

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

February 22, 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 7:00 P.M. in the Council Chambers and Community Meeting Room, 335 Rheem Boulevard, Moraga, California.

Present: Boardmembers Crews, Escano-Thompson, Chair Helber

Absent: Boardmember Glover

Staff: Ellen Clark, Planning Director
Holly Pearson, Senior Planner

A. Conflict of Interest

There was no reported conflict of interest.

B. Contact with Applicants

There was no reported contact with applicants.

2. PUBLIC COMMENTS

There were no comments from the public.

3. ADOPTION OF CONSENT AGENDA

- A. January 11, 2016 Minutes**
- B. January 25, 2016 Joint Meeting Minutes**
- C. January 25, 2016 Minutes**
- D. Adoption of Meeting Agenda**

Chair Helber requested that the minutes of the January 11, 2016 meeting be moved for consideration as Design Review Item B.

On motion by Boardmember Escano-Thompson, seconded by Boardmember Crews to adopt the Consent Agenda, as submitted, with the removal of Item A, January 11, 2016 Minutes and Item D, Adoption of Meeting Agenda. The motion carried by the following vote:

Ayes: Boardmembers Crews, Escano-Thompson, Helber
Noes: None

Abstain: None
Absent: Boardmember Glover

On motion by Boardmember Crews, seconded by Boardmember Escano-Thompson to adopt a modified meeting agenda by moving Item A to Design Review, as Item B. The motion carried by the following vote:

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

4. DESIGN REVIEW

A. 2 Crockett Drive

Applicant: Steven and Petra Lemelin, 2 Crockett Drive, Moraga, 94556
Design Review, Hillside Development Permit and Grading Permit (DRB 17-15) for Construction of a 440-Square Foot Accessory Structure with an Integrated Retaining Wall, on a Slope Greater than 20 Percent, in the Rear Yard of an Existing Single-Family Residence (2-DUA, HRP)

Senior Planner Holly Pearson presented the staff report dated February 22, 2016, for design review, Hillside Development Permit (HDP) and Grading Permit (GP) for DRB 17-15 for the construction of a 440-square foot accessory structure with an integrated retaining wall in the rear yard of an existing single-family residence on a slope greater than 20 percent. Due to the project's consistency with the Zoning Ordinance, Grading Ordinance, and General Plan, with minimal impact to surrounding properties, she recommended that the DRB approve the Draft Action Memorandum dated February 22, 2016 approving DRB 17-15, pursuant to Moraga Municipal Code (MMC) Sections 8.24.040-B and 8.136.050; and recommend approval of the Grading Permit to the Town Council, pursuant to MMC Section 14.16.030, subject to findings and conditions of approval.

Boardmember Escano-Thompson clarified with staff that no correspondence had been received in response to the public notice of the agenda item.

PUBLIC COMMENTS OPENED

Speaking from the audience, the Lemelins, applicants/property owners, had nothing to present unless the DRB had questions of them.

PUBLIC COMMENTS CLOSED

Boardmember Escano-Thompson clarified with the property owner, Steven Lemelin, 2 Crockett Drive, Moraga, that the neighbors had offered no feedback on the application. She was advised that the neighbors located directly behind the residence were close friends of the applicants and had expressed support for the project.

Boardmember Escano-Thompson asked why construction had started and then stopped, whether the applicant had contacted the Planning Department prior to the start of construction, and whether a variance would be required for the project.

Ms. Pearson advised that a variance was not required although DRB review was since a portion of the accessory structure encroached into the required 20-foot rear setback. She clarified that she had not been the staff person who had initial contact with the applicant. At the time she had received the application, the applicant had been advised of the Town's regulations and had submitted the application as required.

Mr. Lemelin acknowledged that had he been aware of the Town's regulations from the beginning he would not have started the project without approval.

Boardmember Crews clarified with staff that no part of the accessory structure would be visible from the street, although it may be partially visible from other residential lots located uphill.

Mr. Lemelin identified two potential areas where the roof and side of the accessory structure might be visible from the home located behind his own or from a home on the other side of the creek, although those views should be softened by landscaping. There would be no views from the street or from the south side.

Petra Lemelin, 2 Crockett Drive, Moraga, also offered comments from the audience that were not clear on the audio recording.

Chair Helber clarified with Mr. Lemelin pursuant to Sheet S4 the drains on the back side of the retaining wall that would drain out to the street while the sink drains from the property would drain into the sewage system. He also clarified there were two retaining walls; one was part of the accessory structure itself and a rock retaining wall which would have material behind it with a dark black mesh barrier.

Mr. Lemelin clarified that the existing temporary rock wall would be made more permanent once they were able to reengage with the project. The temporary rock wall was holding up the landscaping area and a permanent retaining wall would be situated in the same location, as shown on the plans. He understood that the temporary rock wall, which was under three feet in height, would not require permits from the Town.

Chair Helber described the rock retaining wall as a surcharge retaining wall, which would require some type of building permit, but which could be addressed in the conditions of approval. He also clarified with staff the conditions of approval related to the Erosion Control Plan, which were boilerplate conditions typically required of larger projects, but which would obligate the applicants to burdensome conditions for a project of the current size.

