

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

Joaquin Moraga Intermediate School Auditorium
1010 Camino Pablo
Moraga, CA 94556

March 26, 2009

7:30 P.M.

MINUTES

I. CALL TO ORDER

Chairperson Goglia called the Special Joint Meeting of the Planning Commission and the Design Review Board (DRB) to order at 7:30 P.M.

ROLL CALL

Planning Commission

Present: Commissioners Daniels, Driver, Levenfeld, Obsitnik, Chairperson Goglia
Absent: Commissioners Socolich, Whitley

Design Review Board

Present: Boardmembers Glover, Murray, Sayles*, Vice Chair Kuckuk
Absent: Chair Kline

* Arrived after Roll Call

Staff: Lori Salamack, Planning Director
Richard Chamberlain, Senior Planner
Rob Brueck, Hauge Brueck Associates, Specific Plan Consultant

B. Conflict of Interest

There was no reported conflict of interest from either the Planning Commission or the DRB.

II. ADOPTION OF MEETING AGENDA

On motion and second to adopt the meeting agenda, as shown.

III. ANNOUNCEMENTS

Planning Director Lori Salamack announced that there was a binder in the Auditorium where those interested could sign up to receive future e-mail notifications of hearings on the Moraga Center Specific Plan.

IV. PUBLIC COMMENTS

There were no comments from the public.

V. ADOPTION OF THE CONSENT CALENDAR

A. None

VI. CONTINUED PUBLIC HEARINGS

A. None

VII. NEW PUBLIC HEARINGS

A. None

VIII. PUBLIC MEETING

A. Moraga Center Specific Plan and Housing Element Update

Ms. Salamack took this opportunity to thank the members of the Planning Commission and the DRB for coming together on short notice to address the status of the Moraga Center Specific Plan and the Housing Element update in public format. She advised that the subjects would be discussed intensively over the next couple of months and a tentative meeting schedule had been provided to the joint body with copies of that tentative schedule available in the Auditorium for the public's information. She advised that approximately 1,500 public meeting notices had been mailed to those who lived within 1,000 feet around the Moraga Center area.

Ms. Salamack summarized the topics to be considered including the relationship of the Moraga Center Specific Plan with the Town's upcoming Housing Element requirement and consideration of design guidelines for the Moraga Center Specific Plan area. Noting that the Specific Plan document had incorporated a set of design guideline requirements, she explained that in a study of the Housing Element requirements it had been learned that four residential buildings at a density of 20 dwelling units per acre, which had been considered to be affordable dwellings, could only be subject to ministerial design review. She advised that was a change in State law and the Town would have to carefully consider the design guidelines in that case. She reported that the DRB had appointed a subcommittee to work with staff in the development of those design guidelines.

With respect to the Specific Plan, Ms. Salamack advised that the Town had received responses to comments this date, which along with the earlier Draft Environmental Impact Report (DEIR) and the earlier comments would constitute the Final EIR for the project.

Prior to taking any action on the Specific Plan, Ms. Salamack stated that the Town would need to certify the EIR to ensure that it adequately described the potential impacts of the proposed development and that adequate mitigation had been contemplated in the EIR. Those actions would be taken by the Town Council. The Planning Commission, as the advisory body to the Town Council, would offer input on that subject.

Ms. Salamack emphasized the importance of the design guidelines to the Moraga Center Specific Plan. Given that the DRB was an advisory body to the Planning Commission and the Town Council on those design issues, the DRB's input would also be important.

Ms. Salamack added that there would be a public meeting on the Final EIR at the next Planning Commission meeting scheduled for April 6, which would also be a joint meeting with the Parks and Recreation Commission. At that time, issues relating to traffic, park and recreation facilities specifically the potential development of up to a 30,000 square foot Community Center/Gymnasium, and the appropriate level of development within the Specific Plan area would be discussed.

