some of the newer subdivisions were closer to the 10,000 and 15,000 square feet range, closer in size to Parcel B.

Boardmember Glover understood that the request before the DRB was the approval of a Tentative Map. He continued to be concerned with the presentation of conceptual architecture and was informed again by staff of the requirements pursuant to the Subdivision Ordinance.

Boardmember Zhu was pleased to see the sketch, the design intent, style and massing for Parcel A, which he found to be cleverly done, and hoped that the future design would be in that style. The only comment he had on the architecture was the dormer. He suggested that many times a gable roof had a shared dormer rather than a hipped roof. He characterized Parcel A as well done, although noted that Parcel B was in a different style.

Mr. Cecchin reiterated that he currently had no plans to build on Parcel B but in order to obtain subdivision approval he had to show that the parcel was buildable, and Mr. Hertel acknowledged that there should be a coherent theme between the two parcels, Mr. Cecchin suggested that coherent theme would be followed when the project returned to the DRB. He did not expect to bring a design back for Parcel B some time.

Chair Helber clarified with the architect the arch in the storm drain line on the right side of Parcel A from the garage to the pool house was the result of avoiding an existing pine tree and that the home was shifted to the top of the site due to existing screening and with the mass of the building positioned away from the adjacent neighbors. He expressed concern with the adequacy of the fall from the pool house to Parcel B, which was less than one percent; and clarified the intent of the impervious driveway up to Parcel B and gravel to the remainder, which had been proposed in response to discussions with the MOFD, with the hope to have a diminished width of paved surface, soften the appearance of the roadway, and improve stormwater management on site.

Mr. Hertel clarified that the hammerhead had previously been approved as part of the first home on 1045 Camino Pablo. He also commented that the MOFD had acknowledged that the turnaround was supporting two homes, not three, with the home at 1045 Camino Pablo able to be accessed from Camino Pablo itself. He further

clarified that the location of the bio-filtration area would be maintained by the property owner, the primary owner of the parcel, or a combination of the owners that utilize the basin, although it was an unusual situation with an existing head wall and drainage sump, which was why the existing filtration system had been located, with the water to travel underground under Parcel B.

As to whether a Stormwater Plan was required as part of the subject approval and in response to the Chair, Ms. Samonsky explained that the applicant had to demonstrate that stormwater would be adequately handled on site, as a Public Works conditions of the subdivision.

Mr. Hertel understood that a feasibility study that met the requirements had been prepared and submitted to staff.

Ms. Clark stated that the applicant would be required to comply with whatever C.3 standards applied in this case. Also, as part of the Tentative Map approval, the Town would condition a Maintenance Agreement to be executed between the two properties as related to the drainage basin.

Mr. Hertel noted that a 10-foot storm drain easement had been created along the boundary of Parcel B.

In response to Planning Commission Liaison Marnane as to how long the conceptual approval would remain in effect, Ms. Clark advised that once the subdivision had gone through the Tentative and Parcel Map approval stages, the subdivision would exist allowing the applicant to develop single-family homes on each of the lots. She affirmed that once the property was subdivided ownership could be transferred.

Ms. Samonsky referenced the Public Works Department conditions that would be imposed on the project, one of which would require the recordation of a Statement of Obligation, and maintenance of the private roadway and storm drain facilities.

Ms. Clark further clarified that the subdivision must anticipate future ownership of the property and assume the property may be under two separate ownerships, and must consider all of the issues associated with different ownership, which the Statement of Obligation would address. At such time as the Planning Commission considered the project, the Commission would be asked to approve a series of conditions that would address the maintenance of shared facilities, including storm drains and streets. All agreements must be in place prior to the approval of the Parcel Map.

Mr. Hertel noted that the drainage structures would be constructed with Parcel A to accommodate a second home on Parcel B.

Chair Helber commented that the applicant and staff report referenced an exhibit from the MOFD. He clarified with staff that the exhibit of the project had been presented to the MOFD and that the MOFD had provided affirmation in writing. He was also informed by staff that the MOFD had requested that the gravel driveway be paved if used for fire access.

Mr. Hertel advised that he would have further discussions with the MOFD regarding its recommendations for the gravel driveway.

