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Council Considers Wright House It's hard to build on a slope in Moraga

By *Sophie Braccini*

It's not that the architect James Wright didn't take the safest route. As he designed the creative, modern home he wanted to build on a steep slope at 1800 Donald Drive in Moraga, he worked with planning staff to make sure the project adhered to all of the town's building rules regarding height, grading, and other requirements. After more than three years of work and close to \$100,000 spent in local fees, the project that received approval from both the Design Review Board and the Planning Commission was appealed by neighbors. On Jan. 22 the Moraga Town Council upheld the appeal and the property owner was instructed to obtain a grading permit in order to proceed.

"I worked with two different planning directors, the town engineer and the town consultant to design a home that fit all of your town's requirements," said Wright, an award-winning Orinda architect. The project, which would build a large home (more than 4,000 square feet) on a downslope off Donald Drive, was supported by town staff who recommended rejecting the appeal. One after the other, the town consultant, the planning director and the town manager explained that the plan fits the criteria for the amount of grading and the number of stories, which were the two main elements that caused concern among some of the council members.

The bulk of the discussion settled around the amount of dirt that would be moved to build the house. In Moraga the rule is that if a home requires more than 50 cubic yards of dirt to be moved, it requires a grading permit. Moving dirt for elements such as foundations and utilities are not taken into account in the formula because it could become a safety issue.

Two council members, Dave Trotter and Roger Wykle, did their best to dig deeper and challenge staff's recommendation. Wykle was particularly tenacious, trying to demonstrate that the house had in fact three stories, and that the driveway that's an elevated structure should not be considered an essential element of the house, meaning that it should require a permit as a structure encroaching on the front setback.

Trotter argued that the amount of dirt that would have to be moved would be greater than estimated and that it would be better to seek a grading permit now rather than to stop construction down the road when, as he predicted, the 50-cubic-yard limit would be exceeded.

Mayor Ken Chew, although he did not pose an argument during the discussion, was also in favor of stopping the project.

At the last minute, Trotter said he would change his vote if a grading permit were required from the applicant and the height of the windows reduced from 12 to 10 feet. The applicant will therefore have to apply for a grading permit and return to the Town Council. It is not clear what this will mean to the project since in staff's professional opinion it does not require a grading permit. Conscious that this project could set a precedent for building on hillsides in town, Trotter asked that the conditions of approval state that this specific lot was declared constructible before the town was incorporated and that the approval, if it happens, would not set a precedent.

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