Ms. Salamack stated that the project description for the Moraga Center Specific Plan, which had been approved by the Town Council two years ago, called for the development of up to 720 dwelling units within the Specific Plan Area. In addition to that project, the Town also discussed alternatives as required by the California Environmental Quality Act (CEQA) and included Alternative 2 which evaluated a development of 339 single family units, Alternative 3 which evaluated a development of up to 400 dwelling units, and Alternative 4 which evaluated up to 560 dwelling units. She explained that the varying levels of development would produce different traffic impacts.

Ms. Salamack reported that in all cases, the EIR had indicated that the Town would be able to mitigate the traffic impacts that would result from the varying levels of development with the required mitigation actions to vary according to the level of development.

Identifying the Town's Regional Housing Needs Allocation (RHNA) from the Association of Bay Area Governments (ABAG), Ms. Salamack reported that the Town was required to plan for, not to construct, 307 dwelling units in the next planning period. Included in those units was a requirement for 148 low income units. She explained that under State law, the low income units could be satisfied through the development of dwelling units at a minimum density of 20 units per acre. She added that even with the smallest amount of development under Alternative 3 that allowed the development of 400 dwelling units would be sufficient to satisfy the Town's RHNA requirements.

Ms. Salamack clarified that under each alternative there were opportunities for the Town related to a higher tax base and greater opportunity for retail sales although with more or less congestion and the potential loss of open space. She clarified that either of the spectrums satisfied the Housing Element. As such, there was no need to approve 720 dwelling units for purposes of satisfying the Town's RHNA.

Ms. Salamack referred to the staff report where the income ranges had been identified. She described Very Low Income as below 50 percent of the area median income for a family of four, Low Income as below 80 percent of the area median income, Moderate Income as between 80 percent and 120 percent of the median income, and Above Moderate Income as over 120 percent of the median income.

In response to Commissioner Obsitnik as to the issue of ministerial review, Ms. Salamack explained that the Town conducted discretionary review under a set of standards in its Municipal Code where if certain findings could be made a project could be approved. In the case of ministerial review, similar to the issuance of a building permit or with the approval of secondary living units where there were specific standards, there was no Town discretion and a permit must be issued. She clarified that Assembly Bill 2348, which had been included in the meeting packet, required that with no adequate sites for the development of affordable housing in a jurisdiction would require the zoning of adequate sites at a minimum density for affordable housing, to then allow by right the development of that affordable housing. While design review could be conducted, she stated it would have to be ministerial in nature.

Commissioner Obsitnik asked how the affordable units could be planned as required by the State and then be controlled.

Ms. Salamack advised that the Town's requirement was to submit to the State a Housing Element in compliance with State law which would include an inventory of sites appropriate for residential development at all levels of affordability. The Town also had a requirement to see that there were no significant constraints to the development of housing in its regulatory scheme. With respect to affordable units, those units would have to comply with the ministerial process as opposed to the discretionary process.

Ms. Salamack clarified that the Town was not required to construct the housing or to see that others constructed the housing, although the Town was required to zone for the housing within one year of the adoption of the Housing Element and was required to change other Town regulations or municipal code provisions that otherwise constrained the development of affordable housing.

Ms. Salamack stated that those other requirements would be identified with the submittal of the Town's Housing Element to the State Department of Housing and Community Development (HCD) in June.

In further response to Commissioner Obsitnik as to other Town policies that would require a more aggressive approach to affordable housing, Ms. Salamack explained that in other jurisdictions with a redevelopment agency, there was a requirement for an inclusionary housing ordinance whereby a minimum of 15 percent of new dwelling units constructed within the redevelopment agency boundaries must be affordable. She reported that the Town did not have that provision, had inquired in the past as to a redevelopment agency, and had been advised that the Town did not qualify for a redevelopment agency.

