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Is the Moraga Zoning Code Adequate?

By Sophie Braccini

Moraga residents have tried more than once to stop developments, using design guidelines from the municipal code, citing inconsistencies with a neighborhood as in the case of Hetfield Place, or attempting to protect ridgeline views on the scenic corridor, as with Moraga Center Homes, but they have had limited success. These guidelines often leave room for interpretation by staff and commissioners. The proposed new home at 287 Rheem Boulevard falls into that category.

The planned 5,276-square-foot residence sits on a 22,000 square foot lot, but there is no floor area ratio requirement in the municipal code for lots over 20,000 square feet, which has caused a long debate and multiple meetings, including the Nov. 9 Design Review Board meeting where members decided to send the property owner back to the drawing board with a few general requirements.

"The DRB has discretion to limit home size, based on a series of findings that are stated in the design guidelines," commented Planning Director Ellen Clark after the meeting. "There's more latitude for the DRB to decide on the 'right size' for homes on large lots. But, clearly not everyone may agree on what this 'right size' is."

The new home's neighbors definitely believe this new home is not the right size for their neighborhood. "(This proposed home) is incompatible with the neighborhood. (The design guidelines state that) a harmonious relationship with the neighborhood should be created with the use of compatible design, scheme and scale," said neighbor and planning commissioner Steve Woehleke.

The Hollingsworth family, who lives next door, said that the proposed house is at odds with other homes in Moraga. "The proposal is out of scale," said Andy Hollingsworth. "There are only 50 homes in all of Moraga that are larger than the proposed home. All but seven of these homes are on lots greater than one -acre; the seven homes that are on lots less than one acre are in neighborhoods of larger homes such as Sanders Ranch or Paseo Lunares."

Neighbors also brought up the structure's impact on the ridgeline views. Woehleke brought a photograph that showed how the new structure, which is outlined by story poles at this time, would block the view of the Campolindo Ridge from Rheem Boulevard. The Hollingsworths were concerned that the privacy of their backyard and family room would vanish, and that the two-story structure would cast a long shadow, reducing the amount of light they get in the afternoon.

"It's important to recognize that the actual language is more nuanced than simply 'you shall not block ridgeline views,'" said Clark. Rheem Boulevard is a Moraga scenic corridor and the guideline states, "Each structure ... shall be limited to scale and siting to reduce visual dominance or obstruction of existing landforms, vegetation, water bodies and adjoining structures." The planning director noted that a phrase such as "reduce visual dominance" also leaves room for interpretation. "Guidelines tend to be more advisory, and often include subjective standards," added Clark. "The Zoning Code tends to include more quantitative (requirements). These reflect some kind of community consensus about a desired outcome - e.g. a maximum height so buildings don't block view. Unfortunately, as we would love all of these decisions and interpretations to be completely clear-cut, they often are not - and that's probably some of the hesitation on the part of the decision-makers to be declarative about (what is) the ultimate 'right.'"

The unpredictability linked to the interpretation of guidelines makes the development process long and costly for the property owners as well, as various demands are made, requiring them to send their architect Jimmy Fong back to the drawing board numerous times. When the owner took the stand, her frustration was apparent as she described her household of seven people - she and her husband, Richard Yu, two children, two parents and one unmarried sister who currently live together in a 1,300-square-foot home. A Chinese immigrant, she said she had trouble understanding how her family's individual rights could be ignored in this country and could not comprehend how people who have been living in old homes for years, and whose children are gone, could stop her family from building something new and beautiful.

Since only three out of four DRB members were present, the planning director indicated that their decision had to be unanimous. Two of the three board members were ready to give their approval. Chairperson Ben Helder said the home was well designed using high-quality design materials, and while he still had concerns about the massing as it relates to this particular site, he supported the application. Board member Chris Crews, an architect, said that the home design was skillfully done and that it would be a net improvement for the neighborhood. Board member John Glover, however, indicated that he had major concerns regarding the project, specifically the frontal mass blocking the view of the ridgeline from the scenic corridor.

The board asked the owners to prepare one or two alternative plans that would mitigate the visual impact on the ridgeline, one possibility being a setback to the second story. The owner was also asked to potentially reconsider making the three-car garage a detached structure, and moving it closer to Rheem Boulevard to further separate it from the neighbor's yard.

This decision can be appealed to the planning commission. The planning commission would then review the application in its entirety.

Reach the reporter at: sophie@lamorindaweekly.com

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