

**TOWN OF MORAGA  
Planning Commission Meeting**

**May 4, 2009  
7:30 P.M. Meeting**

La Sala Building, Hacienda de las Flores  
2100 Donald Drive  
Moraga, CA 94556

**MINUTES**

**I. CALL TO ORDER**

The regular meeting of the Planning Commission was called to order at 7:30 P.M. by Chairperson Goglia.

**ROLL CALL**

Present: Commissioners Daniels, Driver, Obsitnik, Whitley, Chairperson Goglia

Absent: Commissioners Levenfeld and Socolich

Staff: Lori Salamack, Planning Director  
Josh Abrams, Town's Housing Consultant

**II. ADOPTION OF MEETING AGENDA**

On motion by Commissioner Whitley, seconded by Commissioner Driver and carried unanimously to adopt the meeting agenda, as shown.

**III. ANNOUNCEMENTS**

There were no announcements; however Chairperson Goglia asked the Planning Director Ms. Salamack if the Cinco de Mayo Festival at the Hacienda would be affected by the rain.

Ms. Salamack said that she was not involved in the festival planning and did not know if rain would affect the festival.

**IV. PUBLIC COMMENTS**

There were no comments from the public.

**V. ADOPTION OF THE CONSENT CALENDAR**

- A. Approval of February 23, 2009 Minutes
- B. Approval of March 2, 2009 Minutes
- C. Approval of March 16, 2009 Minutes

D. Approval of March 26, 2009 Minutes

E. Approval of April 6, 2009 Minutes

On motion by Commissioner Obsitnik, seconded by Commissioner Daniels and carried unanimously to adopt the consent calendar.

VI. **CONTINUED PUBLIC HEARINGS**

None

VII. **NEW PUBLIC HEARINGS**

None

VIII. **PUBLIC MEETING**

**A. Review of the Town of Moraga General Plan Housing Element and Implementation Programs and discussion of housing policies for the Housing Element update.**

Planning Director, Lori Salamack said she has a brief staff report and introduced Josh Abrams as the Housing Element consultant. She advised that Josh would be discussing changes in state law from the time the housing element was last updated. She would like to go over existing housing policies and see if there are any policies that need to be changed and are allowed to be changed. A copy of the vacant land inventory has been provided, she clarified that not all the vacant land is able to be developed; however when taking it to the state the vacant land that is developable will need to be marked.

Josh Abrams talked about the recent changes to state law and will go over what is working in Moraga and what is not. SB2 is a new law that requires Emergency Shelters by right, it can be an overlay zone, around a certain area or it can even be a public facilities zone. The amount of land you need to zone depends on the last census of homeless people.

Commissioner Goglia asked if we would need one acre or ten acres for the Emergency zone.

Mr. Abrams says that to avoid scrutiny ten acres would be easier than one acre. The law says that even if no homeless people are found in the Town, there still needs to be a zone. In the law though there is not a set calculation to figure out the size of the zone. He says the best case is to rezone one lot, one jurisdiction rezoned and old fire station.

Mr. \_\_\_\_\_ asked if the zone could be out by Ranch Laguna Park

Mr. Abrams said that the state will require that the zone need to be near services and close to transportation. The law is however a couple years behind best practices and should not be worth a lot of stress, the law does not state that

anything needs to be built if there is no justification or funding for a homeless shelter.

Ms. Salamack clarified that from what she understands the Planning Commissioners are asking for the smallest possible zone for the Emergency Zone.

Mr. \_\_\_\_\_ said he would like to do the bare minimum to comply with the law.

Mr. Abrams said that the Institutional zoning would be the way to go to comply with the law.

Mr. Abrams said AB1233 says that if you commit to certain actions in your original housing element and you have not implemented those actions then your current fair share of \_\_\_\_\_  
The other changes are mostly just procedural, now you have to be much more specific with the land use inventory. Second Units approval and water notification are not really affected, are there any questions?

Commissioner Goglia had a question, on the top of the second page the land inventory section of the housing element will need to be more detailed, what does this mean, how do we accomplish this?

Mr. Abrams said that you need to go through the vacant land inventory on a parcel by parcel basis and the state will want to know how many units can fit on each parcel.

