

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

**May 23, 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.

**A. Roll Call**

Present: Boardmembers Davis, Gregory, Stromberg, Chair Helber

Absent: Boardmember Escano-Thompson

Staff: Ellen Clark, Planning Director  
Holly Pearson, Senior Planner  
Brian Horn, Associate Planner

**B. Conflict of Interest**

There was no reported conflict of interest.

**C. 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. April 25, 2016 Minutes**

**B. Adoption of Meeting Agenda**

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

Ayes: Boardmembers Davis, Gregory, Stromberg, Helber  
Noes: None  
Abstain: None  
Absent: Boardmember Escano-Thompson

#### 4. DESIGN REVIEW

##### A. 1 Lamp Court

**Applicant:** Bruce Mastick, 725 Alhambra Street, Crockett, CA 94525  
Design Review (DRB 5-16) for Construction of an 890 Square Foot Addition to an Existing Single-Family Residence (2 DUA, HP)

Senior Planner Holly Pearson presented the staff report dated May 23, 2016, design review consideration for the construction of an 890 square foot addition to an existing single-family residence located at 1 Lamp Court. Due to the project's consistency with the Town's Design Guidelines, Zoning Ordinance and General Plan, with minimal impact to surrounding properties, she recommended that the DRB adopt the Draft Action Memorandum dated May 23, 2016, approving DRB 5-16 subject to findings and conditions of approval.

Boardmember Gregory referenced the site plan as shown on Sheet 1, which had shown the proposed setback to the addition at 36 feet, and clarified with Ms. Pearson that although the existing rear setback had not been identified on the site plan it had been shown on Table 3, Development Standards, of the staff report at 22 feet, 9 inches.

Chair Helber also referenced Table 3 and understood that although the project sought only one variance from the development standards, based on his review the project appeared to exceed the rear and side yard setbacks. He questioned whether that was because the project was located in a Planned Unit Development (PUD).

Ms. Pearson explained that the interior existing side setback was non-conforming, did not meet the current standards, and had previously been approved. She recommended that the applicant clarify that issue given her understanding that various variances had been granted as part of the subdivision approval due to specific site conditions and topography.

Chair Helber verified with Ms. Pearson the addition would not expand the existing non-conformity, and in and of itself met all design standards. He again referenced Table 3 and cited the gross Floor Area Ratio (FAR), which would be increased to 4,840 square feet, although according to the Table only an FAR of 4,222 square feet would be permitted.

Ms. Pearson described the standard referenced as a design guideline which allowed some discretion as to the total FAR. If the FAR limit was strictly applied, the maximum allowed under the design guidelines would be a gross FAR of 4,222 square feet.

Boardmember Davis inquired whether there was a precedent for acknowledging the removal of outbuildings, structures, or other facilities on the grounds, such as a swimming pool, which in some measure would offset an increased footprint of the building itself.

Ms. Pearson commented that the swimming pool was below grade and had not been considered a part of the building footprint or floor area on the site. If a shed or some other small structure was removed, there would be an adjustment.

Boardmember Stromberg clarified with Ms. Pearson that the swimming pool counted as impervious surface, although the project size did not reach the threshold at which C.3 requirements would be triggered. The Design Guidelines encouraged minimizing impervious surfaces, and the staff report had described the amount of impervious surface to be added as part of the new addition, and the amount to be removed via the pool, patio, and new lawn.

## PUBLIC COMMENTS OPENED

Bruce Mastick, Designer, 725 Alhambra Street, Crockett, reported that he had designed the home when it had been built in the 1980s. The setbacks, size, and lot coverages had been discussed when the development had initially been approved, at which time some lots had been approved with 5-foot side yards, which had been a general condition approved through Contra Costa County and the Town of Moraga. He understood the adjoining neighbors to the 5-foot side yard were present in the audience.

Mr. Mastick described the existing home as tired, in need of upgrades and care. With that came the idea to add more square footage and have the kitchen and family room open to the rear yard, resulting in the conversion of existing area and a 24-foot push out into the rear. The property had a unique roofline and the property owner did not want to change the style but wanted something that worked with the existing roofline. The intent was that the addition dominate the high point in the middle, as depicted in the front. A symmetrical design had been proposed at the rear with the roofline made to appear as if it had always been there, which was the intent for any addition.

Mr. Mastick commented that the property had good tree coverage and the addition would not be visible from many places. The swimming pool would be removed since it was not being used. The property owner's family was not present at all the times since the family business was located in Manila, Philippines. The property owner desired more room to accommodate extended family members.