Ms. Salamack explained it was possible that the Town could pass an inclusionary ordinance and require the development of affordable housing along with market rate housing or the requirement to pay an in lieu fee. She advised that the Town Council had considered that provision in 2002 as part of the General Plan update at that time but had determined not to include it in the Housing Element at that time. She suggested that the Town should be able to satisfy the low income requirement through the default density.

In response to Commissioner Levenfeld as to the implementation of the low density housing once identified, Ms. Salamack explained that the requirement under the law would be to zone for 20 dwelling units to the acre. She noted the assumption that if so zoned in Moraga that would equate to affordability for low income households, when constructed, although there was nothing in the law to require those units to actually be owned or occupied by low income households.

Commissioner Levenfeld asked if the process also accounted for the secondary units, such as those proposed for the Palos Colorados project, as low income units.

Ms. Salamack explained that the Town did not have a good history of approving secondary living units and the Town had no track record of how those units would be rented. Based on market surveys of other jurisdictions, she suggested it would be possible to come up with an estimate of the probable rents of those units should they be constructed. She suggested that those units might be able to qualify as moderate income units. She clarified that the Town would likely be required by HCD to plan more precisely the low income units. She added that 97 moderate income units still needed to be identified and the 30 proposed for Palos Colorados would help meet that total.

As to whether there was an inventory of other secondary units in the Town that might be able to qualify, Ms. Salamack stated that there were no units for the planning period that started in 2007.

There was only one approved secondary living unit approved prior to that time. Ms. Salamack advised that the Town had a ministerial ordinance related to secondary living units as required by State law. She explained the fact that the Town had that ordinance for five years with so few secondary living units approved during that time did not speak well to the responsibility to use secondary living units as a form of affordable housing.

Given the assumption that if 20 dwelling units to the acre were approved and those units were constructed as affordable units, Commissioner Obsitnik questioned whether or not those units had to be included in the Moraga Center Specific Plan area.

Ms. Salamack suggested with respect to the low income requirement that the Town's best opportunity would be in the Moraga Center Specific Plan area, although with respect to the moderate income units there were probably a number of locations in the Town that could be considered. With respect to above moderate units, she stated that none of those units needed to be considered for the Moraga Center Specific Plan area.

As to how a 20 dwelling unit per acre density would be calculated, Ms. Salamack stated that to satisfy State law, the Town would need to designate an area of 9.3 acres where the allowed density for development would be a minimum 20 units to the acre. Those units were also likely to be eligible for a density bonus allowing up to 24 or 25 dwelling units per acre, but would not exceed that number. She referred to the map of the Moraga Center Specific Plan area where senior residential 20 dwelling units per acre had been identified.

As to whether or not the Town could change the alternatives identified in the EIR, Rob Brueck, whose firm had prepared the environmental document, explained that the Town could potentially change an alternative as long as it fit within the envelope that had been studied in the environmental document. He explained that a new alternative would have to be evaluated to ensure that it fit within the impacts that had been studied and disclosed in the document. The requirement of no new impacts or mitigations could be identified in the document to justify moving forward with the process.

As to how the alternatives had been created, Mr. Brueck advised that when the original project description had been developed with the Town Council subcommittee and based on comments from the public and staff with respect to traffic, open space, existing land use and the like, alternatives had been created that would eliminate some of the impacts related to traffic, create less development impact and offer a range of residential and commercial use.

Ms. Salamack added that prior to formulating the project description, the Town had produced a traffic study to characterize the existing traffic patterns in the Town and how that might change with new development. The commercial environment had also been evaluated to produce an economic study as to how to address the significant sales tax leakage in the Town. There was no desire to build more commercial space that would be vacant. There was intent to build space that would be full of business that Moraga residents would benefit from using and so that Moraga residents would not have to make trips outside of Town for basic goods and services that were not currently available.