## PUBLIC COMMENTS CLOSED

Boardmember Glover suggested as long as the Tentative Map had the information correct as discussed by the DRB, he was supportive of the project.

Boardmember Crews found the subdivision to be appropriate, found the concept to be well done, and was in agreement with the project.

Boardmember Zhu supported the project, suggested that once subdivided the size of the parcel would be within the average of other parcels in the neighborhood, and the massing of the building in the future could be mitigated through design.

Chair Helber supported the application for a Tentative Map and commented on everything the applicant had done for the front parcel facing the street by building a great project. He suggested the home at the rear would also look great, and he had no concerns about the potential for a batting cage. He was sure the details would be laid out when the project returned with a landscaping plan.

Chair Helber asked for the following additional conditions to be imposed on the project: the Tentative Map to be revised pursuant to the recommendation from the MOFD to include paving as shown on Sheet MOFD-1.0, or an alternative paving that would be deemed acceptable by the MOFD; the Tentative Map to show the ownership and dimension of the parcels; and prior to approval of the Tentative Map the Department of Public Works will review and sign-off on the adequacy of the overall plan and supporting documentation.

Chair Helber offered a motion that the DRB recommend Planning Commission approval of the project at 1049 Camino Pablo, as outlined in the Draft Action Memorandum dated February 23, 2015, subject to the findings and conditions as shown, and with the additional conditions he had recommended.

Boardmember Crews seconded the motion.

On motion by Chair Helber, seconded by Boardmember Crews, to adopt the Draft Action Memorandum dated February 23, 2015, recommending Planning Commission approval for Minor Subdivision (MSub 1-14) for 1049 Camino Pablo, subject to the findings and conditions as shown, and with the additional conditions as follows:

- The applicant shall revise the plans to show pavement per the recommendation of the MOFD to the furthest point of access, or as acceptable by the MOFD;
- A matrix to show the lot sizes, use, and ownership of Parcels A and B to be added to the plan set; and

- Prior to acceptance of the subdivision, the Department of Public Works shall review and sign the Tentative Map for compliance with requirements of the subdivision ordinance.

The motion carried by the following vote:

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

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

**5. ROUTINE AND OTHER MATTERS**

**A. Planning Commission Liaison Report – Marnane**

Planning Commissioner Marnane reported that the Planning Commission had met on February 2; had reviewed and approved a residential remodel and addition for property at 128 Devin Drive; and had discussed and provided direction to staff on the Draft Story Pole Policy, with the item to return to the Planning Commission for further discussion. He understood that the Chair had been appointed by the Town Council to be a member of the Planning Commission and he welcomed him to the Planning Commission.

**6. REPORTS**

**A. Design Review Board**

Chair Helber reported that the Livable Moraga Road Project had been considered by the Town Council which had required an additional survey of the Moraga citizenry before the project moved forward.

**B. Staff**

Ms. Clark affirmed that the Town Council had received a presentation and recommendation from the Town Advisory Committee (TAC) and staff for the Livable Moraga Road Project during its meeting on January 14. She detailed the Town Council discussions with staff directed to expand the scope of work for more outreach that would represent what the Town Council determined would be a true representative cross section of the Moraga community, and include commuters, drivers, and pedestrian and bicycle supporters. She added that the Town Council had approved a contract with a consultant to begin work on the Bicycle Pedestrian Master Plan (BPMP) Update, which would include a Wayfinding Plan, which was expected to be presented to the DRB as well.

Ms. Clark added that the next Town Council meeting would include a proposal to annex a portion of the Carr Ranch property; the Town had received a \$150,000 Contra Costa Transportation Authority (CCTA) grant to work on zoning for the Moraga Center Specific Plan (MCSP) with staff to recommend the formation of a Steering Committee for that

effort; the Town Council would conduct interviews for vacancies on the Planning and Park and Recreation Commissions, and DRB this date; the Hillside and Ridgeline Steering Committee recommendations had been continued to the Town Council meeting on March 11, 2015; and the formation of a Geologic Hazard Abatement District (GHAD) would be considered at a future Town Council meeting.

**7. ADJOURNMENT**

On motion by Boardmember Glover, seconded by Boardmember Zhu, and carried unanimously to adjourn the meeting at approximately 9:08 P.M.

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Secretary of the Planning Commission