

**TOWN OF MORAGA PLANNING COMMISSION  
MEETING AGENDA**

**Monday, September 19, 2011  
7:30 p.m.**

**Moraga Library Meeting Room  
1500 Saint Mary's Road, Moraga California 94556**

**I. CALL TO ORDER AND ROLL CALL**

**Planning Commission**

- A. Driver, Levenfeld, Obsitnik, Richards, Socolich, Whitley, Wykle
- B. Conflict of Interest

**II. ADOPTION OF MEETING AGENDA**

**III. ANNOUNCEMENTS**

**IV. PUBLIC COMMENTS**

*This part of the agenda is to receive public comments on matters that are not on this agenda. Comments received will not be acted upon at this meeting and may be referred to a subcommittee for response. Comments should not exceed three minutes.*

**V. ADOPTION OF THE CONSENT CALENDAR**

*Items on the Consent Calendar are believed by staff to be non-controversial. Staff believes that the proposed action is consistent with the commission's instructions. A single motion may adopt all items on the Consent Calendar. If any commissioner or member of the public questions any item, it should be removed from the Consent Calendar and placed in part IX of the Regular Agenda.*

**A. Approval of the July 18, 2011 Meeting Minutes**

**VI. PUBLIC HEARINGS**

*Opening remarks by an applicant shall not exceed ten minutes. Comments by others shall not exceed three minutes. The purpose of a public hearing is to supply the Planning Commission with information that it cannot otherwise obtain. Because of the length of time that the Planning Commission meetings frequently consume, please limit testimony and presentation to the supplying of factual information. In fairness to the Commission and others in attendance, please avoid redundant, superfluous or otherwise inappropriate questions or testimony.*

**VII. PUBLIC MEETING**

**VIII. ROUTINE & OTHER MATTERS**

*The following items do not require a public hearing, although the Chair or staff will indicate why each item is on the agenda. Public participation will be limited and the Commission may decide to reschedule the item as a public hearing. Discussion of administrative matters, such as adoption of findings, may be limited to the Planning Commission.*

**A. Approval of a Resolution Establishing the Regular Planning Commission Meeting Time of 7:00 pm.**

**IX. COMMUNICATIONS**

**A. Contra Costa County Department of Conservation and Development Letter**

**X. REPORTS**

**A. Planning Commission**

- 1. Russell Driver, Chair

2. Dick Socolich, Vice Chair
3. Stacia Levenfeld
4. Jim Obsitnik
5. Tom Richards
6. Bruce Whitley
7. Roger Wykle

#### B. Staff

1. Update on Town Council actions and future agenda items.

## XII. ADJOURNMENT

To a regular meeting of the Planning Commission on **Monday, October 3, 2011** at 7:00 P.M. at the Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, California. Notices of Planning Commission meetings are posted at 2100 Donald Drive, 329 Rheem Blvd, the Moraga Commons, and the Moraga Library.

**NOTICE: If you challenge a town's zoning, planning or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior, to the public hearing. Judging review of any town administrative decision may be had only if petition is filed with the court not later than the 90<sup>th</sup> day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.**

The Town of Moraga will provide special assistance for disabled citizens upon at least 24 hours advance notice to the Planning Department (888-7040). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to disabled.

Copies of all staff reports and documents subject to disclosure that relate to each item of business referred to on the agenda are available for public inspection the 10<sup>th</sup> day before each regularly scheduled Planning Commission meeting at the Planning Department, located at 329 Rheem Boulevard, Moraga, CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the Town Council regarding any item on this agenda after the agenda has been distributed will also be made available for inspection at 329 Rheem Boulevard, Moraga, CA during regular business hours.

**TOWN OF MORAGA  
PLANNING COMMISSION MEETING**

Moraga Library Meeting Room  
1500 Saint Mary's Road  
Moraga, CA 94556

July 18, 2011

7:30 P.M.

**MINUTES**

**I. CALL TO ORDER**

Chairman Driver called the Regular Meeting of the Planning Commission to order at 7:30 P.M.

**ROLL CALL**

Present: Commissioners Levenfeld, Obsitnik, Socolich, Whitley, Chairman Driver

Absent: Commissioners Richards, Wykle

Staff: Lori Salamack, Planning Director

**B. Conflict of Interest**

There was no reported conflict of interest.

**II. ADOPTION OF MEETING AGENDA**

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

**III. ANNOUNCEMENTS**

There were no Announcements.

**IV. PUBLIC COMMENTS**

There were no comments from the public.

**V. ADOPTION OF THE CONSENT CALENDAR**

**A. Approval of the minutes from the June 6, 2011 meeting**

On motion by Commissioner Obsitnik, seconded by Commissioner Levenfeld and carried unanimously to adopt the Consent Calendar, as shown.

**VI. PUBLIC HEARINGS**

**A. Public Hearing to Establish the Parking Requirement for the use of the Town Office Building at 329 Rheem Boulevard for non-office hour meetings such as Town Council, Planning Commission, and Design Review Board meetings, Town of Moraga (Applicant)**

Planning Director Lori Salamack reported that the matter had been discussed by the Town Council on July 13, at which time the Town Manager had expressed interest in having the Planning Commission provide a recommendation as required by the Moraga Municipal Code (MMC) regarding the number of seats in the meeting room and the number of parking spaces required based on other uses in the MMC. During the Council meeting of July 13, the Town Council had decided to proceed with Alternative B, a 105-seat meeting room for the public, translating to 112 seats in order to accommodate the Council, Planning Commission, and Design Review Board (DRB) members and staff. While most meetings would not require 112 seats, some occasions would require additional seating. The Town still had the option of moving larger meetings to the Joaquin Moraga Intermediate School Auditorium (JM) or the Rheem Theater. The Council wished to establish a meeting room at 329 Rheem as the regular meeting location for Town Council, Planning Commission, and DRB meetings. She noted that the Park and Recreation Commission would continue to meet at the Hacienda.

Ms. Salamack explained that the parking lot at 329 Rheem was not as large as the parking area at JM, although there were some conflicts with school activities at JM. Some of the parking spaces at 329 Rheem were committed to police vehicles. An office building located across the street from 329 Rheem had 59 parking spaces and was the same size as the parking lot at JM. Depending on what the Planning Commission determined, the Town would need to secure additional parking off site. She stated that there were 24 unrestricted parking spaces at 329 Rheem and the Planning Commission may determine that was insufficient for regular Town Council meetings. The Planning Commission would need to indicate what number was required for the activity. The MMC had not specified a specific number other than the determination of the Planning Commission to establish the parking requirement for any public facility.

