



Moraga

Public Meetings

Town Council

Wednesday, Nov. 18, 7 p.m.

Wednesday, Nov. 25, canceled

Joaquin Moraga Intermediate School,
1010 Camino Pablo

Planning Commission

Monday, Dec. 7, 7 p.m.

Moraga Library, 1500 St. Mary's Rd.

Design Review

Monday, Dec. 14, 7 p.m.

Monday, Nov. 23, canceled

Moraga Library, 1500 St. Mary's Rd.

School Board Meeting

Moraga School District

Tuesday, Dec. 8, 7 p.m.

Joaquin Moraga Intermediate
School Auditorium

1010 Camino Pablo, Moraga

www.moraga.k12.ca.us

See also AUHSD meeting page A2

Check online for agendas, meeting notes and announcements

Town of Moraga:

www.moraga.ca.us

Phone: (925) 888-7022

Chamber of Commerce:

www.moragachamber.org

Moraga Citizens' Network:

www.moragacitizensnetwork.org



Moraga Police Department

Identity theft 11/3/15 A Larch Avenue resident reported to police that an unknown suspect obtained a loan using his information and the money was transferred to a bank in Texas. No suspects or leads at this time. Imagine that – an unauthorized loan in the Lone Star state.

Broken License Plate Lamp 11/04/15 Perhaps it was the late hour – 2:30 a.m. – that led police to pull over a 1996 Ford Mustang for a broken license plate lamp at Moraga Road near Corliss. As it turns out, the driver had a suspended driver's license resulting from a 2001 felony DUI conviction. He was arrested and released on his signed promise to appear in court.

More identity theft 11/4/15 Someone opened a fraudulent bank account using an Inverleith Terrace resident's personal information. Oddly, the victim was unable to gain access to any of the bank records without first obtaining a police report. Thankfully the reporting person has not lost a dime – so far.

Burglary 11/07/15 Squatters really "made themselves at home" despite being unwelcome. Evidence of food containers and clothing was found at a Lynwood Place home that was vacant and being remodeled, which indicated "guests" had been there for a few days. The owner has no idea how the squatters gained entry, and reports that approximately \$2,200 worth of construction equipment was taken.

Student almost AWOL, 11/09/15 Cops responded to a call from Los Perales Elementary School to assist the staff with a student who was attempting to walk away from campus. Cops found the kid who had returned to the campus without incident. Wandering student was spoken to by the police and school staff about leaving without permission.

Home Invasion Robbery 11/12/15 Police responded to the report of a home invasion robbery that occurred on Via Granada in the Campolindo neighborhood. According to police,

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Is the Moraga Zoning Code Adequate?

Proposed home on Rheem Boulevard brings ambiguities into focus

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 adjoin-

ing 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 chil-

dren 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.

Is The Town Ready for Winter and Spring Rain?

By Sophie Braccini

The latest data on El Niño continue to show it is still on track to be the strongest in recorded history, with maximum impact in California expected from January to March. Cities and towns are preparing, checking and repairing their infrastructure, as well as working together to prepare their response to emergency situations.

As El Niño strengthens, the persistent warmth of the western tropical Pacific Ocean drops. The drop in temperature could finally get the best of the "ridiculously resilient ridge" that diverted winter storms away from California the past three winters, and also lead to the disappearance of "the Blob" – warm water off the Washington and

Oregon coastlines – believed to also be a result of the ridge. Floods and landslides are a likely outcome of torrential rains on parched soil by years of drought. "Managing hydrological impacts of simultaneously-occurring record El Niño and record drought in California will be challenging," wrote Daniel Swain, member of Stanford University Climate and Earth System Dynamics Group.

"We have or are completing preparation to help Moraga prepare for El Niño this winter and spring," says Moraga Public Works Director Edric Kwan, who notes that his team is inspecting all storm drain inlets and removing debris, clearing out storm drain lines, and repairing storm drain pipelines that are part of this year's paving project.

When Kwan presented the storm drain master plan to the town council this summer he indicated that the

weaknesses of the system are the narrow, obstructed or damaged pipes and the under-capacity culverts. The report listed high priority work with an associated cost of \$8.9 million.

The study done by Schaaf and Wheeler listed the 35 culverts analyzed, with 17 undersized. Five of these were a high priority, including those under St. Andrews Drive, Camino Pablo, Woodford Drive and the Hacienda de las Flores property. One solution proposed by the consultant was daylighting or uncovering the culverts. The report also identified several neighborhood drain collectors that did not have the capacity to handle a 10-year flood (see http://www.moraga.ca.us/council/meetings/2015/070815/TC-070815_XI_B_StormDrainMasterPlan.pdf).

When Kwan presented the storm drain plan to the council, members approved it but recognized that there were no funds for

it at that time. They decided that the first tasks were to determine ownership of pipes and culverts, and to conduct a community needs survey, which includes funding of the town's storm drain system needs. Schaaf and Wheeler is contracted to complete the easement research for storm drain pipes and culverts to determine responsibility.

Storm drain repairs are part of this year's paving program; they include those located on Alderbrook Place, Del Monte Way, Natalie Drive and Scofield Drive. Kwan confirmed that next year's paving program will address locations on Bollinger Canyon Road and Corliss Drive.

The study also showed that the creeks that run in daylight have enough capacity, provided that the neighbors do their cleanup work.

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Legal Cost in Question

Who will pay the \$55K?

By Sophie Braccini

While \$55,000 is not pocket change for a town like Moraga, when Vice Mayor Mike Metcalf asked the town attorney at the Oct. 28 council meeting what it cost to defend the town against a developers' lawsuit, which challenged the town's acceptance of a referendum petition, the high number sent waves of trepidation through the assembly.

Earlier this year, a group of residents collected signatures to hold a referendum against the rezoning of a

vacant property along Moraga Way near the fire station, where 36 housing units are proposed. Developer City Ventures challenged the validity of the referendum and sued the town of Moraga. A judge recently ruled in favor of the developer.

According to Planning Director Ellen Clark, the town should get its money back. "One of the conditions of approval for the project is that the developer has to pay for legal fees," she said. At the time of her comment

she was not sure if City Ventures would be forthcoming about reimbursing the town, but she said that her department could hold any application that does not comply with its conditions of approval.

Director of development at City Ventures, Charity Wagner, who has been in charge of this project, did not respond to questions about her employer's position regarding the legal fees.