Chuck McGinnis, 3 Lamp Court, Moraga, whose home is located to the east of the subject property and built his home in 1984, had no objections to the plans. He identified five homes on Lamp Court and reported he had spoken to two of his neighbors who also had no objections to the new building, its location, or the lot limit; however, all neighbors would like to see a concerted effort to improve the existing landscaping. The property had 30-year old original landscaping, some plant material was over-mature, and some of the ground cover had died off, with much of the landscaping in poor condition. He described the property as the most unsightly in the neighborhood. He had been assured by Mr. Mastick that the landscaping would be addressed. He sought not only improved landscaping, but the placement of mulch where landscaping was not planted in order to significantly improve the appearance of the property.

Mr. McGinnis also identified an existing blue fence with a gate located on the right side of the home, which was worn out, was a safety issue since it provided access to the swimming pool, and should be replaced. He urged the DRB to approve the project subject to the applicant addressing those concerns.

Ms. Pearson reported that she had a conversation via e-mail and telephone with one of the adjacent neighbors, the Jensens at 2 Magee Court, which was the abutting property to the rear, and who had been unable to attend the DRB meeting.

Ms. Pearson advised that she had sent the Jensens copies of the applicant's plans via e-mail and they had expressed concerns with privacy impacts and whether their rear yard would be visible from the addition. Having visited the site with Mr. Mastick, she had conveyed to the Jensens that the addition would be set back far enough to the rear where the Jensen yard would not be visible from the addition. She verified that the Jensens had been publicly noticed of the DRB hearing.

Chair Helber inquired whether the Sanders Ranch Homeowners Association (HOA) had notified the neighbors of the project, to which Mr. Mastick explained the plans had been presented to the HOA in the fall, had been approved by the HOA, and he had been in contact with a representative from the HOA. The HOA required the submittal of a color sample, which would be provided upon the DRB's decision, and at which time he planned to prepare a color board for submittal. The color board could also be presented to the DRB, if so directed.

#### PUBLIC COMMENTS CLOSED

Boardmember Stromberg clarified with Mr. Mastick that the original tile roof material was no longer available and a decision had been made for a composition roof material for the addition. Also, the side of the home facing Harrington Road and the front facing Lamp Court was brick, and the property owner desired a stucco material over the existing plied siding with a new color on the addition as well as on the existing rear façade.

Boardmember Davis understood the primary concerns with the application were the landscaping and the maintenance of the property, not necessarily the new construction on the property. He understood the HOA guidelines included specifications for maintenance of the landscaping, and although the property owner was not following those rules, he did not see that was under the DRB's purview. He questioned how the property owner would address the neighbors' current and past concerns in regard to past violations of the Sanders Ranch HOA rules for maintaining landscaping.

Mr. Mastick explained that they had been working to move the application along in 2015 and the property owners were aware of the deferred maintenance. He too had been surprised with the state of the property, but reiterated the goal to make it fresh and upgraded. He confirmed that he had spoken with Mr. McGinnis and would relay to the property owner the importance of having the landscaping addressed at the same time as the construction of the addition.

Chair Helber referenced Conditions 9 and 16 in the Draft Memorandum which related to landscaping and trees, and recommended an additional sentence to Condition 9, to read:

*The landscape plan shall be revised to show ground cover being renewed in the buffer area.*

Mr. Mastick was not opposed to that revision. When asked, he was also not opposed to a condition requiring a new fence to replace the existing blue fence on the right side of the home.

Boardmember Stromberg offered a motion to approve the Draft Action Memorandum dated May 23, 2016, approving DRB 5-16 subject to the findings and conditions, as modified.

On the discussion, Ms. Pearson understood the direction from the DRB regarding the landscaping and fencing and could add that direction to the conditions of approval.

Chair Helber asked that Conditions 9 and 16 reflect the requirement for a revised landscape plan to show the renewal of the ground cover in the buffer area, not only the front and side yard setbacks, but also the replacement of the existing blue fence on the right side of the home.

On motion by Boardmember Stromberg, seconded by Boardmember Gregory to adopt the Draft Action Memorandum dated May 23, 2016 approving DRB 5-16 for 1 Lamp Court, subject to the findings and conditions as shown, and with the modifications to Conditions 9 and 16 where *The landscape plan shall be revised to show ground cover being renewed in the buffer area in both the front and side yard setbacks, and with the replacement of the existing blue fence on the right side of the home.* The motion carried by the following vote:

Ayes:	Boardmembers Davis, Gregory, Stromberg, Helber
Noes:	None
Abstain:	None
Absent:	Boardmember Escano-Thompson

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

**B. 70 Vista Encinos**

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

Design Review Consideration (DRB 10-15) for the construction of a two-story single-family residence at 70 Vista Encinos (3 DUA, BH)

Associate Planner Brian Horn presented the staff report dated May 23, 2016, design review consideration for the construction of a two-story single-family residence located

at 70 Vista Encinos. He understood the applicant had recently met with neighbors on Louise Court and had agreed to add two additional trees to the landscape plan beyond what had been shown in the revised plans.

