

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

January 25, 2016

1. CALL TO ORDER AND ROLL CALL

A special meeting of the Design Review Board (DRB) was called to order by Chair Helber at 8:43 P.M. in the Council Chambers & Community Meeting Room, 335 Rheem Boulevard, Moraga, California.

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

Absent: None

Staff: Ellen Clark, Planning Director
Coleman Frick, Assistant Planner

A. Conflict of Interest

There was no reported conflict of interest.

B. Contact with Applicants

Chair Helber reported that he had visited the project site at 287 Rheem Boulevard, Item A under Design Review, had a discussion with the property owner, and had received permission from the property owner to walk the property.

2. PUBLIC COMMENTS

There were no comments from the public.

3. ADOPTION OF CONSENT AGENDA

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

4. DESIGN REVIEW

A. 287 Rheem Boulevard

Applicant: Gwan (Richard) W. Yu, 287 Rheem Boulevard, Moraga
Design Review (DRB 4-15) for a Major Residential Addition and Remodel including the Construction of First and Second Story Additions Adding 3,224 Square Feet of Living Area and a New 674 Square Foot Three-Car Garage to the Existing Residence, Within a Scenic Corridor. (1-DUA/R-15, CMF)

Planning Director Ellen Clark reported that this was the third DRB meeting in which the item had been considered, having previously been considered on September 28, 2015 (rescheduled from September 14), and November 9, 2015. During the course of the project, the DRB had received a fair amount of public testimony and staff had provided a series of staff reports with the background and analyses of the project, which was part of the public record for the project.

Assistant Planner Coleman Frick presented the staff report dated January 25, 2016, for a major residential addition and remodel including the construction of first and second story additions adding 3,224 square feet of living area and a new 674 square foot three-car garage to the existing residence within a scenic corridor at 287 Rheem Boulevard. Staff had received written comments on the application since the last DRB meeting from residents who had provided comments in the past, and ten new comments from residents in the vicinity who were opposed to the project. One comment had been received via telephone from a neighbor in support of the project.

Mr. Frick reiterated that the DRB had deliberated the merits of the project over the course of several meetings based on staff and other analyses, and had received public testimony and comments. Throughout the review, staff had acknowledged the complexity of the approval, particularly in regard to the fact that the project met all of the applicable zoning standards, yet must be assessed against the more qualitative factors reflected in the Town's Design Guidelines. Staff recognized that the applicant had not been responsive to the direction from the DRB at its November meeting, and the fact there did not appear to be complete agreement among DRB Boardmembers as to whether all of the findings could be made.

Two alternate Draft Action Memorandums had been included in the staff report for the DRB's consideration; one for approval and one for denial of the application. Staff recommended that the DRB either adopt the Draft Action Memorandum (Attachment A.1) granting Design Review approval of DRB 4-15 at 287 Rheem Boulevard, in accordance with the findings and conditions of approval; or adopt a Draft Action Memorandum (Attachment A.2), denying, without prejudice, the application DRB 4-15

PUBLIC COMMENTS OPENED

Steve Chang, speaking on behalf of the applicant who was unable to attend the meeting, stated that although no changes had been made to the plans in response to the November 9, 2015 DRB meeting, a number of changes had been made in response to the September 28, 2015 DRB meeting. The changes included an increase in the

second floor setback by one foot, 9.75 inches; complete removal of the east facing window on Bedroom 4; relocation of the air conditioning unit; and a significant number of garage design changes.

Mr. Chang reported that the applicant requested the DRB's approval of the project under the original staff report including a recommendation for approval due to conformance with the Town's Design Guidelines and applicable design standards.

Richard Immel, 299 Scofield Drive, Moraga, commented that although the Planning Department had initially considered the application to be a routine remodel, it was not, and the application had a troubled history with two incomplete submittals. During the latest DRB meeting, a landscape plan had been requested. The applicant had resisted making significant changes as detailed in an October 2015 letter from the applicant to the Town. He suggested the project was inconsistent with the Town's Design Guidelines and the scenic corridor, would encroach onto a neighbor's privacy, and there remained unresolved questions as to whether the project qualified as a remodel or a rebuild, which would affect the setback requirements.

Mr. Immel stated that many neighbors had come forward and were disappointed with the DRB's inability to address the issues in a meaningful way. He referenced photographs that had been presented at the last DRB meeting showing summertime foliage, while most of the year the foliage in front of the property was bare when the two-story structure would loom over Rheem Boulevard, and the new three-car garage would extend down to the street. He stated the applicant had been directed by the DRB during its last meeting to make revisions but had not made the revisions as directed. Based on the applicant's refusal to respond to the direction from the DRB, he recommended that the application be denied.

Patrick Brunelle, 1 La Salle Drive, Moraga, commended the Town's effort to ensure compliance with the Moraga Open Space Ordinance (MOSO). He suggested the proposed home would change the character and beauty of Rheem Boulevard, could lead to the development of huge homes, was inconsistent with the intent of MOSO, was in conflict with the neighboring homes, and degraded the beautiful Rheem Valley.

Richard Holden, 294 Scofield Drive, Moraga, expressed concern the Hollingsworth property would be negatively impacted given the spacing of the second floor of the home, and recommended it be set back since the home would obscure the ridgeline. He referenced a large home located uphill behind his residence, which was approximately 5,400 square feet in size, and which appeared to be quite large although it was farther away. He urged consideration of the scenic corridor and the nature of the area. As to the proposed exterior design, while it would appear nice in Campolindo which had Spanish style architecture, it would not fit in with the existing neighborhood. He urged that the second story of the home be set back and that the spacing between the property and the Hollingsworth residence be increased.

Steve Woehleke, 4001 Campolindo Drive, Moraga, speaking as a private citizen, commended the DRB for addressing the scenic corridor impacts at its November 2015

meeting. He presented a photograph to the DRB and noted that while the validity of the photograph had been questioned at that meeting it represented a valid view of the proposed project along the near side of Rheem Boulevard. The photograph had not been included in the staff report and he encouraged consideration of all the views, with most showing the project crossing the ridgeline.

Mr. Woehleke suggested the application could not meet the required findings. He disagreed with the logic in the current staff report that the project would have minimal impacts on the scenic corridor since the home was clearly visible now that the trees were bare. He suggested the criteria for considering impacts to the scenic corridor should include setting precedence based on granting privilege to an individual without unique substantiation which would encourage others to claim the same privilege, thereby weakening the scenic corridor guidelines.

Mr. Woehleke suggested the second finding could not be met since the proposed home would be amongst the largest in the Town situated in close proximity to some of the Town's smallest properties. As to the third finding, he realized it would be difficult to quantify the impacts on the value of neighboring homes, although potential negative impacts should be considered, one of which was the four-foot building height differences between the two lots, and the minimum 10-foot setback.