The Planning Commission was asked to consider the number of parking spaces necessary for the regular functioning of an after-hour meeting facility at 329 Rheem Boulevard.

Ms. Salamack explained in response to Commissioner Socolich that the number of attendees of regular Council meetings was between 30 and 50 people. The Town typically had experienced a larger attendance when sports teams were recognized. She explained that the Town had the ability to manage the meeting agendas to ensure no more than one major agenda item per agenda.

The Town did not control public comment and there were some situations that could occur where there was a lot of public interest from the public during the public comment period. A maximum meeting would involve approximately 70 people.

In response to Commissioner Levenfeld as to the parking requirement for a facility such as the Rheem Theatre, Ms. Salamack stated that an auditorium facility such as the Rheem Theatre would require one parking space for four seats. There were some parking management strategies that the Town could consider to address the parking needs. The Maintenance Yard area had a few spaces in the front although the parking spaces behind the gate were occupied by Town vehicles. There were some on-street parking spaces available in the evening although they competed with nearby residential uses. Overflow parking would likely have to be accommodated at the theatre or at the parking lot at the office building located across the street from 329 Rheem. A nearby vacant lot was not available for use since it was currently under contract and staff anticipated a development proposal for that site.

Commissioner Obsitnik asked how staff had reached the required minimum of 36 parking spaces for a 112-seat Council Chamber at 329 Rheem, and asked whether or not the Council Chamber could be used for private uses during non-office hours.

Ms. Salamack explained that fixed seats had been proposed in the Council Chamber with a requirement that four seats would generate one parking space, and a per footage requirement which had been applied for an assembly hall to determine the number of parking spaces based on that configuration. She advised that the Council Chamber may be used for non-Town events after hours although it would be a bit different from the Hacienda and would be less flexible than the Hacienda facility in that the Council Chamber was intended as meeting space.

Commissioner Whitley asked whether or not the existing parking lot at 329 Rheem could be reconfigured to accommodate 36 parking spaces.

Ms. Salamack stated that the existing parking lot at 329 Rheem could not be reconfigured to accommodate the 36 parking spaces necessitating the need for arrangements to be made through on-site and street parking, and an agreement for the use of the parking area at the office building located across the street.

Chairman Driver asked whether the Town had any experience with agreements with private property owners for overflow parking. He also asked whether the Town would pay a flat fee or make other arrangements for the parking lot across the street from 329 Rheem, and whether all or a portion of the lot would be needed for overflow parking.

Ms. Salamack commented on the difficulty of monitoring only a portion of the lot at the office building located across the street from 329 Rheem since it would require staff enforcement or monitoring of some kind.

In the event an agreement with the property owner of the office building across from 329 Rheem could be reached, Commissioner Levenfeld recommended that it be clearly published to educate the public that the parking lot was available for overflow parking after hours.

Commissioner Socolich commented that with the 24 parking spaces available at 329 Rheem there would be sufficient parking spaces to accommodate a range of 30 to 50 people attending a typical meeting.

In response to Commissioner Obsitnik, Ms. Salamack affirmed that she had factored in the number of Council, Planning Commission, and DRB members in the 36 total parking spaces that would be required for a 112-seat Council Chamber (although the plan only showed 105 seats in the audience of the Council Chamber there would be seven seats to accommodate the Council, Planning Commission, and DRB, for a total of 112 seats).

#### PUBLIC HEARING OPENED

Hal Dunne, 329 Rheem Boulevard #A, Moraga, identified himself as the tenant located between the Moraga Police Department and the Public Works Department and part-owner of the building. He explained that two of the parking spaces in the current parking lot of 329 Rheem were owned by him and the property line ran across those first two parking spaces. He had allowed the Chief of Police to place a police vehicle and utility vehicle in those parking spaces, resulting in two fewer parking spaces unless staff had taken that into account as part of the calculations of the total number of existing parking spaces. He noted that there were five additional parking spaces available out of his facility that could also be used after hours.

#### PUBLIC HEARING CLOSED

Ms. Salamack clarified the parking at 329 Rheem and explained that parking spaces were accessed via the Town's property. She had discussed with the Chief of Police the number of police vehicles which needed to be parked in the lot, and acknowledged that the two parking spaces referenced were land owned by the next lot, not on Town property but which had been regularly used by the Town and had been included in the total number of parking spaces. As to whether or not the two parking spaces used by the Police Department were anticipated as being unavailable for parking in the future, she noted that the Town had flexibility where to park those two police vehicles.

By consensus, the Planning Commission determined that the 24 existing parking spaces at 329 Rheem were insufficient to accommodate a 112-seat Council Chamber.

Chairman Driver commented that 36 parking spaces appeared to offer a bare minimum to accommodate the 112-seat Council Chamber. He sought a higher figure.

Commissioner Socolich noted that there may be some people attending meetings who were single riders or carpoolers. He too sought more than 36 parking spaces.

Commissioner Whitley suggested it was not necessary to plan for the maximum number that could attend a typical auditorium. He suggested there was a rationale for a 1:4 parking ratio, which would require 28 parking spaces or a parking ratio of 1:3 for a total of 38 parking spaces. A 1:2 parking ratio would require 56 parking spaces and was a bit of a stretch. He suggested there would be a sufficient number of spaces if the Town were able to utilize 50 parking spaces at the office building located across the street from 329 Rheem.

Commissioner Levenfeld commented that with the existing parking spaces, the parking spaces available through the part owner of 329 Rheem, and with the street parking, there could be at least 30 parking spaces. She suggested an agreement could be reached with the adjacent neighbor with the Town to provide direction when a larger audience was expected that an arrangement had been made with the property owner of the office building located across the street from 329 Rheem. She emphasized that any agreement for overflow parking must be published to the public.

Ms. Salamack commented that if the Commission was considering an audience of 50 people, as an example, a meeting agenda could include notification of overflow parking arrangements. A parking agreement would have to be in place in advance with such information posted to ensure that the public was aware of where to park. She reiterated that in any event, JM would be available to accommodate those agendas which may produce a larger than usual audience.