Mr. Horn recommended approval of DRB 10-15, subject to findings and conditions of approval pending the applicant's verification that there had been a meeting with the neighbors on Louise Court to address the neighbors' concerns regarding the landscape screening. Due to revisions in the square footage and design of the project, the project description and findings of the Draft Action Memorandum, Attachment A to the staff report had been modified to reflect changes made.

In response to the Chair, Mr. Horn acknowledged that there had been a previous plan to the October 2015 presentation to the DRB that had never been presented to the DRB. The applicant had taken into consideration past DRB comments to reduce the massing of the roofline to help mitigate the potential impacts to the neighbors, would replace the gable roofs with hip roofs, and reduce the roof pitch of the primary rooflines.

Boardmember Davis requested clarification of the location of the stream channel given some conflicting information in the staff report given his understanding the stream channel would be less than 47 feet from the footing and had been identified as a riparian zone. He also asked staff to clarify the State Environmental Protection Agency (EPA) regulations for riparian zones and setbacks.

Planning Director Ellen Clark was uncertain of specific EPA requirements for riparian zones, although in general the limits of riparian vegetation were the areas to be avoided. The project had been reviewed as part of the California Environmental Quality Act (CEQA) process for the subdivision as a whole, which defined the grading envelope for the project, and which had been reviewed by the regulatory agencies that had concluded the Grading Plan, as proposed, would not have any adverse environmental impact on the riparian resources.

Mr. Horn identified the area under discussion as a seasonal drainage area and not a blue-line stream.

Boardmember Davis acknowledged he had not been a member of the DRB when the project had first been presented to the DRB in October 2015. He expressed concern with the bedrock under the project site, and the potential impacts from the stream channel during the wet season which could undercut the foundation of the home causing a landslide between the home and the stream, or impact the rear yards of nearby neighbors.

Mr. Horn stated all of the areas where the homes would be located had been remediated to remove existing landslide materials as part of the Grading Plan for the subdivision. The project had also gone through various reviews by the Public Works Department.

Boardmember Davis found nothing in the plan to describe the subterranean foundation or footing, with more details on the fence and plant material. He would have liked to have seen more details on the structure of the home which was sitting on the top of a steep slope that terminated in a stream channel, and he would like to know whether or not there was bedrock under the home to determine whether the home should be relocated to the west.

Mr. Horn explained that a soils report had been prepared for the subdivision and included a recommendation for the foundation of the homes. As part of previous staff reports to the DRB, a letter from the applicant's engineer had been included and had concurred with the previous recommendations in the soils report, which remained valid, and which had been reviewed and verified by the Town's Engineering Consultant.

Chair Helber referenced Condition 18 of the May 23 Draft Action Memorandum, as written, and clarified the report identified in the condition from ENGEIO Incorporated was the report referenced by staff. He understood that the recommendations from the geotechnical expert would be incorporated into the design and be a condition of approval.

Ms. Clark clarified that the DRB typically did not see the structural plans which were prepared at the time of building permit submittal, although the applicant's and Town Engineer's review of the plans for design level analysis were presented to determine whether the construction was feasible and to identify any concerns.

Boardmember Davis referenced the correspondence contained in Attachment D to the staff report and the concerns with the home being two story. He questioned how the neighbors would be assured that future homes in the development would also not be two stories given the piecemeal approach to the development of the homes. He asked whether single-story homes could be a condition of approval.

Mr. Horn explained that the subdivision had been conditioned to correspond with the Town's Design Guidelines that no more than two, two-story homes be located adjacent to one another. Every two homes would require a single-story home, with some leeway as to where the single-story home would be located.

Chair Helber explained that the DRB had reviewed four homes in the subdivision; all four of which would be two story, and by process of elimination the remaining homes would be single story.

Mr. Horn clarified that Lot 3 would have to be single story. The lower lots were identified as Lots 1, 2, 3 4 and 5; and Lots 6, 7, 8, 9, and 10 up along the top.

Boardmember Davis found that the story poles for the adjacent lot, which he recognized was not under discussion at this time, also appeared to be two stories, and given the subject home would be two story, he questioned how that complied with the Town's Design Guidelines.