Mr. Woehleke stated he had urged all members of the DRB to view the story poles from the Hollingsworth property and stated the DRB had the authority to increase the side yard setback since 20 feet was the current setback for the lot. As to the fourth finding, he reiterated his opinion shared during previous meetings that the one-day shadow study was inadequate and inaccurate and the four-foot height difference between the two lots had not been accounted for and would exacerbate the shadowing of the Hollingsworth property. He suggested it was a health issue. He urged the DRB to consider the four findings and stated that significant work and changes were still necessary to meet the Town's Design Guidelines.

Barbara Bisei, 280 Rheem Boulevard, Moraga, located almost directly across the street from the applicant's property explained that her two-story home had been remodeled almost 12 years ago. She had initially been supportive of the proposal, was supportive of someone wanting to improve and add value to their property, although after viewing the plans she suggested the project was too large, out of character with the community, with potential environmental and visual precedents if approved.

Jane Hollingsworth, 291 Rheem Boulevard, Moraga, did not oppose her neighbor's ability to improve their home although she disagreed the current proposal was the only solution since the proposal impacted her home and the neighborhood. She questioned the Town's process given the parameters of the Design Guidelines, which she read into the record at this time. As stated during previous hearings, statistical data had been presented that the proposed home would be larger than 98 percent of the homes in a neighborhood of some of the smallest homes in Town, the Spanish architecture was unlike any other home in the neighborhood, the height of the home was exacerbated by its location on the uphill side of Rheem Boulevard, and the home would be 70 percent

the size of a home located at 226 Rheem Boulevard which was on a lot ten times larger. Information had also been provided on the numerous ways the property would downgrade the value of her residence. As such, she questioned how the project could still be considered to be compatible with the neighborhood.

Ms. Hollingsworth suggested the Design Guidelines were being interpreted too liberally. She urged some direction from Town staff and the DRB, and a willingness to compromise.

Mike Hollingsworth, 291 Rheem Boulevard, Moraga, stated he had spoken during previous meetings, and had submitted numerous letters expressing concerns with the neighbor's proposal listing the inconsistencies with the Town's Design Guidelines and ordinances. He suggested the home was two times the size of the average homes along Rheem Boulevard, contained a significantly different architectural style, and the mass would block Campolindo Ridge. He disagreed with the latest staff report that had downplayed the significance of the ridgeline, and stated the home would intrude on his home's privacy and block afternoon light into the sitting room and master bedroom area, which had specifically been designed to bring much needed light into the home.

Speaking specifically to Finding 3 and the staff report conclusion about the impacts to property values, Mr. Hollingsworth disagreed with the staff assessment. If the project was approved as is, he suggested a decrease in his property value would be inevitable with a loss of privacy in the backyard living space, a loss of light in the sitting area, the extension of the three-car garage, and a looming McMansion adjacent to his home making his home appear smaller and significantly less appealing to a potential buyer, as evidenced by a letter from a local real estate professional regarding another large home located on 228 Rheem Boulevard. He suggested the DRB could not make the finding that the application would not impact his property value and asked that the DRB address the concern.

Mia Zhang, 287 Rheem Boulevard, Moraga, reported that she had spoken with her neighbor across the street from her property about the application, who had stated he could not see the home or what was occurring on the other side given the existing trees. She did not see that the home would be an issue on the street given that drivers were usually focused on driving, and few people walked on the street since they used Town parks. Given the size of her family, six people living in a small home, the desire was to provide a larger home to accommodate her family and parents. If the garage was moved to the other side she understood there would be no problem with the project, and questioned having to further relocate the garage. She emphasized the architect had worked hard to design the home and if the plan followed all of the Town's guidelines she hoped the DRB would be able to focus on the project and the rule of the Town.

Andy Hollingsworth, 291 Rheem Boulevard, Moraga, reiterated his family's concerns with the application. He pointed out the existing garage on the applicant's property was located well behind the Hollingsworth property, was not being used on the floor plan, and questioned why it could not be placed on the west side of the home since the plan for the three-story garage would extend 35 feet along the property line, 10 feet from the

property line, and mostly block the sun into the sitting room of his home which had been designed specifically to allow more light into the home and the master bedroom. He suggested the second story and balcony would prevent the use of their back yard, and a diagram previously presented by the applicant had not taken into account the difference in lot height between 287 and 291 Rheem Boulevard. He stated the proposal would have numerous negative impacts on his family's property and on the community given the size and scale involved, was incompatible with the surrounding and existing homes, and would be the only home with Spanish style architecture. He encouraged the DRB to consider alternatives.

Chair Helber affirmed with the applicant's representative that he had no further comments.

PUBLIC COMMENTS CLOSED

Boardmember Glover commented that during the last DRB meeting, the applicant had been asked to make three revisions to the project as detailed in the staff report. Based on initial and subsequent applications, there had been no response from the applicant to the direction from the DRB. He emphasized the visual impacts to the ridgeline and the building mass with no response from the applicant to address those concerns. The visual impact to the ridgeline had been illustrated in photographs presented during the November DRB meeting. He was disappointed that staff had been required to go through this process again and no revisions had been presented by the applicant to the DRB for consideration.

Boardmember Crews pointed out that during the DRB meeting of September 28, 2015, the DRB had been close to an approval of the project subject to a few adjustments. The applicant had complied, although the composition of the DRB had shifted due to absences of Boardmembers between meetings. As a result, the applicant had been placed in a situation where he had not gained expected approval of the project and there had been new expectations for adjustment to the project. He was troubled the DRB's judgements were made to feel more capricious or more unpredictable, and he was uncertain how to address that issue. He understood the costs involved to redesign a project that was this far in the process, stated the design had been skillfully done, and asked staff to opine on his concerns with the process.

Ms. Clark acknowledged there had been an issue with an inconsistent four-member DRB Board being present at all meetings. She explained it was important for all DRB members to consider all of the information provided during the course of the hearings although that might result in a shift of opinion among the board over the course of the hearings. She also acknowledged her role in the confusion in making the call whether or not a unanimous vote was required of the DRB at its November 2015 meeting, when a bare quorum of the DRB had been present. She had been mistaken in that direction provided to the DRB at that time. She encouraged the DRB to continue to review the findings and if it was determined that the findings could be made to approve the project that would be a reason to support and approve the project. If not, the application should not be approved based on all of the information provided.

In response to Boardmember Escano-Thompson as to whether a landscape plan had been submitted, Mr. Frick advised the landscape plan was complete and the project did not involve the removal of any vegetation, with minimal grading outside of the project itself; however, based on the visual impacts that could be possible from the scenic corridor, staff had included some additional conditions of approval based on direction from the DRB at its September 28, 2015 meeting to ensure the landscaping would be maintained in perpetuity. Some of the conditions of approval included the applicant being required to submit a more extensive landscape plan to be reviewed at the staff level. The DRB had not directed the applicant to submit a new landscape plan and the intent was to address that through the conditions of approval. The applicant chose to submit material in the project plans as the landscape plan.