Commissioner Levenfeld asked how student housing fit into the very low or low income categories and whether or not that had been considered, to which Ms. Salamack explained that student housing, if constructed as an apartment or townhouse, counted as an independent dwelling unit but if constructed as a dormitory the entire dorm would count as one unit. In the prior planning period, the Town received credit for the 20 townhouse units constructed at Saint Mary's College which were all considered to be affordable dwelling units because the total rent for the year's time was \$4,000. She noted that because students had low income there was a perfect low income population that was consistent with the character of the community.

Ms. Salamack clarified that there were 2,500 full-time undergraduate students at Saint Mary's College with housing on campus for only 1,500. She verified, when asked, that some of the 1,000 undergraduate students not accommodated through campus housing lived in Moraga.

As to whether or not the affordable housing could become rental units, Ms. Salamack clarified that State law did not specify rental or ownership units, and with respect to rent control that the State law only required development at the minimum density but did not require that a particular rent be paid for a unit unless they were density bonus units. She referred to the Luxor Apartments where six or so units were managed by the County Affordable Housing Program.

In addition, as to whether or not the units of those Saint Mary's College students currently living off campus could be counted as affordable housing units, Ms. Salamack stated that the rent for those units would have to be considered but since the rentals were likely market rate that would go to the existing housing stock. She emphasized that the Town needed to plan for new dwelling units in the new Housing Element. Given the demand for student housing in the Town, how that demand was being satisfied would have to be identified through either market rate units or potentially through affordable units.

Ms. Salamack also explained, when asked how to address the potential for building luxury units under a 20 unit to the acre density, that the overall development standards for the site would have to be crafted to produce small enough units to offer some assurance of affordability. She clarified that the ministerial guidelines would be included in the implementation chapter of the Moraga Center Specific Plan document itself to specify the guidelines to follow for the 20 units to the acre density. She added that the design guidelines would also be reviewed by HCD which could comment on the reasonableness of the development standards. She suggested that HCD would be looking at other policies to constrain affordable housing and may identify a Town policy to be contrary to affordable housing and would not move forward on that basis.

Ms. Salamack clarified, when asked, that the Town had to plan its Housing Element for the next period which had been identified by ABAG as 2007 to 2014. With respect to all jurisdictions in the Bay Area, she stated that ABAG had considered the extent to which there were already concentrations of affordable housing in the community and looked to balance affordable housing throughout the Bay Area. As a result, the higher income communities such as the Lamorinda communities had been assigned a higher percentage of its total assignment as low income affordable housing. Those jurisdictions which had a higher housing stock of low income affordable housing had been assigned a higher percentage of allocation as moderate income housing.

Ms. Salamack further clarified why the particular acreage in the Specific Plan had been designated for high density by explaining that the 9.3 acres had been designated in order to be consistent with earlier General Plan work and the 80 percent yield on that acreage ensuring sufficient space for circulation and the like. That acreage would be able to produce 148 units, exactly meeting the Town's requirement for very low and low income households.

As to whether or not the very low and low income units had to be broken out, Ms. Salamack explained that in her reading of AB 2348 she understood that the very low income units needed to be on land exclusively designated for residential development and there could be no other use of that land.

DRB Chair Kuckuk asked about SB2 which required local jurisdictions to strengthen provisions for addressing the housing needs of the homeless including the identification of a zone or zones where emergency shelters would be allowed as a permitted use without a conditional use permit. She also asked what other jurisdictions were doing in that regard.

Ms. Salamack reported that the Town Council on March 11 had approved a contract with Jeff Baird or Baird+Driskell Community Planning for the preparation of the Housing Element. While Mr. Baird could not be present at this time he would be available on April 20 and could respond to that question.

When asked by Commissioner Levenfeld, Ms. Salamack explained that Alternative 2 would not provide the very low income units and approximately ten acres would have to be designated elsewhere in the Town to identify the higher density to meet that requirement. She referred to the three different categories of affordability and identified the Town's requirement of providing 148 units of low income and very low income units, 97 moderate income units, and 62 market rate units.

PUBLIC COMMENTS OPENED

Charles Raft, Moraga, asked staff to verify the income levels.