Ms. Clark commented in this case the homes on either side of the two-story homes would have to be single-story homes unless otherwise approved by the DRB.

Boardmember Stromberg questioned whether the Town had defined a two-story residence, to which Ms. Clark advised that the Moraga Municipal Code (MMC) was very specific on the number of levels that could be stacked on top of one another.

Boardmember Davis referenced the photographs contained in the staff report of the property which had shown views of various directions from the subject site. He reported that he had taken similar photographs of the site this date, and his photographs had shown three different neighboring residences that would view directly into the building, and there could be more, and while some of the proposed trees may do well in the area, some were not native to Moraga and would not grow as tall as 25 feet high in the next five years. He questioned the intent of the proposed landscaping as appropriate mitigation.

Mr. Horn recognized that any landscaping would take time to grow and that ideally the initial landscaping would have matured over the past ten years, which was why the applicant had agreed to 48-inch box rather than 15-gallon trees to make up for some of that lost time.

#### PUBLIC COMMENTS OPENED

Bob Pickett, Branagh Development, Inc., 100 School Street, Danville, described the review process over the last several months including meetings with the neighbors. He presented a series of photographs from the neighbors' homes offering a better sense of the impacts. Views from the Fabo residence at 1101 Larch Avenue, behind 70 Vista Encinos (Lot 5), had shown an existing large coastal live oak and a filtered view of the proposed home. A strategically placed tree in a gap would help to mitigate the views of the subject home. Views from the rear yard of the Fabo residence were displayed to show a similar perspective and sense of the vegetation in the rear yard, with views of existing coastal live oaks, and again where a properly placed tree in the gap would help address visual impacts. Views of the Fabo rear yard play area were also displayed, with views through the trees again of the coastal live oak, and views of the external deck for the subject home where 48-inch box trees would offer mitigation. Additional views from the Fabo residence were also displayed.

Mr. Pickett also offered views from the Ricketts residence located at 5 Louise Court, depicting the Ricketts' dog run, peaks of the garage of the subject home, a large grassy area between the home, and out of the vegetation and in between the creek where oak trees would be planted. The additional trees the applicant agreed to plant were a result of meetings with both Mr. Ricketts and Mr. Fass at 7 Louise Court.

Mr. Pickett offered a photograph of a 48-inch box tree the applicant had planted in the Wilder Development located in the City of Orinda, with the photograph taken a month after the tree had been planted. The tree was 18 feet in height, with dense foliage, and

would offer a good start to make up for some of the lost time for the trees that had been intended to mature on the site over the past 10 years.

Mr. Pickett commented that in addition to the Fabo, Ricketts, and Fass families, he had met with other residents who had found the planting proposed to be sufficient to address their concerns, with some of those residents having no views of the subject home. He explained that the size of the home had been reduced and he presented a drawing which had shown the distance to the centerline of the creek channel, at 35 feet. The distance from the building to the property line at the back corner of the Ricketts residence was 53 feet, 4 inches, and a redline of the original grading of the subdivision was identified where the home had been held back an additional 13 feet from that.

Mr. Pickett also offered a comparison of the current plan to the plan that had been proposed in October 2015 to present a sense of the reduction in scale, the reduction of the overall mass of the home with the changes to the roofline, replacement of the gable roofs with hip roofs, reduction of the roof pitch of the primary rooflines, relocation of the outside deck all the way over to the right, with the second floor pushed back, and with the two hipped roofs below the site of the neighboring home. He stated that all measures had been taken to respond to the DRB's comments from the last meeting.

Amy Fabo, 1101 Larch Avenue, Moraga, commented that the photographs Mr. Pickett had shared offered views looking up, and were from her rear yard and from her picture window. She explained that when the project was completely built, she would have views of a wall of houses and would not see the sky.

Ms. Fabo explained that the only gap in her rear yard was where an existing tree was located, and with the new homes there would be views of the homes on either side, a balcony hanging off of the subject home overlooking her rear yard, directly into her line of sight, into her windows and into the windows of her children's bedrooms. She stated she had not been notified of the installation of the story poles, which were highly visible from her property and she found the photographs that staff had presented to be misleading in that one could not see the angle in which the story poles had been based.

Ms. Fabo recognized that the level of the home had been reduced, and while she appreciated the modification, from her perspective the home remained massive with the rear balcony viewing into her rear yard. She acknowledged that she had a great deal of discussion with Mr. Pickett about trees but remained concerned that trees had not survived on the subject site in the past, they were not all as high as the existing trees, and relying on humans to maintain them was not always the best course of action. She also appreciated the fact that Boardmember Davis had visited the site to view the potential impacts.