Chairman Driver pointed out that the Town Council had already decided that it would like to see a larger Council Chamber. He suggested that even with the additional parking spaces from the adjacent neighbor and off-street parking that would not meet the need. He would like to see an agreement with the property owner of the office building across from 329 Rheem. He also expressed concern with a higher requirement if a parking agreement was not reached. He suggested a 1:3 ratio to provide a range of 38 to 40 parking spaces.

Commissioner Socolich suggested that doubling the 24 existing parking spaces could be considered as well.

Commissioner Levenfeld suggested that the need would be higher than a 1:4 parking ratio.

Commissioner Obsitnik recommended a 2:1 ratio as more appropriate along with the adjacent parking spaces and street parking that should be adequate to accommodate an average attendance. In the event of a larger audience, JM would still be available and there could be a parking arrangement with the office building located across from 329 Rheem.

Commissioner Socolich sought a 2:1 parking ratio at a minimum which would double the total number of existing parking spaces.

Commissioner Whitley recommended a 1:3 parking ratio which would provide a total of 38 parking spaces.

Commissioner Obsitnik stated that he could support a 1:3 parking ratio for a total of 38 parking spaces.

Commissioner Levenfeld supported 38 unrestricted parking spaces which should be sufficient.

Commissioner Socolich suggested that a 1:3 parking ratio for a total of 38 parking spaces was insufficient to accommodate a 112-seat Council Chamber.

On motion by Commissioner Whitley, seconded by Commissioner Levenfeld, the Planning Commission determined that a total of 38 unrestricted parking spaces for the new Town Office Building at 329 Rheem for non-office meetings with 112 seats would be sufficient. The motion carried by the following vote:

Ayes:	Levenfeld, Obsitnik, Whitley, Driver
Noes:	Socolich
Abstain:	None
Absent:	Richards, Wykle

## VII. PUBLIC MEETING

- A. Study Session - Former Bowling Alley site, next to AAAAA Rent-A-Space, 489 Moraga Road, Signature Homes (Applicant) Mike and Jim Knuppe (Owners).** Twenty one (21) detached single-family residences have been proposed for consideration by the Town on the former bowling alley site next to AAAAA Rent-A-Space on Moraga Road.

The proposal by Signature Homes calls for the construction of 21 detached two-story residences on individual small lots. In January, the Planning Commission expressed support for a 36 to 40 unit apartment/townhome project on the same site. This proposal varies from the earlier project in that fewer units are proposed and all units would be freestanding detached residences. The property is zoned LC (Limited Commercial). All uses, other than agriculture, require a conditional use permit.

Ms. Salamack reported that the site had been considered by the Planning Commission during a Study Session in January 2011, at which time the Town was considering a proposal for multifamily or condo development, attached housing with 36-40 dwelling units, for 20 dwelling units per area (DUA). She explained that the applicant would make a presentation on the project since the prior proposal was not expected to succeed in the current market whereby another approach to the property was being proposed to the Town. The item was not a formal application to the Town but an opportunity for the applicant to obtain feedback from the Planning Commission and the community regarding the use of the space.

Ms. Salamack explained that the site was zoned Limited Commercial (LC) with the permitted use being agriculture. Any use other than agriculture required a conditional use permit from the Planning Commission. Residential development was possible to be approved on the site requiring a Planned Development approach; Conceptual, General, and Precise Development Plans when the development standards would be established. The site was not required to be residential housing. She noted that the Town was in the process of economic development work on the Rheem Valley Shopping Center with a focus on the revitalization of the center with possible mixed use development.

The intent of the Study Session was for the applicant to present to the community the intent for the site, and the Planning Commission and community to provide feedback so that the prospective applicant could decide whether the project was feasible to pursue or whether redirection was necessary.

Michael Knuppe, one of the Applicants, offered a background of the property and reported on the number of studies that had been prepared for potential development of the property; the possible expansion of the storage facility, a hockey rink, the consideration of a hotel development, which led to the apartment/townhome concept with marketing towards Saint Mary's College students and faculty, all options which had proven to be economically unfeasible. Given the need and desire to give back to the community, a residential housing development was being sought.

Mr. Knuppe reported that Signature Homes had analyzed the apartment/townhome concept and would be making a presentation on its findings. He noted that the new proposal for single-family homes would involve less traffic and density.

Jill Williams, AIA, Principal, KTG Group, spoke to the previous proposal for an apartment/townhome concept which had proven to be unfeasible given the current housing market and livability of the plan. She presented a slide presentation on the proposal for 21 detached single-family residences showing how the homes would fit on the lot, identified as Site Plans A and B. Site Plan A included a 15-foot setback to Moraga Road differentiating the internal portion with a gathering space within the site. All homes would have a driveway to accommodate two parked vehicles, two-car garages, and rear yard. Front doors would face onto the landscaping area along Moraga Road with good pedestrian circulation throughout the site with sidewalks, integrating parking stalls within the site, and utilizing two different floor plans. Site B would have a 25-foot setback to Moraga Road with two additional homes in the center for a total of 21 homes, with open space on either side of the loop road with integrated parking bays, a gathering area for the neighborhood, and similar treatments of the homes facing Moraga Road with similar pedestrian connections throughout the site as Site Plan A.

Two different floor plans had been proposed and would involve a general theme, variation in light tone colors, and tile roofs. Architectural elements would create the look and feeling sought for the homes including ironwork, light fixtures, interesting roof lines, massing, and the like. The homes would be approximately 27 feet in height with low-pitched roofs for low profile two-story homes. The two floor plans would offer four bedrooms, a living area, access to private rear yards, and the setback allowing for parking within the driveway.

Ms. Williams sought feedback from the Planning Commission on the concept.

John Bayliss, Executive Vice President, Signature Homes, described the background of Signature Homes and identified the developments designed and built in the Bay Area. He spoke to the opportunity for the site and the analysis of the prior apartment/townhome concept noting that the market had changed since the initial concept had been submitted. That concept was no longer the best use of the site. He identified the total number of home sales in Moraga for the first part of 2011. He stated that the concept for the new plan would include two-car driveways, front yard landscaping, and maintenance for the front and along Moraga Road to be maintained by a Homeowner's Association (HOA), 12-foot rear yards with a patio and a small yard space, with the concept targeting the move-down market for those who wanted to remain or enter into the community.