Boardmember Escano-Thompson stated she had seen the changes to the application after the September 28, 2015 meeting, as requested by the DRB, but had been disappointed the additional direction provided by the DRB during its November 2015 meeting had not been reflected in the current plans. She suggested that even an alternative plan would have been a good faith effort on the part of the applicant.

Boardmember Glover suggested the application also included an exception from the Design Guidelines given the structure would not interrupt, but block the ridgeline. The applicant had been asked to return with alternative schemes but none had been provided.

Chair Helber asked about the details of the current home's foundation, whether a perimeter slab or on-grade foundation. He was advised by Mr. Chang from the audience that the foundation would be slab on grade and would consist of a PT slab, with a pier to make a stronger foundation depending on the structural engineer's conclusions.

When asked, Planning Commission Liaison Kuckuk declined to comment given her opinion the DRB had done a good job considering the merits of the application.

Boardmember Glover objected to having staff expend more effort on the application. He suggested the applicant comply with the direction provided by the DRB during its November 2015 meeting, and provide alternatives to reduce the massing of the structure against the hillside.

Boardmember Crews suggested the design complied with the planning requirements, the design had been well executed, and the massing had been well done. He was prepared to approve the plans that had been submitted on November 9, 2015 and resubmitted this date.

Chair Helber reported that he had visited the site this date and the applicant had been kind enough to allow him to walk the property. He had also walked the front yard of the Hollingsworth property to review the property from their perspective and had walked Rheem Boulevard. As he had previously stated, there was an impact to the ridgeline, although the impact was intermittent and there were views of the existing trees and the

home was not visible. He recognized the front of the property would be more visible when the trees were bare during the winter.

If the application was approved, Chair Helber supported a condition that the landscape plans be revised to include a vegetative visual buffer to mitigate the visual impact of the massing, with examples up and down Rheem Boulevard of hedgerows and other trees that did not lose their leaves in the winter.

Chair Helber also commented that in walking the property he had looked at the distance between the proposed project and the Hollingsworth property, and noticed there were no windows along the Hollingsworth property that looked directly upon 287 Rheem, other than a Bay window that looked out to the front near the corner. He had also reviewed the overall massing of the building. He expressed his wish the applicant would have prepared alternative site layout plans that would have relocated the garage farther away from the shared side yard but he found the overall architecture for the proposed structure to have been eloquently done, with both horizontal and vertical articulation, and suggested the architectural detail would provide an aesthetically pleasing structure when complete. He recognized the time spent to ensure a cohesive design.

Chair Helber suggested there was a way to compromise the overall design where the overall massing could be further pushed back from the side yard. Based on the comments from the public and the information in the staff report, he understood the primary issues were the impacts to the scenic corridor and the overall massing and how it related to the adjacent Hollingsworth property. He suggested the testimony from the applicant that the foundation, which was currently a slab foundation, would be redone for a perimeter slab meant the work would be done one way or another, with an opportunity to push the project to what would be northeast to allow a further separation between the applicant's and the Hollingsworth properties. By pushing the proposed residence farther away from the Hollingsworth property would expand the setback and mitigate some of the concerns.

Chair Helber suggested the DRB had analyzed the project enough and it was time to take a vote. He noted regardless of the action taken, it was likely the project would be appealed to the Planning Commission.

Boardmember Glover emphasized the project would block the ridgeline and the Scenic Corridor Guidelines stated that nothing was to block the ridgeline. He questioned the precedent that could be set if the project was approved since it would involve a variance.

Mr. Frick clarified that no variance was being requested as part of the application nor was there a Design Guideline exception required. Staff had debated the conformance to the Design Guidelines themselves for the scenic corridor as well as other Design Guidelines that were not quantitative in nature.

Boardmember Escano-Thompson acknowledged the concerns of the Hollingsworth family, although she stated the DRB must consider the Design Guidelines. She liked the idea of a compromise to mitigate the impacts to the Hollingsworth property to allow the applicant to move forward with the project.

Boardmember Crews offered a motion to adopt the Draft Action Memorandum (Attachment A.1) granting Design Review approval of DRB 4-15 at 287 Rheem Boulevard in accordance with the findings and conditions of approval.

On the motion, Chair Helber requested the following modifications to Draft Action Memorandum (Attachment A.1), as follows:

Revise Condition 7(a) to read:

- a. Include a landscape screen of existing trees and shrubs be revised to a proposed evergreen hedgeway or solid landscape buffer at a condition approvable by the Planning Director.

Revise Condition 12, to read:

The property owner shall provide for long-term maintenance of vegetation planted along the property frontage so as to provide screening of the home from Rheem Boulevard, either by entering into a landscape installation and maintenance agreement with the Town to preserve existing and proposed foliage, or by recording a deed restriction against the property to guarantee such maintenance which is approved by the Planning Director in consultation with Town Legal Counsel.

Chair Helber also clarified with staff the conditions related to stormwater control were standard conditions of approval and had been added once the Public Works Department had reviewed the project; and Condition 37 related to a Town Design Guideline about impervious surface. The project, as designed, would include brick pavers for the motor court and the Public Works Department had determined that the condition would be adequate for the design.

Chair Helber also recommended the addition of a new condition to read:

The architectural site plan be revised, and the building plans be revised to push the proposed east elevation five feet to the west.

Chair Helber clarified his condition would apply to both stories of the building walls.

Mr. Frick commented that the movement of the entire project to the west would have implications for the setbacks on the west side since the current setback on the west side was at 20 feet, as required.

Chair Helber recommended that the architect come back with a proposal that stepped back the second story, similar to how it had been proposed for the project on the east side, and stated the applicant could come back with a project that complied with the DRB's direction.

Ms. Clark noted that the project would have to continue to conform to the Design Guidelines, as an example for the height of the end wall on the west side of the property.

Chair Helber wanted to allow the applicant the opportunity to fit into an envelope and if an exception was requested DRB approval would be required.

On the discussion, Ms. Clark suggested the Chair's new condition could be revised to read:

Revise the site plan and building design to locate the east wall of the building an additional five feet from the property line and a corresponding step back for the second story as well.

Chair Helber recommended a further modification, as follows:

Revise the site plan and building design to locate the east wall of the building an additional five feet from the project east property line, maintain the current articulation both horizontal and vertical, and have the Planning Director determine that the revised plans are compliant with the intent of the Design Review Board and consistent with the overall architectural style and massing as the project had been proposed at this time.