Mr. Abrams said a good place to start discussing is the aging population is going to be big issues as baby boomers start to retire. In the next ten to fifteen years people will want to continue living in their houses but after that the seniors will be looking at alternative housing arrangements. I would like to get some feedback on secondary living units as well.

Ms. Salamack commented that when the housing element was adopted in 2002 prior to the new state law that required secondary units to be approved on a ministerial basis, staff would like more input on secondary living units in all districts, especially open space districts where there tends to be more room like some of the lots in Palos Colorados, the Moraga Tennis Club property and the Hetfield Estates subdivision.

Ms. Salamack stated that four years ago the Town changed their Municipal Code to comply with the state code regarding secondary living units and since then we have not received one application. She also stated that there might not be a demand for them or the process might be too rigorous as it is. She said there seems to be more stand alone pool houses with a kitchen and full rec room and it could be possible to convert those into independent living units, though she wanted to be clear she was not advocating that. Also in 2002 the units were allowed to be detached, prior to that the units had to be attached to the main house.

Commissioner Daniels asked for clarification of what a secondary living unit is.

Ms. Salamack said that it is a complete independent living unit making two units on one lot. In Moraga a secondary living unit in a residential zone can be no larger than 750 square feet, it is required to have a separate parking space and go through ministerial review for certain things and it's pretty descriptive. She also noted that there are several secondary living units being used in Moraga though the town does not know how they are currently used as we do not require a business license or have a registration process.

Commissioner Whitley said he would like there to be a registration process and/or business license process for rentals and secondary living units. He said possibly the revenue enhancement committee could look into that. Mr. Whitley said that his concern is shared by many in the Town in that this is a semi rural and single family residence in character, a cul de sac community with no freeway access with very few ingress and egress routes making traffic concern number one. Adding secondary living units create more traffic therefore it increases traffic and does not promote traffic neutral. Increasing traffic and renters in the neighbor are negative impacts that residents don't want to see. The impacts of secondary living units in newly developed communities are less than in an already developed community. In answering the original question, the registration of the secondary living units makes them less desirable.

Commissioner Goglia stated that Commissioner Whitley's opinion would not be her opinion.

Commissioner Daniels stated that one of her concerns is that the secondary living unit added 750 square feet to the homes, creating a larger total home area.

Commissioner Driver says that from a policy point of view it might be good to promote secondary living units but it has to do with the will of the community, if this is a compliance issue the code we have is probably pretty effective, but if there is a desire to accommodate different housing types it is something to look at. He noted that he was looking at a secondary living unit on his property but it was not feasible through the ministerial process, so he ended up not building anything.

Commissioner Daniels said that having elderly parents in a secondary unit is not going to be as disruptive as Mr. Whitley said. She doesn't think that there will be that much opposition to secondary living units.

Commissioner Goglia noted that the Secondary Living Unit could be used for anybody, not just elderly parents and the issue is how the unit fits onto the property. She noted that our process is very rigorous in that they comply with various setbacks and neighborhoods and if people want to do it then they will.

Commissioner Obsitnik asked Ms. Salamack if anybody started the process and changed their mind because the process was too difficult.

Ms. Salamack said that nobody has reconsidered their plans. With family members though it would be easy for them to live in a pool house rather than a full independent living unit. She also noted that our law regarding the secondary living units is pretty restrictive, if the commission wanted to see more SLU's the housing element could be amended to allow that.

Mr. Abrams said that another way to approach this is to not worry about the housing element but focus on the vision for the future. Imagine 20 years from now and talk about how Moraga is different, what things we have achieved, and how to get there.

Commissioner Daniels says one of the issues she feels needs consideration is the need for seniors. She doesn't understand what is available, what we have to fit the need.

Ms. Salamack said that seniors would get to a point where they did not want to maintain their 2500 square foot ranch on a quarter acre lot and have more time to travel and would have to leave Moraga to go to Rossmoor. They wish they could stay in Moraga since that's where their friends are or their barber, they want to age in place and are seeking a senior community. Ms. Daniels asked if it was to be a Moraga version of Rossmoor and Ms. Salamack said that no, it is just going to be a community or development that is age restricted by state law. What we do know about Lamorinda is in the next 20 years there will be a 75% increase in the senior population, it's our fastest growing age group in Lamorinda. She also noted that it is important to have units that are smaller for the senior population, as they typically want to downsize as they get older.