Ms. Pearson acknowledged the concerns with the boilerplate conditions related to the Erosion Control Plan, which could be addressed by having the applicant revise the Erosion Control Plan and remove any superfluous conditions. Or, the DRB may condition approval of the project subject to the submittal of a revised Erosion Control

Plan, and those conditions could be eliminated so the applicant would not be obligated to implement those measures.

Chair Helber also clarified with Mr. Lemelin the proposed pitched roof, a tongue and groove lid, with the lid a consistent floor to ceiling height, which worked on the front façade, while the side would have a 2 x 12 fascia board to run along the side pursuant to Sheet S4. He stated the plan overall had been well presented and he had no concerns with the project moving forward.

Boardmember Escano-Thompson offered a motion to approve the Draft Action Memorandum dated February 22, 2016 approving DRB 17-15 for 2 Crockett Drive, pursuant to Moraga Municipal Code (MMC) Sections 8.24.040-B and 8.136.050, and recommend approval of the Grading Permit to the Town Council, pursuant to MMC Section 14.16.030, subject to findings and conditions of approval.

Chair Helber offered the following modification to the motion.

- Add the following statement to Part 4, Conditions of Approval, Condition 1:

The applicant shall review the erosion control notes and details as shown on Sheet 4 of 4, the Gilbert A. Finch Associates Engineering plans to remove or revise standard erosion control measures or Best Management Practices (BMPs) as they may or may not apply to the community, and it shall be reviewed by staff in conjunction with the Town Engineer. In addition, the new rock retaining wall to be shown on the plans submitted to the County, in a location similar to that shown on the Grading Plan/Improvement Plan Sheet 204, Existing Rock Retaining Wall, and details for that retaining wall to be included within the plans, and reviewed by staff for compliance with the actions by the Design Review Board on February 22, 2016.

As the maker of the motion, Boardmember Escano-Thompson accepted the amendment.

On motion by Boardmember Escano-Thompson, seconded by Boardmember Crews to adopt the Draft Action Memorandum dated February 22, 2016, approving DRB 17-15 for 2 Crockett Drive, pursuant to Moraga Municipal Code (MMC) Sections 8.24.040-B and 8.136.050, and recommend approval of the Grading Permit to the Town Council pursuant to MMC Section 14.16.030, subject to findings and conditions of approval, as modified as follows:

- Add the following statement to Part 4, Conditions of Approval, Condition 1:

The applicant shall review the erosion control notes and details as shown on Sheet 4 of 4, the Gilbert A. Finch Associates Engineering plans to remove or revise standard erosion control measures or Best Management Practices (BMPs) as they may or may not apply to the community, and it shall be reviewed by staff in conjunction with the Town Engineer. In addition, the new rock retaining wall to be shown on the plans submitted to the County, in a location similar to that shown on the Grading Plan/Improvement Plan Sheet 204, Existing Rock

Retaining Wall, and details for that retaining wall to be included within the plans, and reviewed by staff for compliance with the actions by the Design Review Board on February 22, 2016.

The motion carried by the following vote:

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

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

B. January 11, 2016 Minutes

Chair Helber requested the following amendment to the minutes of the January 11, 2016 meeting, as follows:

Revise the first sentence of the second to last paragraph of Page 3, to read:

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 more readable with a white line between each of the directions provided.

On motion by Chair Helber, seconded by Boardmember Escano-Thompson, to approve the January 11, 2016 Minutes, as modified. The motion carried by the following vote:

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

5. ROUTINE AND OTHER MATTERS

A. Planning Commission Liaison Report – Woehleke

Planning Commission Liaison Woehleke reported that the last two Planning Commission meetings had been focused on a review of the preferred policy options from the Hillsides and Ridgelines Steering Committee, with the input from the Planning Commission to be presented to the Town Council on March 10. He added that he and Planning Commissioner Kuckuk had expressed interest in serving on the Hillsides and Ridgelines Steering Committee and had been selected by the Commission to do so.

6. REPORTS

A. Design Review Board

Chair Helber expressed his appreciation to outgoing Boardmembers Glover and Crews, both of whom would be missed; Boardmember Escano-Thompson concurred; and Boardmember Crews stated it had been a pleasure serving on the DRB.

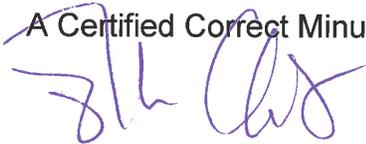
B. Staff

Ms. Clark also thanked Boardmembers Glover and Crews for their service on the DRB. She reported that the Town Council had appointed new members to serve on the DRB who would be sworn in at the first DRB meeting in March; the Town Council would hold a Special Meeting on March 10 to discuss the Hillsides and Ridgelines Policy Options; the Town Council requested the appointment of a currently serving DRB member to the Hillsides and Ridgelines Steering Committee, to be considered by the DRB on March 14; the Town Council endorsed the Moraga Center Specific Plan (MCSP) Implementation Project Vision Concept, allowing the concept to proceed with the various zoning standards for the MCSP Area; the MCSP Implementation Project Steering Committee would meet again in mid-May; and the DRB's approval of a home residential remodel at 287 Rheem Boulevard had been appealed, to be considered by the Planning Commission in late March.

7. ADJOURNMENT

On motion by Boardmember Escano-Thompson, seconded by Boardmember Crews and carried unanimously to adjourn the meeting at approximately 7:40 P.M.

A Certified Correct Minutes Copy



Secretary of the Planning Commission