Boardmember Glover pointed out the new condition would represent a redesign of the project, with the foundation being moved, requiring a geotechnical engineer to review the soils conditions of the new area where the structure would be moved.

Chair Helber acknowledged Boardmember Glover's comments, although his recommended modifications were intended as a way to move the project forward.

Boardmember Crews understood the new garage would now be 20 feet from the property line; with the east wall another five feet from the property line moving the entire building five feet. He questioned whether there was a less dramatic or global way to compromise. He understood the goal was to make more of a gesture to the Hollingsworth family and acknowledged their issues with the new construction.

Chair Helber explained that the intentions of his amendments were perceived to be areas where the project could be improved to further set back a two-story structure from a one-story structure that was five to eight feet lower in elevation.

Boardmember Crews suggested the modifications would make it worse for the east side neighbor given that the two-story wall would then be 15 feet from that property line, and

the two-story wall on the east side would be setback from the one-story wall with a gesture of massing. He had mixed feelings with the modifications that had been proposed by the Chair.

Boardmember Escano-Thompson understood that what would impact the Hollingsworth sitting room was the projection of the garage and the proximity to the property line. She suggested moving the garage five feet over could be the solution.

Chair Helber pointed out that if the garage was moved independent of the proposed home by five feet, it would obstruct the covered porch and potentially encroach onto the proposed entrance, which was the reason for his additional condition.

Boardmember Crews was amenable to moving the garage piece which would more directly address the part of the project the neighbors had objected to, although if the entire project was moved five feet west, it would exacerbate the issue with the ridgeline obstruction, as evidenced by the story poles, and could result in more design issues.

As the maker of the original motion, Boardmember Crews altered his original motion to include an adjustment of the proposed garage five feet to the west as a mitigating gesture for the issues raised by the neighbors.

Ms. Clark restated the additional condition being considered, again further modified to read:

Modify the site plan and building design to relocate the garage at least five additional feet farther to the west while maintaining currently designed degree of horizontal and vertical articulation

Boardmember Crews accepted the staff modification, as stated. He also affirmed it would be up to the applicant whether the garage was attached or detached. He accepted the Chair's other recommended modifications to the existing conditions, as stated.

Boardmember Glover again suggested the motion, as stated, represented a redesign of the project. He suggested the DRB could not look at the plan and know how the structure would appear given the lack of an appropriate landscape design, and it was likely the DRB would not get one, and no foundation design had been provided. He suggested the direction to the applicant should be denial, with the applicant directed to return with alternative designs to mitigate some of the issues raised by the neighbors and the surrounding properties.

Ms. Clark restated the original motion as modified to:

Adopt the Draft Action Memorandum (Attachment A.1) granting Design Review approval of DRB 4-15 at 287 Rheem Boulevard, in accordance with the findings and conditions of approval;

- Revise Condition 7(a), further modified by staff, to read:

Include a landscape screen consisting of an evergreen hedge in the front yard between the residences and the scenic corridor subject to review and approval by the Planning Director.

- Revise Condition 12, to read:

The property owner shall provide for long-term maintenance of vegetation planted along the property frontage so as to provide screening of the home from Rheem Boulevard, either by entering into a landscape installation and maintenance agreement with the Town to preserve existing and proposed foliage, or by recording a deed restriction against the property to guarantee such maintenance which is approved by the Planning Director in consultation with Town Counsel; and

- Add a New Condition 13, to read:

Modify the site plan and building plan to relocate the garage at least five additional feet farther to the west while maintaining the current degree of horizontal and vertical articulation

Boardmember Crews affirmed that staff's restatement of the motion accurately reflected his intended motion.

On motion by Boardmember Crews, seconded by Boardmember Escano-Thompson to adopt the Draft Action Memorandum (Attachment A.1) granting Design Review approval of DRB 4-15 at 287 Rheem Boulevard, subject to the findings and conditions of approval, and subject to:

- Revise Condition 7(a), further modified by staff, to read:

Include a landscape screen consisting of an evergreen hedge in the front yard between the residences and the scenic corridor subject to review and approval by the Planning Director.

- Revise Condition 12, to read:

The property owner shall provide for long-term maintenance of vegetation planted along the property frontage so as to provide screening of the home from Rheem Boulevard, either by entering into a landscape installation and maintenance agreement with the Town to preserve existing and proposed foliage, or by recording a deed restriction against the property to guarantee such maintenance which is approved by the Planning Director in consultation with Town Counsel; and

- Add a New Condition 13, to read:

Modify the site plan and building plan to relocate the garage at least five additional feet farther to the west while maintaining the current degree of horizontal and vertical articulation

The motion carried by the following vote:

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

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

B. 120 Sandringham Drive

Applicant: Bonnie Chimni, 120 Sandringham Drive, South, Moraga
Design Review DRB 15-15 for four previously constructed retaining walls and related grading in the side yard (3DUA, CMF)

Assistant Planner Coleman Frick presented the staff report dated January 25, 2016, for four previously constructed retaining walls and related grading in the side yard at property located at 120 Sandringham Drive. Due to the project's consistency with the Zoning Ordinance and General Plan, and with minimal impact on surrounding properties, he recommended the DRB adopt the Draft Action Memorandum, dated January 25, 2016, approving DRB 15-15 subject to findings and conditions of approval.

Boardmember Glover clarified with staff the chronology of the project and that the wood retaining wall construction design had been submitted in August 2015, although the geotechnical engineer had recommended use of concrete material as identified in correspondence dated September 23, 2015, and that the project plans being considered by the DRB were the final plans that had been approved for the temporary building permit.

Mr. Frick explained that he had a number of conversations with the geotechnical and structural engineers who had written the reports included in the staff report, and who had included the modifications to the design to make it suitable for the site conditions. The plans had been reviewed by the Contra Costa Building Department and the same reports had been provided to the County. While the photographs appeared to be a wood design, the piers were concrete, and some had been modified from the original design to what had been finalized in the field. He suggested the applicant could better clarify those issues.

Boardmember Glover expressed concern if the design was accepted by the DRB as is, and there was a failure with the adjoining properties, the Town could be liable if the Town approved the project. He referenced Drawing A1, which had shown the sub-drainage system behind each of the walls, and while it was typical for that type of design there was no identification of the size of the collector line. He was very concerned that

the professional opinions on the structural design dramatically differed as shown in the correspondence included in the staff report, and he questioned the approval of a project that could utilize less than a proper design.

Mr. Frick acknowledged the challenges with the project and explained that the Town had relied on conformance with the Town's Design Guidelines and Contra Costa County, which the Town contracted with for building services to review the other aspects of structural integrity. There had been numerous conversations between Town and County staff, grading and building inspectors on the project, and to the best of his knowledge and expertise, the project had been designed to the standards of the Uniform Building Code and the County Building Standards.