Ms. Salamack reported that the very low income was designated as 50 percent of the area median income, moderate income was between 80 percent and 120 percent of median income, and above moderate was more than 120 percent of median income. She clarified that the income varied by household size. For a single person household very low income would be \$30,150 annually, low income would be \$46,350, moderate income would be \$72,360, and above moderate was anything above that number. For a family of four, the low income would be \$43,050.

Chairperson Goglia advised that the staff report included a chart to identify those income limits.

Dave Bruzzone asked for examples of current developments in the Lamorinda area that were being built to 20 units to the acre. He questioned whether or not it would be profitable to build at that density. It was his understanding that most densities accommodating multifamily were in the 30 to 35 unit to the acre range. He commented that the Lafayette Specific Plan had proposed to offer a development of 65 units to the acre. He also asked about the in-law units (secondary living units) and why those units might not count as an affordable unit. He wanted to avoid burdensome deed restrictions on single-family homes that contained secondary living units. He also suggested that the income levels were unrealistic.

Ms. Salamack explained that it was unknown how the State would consider secondary living units although it was known pursuant to State law how the State would consider a density of 20 units to the acre. She stated that the Town's Housing Consultant would advise of the best strategies to employ. She added that the Planning Commission would be the Ad Hoc Housing Element Review Committee and would consider the subject again. As to examples of 20 dwelling units per acre in Lamorinda, she stated that there were projects of that density which had been developed in other jurisdictions and she would offer examples of those developments at a future meeting.

Ms. Salamack also advised, when asked, that secondary living units could not be sold separate and apart from the primary residence and could only be rented. She stated it would be up to the State as to how it would evaluate those units, which could be qualified as low or very low income units although the community would have to demonstrate that it would have a program that would promote their development. Given that was not the Town's history, while possible it was unknown how the State would address that for the Town. She reiterated it was known that the State would accept the 20 units per acre designation.

Dave Bromizetti, Camino Ricardo, referred to the comments related to the EIR and noted his understanding that the homes along Camino Ricardo would be in the 12 unit per acre density range while the rest of the housing in the area was in the range of 3 units per acre. He asked for a clarification of the density proposed along Camino Ricardo for the various alternatives that had been proposed. He also asked about the setbacks, the access and the landscaping that had been proposed around the area of Camino Ricardo.

Ms. Salamack advised that some visual simulations of the Camino Ricardo area would be presented. Referring to the plan she described as the project description, she stated that the density along Camino Ricardo would be 12 dwelling units per acre for the majority of the area while the northernmost portion of the site would be 3 units per acre. She understood that there would be no driveways onto Camino Ricardo. An emergency vehicle access (EVA) would allow access to the subdivision if necessary. She added that for the 400-unit and 560-unit plans, the density at the northernmost portion of the Moraga Center Specific Plan area and along Camino Ricardo would be 3 dwelling units per acre.

Mr. Brueck explained that the simulations showed the access road coming off Camino Ricardo with a setback similar along Moraga Way, which could be clarified in the design guidelines.

A person whose name was not audible on tape asked if senior housing could be mandated, and Ms. Salamack reported that senior housing had been studied in the EIR in part because traffic impacts for senior housing were different from single-family housing. Unaware of what would be allowed by the State, she explained that the Town was aware of the great interest in providing more senior housing in the community and would do its best to argue for senior housing given the significant increase in the senior population anticipated over the next 20 years.

Joan Bruzzone asked what role it had been envisioned that the property owner would assume with respect to the design and implementation of the buildings on the property. She asked where in the designs would be the wishes, desire and plans of the property owner and could the Town proceed with the requirements against the desire of the property owner.

Ms. Bruzzone also asked if most of the Town's housing requirements were to take place in the Moraga Center Specific Plan area. Further, whether or not the new State housing rules would consider the wishes of the property owner and what would occur if the property owner rejected the requirements as not being fiscally responsible. She requested an identification of the developments in other jurisdictions with respect to a density of 20 units per acre.