Ms. Fabo further commented that the residence located at 1099 Larch Avenue had recently sold and the property owner had been forced to accept less money than had been offered given a low appraisal because of the new development. She too was concerned that the questions about the bedrock soil remained unresolved and asked for clarification from staff.

Shaoqiu Zhou of 1097 Larch Avenue, Moraga, commented that the new home would face his bedroom and bathroom, and would be closer than depicted in the photographs. He suggested no tree would mitigate the views, particularly in the winter when leaves were gone and the area was exposed. He understood his neighbor had submitted a letter to the DRB, and he agreed with his neighbor that a single-story home would better mitigate the concerns of the neighbors, which he asked the DRB to consider.

Mr. Pickett understood Ms. Fabo's concerns which had been expressed consistently throughout the discussions, although he explained that measures had been taken to mitigate the concerns. While there would be homes behind the Fabo residence, he suggested the story poles made it appear worse than it was, but acknowledged there would be an immediate noticeable impact to the rear yard of the Fabo residence given the construction period, anticipated for six months. He suggested the mitigation measures that had been taken were reasonable mitigations, and the major upgrade in the trees would help to expedite a good solid screen. The project Covenants, Conditions and Restrictions (CC&Rs) required the property owners to maintain the trees, and they could not be removed absent an approved permit from the Town. The CC&Rs would run with the property and would apply to the construction of future homes. Also, based on his experience, new homes ultimately improved property values.

Mr. Pickett clarified that the existing pine trees had been planted when the original development had been built, were 20 to 30 years in age then, and had later been removed, although he was uncertain when or by whom. The oak trees had grown where the pine trees had originally been planted.

Mr. Pickett also clarified that the development was boxed in. Lots 3, 6 and 9 must be single-story lots; the design of single-story homes on hillsides were a challenge; the other homes would be able to be two stories albeit they would likely have the same concerns in the future with building and mass; and the home for Lot 4 had been appealed to the Planning Commission by the former owner of 1099 Larch Avenue. He acknowledged that the development of the remaining homes would likely involve different issues and circumstances with different neighbors.

When asked, Mr. Pickett identified the plots on the plan for all ten lots; the homes for Lots 7 and 8 had previously been approved for two-story homes; Lots 3, 6, and 9 would be single-story homes; the story poles represented the most current and revised design; the cost differential between 48-inch box and 15-gallon trees ranged a couple of thousand dollars per tree; the trees could be larger in size, such as a 5 or 6-foot box tree although it posed a challenge and would be more costly; and landscape experts would likely suggest a 15-gallon tree planted today would result in a better tree in the future. While a 60-inch box tree would be taller than a 48-inch box tree, he was uncertain of the availability of that size tree given the slowdown in the economy when landscapers had stopped growing trees years ago. The cost of said trees was also an issue given the incremental increase. As a result, a 48-inch box tree was offered as a good start, would provide immediate green, and would take a couple of years to be most effective.

Mr. Pickett further clarified in response to the Chair and pursuant to the photographs with views of the Fabo property that an existing oak tree located at the rear was a 6-inch oak identified as No. 50 on the civil plans, and an existing tree located on the right of No. 50 had not been shown on the plans. He acknowledged the Chair's recommendation that the planting of future live oaks complement the existing live oaks. He did not oppose an additional condition that staff field spot the trees and optimize their location. He also clarified that Sheet L3, which had shown the planting of four coast live oaks would be amended to reflect the addition of two more trees, for a total of six new 48-inch box trees in that area.

In terms of the architecture, Chair Helber acknowledged the applicant had listened to the DRB's direction from a previous meeting related to overall reduction in square footage and height, and expressed his appreciation for the applicant's considerations. As to the concerns with the location of the balcony, he asked what had been done to mitigate the Fabos' privacy concerns.

Mr. Pickett explained that this was the third iteration of what had occurred when the developer had installed the story poles and he and the neighbors had been taken aback. There had then been a second iteration of plans. Originally from the Fabos' perspective the deck was larger and wider, and more in the center of the home. The deck had therefore been made smaller at 8' x 25' in size, shifted to the east where it was less imposing, although still visible from the Fabo rear yard, with vegetation to offer some screening. He clarified that the deck was not continuous across the rear yard.