As to whether the design was the final design of the structure in response to Boardmember Escano-Thompson, Mr. Frick explained that staff normally would not have issued a planning approval as required for the applicant to apply for a building permit prior to DRB review; however, because of the schedule of DRB meetings in relation to the completion stage of the project and the upcoming rainy season, staff had brought the project to the DRB when completed to reduce any chance of erosion or drainage issues during the rainy season.

Ms. Clark added that the project had been identified as a temporary structure in the County records so that the Town could retain discretion to approve the system of retaining walls as proposed, the permanent retaining wall design. She understood that the County had not on record, or as part of its official review, made a negative determination as to the long-term endurance of the structure, although the inspector may have made comments along the lines during his field visit. The County had reviewed the structural plans and had found them to be adequate. She affirmed that a concrete wall would have greater durability than the pressure treated material that had been used, but that the County had approved the structural design using this material. Had the applicant initially come in and proposed an identical project, the Town would likely have had more comments as to conformance with the Design Guidelines. In this case, the applicant had the project more than halfway complete before coming to the Town, had already taken out the previous retaining walls, and had done a substantial amount of grading. Rather than leave the project half unfinished, the Town had allowed the applicant to complete and finish the project. Demolishing the walls completely would also have created issues pursuant to observations of engineering staff.

Ms. Clark advised that the project was structurally stable as of now, it would not fall down, and was holding the slope. If the preferred approach was a concrete retaining wall, that would be at the discretion of the DRB but difficult for the applicant to pursue.

Boardmember Glover acknowledged the design had been professionally stamped. He referenced Condition 9, which required the planting of 24-inch box trees to screen the retaining walls. He noted the root system for whatever was planted should not intrude into the irrigation system. One of the solutions was to line the hole with fiberglass batting to direct the roots down. He suggested the addition of a condition that the landscaping not be allowed to intrude into the drainage system.

Boardmember Crews clarified the height of the fences at the top of the bank and towards the street, with staff understanding that the fence at the property line was six feet. He questioned whether the project was visible from the street. He also noted that the roofline of the neighboring home was visible and appeared to be in the five as opposed to ten-foot range.

Mr. Frick acknowledged that the higher level of the retaining walls were partially visible from some perspectives with some of the photographs provided taken from behind the fence. He affirmed the distance between the neighboring home and property line was approximately 11-foot setback.

PUBLIC COMMENTS OPENED

Mohinder Singh Datta, 449 Stonefield Place, Moraga, identified himself as a friend of the family of the property owners, and project architect. He stated there had been no intent on the part of the applicant to avoid going through the process of obtaining a building permit prior to commencing the project. He had some misunderstandings with the Town and County staff in that he understood a building permit would not be required, but after a contractor had been retained for the project the question had been raised. Again, after discussions with staff the same opinion had been provided that no building permit was needed and the project had proceeded.

Mr. Datta stated that two County officials had inspected the site during construction at the request of a neighbor. Neither had asked that the project be stopped or that a building permit be pursued until a third inspector had become involved when the building permit issue had again come up, which was why the project had proceeded as it had. He explained that the structure was permanent in nature, consisted of 4 x 6 treated lumber with posts five feet or more in depth, encased in concrete with rebar. The soils in the area consisted of sandstone, and after the excavation had been done, it stood absent any sloughing of any kind for almost three months. He explained that the property owners were worried about an El Niño event which was they had proceeded with the project.

Mr. Datta identified a three-inch pipe located behind all of the walls, next to a four-inch pipe, which drained out into the street. While the property owner could have gone with a concrete wall, an opinion had been sought from the structural engineer whether it would be less expensive for a concrete wall, and although half of the retaining walls had been built and holes dug, the decision had been made to stick with the treated lumber walls themselves.

Mr. Datta added that the property owner had taken photographs of the retaining walls from Sandringham Drive, and any location along Sandringham Drive where it was difficult to observe the retaining walls at any time. A taller concrete retaining wall could have been considered but would have ended up like a cave. The property owners wanted the ability to have a place for their children to play.

Roy Otis, Moraga, acknowledged the property owners of 120 Sandringham Drive had been wonderful neighbors for years; however, whoever designed the structure did not understand that a building permit was required and had done the work incorrectly. He suggested the project was not a design but an engineering structural issue and a temporary fix. Having spoken with a grading inspector, he had learned that the walls would not endure given that a slope that steep could not be supported by wood, and in ten to fifteen years the wood could deteriorate and the hill could slide. He pointed out the steepness of the hillside and suggested the retaining wall should be considered as temporary and not a permanent solution. He expressed concern with the impacts to his property, suggested there was no reason to deviate from the normal engineering standards, urged that concrete be considered, and recommended that a timeline be imposed to allow the property owner time to do the job right.

Mr. Datta reported that a formal construction building permit had been issued by the County along with final approval of the construction. The project had been engineered pursuant to current codes, County codes, and by engineers, and was not considered to be temporary.

Mr. Chimni, 120 Sandringham Drive, Moraga, explained that the same type of wooden retaining walls had been in place 40 years prior on the property, and had fallen apart necessitating the new retaining wall. He reiterated that the County had inspected and approved the retaining walls even though they were wood, and although repairs might be required in the future, the project had been approved by the County. He asked that the DRB approve the project. He commented that the retaining walls had been demolished in the past when they had been informed the work had not been done correctly and the walls had been rebuilt and the concrete re-poured with rebar for the posts. Every good faith effort had been made to meet the standards in place, with approvals obtained. He requested that the DRB approve the project.

Ms. Clark identified a memorandum from GeoEngineering Consultants (GEC) dated September 23, 2015, which had been included as Attachment E to the staff report. The memorandum had detailed the firm's conclusions with respect to the application and confirming they found the wood retaining wall design to be structurally adequate.

PUBLIC COMMENTS CLOSED

Chair Helber allowed for additional public comment although the speaker spoke from the audience and the comments were not clearly audible for the record.

Ms. Clark identified the attachments identified in the staff report and the sequence of the pieces of correspondence and their application to the project under discussion.

Chair Helber spoke to the structural plans pursuant to Sheet SKS-1, which had shown Numbers 3, 4, and 5 rebar, with special inspections to be performed, and clarified with Mr. Frick that an inspection had been performed. He referred to the first item in Attachment F relating to that inspection which had been provided to the Town on

January 12, 2016, and which had reflected an inspection by an engineer in reference to the epoxy dowel installation.

Mr. Frick reiterated that the building services for the Town were provided by Contra Costa County, and the information had been provided to Town staff based on the County inspection process for each inspection.

Chair Helber understood the inspection had been completed on November 24, 2015. He reported for the record that the applicant had provided a response as to who had performed the inspection, which had been done during construction by Consolidated Engineering.