Ms. Salamack advised that she had collected a number of examples of developments with a density of 20 units to the acre in other jurisdictions in California, Oregon and Washington which she would provide at a future meeting.

As to the question of the role of the property owner, Ms. Salamack stated that there was nothing in the Moraga Center Specific Plan to compel the property owner to develop any land within the Specific Plan area. She explained that if the property owner did not care for the rules the Town was to put in place, the property owner was not obligated to submit an application to the Town.

Ms. Bruzzone asked the Town to also consider the effect of low-income property on schools and the economic hardship that could place on the local School District.

Ms. Salamack advised that the impacts on schools had been evaluated in the EIR.

Commissioner Levenfeld asked if the property owner would be prohibited from developing anything other than what had been included in the Specific Plan.

Ms. Salamack explained that it was always possible to amend a plan or to submit for a General Plan Amendment or a zoning change. She stated it was important to note that there was existing zoning on the property and the property was not being developed under the current zoning. If the property owner did not find it profitable or desirable to develop under the existing zoning, the property owner was not required to do so. She commented it was no different from the 68 improved lots in the Moraga Country Club that were ready to be developed but where the applicant had not submitted an application. She added that the property owner had the right not to develop the property.

When asked if there was anything in the Town of the 20 dwelling unit per acre density, Ms. Salamack noted her understanding that a fair amount of the current multifamily housing on Ascot Drive had been built to that density.

Commissioner Obsitnik requested that the specific plans of other Lamorinda communities be considered in the process.

Ms. Bruzzone referred to the Lafayette Specific Plan and the public concerns with respect to that document. She urged the Town to look at that document.

PUBLIC COMMENTS CLOSED

Ms. Salamack referred to an animated presentation of driving through the Moraga Center and what it would look like under the standards of the Specific Plan. She emphasized that if the joint body did not like what it saw now was the time to change the standards. She advised that the level of development represented was the 720-unit level of development, the maximum development level for the area, and a less intense development would allow the opportunity for more green space and open space. She also noted that garages and parking whether in garages, surface parking or off-street parking had not yet been addressed. She requested input from the joint body and verified that the development standards had been contained in the staff report.

Ms. Salamack presented a 17-minute animated presentation of the Moraga Center Specific Plan project along with the final photographs included in the EIR, a site plan to identify where the views had been taken, and proposed and existing views including the area of Camino Ricardo that had previously been raised,

Chairperson Goglia verified that the presentation represented a hypothetical build out of the 720-dwelling unit plan, which was what had been evaluated in the EIR.

Ms. Salamack stated with respect to commercial development that it was less clear where that plan of 90,000 square feet of retail space and 50,000 square feet of office would occur. The simulation had shown more square footage than that total and had been illustrative of what could occur.

When asked, Ms. Salamack stated that the majority of the land in the Moraga Center Specific Plan area was owned by the Bruzzone family, although there were other owners, including the Town and potentially other public agencies. The primary owner of vacant land and land where redevelopment may occur was the Bruzzone family.

Ms. Salamack encouraged the Planning Commission and the DRB to provide staff with some reaction in the near future to the images that had been provided, which would further the preparation of the design guidelines

PUBLIC COMMENTS

Dave Bruzzone spoke to the commercial and office component and asked how much square footage had been shown in the presentation.

Ms. Salamack suggested that a third more square footage had been shown than what had been included in the project description.

Mr. Bruzzone noted that while he was not impressed with the senior housing he had been impressed with the two office buildings fronting on Moraga Way. He commented that some of the proposals within the center connecting pedestrians appeared to be attractive although he questioned what pedestrians would be connected. He did not see a lot of examples of the proposed residential. He questioned whether or not the photo simulations were the same as had been presented last year.