#### PUBLIC COMMENTS CLOSED

Boardmember Gregory commented that as a new member of the DRB, he had reviewed the background of the application and understood the subdivision had initially been approved in 2002, the landscape plan had been approved in 2006, with several conditions imposed on the project as included in the staff report to mitigate and address certain conditions of the project. The developer had responded quite well to input from the neighbors and the Town by revising and redesigning the mass, substantially reducing the square footage by 22 percent, and revising the landscaping by adding additional screening. The project conformed to all development standards that applied to the property.

Boardmember Gregory recognized the concerns when new development occurred in established residential neighborhoods and the desire to maintain the character of the neighborhood, although he also had to take into account the rights of the property owner to develop the property, and the rights of the Town to apply design standards to mitigate and control as much as possible any adverse conditions that could occur during the design and construction of new projects. In this case, he suggested that had been done.

Responding to Ms. Fabo's concerns with the geotechnical analysis, Mr. Horn explained that as part of the subdivision improvements, a geotechnical analysis had been conducted prior to the grading of the sites. The geotechnical analysis included

recommendations for regrading and mitigation of the landslides present on the property, recommendations for foundations and retaining walls, and the property had been developed in accordance with the subdivision improvements. As staff reviewed the homes, staff had verified that all of the recommendations were still valid with the current building codes. The applicant had provided a letter from the geotechnical engineer who had originally performed the original exploration, which had been verified by the Town's Engineering Consultant. While staff was uncertain of the level of bedrock present, that information had been contained in the geotechnical report.

Boardmember Stromberg inquired what measures had been taken to eliminate existing landslides, and questioned how the site had been graded in a way to ensure that disruption to the toe of the slope would not cause problems once a home had been constructed up toward the head of the slope.

Ms. Clark explained in general the geotechnical analysis that had been conducted in expectation of the grading that would occur, construction of the homes, and the limits of grading to accommodate the homes. Between that and a more detailed subsequent analysis that had been conducted, staff was very comfortable that the home was being designed, placed, and engineered to avoid any geotechnical issues.

Mr. Pickett explained that Branagh Development was not the original developer, but had acquired the lots from the current owner, who was also not the original owner of the subdivision. Branagh Development had reviewed all of the soils reports and had found that things had been keyed-in and benched-in consistent with the standard practices in place ten years ago. There were some sub drains and some concrete V-ditches on the uphill lots. Most of the drainage from the hillside had been intercepted by the street and storm drain system. Water flows over the lots and downhill into the neighbors had been reduced to almost nothing. A storm drain would be added to pick up all of the roof leaders and take them into existing storm drain pipes. Standard benching, excavation and sub-X keyway, placement of soil, and compaction as it goes back up were all standard practices for development.

Boardmember Davis suggested that all of the earth work on the site had left a road that was failing, and he was uncertain what was also at risk. In his opinion, the site was not as secure as it could be.

Mr. Pickett explained that as part of the Public Works Department checklist of items required of the developer, the developer would have ENGEO conduct an inspection of the site and determine the cause of the erosion of the road and curve offset. Many times when roads were not used they tended to split open, crack, and not be maintained. Prior to the issuance of a building permit, the applicant would be required to have the street inspected by a soils engineer, and any recommendations be reviewed by the Town Engineer, which would also be peer reviewed. If remedial measures were necessary, they would be undertaken. There would also be further geotechnical review of the foundation once complete.

In further response to the DRB, Mr. Pickett explained that the foundation was pier and grade beam with all wood floors suspended over a pier and grade foundation. The design had yet to be completed. As to whether there was any known creek erosion, having been to the site recently with two neighbors he saw no evidence of any creek erosion. The area was heavily vegetated and the property was situated away from that area.

Mr. Horn pointed out that Condition 9 would address the pavement condition.

Chair Helber commented on the maintenance of the landscape buffer, recognized that the landscaping had ultimately not been maintained and had failed, and since the CC&Rs required that the landscaping be maintained, he asked staff what assurance the Town had to enforce the maintenance of the landscaping. He suggested the maintenance of the landscape buffer was as important as the design of the home and sought assurance that it would be maintained more than five years. He agreed there were diminishing returns related to the size of the trees to be planted and suggested it could be more beneficial to require smaller trees than 48-inch box. In this case, he suggested that 48-inch box trees would likely survive with the existing coastal live oaks although he sought more enforcement than through the project CC&Rs.

Ms. Clark advised that the DRB had the ability to impose conditions that pertained to achieving the design review guidelines and objectives, and if tied to the maintenance of the landscaping it would be acceptable to make additional requirements. One of the challenges was that the original conditions related to the entirety of the subdivision, and providing screening from the downhill neighbors from the specific lots. The DRB could apply additional conditions in that regard.