Mr. Frick clarified that the inspection date had been November 24, 2015, the date of issue had been January 5, 2016, and had been received by the Town on January 12, 2016. The permit to finish the work on the retaining wall had been issued on September 28, 2015, although as of the August 4, 2015 second inspection by the County when a second Notice to Comply had been issued, the retaining wall had been partially constructed. No work had theoretically been done on the retaining walls between the issuance of the warning notice in August 2015 and the Notice to Comply. The permit had been issued on September 28, 2015.

Boardmember Crews asked staff whether the recommendation from the geotechnical engineer for a sump pump to be installed at the eastern end of the proposed northern retaining wall to collect all surface and subsurface water had been implemented. He commented that the irrigation for the series of stepped retaining walls when fully planted would be an issue since the wood would rot sooner and possibly weaken the subsurface strength. He urged care in recommending any planting that would require too much water. In addition, the geotechnical report had recommended a preference that should planters be constructed, the foliage require as little irrigation as possible. He wanted that to be discussed as part of any approval.

Boardmember Glover offered a motion to approve the Draft Action Memorandum dated January 25, 2016 for DRB 15-15, with the conditions as shown, and subject to the following:

- The firm of KLC which had submitted the design should submit to the Planning Department a revised drawing A1 to show the designed size of the collector pipe from the curb back to the confluence of the other collectors; and
- The landscaping behind the retaining walls should be such that root zones will not be allowed to intrude on the drainage system behind the walls.

Chair Helber asked that Condition 9 be revised or eliminated.

Boardmember Glover emphasized that whatever landscaping was planted it not be allowed to intrude into the drainage system. He suggested that 24-inch box trees, as

included in Condition 9 appeared to be too large given the space between walls. He asked staff to clarify the reason for Condition 9.

Mr. Frick advised that Condition 9 included a standard requirement for 24-inch box plant material. He stated that one large tree had been removed from the site and staff recommended its replacement with two trees. The DRB could consider a smaller box size. The intent was that trees not be placed on the retaining walls themselves but in the project area in front of the retaining walls to screen them. The applicant planned to plant vegetation on the walls themselves. The applicant had provided photographs of the rear of the property and the views from the street, noting that the detailed site view had shown the side property area as being screened heavily with vegetation in the past. The intent was to screen the walls to provide the previous screening. No photographs of the previous screening had been provided, although Google Street View had shown a historical view of the property which did not allow views into the side yard given the then vegetation.

Boardmember Glover questioned how screening would be provided unless at the top level, and Mr. Frick identified the lower areas below the walls to be screened from the street view. Although landscaping materials had been proposed to be replaced on the site, no landscape plan had been submitted as part of the project. Based on the conversations he had with the applicant, the intention had been to revegetate the area similar to its prior condition.

On motion by Boardmember Glover, seconded by Boardmember Escano-Thompson to extend the Design Review Board meeting to 11:45 P.M. The motion carried by the following vote:

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

Boardmember Glover clarified with staff the intended screening with the 24-inch box trees would be on the lower level and not on the stepped walls and would not interfere with the drainage system. He recommended that the screening trees be at that level and again that KLC provide an amendment to Drawing A1 to show the size of the collector pipe to the curb.

On motion by Boardmember Glover, seconded by Boardmember Escano-Thompson to adopt the Draft Action Memorandum dated January 25, 2016, approving DRB 15-15 for 120 Sandringham Drive, subject to findings and conditions of approval, and subject to the following additional conditions:

- The firm of KLC which had submitted the design should submit to the Planning Department a revised drawing A1 to show the designed size of the collector pipe from the curb back to the confluence of the other collectors; and

- The landscaping behind the retaining walls should be such that root zones will not be allowed to intrude on the drainage system behind the walls.
- Clarification with staff the 24-inch box trees would be on the lower level of the retaining walls, not on the stepped walls, and would not interfere with the drainage system.

The motion carried by the following vote:

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

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

5. ROUTINE AND OTHER MATTERS

A. Appoint by Motion a Design Review Boardmember to the Art in Public Spaces Committee

Ms. Clark presented the staff report dated January 25, 2016, and asked that the DRB appoint by motion a DRB Boardmember to the Art in Public Spaces Committee. She recognized the makeup of the DRB could change when terms expired in the next couple of months. While an appointment could be made now, a reappointment might be necessary when the new DRB Board was seated.

By consensus, the DRB tabled the item and Ms. Clark advised that staff would return when the new DRB Board was seated to consider an appointment to the Art in Public Spaces Committee.

B. Planning Commission Liaison Report – Kuckuk

Planning Commission Liaison Kuckuk reported that the Planning Commission had met on January 20, and had considered and provided input on some of the recommendations of the preferred policy options from the Hillside and Ridgelines Steering Committee. The Commission would consider the remainder of the recommended policy options at its February 1, 2016 meeting.

Chair Helber expected that the project at 287 Rheem Boulevard would be considered by the Planning Commission and he asked the Planning Commission Liaison to report back on the DRB's general discussion.

6. REPORTS

A. Design Review Board

There were no reports from the DRB.

B. Staff

Ms. Clark reported that a Pedestrian and Bicycle Master Plan Workshop had been scheduled for February 4, 2016, to discuss priorities for various improvements. She added that the results from the Livable Moraga Road Project Survey were currently being tabulated by the consultant.

7. ADJOURNMENT

On motion by Boardmember Glover, seconded by Boardmember Crews and carried unanimously to adjourn the meeting at approximately 11:38 P.M.

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Secretary of the Planning Commission

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

January 11, 2016

1. CALL TO ORDER AND ROLL CALL

A regular meeting of the Design Review Board (DRB) was called to order by Chair Helber at 7:02 P.M. in the Council Chambers & Community Meeting Room, 335 Rheem Boulevard, Moraga, California.

A. ROLL CALL

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

Absent: None

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

B. Conflict of Interest

There was no reported conflict of interest.

C. Contact with Applicants

Boardmember Glover reported that he had telephone contact with the applicant for Item 3B, 152 and 158 Willowbrook Lane.

2. PUBLIC COMMENTS

There were no comments from the public.

3. ADOPTION OF CONSENT AGENDA

A. November 9, 2015 Minutes

B. 152 and 158 Willowbrook Lane

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

Design Review (DRB 16-15) to approve a 10-foot tall 150 square-foot arbor in the rear yard setback of 152 Willowbrook Lane and approval of an 11-foot tall 121 square-foot shade sail structure within the rear yard of 158 Willowbrook Lane (3-DUA-PD), BH)

C. Adoption of Meeting Agenda

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

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

4. ROUTINE AND OTHER MATTERS

A. Draft Wayfinding Signage Alternatives

Planning Director Ellen Clark introduced Sue Labouvie, President of Studio L'Image, the consultant to present the Draft Wayfinding Alternatives. She asked that the DRB receive the report and provide input to staff and the consultant on the four alternative design concepts for wayfinding signage, as outlined in the January 11, 2016 staff report.