Mr. Brueck stated that the simulation points were the same although Sandringham had been added with closer simulations. The rest were the same viewpoints although some of the details and the architectural elements had been changed and to some degree the height of the buildings had been changed. Setbacks had also been increased and some of the orchard trees had been shown as retained. He characterized the changes as minor.

An unidentified speaker questioned the view perspective from Sandringham.

Cindy McGuire supported Alternate 3 since it would meet the Town's housing requirements.

Dave Bromizetti also spoke in support of Alternate 3. He urged that nothing greater than 3 dwelling units to the acre be proposed for the Camino Ricardo side of the Specific Plan area to avoid an incompatible development with the existing Camino Ricardo neighborhood. He also urged a barrier or fence to ensure the privacy of the backyards of the existing residences. He also urged care in the density on the hillside going up Camino Ricardo and suggested a higher density in that area with the senior housing on the other side of the hill.

With respect to the commercial component, Mr. Bromizetti requested consideration of recently developed office buildings to use as a gauge for the demand for capacity. He noted the stores that were closing and questioned the current demand for retail and office space in the Town.

PUBLIC COMMENTS CLOSED

Commissioner Driver supported the new School Street extension commercial area and the fact that would represent more space than discussed. Combined with connection and circulation challenges amongst the properties involved and the current ineffective pedestrian connections of the existing shopping center, he too questioned where pedestrians would travel. He suggested there was more of an opportunity to drive density down the middle to create a sense of place, activity and connections and to soften the edges of existing residential corridors.

Commissioner Driver commented that nothing specific related to a hotel use or the community center had been provided. He reiterated his support for an emphasis on what was going on in the middle to create a vibrant street, connection to the Commons and the street frontage along Moraga Road with a bit higher density. In terms of connectivity and how to link the areas together, he stated there had been a comment for some kind of a town square focal point which he suggested could be better detailed as to how it would relate to a transit center and how the non-automobile connections might be made, particularly for those living within the Specific Plan area.

Commissioner Levenfeld commented that she did not like the commercial proposed across the street from Moraga Commons. She suggested it was too suburban and would easily become outdated. She supported something more compatible with the existing community. She also did not like the colors. She supported the office proposed on the other side of the fire station which appeared to fit better. She characterized the proposal, as presented, as too dense. She commented that consideration had not been provided for senior housing. She also wanted to see more of the orchard be preserved, especially in the scenic corridors

Commissioner Obsitnik expressed concern for the three-story buildings. He referred to the orchards or vineyards on the top of the hill where residential development had been proposed and suggested that area should be softened somewhat with trees or other landscaping.

Commissioner Daniels agreed with the comments and the dissatisfaction with the commercial/office space along Moraga Way which she suggested would take away from the view of Moraga. She supported a plaza with a fountain and with restaurants around the plaza. She did not support the architecture which she suggested was the same throughout the State. She suggested that the architecture should be modified somewhat to be more compatible with the small town feel.

Boardmember Glover commended the work to date but questioned how the commercial area would accommodate deliveries given that School Street and Shopping Center Drive paralleled one another. He wanted to avoid the double parking of trucks along the narrow corridor to accommodate deliveries. He referred to the suggestion that the animation presentation and pictures be placed on the Town's website and requested that be done.

DRB Chair Kuckuk commented that she had been pleasantly surprised with the distant views, especially of the orchard hillside. She noted some concern for the density but supported the proposed mature landscaping around the proposed residences.

Chair Kuckuk was displeased with the views from the scenic corridors in general and characterized the commercial and retail as excessive with nothing done to break up the massing which produced a big city feel.

Boardmember Murray also expressed concern with the density and suggested that everything appeared to be much more dense than a third greater than 90,000 square feet of retail and 50,000 square feet of office. Based on the animation, he asked if it was possible to have 120,000 square feet of retail space based on the current plan.

Ms. Salamack advised that there was enough area to accommodate 120,000 square feet of retail although that amount had not been planned given the belief there was not enough of a market to support it. She stated that issue would be discussed with the consultant.