Given current market conditions and the volume of existing commercial uses in the Town, Mr. Bayliss stated that the site would not be developed as a limited commercial use any time soon. He commented that the site was relatively flat and would accommodate the desired density for 21 small lot, detached single-family homes. He explained that the architecture had proposed a number of elements used by other Signature Home developments with the front of the homes facing Moraga Road, a possible landscaping strip, and sound attenuation on the buildings with the desire not to have to build a sound barrier wall but a possible see-through fence in that location. He spoke to the cost of new construction of attached as opposed to detached housing and reported that the homes were envisioned to be in the high \$500,000 to the mid-\$600,000 price range.

Jim Knuppe, another of the Applicants, reiterated that Signature Homes had been brought in to analyze the apartment/townhome concept which had led to the current concept for 21 detached single-family homes.

Mr. Bayliss clarified, when asked, that the homes were intended to have rear and sideyard fencing. The minimum lot size would be 2,700 square feet with the homes in the 1,900 to 2,000 square foot range in the two-story configuration. He expected that the housing would attract young families with children. As to the location of the site and its proximity to the storage facility and other businesses at the rear of the storage facility and the busy street of Moraga Road, the concept was such that the streets would be private, maintained by a HOA, with a single loop street with no through traffic. In addition, each plan included guest parking and no storage would be allowed in the garages which were intended for the parking of vehicles, to be enforced through the HOA CC&R's.

Ms. Salamack explained that the prior concept for apartment/townhome development targeted for Saint Mary's College students and faculty would have required a conditional use permit. In this instance, the current concept would involve the three-step Planned Development process earlier identified where the Planning Commission was required to make a determination about the use and development standards related to all aspects of the site.

#### PUBLIC COMMENTS OPENED

An unidentified resident of Moraga Place, whose home would be closest to the site, expressed concern with the potential impacts of the development to nearby properties. He expressed concern with the development having a negative impact on the Town for the short- and long-term. He expressed concern with more development in the Town, impacts to local schools, long-term impacts to property values, and impacts to the existing traffic volume along Moraga Road, Moraga Way, and Moraga Place.

An unidentified resident of Moraga, expressed concern with the potential health impacts of the development of the property given that she had asthma. She too expressed concern with the potential impacts to the existing traffic along Morag Road.

Ellen Beans, Carr Drive, Moraga, had difficulty envisioning 21 homes on the site although she liked to see alternative-sized homes be offered in the Town. Given the need to reduce energy resources, the size and quality of the homes being proposed appeared to offer that alternative. Given the location of the property to nearby shopping, it also offered good pedestrian access. As such, she found the development to represent a good use of the site.

Scott Bowhay, Camino Pablo, Moraga, understood the economic difficulties in developing the property although he stated it was not up to the Town to solve that problem. With the location of the property along Moraga Road, he expressed concern with traffic spilling out onto Moraga Road impacting existing traffic conditions. He liked the idea of having smaller parcels available although he suggested that the subject location was not ideal for such a development.

Claire Roth, Fernwood Drive, Moraga, became aware of the development during a Moraga Liaison meeting when it had been described as two-story, single-family homes on a less than 3,000 square foot lot leading to concerns with the homes being too close to each other. She recognized the need to provide smaller homes for segments of the community although she objected to the density being proposed. She suggested that the proposal would have visual impacts and she sought fewer than 21 homes on the site.

Joe Buller, Ascot Drive, Moraga, stated that he was not convinced that residential development on the site was appropriate. He commented that he had provided written correspondence to the Mayor with suggestions for the development of the site. He asked whether or not all development options had been exhausted for the property, why the expansion of the storage facility was not an option given its current occupancy rate, whether or not the Town had any options for the property, and stated he would like to see more emphasis placed on commercial development. He too expressed concern with the potential traffic and safety impacts along that corridor of Moraga Road.

#### PUBLIC COMMENTS CLOSED

In response to the concerns expressed, Mr. Bayliss stated that Signature Homes had built communities that they were proud of and which had stood the test of time. He suggested that the value of small-lot, single-family detached homes would not reduce existing property values, as would a vacant lot. He suggested that studies would show that density was good and while the project was dense, it was not too dense.

As to concerns with respect to traffic, Mr. Bayliss suggested that those close to commercial development would walk to the site and the crosswalks and intersections would be used to reach the commercial uses. He emphasized that the turning movements into the project would be analyzed in detail.

As to the size of the homes, Mr. Bayliss noted that there had been a reduction in the size of homes overall in the marketplace. He suggested that the proposed homes were moderate in size and would offer an alternative for those homeowners who did not want a lot of maintenance. He also noted that the industry was responsive to energy standards with all Signature Homes voluntarily built to green standards.

Mr. Bayliss emphasized the amount of vacant commercial sites in the area and suggested that the subject site, if it were to remain commercial, would likely remain vacant over time. He was not confident the Town would attract a commercial use to the site.

Chairman Driver REOPENED PUBLIC COMMENTS at this time.

Roger Poynts, Donald Drive, Moraga, asked the number of units allowed on the property when the General Plan had last been updated.

Ms. Salamack explained that when the General Plan and Housing Element had been updated, the subject property had not been identified for residential purposes. She reiterated that the property was zoned LC and the permitted use was agriculture. Any use other than agriculture would require a conditional use permit, such as recreational storage, office or restaurant use, as examples. The Rheem Valley Shopping Center was zoned Community Commercial (CC) with both permitted and conditional uses.

Commissioner Socolich asked the applicants whether or not the number of homes could be reduced from 21, to which Mr. Bayliss advised that there were economics involved and 21 homes was the target for the economics of the project. He acknowledged that the site could work with fewer units although from an economic standpoint it worked better with 21 units. As to how the foot traffic would be addressed from the subject site across the street to the Rheem Valley Shopping Center, he explained that the parcel was one parcel away from the corner where there were crosswalks with a traffic signal, the same situation with the Moraga Center.

Commissioner Levenfeld liked the high density envisioned for the prior apartment/townhome development but suggested that the proposed development was too dense. She suggested the concept of smaller homes made sense, although higher density development on the site made more sense.

Commissioner Levenfeld supported the development in concept given that the mix of housing in the Town could use such a development and she liked how the project homes would front the road.