Sue Labouvie, President Studio L'Image, presented examples of a wayfinding program that had been completed in the City of San Pablo and which contained some of the same types of wayfinding signage as the proposed program for the Town of Moraga, although the visual designs would be different. Specific wayfinding signage examples included gateway, vehicular and trail/pedestrian signage. An analysis would be completed to determine decision points and to identify where it would be appropriate to locate the signage to best help people reach their destination. The number of signs is to be determined but initial analysis suggested approximately 18 vehicular signs at decision points, five pedestrian signs, and possibly 20 pedestrian/bicycle, and two gateway signs.

Ms. Labouvie identified the wayfinding sign options that had been reviewed by the Town Department Heads, which had been prepared into the four options submitted for consideration, as contained in the staff report. The alternatives had also been reviewed by the Pedestrian and Bicycle Wayfinding Steering Committee for input and preferred options had been determined by an on-line survey of Moraga residents. Option 4 had been identified as the preferred option. Option 4 contained a blue sky, green hills, and a darker tree line but did not include the pear logo.

Ms. Labouvie clarified that only panel examples were being shown at this time. The design of the signs had not yet been prepared given the current effort on visual appearance, and appeal of the signs. She sought feedback from the DRB on the concepts and what would distinguish Moraga from surrounding communities.

Boardmember Escano-Thompson clarified with staff that the Town's only official logo is the Town seal as displayed on the front page of Attachment B to the staff report, which had been adopted and developed in 1974.

Responding to Boardmember Escano-Thompson Ms. Labouvie clarified that the intent was not to design a city logo but to draw from the current logo/seal and from the landscape, look and feel of the Town to develop imagery the residents determined best reflected the Town. That imagery could be brought into a logo format in the future if that was the desire of the Town.

Boardmember Crews noted that he had been drawn to Option 1 in terms of the visual graphics which had a pear icon with an abstraction of rolling hills. He also saw merit in Option 4, and liked the fact the Town had a lot of trees and open hillsides which had been captured nicely by Option 4. While he found the dark green used in Option 4 as the background for the white lettering to be appealing, he still leaned towards Option 1.

Boardmember Glover acknowledged the work to obtain a consensus on the wayfinding alternatives, agreed with the majority who had supported Option 4, sought signage for direction and for safety reasons, but wanted to avoid an excess of signage along the Town's major thoroughfare.

Chair Helber commented that historically, blue was a color that faded much quicker than other colors, which had been his initial response to the versions including a blue skyline.

Ms. Labouvie referred to the different technology now available, which was not necessarily paint but a digital print. Whatever option was chosen, the colors would be fine-tuned and the materials would include more options where concerns related to fading could be taken into consideration. If fading was an issue and the DRB wanted more information, she would collect the processes, materials, and durability in ratings. She affirmed the highest durability material with less fading would be porcelain, although it would be difficult to change the destination or location. There were painted materials on metal and vinyl wraps on metal that could also be considered and all alternatives would be evaluated.

Ms. Clark added that the budget for the project did not include the redesign of the four wooden monument signs currently at the Town's four entry points along Moraga Road, Moraga Way, in the Joaquin Moraga (JM) orchard, and at St. Mary's Road; however, since the start of the process, Moraga Movers had donated funds to the Town for the replacement of those signs. Town staff would review design options for those signs which were a distinctive sign type and which did not need to include the same elements as the directional signs, or the designs could be carried over in some fashion to the gateway signs.

Chair Helber commented that the flip side of the exhibit had a signage type overview for pedestrian, vehicular, and bicycle signage and he found the bicycle directional sign to be more readable with a white line between each of the directions provided. He suggested including some design element like that on the layout for the sign panel options to make the signs more readable with the understanding that more arrows may be needed.

Having initially been drawn to Option 1, Chair Helber liked the inclusion of the pear as part of the Town's history, which had been picked up more frequently in projects reviewed by the DRB. He asked staff whether the survey response had been a good representation of Moraga's citizens.

Ms. Clark described the survey responses as a good response albeit a self-selected group and so she was uncertain how representative it was of the community as a whole. She described the survey responses as positive.

Chair Helber supported the efforts to reach out to the citizens of Moraga.

Planning Commission Liaison D'Arcy found that the number of responses to the survey based on the Town's population was not sufficient to base a decision.

Ms. Clark acknowledged that concern, but commented that the majority who had responded had selected Option 4. The Pedestrian and Bicycle Wayfinding Steering Committee had been of the opinion that the blue sky was a bit distracting, a bright element in the design for a wayfinding sign, with the need for focus more on the message than the visual, and had suggested more palettes of green.

Boardmember Escano-Thompson personally liked Option 2, the green palette, agreed that the blue was distracting, and asked whether a temporary mock-up could be prepared for public review.

Ms. Labouvie advised of the plan to prepare mock-ups throughout the process, and suggested that a full-scale paper mock-up with color validity could also be considered as part of the review.

Ms. Clark noted that if there was no DRB consensus on a preference, she would like the DRB to narrow down a range of options. She asked whether the pear element should be included, as an example. The DRB's decision would be presented to the Town Council at a future meeting.

Ms. Labouvie explained this was a preliminary phase, with materials and colors to be refined, and with chip samples to be made available in the future to illustrate the actual materials and colors. She affirmed that mock-ups would be beneficial in the process.

Boardmember Crews preferred Option 1 as a first option, and Option 4 as a second choice. Graphically, he stated all the options had merit, and the more he looked at the alternatives he was not convinced of the pear logo.

Boardmember Glover recognized the history with the pear and while he liked the options with the pear logo, he preferred the thoughtful placement of signs to provide safety for travel without placing them unnecessarily throughout the Town. He preferred Option 3.

Boardmember Escano-Thompson preferred Option 2, liked the pear but suggested it may get lost and become unrecognizable as a street sign. Her second preference would be Option 1.

Chair Helber reiterated his preference for Option 1, with Option 4 as his second choice. He found it difficult to make a decision given all of the quality designs that would improve the wayfinding signage in the Town. He also noted that among the DRB's first and second choices, option 1 seemed to have most support.

B. Consider Approval of Tentative Design Review Board Meeting Schedule for 2016 Calendar Year

The DRB acknowledged receipt of the Tentative DRB Meeting Schedule for Calendar Year 2016. Staff clarified the meeting dates proposed to be held versus those that had been tentatively canceled, with the goal to avoid having meetings run late into the evening.