Mr. Pickett clarified in response to the Chair that the project would involve an HOA, the draft CC&Rs had yet to be submitted to the Town, but would be soon unless changes were required. The CC&Rs in their current format already included a provision that trees planted as part of the original approval of the subdivision could not be cut down. It would be acceptable if the DRB desired a maintenance agreement that included the Town. The HOA would have no maintenance responsibility for any of the landscaping, but would be responsible for storm drain and private street maintenance. A hiking trail that traveled off-site and meandered up the hill would involve annual maintenance from the HOA.

Since the vegetative buffer involved more than one property, Chair Helber questioned whether the Town would prefer a maintenance agreement with more than one property owner, or one HOA.

Mr. Pickett identified six homes that abutted other properties.

If the DRB were to consider approval of the application, Chair Helber recommended an additional condition for staff to draft a maintenance agreement, with either the HOA or a future homeowner, to be approved by the Town Attorney.

Boardmember Davis recognized the applicant's efforts to meet the DRB's October 2015 requirements, and noted at no point of the discussion was it found the application had not met all of the Town's Design Guidelines and policies. He was torn by the theoretical impacts to the neighbors, including the loss of property value given the testimony related to the resale of the property at 1099 Larch Avenue. Given the potential impacts to property values and privacy, he found the Town's policies to be inadequate to protect the public's interests.

Boardmember Gregory restated his comments; recognized the difficulty with building new development around existing homes and neighborhoods; the angst in balancing the rights of a developer as opposed to the rights of existing homeowners; and understood that privacy went in both directions in that the new home might allow views into neighbors' yards, and the neighbors would have views of the new home, which tended to be a mitigating factor.

Boardmember Gregory offered a motion to approve the Draft Action Memorandum dated May 23, 2016, approving DRB 10-15, subject to the conditions as shown, and subject to the following additional conditions:

- *The on-site location of screening trees to be attended by the homeowners and Town staff; and*
- *The applicant to establish maintenance provisions for the landscape screening vegetation.*

On the motion, Chair Helber recommended that the two additional conditions be imposed prior to the issuance of a building permit. He also required modification to the additional condition for a maintenance agreement to be recorded against the property prior to the issuance of a building permit. He requested that the condition be imposed for all of the lots that had the vegetative screen.

Ms. Clark understood the intent of the Chair for a similar condition to be applied to all of the downslope lots when they come forward for approval, Lots 1 through 5.

On motion by Boardmember Gregory, seconded by Boardmember Stromberg to approve the Draft Action Memorandum dated May 23, 2016 for DRB 10-15 at 70 Vista Encinos, subject to the conditions as shown and subject to the following additional conditions:

- *The on-site location of screening trees to be attended by the homeowners and Town staff for Lots 1 through 5, prior to the issuance of a building permit; and*
- *The applicant to set up maintenance provisions for the landscape screening vegetation for Lots 1 through 5, prior to the issuance of a building permit.*

The motion carried by the following vote:

Ayes: Boardmembers Gregory, Stromberg, Helber  
Noes: None  
Abstain: Boardmember Davis  
Absent: Boardmember Escano-Thompson

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

Chair Helber declared a recess at 9:00 P.M. The Design Review Board meeting reconvened at 9:04 P.M. with Boardmembers Davis, Gregory, Stromberg, and Chair Helber present.

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

### **A. Consider and Provide Feedback on Moraga Gateway Sign Conceptual Alternatives**

Planning Director Clark presented the staff report dated May 23, 2016, and asked the DRB to provide input to staff and the design consultant on the preliminary gateway sign concepts. The feedback from the DRB would be included in staff's report to the Town Council at a later date at which time a preferred design concept would be selected.

Chair Helber clarified with staff the value engineered options, with the sign in front of the Council Chambers most similar to Option 1B which had a similar font. He also clarified that the Town's existing signage did not include the Town's seal. He suggested the version with natural rock was by far the more aesthetic option, although it was more expensive. The stained wood option, even if high quality, would wear over time and any wood in the Moraga environment would fade and wear quickly. He also suggested that what he described as Option 1B Simplified was not an upgrade to the Town's current signage, was not visually desirable, and he preferred the appearance of Option 1B. He expressed his hope the Town could find a way to supplement the donation received from Moraga Movers to make Option 1B a reality.