Mr. Obsitnik says that he feels like St. Mary's is the forgotten part of Moraga and would like to know to create a tighter link between the Town and St. Mary's. I also have a concern that there are a lot of older homes in Town and some neighborhoods show their age, so what will happen to them in 20 years?

Mr. Abrams summarized that age friendly, integrated with the college, energized or renewed housing and single family residences are important.

Commissioner Goglia noted that housing stock renewal is very important because many of the homes will need quite a bit of renewal in 20 years. Especially in light of the energy challenges we will be facing by then. That will be a challenge to people on fixed incomes that are not up to current standards. She would like to see a Moraga that meets the energy challenge with the new housing stock by exceeding the new energy requirements. In the next 20 years, that will help maintain its value if it exceeded energy and water conservation requirements.

She was just at a conference where new techniques for grey water are being put in place. She clarified that gray water is reused water from a shower or a washing machine.

Commissioner Goglia said that public transportation is going to be an issue since we are a cul de sac community. She says that we will need another senior living facility as well as an office building or remote office where you can go to your

office that is outside of your house with notary, copy services. Student housing on or off campus, and a destination like a ranch resort with a spa would be something to look into.

Commissioner Goglia asked what the plan for the Rheem Shopping center is, if that will have a specific plan as well.

Ms. Salamack noted that the Rheem Center will have a Specific Plan but without the housing due to the lack of acreage.

#### Public Comments:

Dave Bruzzone said that he heard a lot of interesting comments. He says he confronts this issues everyday as a builder. Most importantly projecting down the road 20 years, the state views the housing element as the most important part of the general plan. No matter what happens in each period the state expects him to build a certain amount. Because he didn't provide the amount from 1996 to 2007 he was penalized and now has to build more low income units then the moderate to high income units. He stated that Moraga is a high end income community.

Mr. Bruzzone commented on the differences between a pool house and a secondary living unit. There are access and privacy issues, he would like to retain the high end element in this community. The Lamorinda area is a destination community with the schools and semi rural area.

Mr. Bruzzone noted that the Rheem Center does not need high density housing, since it already has that on Ascot. He noted that the two senior living facilities in Moraga have a density of about 168 units on 2.5 estimated acres; this far exceeds the 20 dwelling units per acre that they just approved. He has problems with this because the density has been lowered. The Rheem area on Ascot has 18 units on .5 acres and is for sale right now. The cost to build that is about 250 dollars per square foot to build and he cannot build a new multi family complex and will not be able to build a product for the same price.

Mr. Bruzzone wants Moraga to excel, he has the Farmer's Market on his land, and he doesn't make any money doing that. He is worried about a housing element that is tied at the hip with the Specific Plan and has a problem that it is being rushed and that things do not mesh. He says the bottom line is in law units are a great way to provide housing that does not need to be rented out, especially in Indian and Bollinger Valleys. The viability of the EPS study requires those units. The vast majority of Town is here already, and he would prefer secondary living units to high density housing downtown. He says that when taking it to Council it should be noted that we don't like building in Moraga but we have to by state law. In 2007 we had to double the low income housing as a penalty, do we need to continue rolling over the penalty creating more low income housing.

Mrs. Joan Bruzzone said that she will hate to see a beautiful downtown area destroyed by a housing element. It is her children's heritage and she would hate to see it destroyed.

IX. **ROUTINE & OTHER MATTERS**

None

X. **COMMUNICATIONS**

None

XI. **REPORTS**

Ms. Salamack commented on Town Council, the Palos Colorados project is going back to Town Council on the consent agenda for a cap on the MOSO lots and energy requirements.

Ms. Salamack also noted that on the 13<sup>th</sup> they will be taking to council the recommendation for the Specific Plan. And she received a recommendation from LPMC that the Specific Plan will not affect transportation.

Ms. Salamack said that over the next two months staff will be working on the Specific Plan and Housing Element, in response to Ms. Goglia's question there are other planning commission matters but not of them are ready to go to the commission yet.

XII. **ADJOURNMENT**

On motion by Commissioner Whitley, seconded by Commissioner Obsitnik to adjourn the meeting at approximately 90:00 P.M. to a regular meeting of the Planning Commission on Monday, May 18, 2009 at 7:30 P.M. in the La Sala Building at the Hacienda de las Flores, 2100 Donald Drive, Moraga, California.

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Secretary of the Planning Commission