On motion by Boardmember Glover, seconded by Boardmember Escano-Thompson to approve the Tentative Design Review Board Meeting Schedule for 2016 Calendar Year, as shown. The motion carried by the following vote:

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

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

C. Discuss and Clarify Role of Planning Commission Liaison

Ms. Clark explained that the item had been brought before the DRB to discuss the role of the Planning Commission Liaison at DRB meetings given that the Commission's role had morphed over a couple of years from one of listening and reporting to having a more active role in discussions. The Planning Commission had discussed the issue and the role of the Planning Commission Liaison to serve as a conduit of information back and forth between the DRB and the Planning Commission. She explained that having a more active discussion with a Planning Commission Liaison would run the risk where the Commission Liaison expressed an opinion about a project that could later be brought to the Planning Commission, coloring the discussion or leading a decision.

Ms. Clark reported that the Planning Commission had concurred with staff's summary, with some discussion as to where the Planning Commission Liaison should sit, either at the dais or in the audience. The consensus was that the Planning Commission Liaison should sit at the dais, listen, and provide that conduit rather than actively participate in discussions.

Planning Commission Liaison D'Arcy also affirmed the Planning Commission's discussions for the Planning Commission Liaison to serve as a conduit back and forth between the DRB and the Planning Commission, offering an information sharing ability between the two bodies which was valuable in terms of communication and understanding as to how the DRB worked, and being aware of the differences between the Planning Commission and the DRB.

Chair Helber suggested the role of the Planning Commission Liaison was important to bring back the DRB discussion to the Planning Commission level, particularly when an item was appealed. He appreciated the attendance of the Planning Commission Liaison at DRB meetings, and the importance of being seated on the dais.

Boardmember Glover commented that the DRB Chair had always welcomed comment from the Planning Commission Liaison as a representative of the Planning Commission, and a request to have an opinion on an application while not representing a vote on the DRB, was representing what was occurring elsewhere in the Town. He had no opinion on where the representative should sit either at the dais or in the audience.

Boardmember Escano-Thompson understood the concern that the Planning Commission Liaison not influence the vote of the DRB.

Ms. Clark reiterated the concerns with a more active discussion and the value of the Planning Commission Liaison to serve as a conduit of information between the two bodies. She explained that it was appropriate for the Planning Commission Liaison to report back to the Planning Commission on the DRB's decisions and what had been discussed.

Boardmember Escano-Thompson read into the record excerpts from the Planning Commission meeting held in December 2015 of comments by Planning Commissioner Kuckuk, who had raised concerns with the role of the Commission's Liaison.

Planning Commission Liaison D'Arcy reiterated the importance of communication between the two bodies.

Boardmember Crews characterized the role of the Planning Commission Liaison as valuable, and appreciated offering some awareness to that role to avoid unintended consequences.

Chair Helber clarified with Ms. Clark that no action was being asked of the DRB other than to bring the matter forward to the DRB as an informational item. The issue had been discussed by the Planning Commission. He suggested it would be beneficial to have a policy in place to formalize the role of the Planning Commission Liaison.

Ms. Clark stated an amendment to the DRB and Planning Commission Rules and Procedures would be the appropriate place to include such a policy.

5. REPORTS

A. Design Review Board

Chair Helber clarified in response to Boardmember Glover that the Consent Agenda had been approved, as submitted, and that Item 3B related to 152 and 158 Willowbrook Lane had not been removed from the Consent Agenda for discussion.

Boardmember Glover explained that he had a comment on the project that had nothing to do with the items identified on the agenda. He reported that he had attempted to contact the applicant for Item 3B via telephone. He had found the packet of information to be absent a planned view for the cover of the patio, and would like to see staff require applicants to provide more detail than the description that had been provided for what he characterized as a “tent” for the shade sail.

Ms. Clark suggested the DRB could discuss the item in the context of future applications.

Boardmember Glover reiterated his request for more scaled details relative to surrounding properties, to be provided in the future consistent with the Town’s Design Guidelines.

Chair Helber commented that although not on the agenda for action, SummerHill Homes Harvest Court subdivision had proposed a sales structure on Lot 13, with two model homes on Lots 11 and 12, with a trap fence to ensure a potential homebuyer could travel between the sales office and the model homes. He asked that the public sidewalk not be blocked for the duration of that use.

Ms. Clark advised that the Planning Commission had considered a use permit for the model homes and sales office for the Harvest Court project, which had included a circulation plan. Other construction was occurring on other portions of the site, and as long as there was valid public access through the site, it should be maintained and not blocked. She added that the improvement plans for the project required the extension of the sidewalk all the way down to the gas station, although there was a culvert/storm drain requiring more work than anticipated and the securing of an easement from the property owner, which had been holding up that work.

B. Planning Commission Liaison Report – D’Arcy

Planning Commission Liaison D’Arcy reported that the Planning Commission had met on December 7, 2015, and had considered an appeal of a new home at 68 Vista Encinos. The public hearing for that home had been continued and the applicant had been directed to provide revisions related to conditions of tree planting, tree screening, and a reduction of the massing of the second story at the rear of the home. The Planning Commission had also discussed the value of the Planning Commission Liaison. The Planning Commission meeting of January 6, 2016 had included a scoping meeting for the Environmental Impact Report (EIR) for the Saint Mary’s College (SMC)

Draft Campus Master Plan, and the approval of the Planning Commission Meeting Schedule for the 2016 Calendar Year.

Associate Planner Brian Horn affirmed the direction to the applicant for 68 Vista Encinos, and reported that the applicant was in the process of revising the design of the home.

Ms. Clark added that the Planning Commission had determined the appeal of 68 Vista Encinos should return to the Planning Commission as opposed to being referred back to the DRB. An application for the home at 70 Vista Encinos would come back to the DRB once revised plans had been submitted to the Town.

C. Staff

Ms. Clark reported that a joint Planning Commission and DRB meeting had been scheduled for January 25, 2016 to receive a presentation from the consultants on the recommendations from the Moraga Center Specific Plan (MCSP) Implementation Steering Committee, with a regular DRB meeting to be held immediately afterwards to consider the application for the property located at 278 Rheem Boulevard. The application had previously been postponed since the applicant had desired the presence of the full DRB.

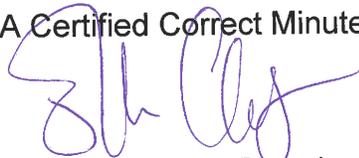
Additionally, the Livable Moraga Road Survey had been distributed to the community and the results would be tabulated with a report to the Town Council at a later date.

Ms. Clark reported that the Town Manager was leaving the Town of Moraga to become the City Manager for the City of Alameda, and Chief of Police Robert Priebe had been appointed to serve as the Interim Town Manager. In addition, the Planning Department had hired a new Senior Planner who had started work at the end of November 2015.

6. ADJOURNMENT

On motion by Boardmember Escano-Thompson, seconded by Boardmember Glover and carried unanimously to adjourn the meeting at 8:20 P.M.

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