Chairman Driver was disappointed that the density had been reduced from the prior concept. He suggested that infill development around the Town centers had been discussed as part of a long-term planning perspective. He was not familiar with the product that had been proposed and would have to be convinced the project would work. He sought more real world examples of such dense development. He liked the fact that the concept had embraced the street and the landscaping was nice but he suggested it did not feel part of the surroundings. He supported the look and feel of the architecture given that it complemented the surrounding developments with stucco and red roofs. He suggested that pedestrians would go where they wanted to go and the Moraga Road crossing would have to be addressed in some way which remained a serious concern. He expressed concern with the potential impacts and proximity of the closest residential neighbors which would have to be addressed through the details of the design. From a planning perspective he liked the way the project was heading although there remained a lot to work in terms of the design and use. He was pleased to see that the project would be required to go through the three-step planning development process.

Commissioner Obsitnik stated that he was torn with the use given the amount of retail and commercial property in the Town which required more people in the community to support its use but he would like to see other uses which may attract people outside of Moraga. He recognized that the project must be economically viable and given the options the applicant had considered were viable he agreed that the project must be economically viable or else it would become idle property again. He suggested that the project now being proposed was not that much different in terms of the dynamics of a single-family as opposed to an apartment/townhome development, and he was not opposed to the proposed size of the homes, but was not convinced of the economic viability of the project. He suggested that the three-step planning process was important since it would address some of the public concerns with respect to traffic, safety, pedestrian circulation, and the like. He asked whether or not the applicant would consider placing the garages at the back with the frontages modified with porches.

Commissioner Obsitnik supported a development that encouraged walkability, reduced noise levels, and some of the issues around parked vehicles and driving around the horseshoe configuration.

As to whether the property should be developed at all, Commissioner Whitley suggested that a property should not be left unused.

Given that the property was located within a commercial district and the Town's desire was to develop a real commercial district, Commissioner Whitley suggested that the ideal use of the property was for commercial purposes. While it may or may not be economically viable, he suggested that the community would not abandon the commercial use of the property for housing. He suggested that members of the community and the Town Council would likely have the same opinion and the applicants should be aware of that situation. As to whether or not the density was consistent with the commercial use, he noted that higher density was vital for commercial uses. Once the higher density housing was determined to be supported, and if found to be appropriate, he suggested the question would be how high the density would be allowed.

Commissioner Whitley commented that the project was high density as compared to other developments in Moraga and the project would be consistent with other areas, but not with the residential use of the neighborhood in general given the commercial zoning designation. If a higher density was accepted as appropriate, he questioned whether or not the proposed density would be acceptable. Noting that the General Plan expected a certain amount of growth that was expected and rejected, he suggested that increasing density in the commercial districts was part of the plan, and another concern was the scenic corridor. From his perspective, the density was a bit high next to the scenic corridor. If the four homes at the front were eliminated and replaced with a parkway in the middle, he suggested that would create less of a visual impact on the scenic corridor and open things up. Parking was also an issue along Moraga Road and he was uncertain of the solution that garages with parking in the front would be sufficient in that parking would remain an issue that would have to be resolved with few guest parking spaces for 21 homes.

Commissioner Socolich expressed his appreciation that garages were made for parking and not for storage although it was likely that the garages would be used for storage. As a result, parking would remain an issue and the solution for foot traffic was significant and must be addressed. He suggested that another signal light from the development would likely not be supported.

Chairman Driver thanked everyone for their comments and input.

**VIII. ROUTINE & OTHER MATTERS**

A. None

**IX. COMMUNICATIONS**

A. None

**X. REPORTS**

**A. Planning Commission**

Commissioner Socolich reported that he had attended the last DRB meeting to discuss the expansion of the Saint Mary's College Art Gallery to accommodate more exhibits which had been approved by the DRB.

**B. Staff**

1. Update on Town Council actions and future agenda items.

Ms. Salamack reported that the next Town Council meeting would be held on August 24. Interviews for the Planning Director position had been held with additional interviews to be held this week. It was not anticipated a candidate would be hired prior to her departure on August 9, with this her last meeting with the Planning Commission. She expressed her pleasure in working with the Planning Commission over the years.

The Planning Commission expressed its appreciation to Ms. Salamack for her service to the Town.

Ms. Salamack explained that there were no agenda items ready for the Planning Commission meeting scheduled for August 1. The Hetfield Estates Final Environmental Impact Report (FEIR) was under review by the Town Attorney who would be suggesting some revisions to the document prior to its return to the Planning Commission. In addition, rezoning of the Moraga Center Specific Plan (MCSP) Community Commercial District was underway as part of work by the Economic Development Advisory Committee (EDAC), with a draft ordinance having been prepared. She advised that there were some potential applications that may come before the Commission in the MCSP area prior to the consideration of the draft ordinance given that the Town had received some interest from a new restaurant with drive-through facilities and the conversion of a service station to a bank, both permitted uses. Since the Town had not addressed the issue of drive-through facilities or a conversion of a service station to a bank, policies may have to be considered regarding the change in use.

**XI. ADJOURNMENT**

Motion and seconded to adjourn the Planning Commission meeting at approximately 9:32 P.M. to a regular meeting of the Planning Commission on Monday, August 1, 2011 at 7:30 P.M. at the Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, California.

A Certified Correct Minutes Copy

Secretary of the Planning Commission

Town of Moraga	AGENDA ITEM
Routine & Other Matters	VIII. A.



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Meeting Date: September 19, 2011

**TOWN OF MORAGA** **STAFF REPORT**

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**To: Planning Commission**  
**From: Kelly Clancy, Planning Assistant**  
**Subject: Approval of a Resolution Establishing the Regular Planning Commission Meeting Time of 7:00 pm**

**Request**

Approve the attached resolution specifying the regular Planning Commission meeting time as 7:00 pm.

**Background**

In 2005 the Planning Commission approved Resolution 04-2005PC to establish the regular meeting time of 7:30 pm. In 2010 the Design Review Board and the Town Council changed their meeting start time to 7:00 pm yet the Planning Commission meetings remain at 7:30 pm. To make all meeting start times consistent a 7:00 pm start time needs to be established.

**Recommendations**

Approve the attached resolution specifying the regular Planning Commission meeting time as 7:00 pm.