Boardmember Murray also asked if the map would change with another alternative, reported by Ms. Salamack that the map would change with the other alternatives. She stated that two of the alternatives had been presented in map form in the staff report, were in the DEIR, on the Town website, and that a map of the alternatives would be provided at future meetings.

Boardmember Sayles acknowledged the request to keep the area along Camino Ricardo at 3 dwelling units per area. He supported that request and continuing the nature of Camino Ricardo on both sides of the street. He commented that Laguna Creek which ran through the development was the last piece of riparian corridor in the Town that had not been destroyed. He referred to other jurisdictions which had narrowed riparian corridors to nothing more than a concrete ditch. He urged attention to the creek corridor and requested that the high densities be moved away from the creek and spread between the two centers. He suggested that what had been presented appeared to represent a community of 50,000 to 60,000 population and not the 20,000 population of Moraga. As such, he would spread around the density and preserve the creek corridor.

Chairperson Goglia noted the request to come up with a plan in response to State legislation which did not mean that any of it would get built. She suggested that the plan would change over time and be implemented gradually. She suggested that the best approach should be taken now in recognition that it would be a macro framework that would be tweaked extensively over the next 10 to 30 years as it was implemented and as it evolved in stages in response to different conditions that were currently unknown.

Chairperson Goglia supported a transit center/gathering place with some restaurants, questioned the necessity for three-story buildings, supported a strong linkage between the Community Center and the existing park, questioned provisions for a Bed and Breakfast and/or a hotel, and recommended co-housing as a housing option. She supported the comments regarding Laguna Creek and suggested that natural feature could add positively to residential and commercial development,

When asked by Commissioner Levenfeld what would occur if the Town did not comply with ABAG's RNHA requirement, Ms. Salamack stated that there would be no component within the Moraga Center Specific Plan to contribute to the certification of the Housing Element and somewhere else in Town, such as the Rheem Center, would have to be found to see if there were opportunities to plan for those units.

Commissioner Daniels commented that some of the other alternatives would offer fewer impacts and potentially reduce retail space. She verified with Ms. Salamack that the existing Safeway represented 40,000 square feet of retail space.

Ms. Salamack advised that the next meeting of the Planning Commission would be a joint meeting with the Parks and Recreation Commission on April 6, at which time the focus would be on the size and location of the community facility, the intensity of development and the traffic impacts. The DRB would have a meeting on April 13 exclusively to consider the design guidelines for the Moraga Center Specific Plan. She noted that there would be a further opportunity to consider the alternatives at the next meeting.

IX. ROUTINE & OTHER MATTERS

A. None

X. COMMUNICATIONS

A. None

XI. REPORTS

A. Commission

Chairperson Goglia reported on the DRB meeting of March 23.

B. Design Review Board

There were no reports.

C. Staff

Ms. Salamack advised that the next Town Council meeting on April 8 would consider an appeal of the Palos Colorados Precise Development Plan which had been filed by Vice Mayor Chew. She reported that the Council had continued the review of the status and implementation of the General Plan to the budget discussions in May.

XII. ADJOURNMENT

On motion by Commissioner Obsitnik, seconded by Commissioner Levenfeld to adjourn the Planning Commission meeting at approximately 10:00 P.M. to a joint meeting of the Planning Commission and the Parks and Recreation Commission on Monday, April 6, 2009 at 7:30 P.M. in the La Sala Building at the Hacienda de las Flores, 2100 Donald Drive, Moraga, California.

Vice Chair Kuckuk adjourned the meeting of the Design Review Board at approximately 10:00 P.M. to a regular meeting of the Design Review Board on Monday, April 13, 2009 at 7:30 P.M. in the La Sala Building at the Hacienda de las Flores, 2100 Donald Drive, Moraga, California.

A Certified Correct Minutes Copy

Secretary of the Planning Commission