Boardmember Stromberg concurred that Option 1B was dramatically nicer than the other options and he too expressed his hope that additional funds could be raised to accommodate the sign depicted in Option 1B. He understood that space was a premium and a horizontal sign would be difficult to place; suggested the vertical signs missed the mark entirely; and questioned whether it was necessary to have a vertical sign with the name of Moraga on its side, or whether it could be spelled down vertically. He could live with such an option as opposed to a horizontal sign.

Boardmember Davis pointed out that sign copy on a vertical sign would not be clearly legible to passing motorists but if written with letters upright and descending, it could be caught by the eye. He clarified with staff the cost estimates for the options included the value engineering options, and suggested the Town live with its existing signs until it was able to afford the preferred signs.

Boardmember Gregory suggested the exhibits had been well done although he had numerous questions regarding the sign cabinet materials, bronze lettering, and would have liked to have seen more cost effective options. While he tended to like the bottom right sign as depicted in the presentation, with modifications, he would be happy to support Option 1B, with specified details on the construction of the signs.

Ms. Clark acknowledged she did not have the specified details on the construction of the proposed sign options at this time, and would have to ask the consultant to provide that information when the item was forwarded to the Town Council.

Chair Helber suggested a poured in place, colored concrete sign itself with no cabinet would be less expensive than what had been proposed. Another option to the raised dimensional bronze letters could be recessed letters cast into the stone, and rather than mounting the sign, it could be placed in a recess so that eventually as it began to drop water and residue, the cabinet itself would not be stained.

Boardmember Stromberg added that option would be less susceptible to vandals. He also noted there were faux rocks that could achieve the same aesthetics for a fraction of the cost, although staff noted that faux rocks were less durable and less authentic in terms of appearance.

Ms. Clark advised that the consultant would be asked to take a harder look at Option 1B as the overall preferred option, and consider ways in which the suggest changes could be incorporated to keep the costs down.

Chair Helber liked the use of real rocks, which added depth, and the way the rocks had been represented in the options was important since they reflected the ridges in Town.

**B. Consider Appointment of a Design Review Board Representative to the Moraga Center Specific Plan Implementation Project Steering Committee**

Ms. Clark presented the staff report dated May 23, 2016, and advised that Chair Helber and former Boardmember Crews had served on the Moraga Center Specific Plan (MCSP) Implementation Project Steering Committee. Since former Boardmember Crews was no longer a member of the DRB, she asked that the DRB consider the appointment of a new representative to the MCSP Implementation Project Steering Committee

On motion by Chair Helber seconded by Boardmember Gregory to appoint Boardmember Stromberg to serve on the Moraga Center Specific Plan Implementation Project Steering Committee. The motion carried by the following vote:

Ayes:	Boardmembers Davis, Gregory, Stromberg, Helber
Noes:	None
Abstain:	None
Absent:	Boardmember Escano-Thompson

**C. Planning Commission Liaison Report – Kovac**

Planning Commission Liaison Kovac reported that the Planning Commission had met on May 2, and had considered an appeal of a home remodel for property located at 287 Rheem Boulevard. He offered a brief outline of the discussion, stated the item had been continued, and the applicant had been asked to address the scale of the home, scenic corridor, and neighborhood compatibility. The Commission had also conducted a study session for a potential Chase Bank to be located in the MCSP Area. On May 16, the Commission had a lengthy discussion of draft amendments to the MMC for Home-based Wineries and Vineyards. The item had been forwarded to a two-member Planning Commission Subcommittee. The Commission had also discussed and approved the remodel of the former post office building on School Street for an office/warehouse operation; discussed and reviewed the 2015/16 Capital Improvement Program (CIP), and the Annual General Plan Implementation Report; and had reviewed the regulations of the Brown Act.

**6. REPORTS**

**A. Design Review Board**

Boardmember Davis reported that he had attended the first Art in Public Spaces Committee meeting when an aggressive timeline had been set for the Town of Moraga to display public art much like the City of Orinda.

Chair Helber reported that as the Chair of the DRB he had attended the Planning Commission meeting on May 2, at which time the appeal of the DRB's decision to approve the remodel of a home at 287 Rheem Boulevard had been considered and the item had been continued, as reported.

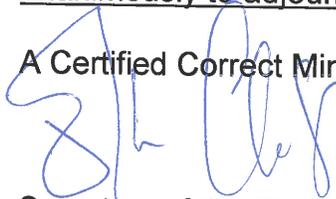
**B. Staff**

There was no report from staff.

**7. ADJOURNMENT**

On motion by Boardmember Gregory, seconded by Boardmember Davis and carried unanimously to adjourn the meeting at approximately 9:30 P.M.

A Certified Correct Minutes Copy



Secretary of the Planning Commission