**Report reviewed by: Shawna Brekke-Read, Planning Director**

**Attachments:**

- A. Resolution \_\_-11 PC

# ATTACHMENT A

Resolution \_\_-2011





Department of  
Conservation &  
Development

Community Development Division

County Administration Building  
651 Pine Street  
North Wing, Fourth Floor  
Martinez, CA 94553-1229

Phone: (925) 335-1210

September 15, 2011

Richard Chamberlain  
Town of Moraga  
329 Rheem Blvd.  
Moraga, CA 94556

Dear Mr. Chamberlain,

Per my phone message to you on September 15, 2011 enclosed is the staff report for the Roberts Ranch project (AP10-0001 & LL10-0001). No hearing date has been set yet but one is anticipated in approximately 6 to 8 weeks and you will be noticed when the meeting is set.

As I said in my message I am the project planner for this application and I'm sending you this staff report so that you are aware of what is proposed and should you have any questions you can contact me in advance of a hearing.

Essentially what is proposed is (see exhibit A, attached);

Through a Lot Line Adjustment (LL10-0001) reconfigure three existing parcels and exchange approximately 16 acres with the adjacent EBMUD land;

Enter into a new Land Conservation Contract (AP10-0001) covering the reconfigured lots;

There is no development proposed with the new Land Conservation Contract. Access to the all the Roberts Ranch parcels would be from Bolinger Canyon Road. There is no access proposed from Sanders Ranch.

If you have any questions, please contact me at (925) 335-1207.

Thank you,



John Osborne  
Senior Planner

Contra  
Costa  
County



Catherine O. Kutsuris  
Director

Aruna Bhat  
Deputy Director  
Community Development Division

RECEIVED

SEP 16 2011

MORAGA PLANNING DEPT.

To: Board of Supervisors

From: Catherine Kutsuris,  
Conservation &  
Development Director



Contra  
Costa  
County

Date: ~~October 10, 2100~~

Subject: Williamson Act/Rescind Land Conservation Contract No. 3-77 ,Approve Lot Line Adjustment LL10-001 and Approve Land Conservation Contract No. AP 10-0001

**RECOMMENDATION(S):**

1. FIND that the proposed actions are consistent with the Williamson Act and the County's Williamson Act Program.
2. FIND that the proposed actions are categorically exempt from the California Environmental Quality Act (CEQA) ( Regs, Sections 15305 (a), 15317, (Class 17) and Section 15061 (b) (3)).
3. FIND that the Lot Line Adjustment ( LL10-0001) to among other things, include in lot 3 approximately 16-acres of property that East Bay Municipal Utility District (EBMUD) will convey to the owner, as depicted in **Attachment A**, complies with the seven required findings of California Government Code 51257 for Williamson Act agricultural preserves and as listed in **Attachment B**.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 10/10/2100

APPROVED AS RECOMMENDED

OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYES \_\_\_\_\_ NOES \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

RECUSE \_\_\_\_\_

Contact: John Osborne 335-1207

cc:

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: October 10, 2100**

David J. Twa, County Administrator and  
Clerk of the Board of Supervisors

By: , Deputy

**RECOMMENDATION(S): (CONT'D)**

4. ADOPT Resolution No. 2010/487 RESCINDING the existing Land Conservation Contract No. 3-77 as to the parcels commonly identified as Assessor's Parcel Numbers (APNs) 258-110-001 and 258-110-002 and APPROVING Lot Line Adjustment LL10-0001 and APPROVING Land Conservation Contract No. AP10-0001( **Attachment C**) for the newly configured parcels with Stephen E. Roberts, Trustee of Stephen E. Roberts Trust - 1990 UDT dated September 28, 1990, Owner.
5. AUTHORIZE the Chair, or designee to execute Land Conservation Contract No. AP10-0001.
6. DIRECT the Conservation and Development Department Director, or designee, to record on the deed for the reconfigured property the Lot Line Adjustment LL10-0001, Resolution No. 2010/487 and Land Conservation Contract AP10-0001; and file a CEQA Notice of Exemption; and forward a copy of the Land Conservation Contract to the State Department of Conservation and Office of the County Assessor.

**FISCAL IMPACT:**

100% of application fee paid by the applicant.

**BACKGROUND:**

Stephen E. Roberts (Owner), Trustee of the Stephen E. Roberts Trust- 1990 UDT dated September 28, 1990 owns 269 acres commonly known as APNs 258-110-001 and 258-110-002 ("Property") described in **Attachment D** and referenced herein. The parcels are located in Agricultural Preserve No. 3-77 (also known as Land Conservation Contract No. 3-77), established on February 8, 1977, by **Board Resolution No 77/121** between the County and Alfred Peres. The parcels are currently restricted under Land Conservation Contract No. 3-77. There are currently no structures on the Property which is being used for grazing purposes.

The Williamson Act program (Government Code, Sections 51200 et. seq.), through Land Conservation Contracts, restricts land uses and structures on property under contract. The Williamson Act provides for a process to rescind an existing contract and enter into a new contract by mutual agreement between the parties provided that the new contract remains consistent with the intent and purpose of the Williamson Act.

The Owner intends to continue agricultural uses on the Property but wishes to :

1. Rescind the existing Land Conservation Contract No. 3-77 to enable Lot Line Adjustment LL10-0001;
2. Through Lot Line Adjustment LL10-0001 reconfigure the three existing parcels so that they meet the 40-acre minimum parcel size as shown on Exhibit A; and
3. Enter into a new Land Conservation Contract AP10-0001 covering the reconfigured lots as shown on Exhibit A.

Also, the Owner wishes to complete the following action in conjunction with this application:

1. Exchange an approximately 16-acre area of tree covered hillside he owns for an adjacent 16-acres of open grassland owned by the East Bay Municipal Utilities District (EBMUD) as shown on **Attachment A** and agreed to in the Property Exchange Agreement between Stephen E. Roberts Trust and EBMUD ( **Attachment E**); and

**Two Assessor Parcel Numbers Comprising Three Legal Parcels**

As noted above the Roberts Ranch contains two APN's: 258-110-001 and 258-110-002. The two APN numbers resulted from the fact that the property contains a major ridgeline which separates two different flood districts. Since the tax rates may be different in each of the different flood control zones, the assessor created the two APN numbers to approximately separate the property by flood control zone. This action did not create legally separate parcels, rather it facilitated separating land for tax purposes only.

In April 2006 the Owner obtained from the County 3 Certificates of Compliance (County File No's. ZC-06-689, ZC-06-690 & ZC-06-691) that showed that the Property consisted of three legal parcels under the Subdivision Map Act and County's Subdivision Ordinance, which collectively are known as APNs 258-110-001 and 258-110-002.

The Owner is proposing a Lot Line Adjustment, as referenced above, anticipating the possibility that the current single ownership situation may change to that of multiple owners of separate parcels in the future. It is desired that the Lot Line Adjustment establish parcels that meet both the 40-acre minimum non-prime agricultural land size requirement, as well as the 100-acre minimum acreage requirement for an Agricultural Preserve, which would enable the future creation of two separate Agricultural Preserves.

**Exchange of Property with East Bay Municipal Utility District (EBMUD)**

In conjunction with this application the Owner wishes to exchange approximately 16-acres of tree covered hillside area of his property, along his property's westerly border, for approximately 16-acres of adjacent open grassland area that the EBMUD owns. EBMUD would prefer to own the hillside area, versus grassland area, for watershed purposes. Alternatively, the Owner would prefer the grassland area, which is flatter, for grazing purposes. A copy of the Property Exchange Agreement between Stephen E. Roberts Trust and EBMUD is attached as **Attachment E**. The Agreement is contingent upon the Board's approval of the rescission of Land Conservation Contract No. 3-77, approval of Lot Line Adjustment LL10-0001 and approval of Land Conservation Contract AP10-0001.

**CONSEQUENCE OF NEGATIVE ACTION:**

If the Board does not rescind the existing Land Conservation Contract 3-77 and approve the proposed Lot Line Adjustment LL10-0001 and Land Conservation AP10-0001 the Owner would not be able to execute the property exchange with EBMUD and reconfigure the Williamson Act contracted land.

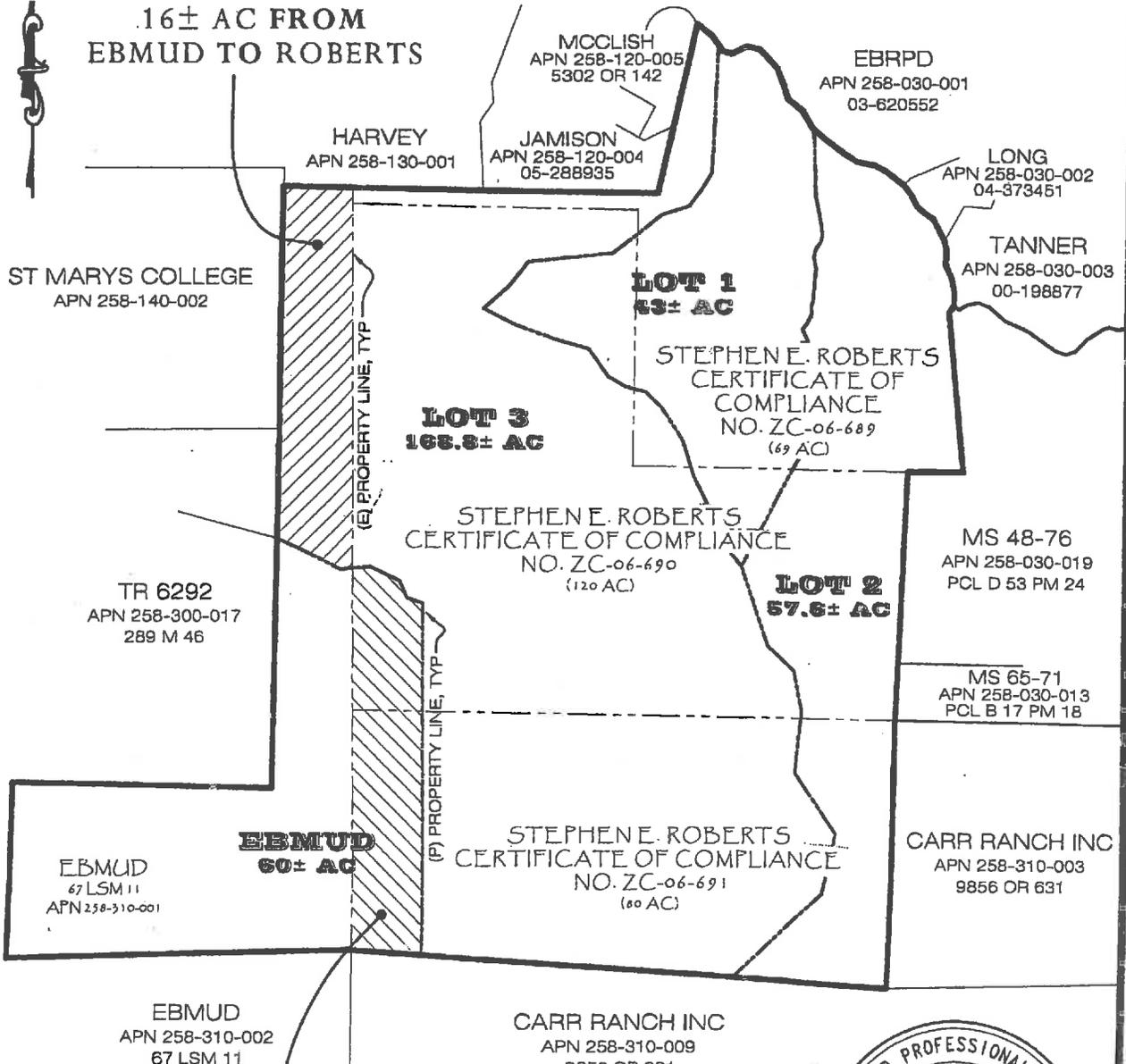
**CHILDREN'S IMPACT STATEMENT:**

N/A

Contra Costa County Land Conservation Contract No. AP10-0001

Exhibit A- Property Description

Pursuant to Paragraph 2 of the Land Conservation Contract to which this exhibit is attached, the land described below is designated as the subject of said Contract after Lot Line Adjustment (County File No. LL10-0001)



**LEGEND**

- (E) EXISTING
- (P) PROPOSED
- (E) PROPERTY LINE TO BE ADJUSTED
- (P) PROPERTY LINE
- (E) BOUNDARY LINE TO REMAIN (EXTERIOR)
- NEIGHBORING PROPERTY LINE



SHEET 1 OF 6

**HUMANN COMPANY INC.**  
 ENGINEERING - SURVEYING  
 1021 BROWN AVE., LAFAYETTE, CA 94549  
 PH (925) 283-5000 FAX (925) 283-3578

**LLA EXHIBIT**  
**STEPHEN E. ROBERTS TRUST & EBMUD**  
 APNS 258-110-001, 258-110-002 & 258-310-001  
 CONTRA COSTA CALIFORNIA

SCALE	1"=800'
DATE	05/03/11
BY	S. A.
JOB NO.	09038





Meeting Date: September 19, 2011

**TOWN OF MORAGA**

**STAFF REPORT**

**To: Planning Commission**  
**From: Shawna Brekke-Read, Planning Director**  
**Subject: Meeting Purpose and Planning Department/Projects Update**

**Request:**

No action. Information only.

**Summary and Background**

The Planning Commission's last meeting was July 18. Since that time, the previous Planning Director retired, and I started with the Town August 11, 2011. There are no regular items or applications for the Planning Commission to consider at this time. However, this is an opportunity for the Planning Commission and Planning Director to meet, discuss the planning department's activities, and review upcoming dates and schedules.

**Discussion**

**Current Applications and Projects**

The Planning Department is currently processing several applications that will come before the Planning Commission, as follows:

- i **8 and 10 Kimberly Drive.** The Town received these design review applications for new single family residences June 16, 2011, and the Design Review Board reviewed the applications July 25. Conditions of approval attached to a MOSO conditional use permit require Planning Commission review and approval of these applications. **Timeline:** October 17 Planning Commission.
- i **1800 Donald Drive.** The Town received design review and hillside development permit applications for a new single family residence March 31, 2011. This project is subject to environmental review, and staff has completed an administrative draft initial study. The applicant is currently reviewing the proposed mitigation measures. Although the Design Review Board will review this proposal, the Planning Commission will review the

1 environmental documents and make an environmental determination.

2 **Timeline:** November 21 Planning Commission.

- 3 i **Hetfield Estates.** The consultant is currently finalizing responses to  
4 comments on the Draft EIR and completing an Administrative Final EIR for  
5 this Conceptual Development Plan to allow a 6-lot subdivision. Once the  
6 consultant has completed her work, staff will review the AFEIR for final  
7 edits. **Timeline:** Unknown.

- 8 i **Bollinger Valley.** Town staff is currently reviewing the Administrative Draft  
9 EIR for this General Plan Amendment and Rezoning to allow 126 single  
10 family residences on 186.22 acres. Once staff's review is complete, the  
11 consultant will finalize the document and the DEIR will be circulated for  
12 public review and comment. **Timeline:** Unknown.

13  
14 Inactive or Incomplete Applications and Projects

- 15 i **St. Mary's College: Incomplete.** The Town received two applications  
16 from the College that are incomplete at this time:  
17 o **Wireless Facility.** Conditional Use Permit application submitted  
18 June 28, 2011. The application was deemed incomplete July 28,  
19 2011.  
20 o **Recreation Facility.** Conditional Use Permit application submitted  
21 May 11, 2011. Deemed incomplete. Project is subject to CEQA and  
22 requires an initial study and a parking study.  
23 i **Rheem Valley Estates: Inactive.** The Town completed an Initial Study for  
24 a Conceptual Development Plan and Vesting Tentative Map application  
25 for a 17-lot subdivision of 92.33 acres. The Initial Study determined an  
26 Environmental Impact Report is necessary (2008.) The applicant does not  
27 concur with this determination, so this project remains inactive.

28  
29 Other

- 30 i **Southwest corner of St. Mary's Road and Rheem Boulevard.** The  
31 Planning Commission held a study session to provide a recommendation  
32 to the Town Council on this potential subdivision of Town-owned property.  
33 The Parks and Recreation Commission will review the potential project at  
34 its September 20 meeting. Both Commissions' comments and  
35 recommendations will be forwarded to the Town Council on October 12.  
36 i **Rheem Planning Area.** The Moraga Economic Development Action  
37 Committee (EDAC) hosted two visioning workshops at The New Rheem  
38 Theater in late August. The workshop participants voiced common themes  
39 and desires for the Rheem area, focusing on the theater, more  
40 restaurants, more locally-oriented businesses, variety of businesses and  
41 land uses, special events, evening activities, pedestrian- and bike-friendly  
42 improvements, gathering spaces, and changes to Moraga Road and  
43 Rheem Boulevard. The Committee is formulating recommendations and a  
44 strategy for the Commission and Town Council. EDAC anticipates the next  
45 steps will take three forms: (1) short term improvements (e.g.,  
46 landscaping, working with community groups, meeting with landowners,  
47 and creating a General Plan amendment and rezoning), a mid-term  
48 project (intersection improvements for traffic and pedestrian flow in the  
49 area), and long-term actions (attracting new uses and development to the

- 1 area.) This item will be on the Planning Commission's October 17 agenda  
2 for review and comments.
- 3 i **Zoning Ordinance.** Planning staff is reviewing the zoning ordinance and  
4 identifying potential amendments. Rich Chamberlain is particularly  
5 providing input and comments.
  - 6 i **Retirement.** Rich Chamberlain has set a retirement date of December 23.  
7 Planning staff is working together to ensure a smooth transition, and to  
8 take best advantage of Rich's experience and historical context.
  - 9 i **Meeting Schedule.** Staff recommends the Commission hold one meeting  
10 per month for the foreseeable future to reflect the decreased number of  
11 applications the Town is receiving. Staff recommends the Planning  
12 Commission and Town Council hold a joint meeting to discuss planning  
13 issues, including an approach and potential General Plan amendment for  
14 the Rheem planning area and potential amendments to the zoning  
15 ordinance.

16

### 17 **Recommendations**

18

19 Discuss and ask questions about Planning Department activity. The merits of  
20 individual projects cannot be discussed at the meeting.

21

22 Provide feedback about community issues, including observations about the  
23 Rheem Visioning Workshops.

24

25 Suggest potential dates for a joint Planning Commission-Town Council meeting.

26

27 No other action is requested at this time.

28

29 **Report reviewed by: Planning Director**

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31

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