

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

June 6, 2011

7:30 P.M.

MINUTES

I. CALL TO ORDER

Vice Chairman Socolich called the Special Meeting of the Planning Commission to order at 7:30 P.M.

ROLL CALL

Present: Commissioners Levenfeld, Whitley, Wykle, Vice Chairman Socolich
Absent: Commissioners Obsitnik, Richards, Chairman Driver
Staff: Lori Salamack, Planning Director
Richard Chamberlain, Senior Planner
Jill Mercurio, Public Works Director/Town Engineer

B. Conflict of Interest

There was no reported conflict of interest.

II. ADOPTION OF MEETING AGENDA

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

III. ANNOUNCEMENTS

Planning Director Lori Salamack reported that she had informed the Town Manager that her last day with the Town of Moraga would be August 12, 2011. The Town was currently recruiting for her position and applications for Planning Director were due to the Town by June 24, 2011.

IV. PUBLIC COMMENTS

There were no comments from the public.

V. ADOPTION OF THE CONSENT CALENDAR

A. Approval of the minutes from the April 18, 2011 meeting

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

VI. PUBLIC HEARINGS

A. Public Hearing to Conduct the Annual Review of the Proposed Capital Improvement Program for General Plan Compliance

Public Works Director/Town Engineer Jill Mercurio reported it was Town policy that all Capital Improvement Projects (CIP) be submitted to the various Town bodies for a statement of General Plan compliance. This year the proposed CIP projects within Fiscal Year 2011/2012 were being presented to the Planning Commission for review and a finding of compliance. She noted that if additional projects developed during the year, they would be approved individually by the Town Council. The Commission had been provided with the CIP Program Project Summary, information describing the project, and General Plan Policy sections. The Commission was asked to provide comments.

Vice Chairman Socolich asked staff to describe Project No. 08-105, Traffic Calming and Beautification, and asked where the project was to occur.

Ms. Mercurio reported that the project had been brought out through the Streetscape Beautification and Tree Planting Program. The intent was to provide improvements in the area of the scenic corridor; Moraga Road from Lafayette to the Town of Moraga. The project was currently unfunded and unscheduled. The Gates Report had identified a number of alternatives to beautify the area although absent a plan, she could not provide any specifics at this time.

Ms. Mercurio advised that the Town had limited funds for this Fiscal Year. Funded programs included the Americans with Disabilities Act (ADA) Compliance Project, an annual project which involved \$10,000 a year for ADA improvements; the Annual Pavement Management Program which had no money allocated for 2010 with approximately \$200,000 allocated for this Fiscal Year; and the Corliss/Moraga Road Intersection Improvements Project which had been fully funded, and staff anticipated working on the design over the summer with construction later in the year through a grant application which called for pedestrian activated lights in the pavement and in an overhead flashing beacon to be activated when the crosswalks were in use. She reported that the Laguna Creek projects were emergency fund based, and once the Town received the proper permits from the regulatory agencies, would be scheduled for the summer of 2012 although staff would be working on the permits and design this year. The renovation at 329 Rheem Boulevard had also been scheduled for this year.

Further, the Moraga Commons Off-Street Parking Project depended on funding and the cities of Orinda and Lafayette had been asked to participate in a cost-sharing agreement, and while both jurisdictions had expressed interest neither jurisdiction had adopted its budget.

Ms. Mercurio explained that the Town had applied for a grant with grant monies received to decrease the overall money the Town and other communities would contribute. Energy efficiency projects were also in the process of being completed this year such as the conversion of street lights to LED and solar panels at 329 Rheem Boulevard. The Camino Pablo Field Improvements Project was funded and would commence in the next two weeks.

In response to Commissioner Wykle, Ms. Salamack explained that the Town Council would see the details of the CIP projects once they were out to bid or in contract. The ADA Advisory Committee and the Traffic Safety Advisory Committee (TSAC) had also provided input on some of the CIP projects.

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

On motion by Commissioner Whitley, seconded by Commissioner Levenfeld and carried unanimously the Commission made the finding and recommendation to the City Council that the Fiscal Year 2011/2012 Capital Improvement Program is in compliance with the General Plan.

B. Public Hearing to Consider a recommendation to the Town Council regarding amendments to the Growth Management Element of the Town of Moraga General Plan. The technical corrections are necessary to comply with Contra Costa County Measure J Growth Management requirements for transportation funding. The amendments change the reference from Measure C to Measure J and change the date of the election from 1988 to 2004.

Ms. Salamack reported that the Commission was being asked to consider a recommendation to the Town Council regarding amendments to the Growth Management Element of the Town of Moraga General Plan. The technical corrections were necessary to comply with Contra Costa County Measure J Growth Management requirements for transportation funding. The amendments changed the reference from Measure C to Measure J, and changed the date of the election from 1988 to 2004. The item had been agendaized as a public hearing since any amendment to the General Plan required a public hearing.

Ms. Salamack explained that consistent with the February 23, 2011 minutes from the Contra Costa Transportation Authority (CCTA) Citizen's Advisory Committee, the amendment also required the inclusion of a policy regarding the Urban Limit Line (ULL).

Ms. Salamack advised that the ULL for the Town of Moraga was located at the Town boundary; there was no interior ULL for the Town. The Town of Moraga Planning Commission and the Town Council had jurisdiction over all land use decisions within the Town. The policy regarding the ULL would require the Town to oppose development inconsistent with the ULL. The ULL had been approved by the voters of Contra Costa County years ago and a copy of the ULL Map had been attached to the June 6 staff report. She explained that the policy was not new although the information articulated what had been established through ballot measures.

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

On motion by Commissioner Levenfeld, seconded by Commissioner Wykle to adopt a draft Resolution next in number recommending approval of the proposed changes to the General Plan Growth Management Element required by Contra Costa County Measure J.

VII. PUBLIC MEETING

A. Study Session - Subdivision of Town-owned land at Rheem Boulevard and St. Mary's Road, consideration of three alternatives that would result in the creation of 1, 2, or 3 MOSO Open Space lots on Town-owned property.

Senior Planner Richard Chamberlain advised that this was a study session for consideration of three alternatives for the subdivision of Town-owned land at Rheem Boulevard and St. Mary's Road for single-family residential development of approximately 1.91 acres at the northeast end of 21.4 acres of Town-owned land. He noted that this was the second time the Planning Commission had discussed the alternative proposals with a recommendation to be made to the Town Council. A public notice to all affected property owners within 300 feet had been mailed on May 26, 2011. The East Bay Regional Park District (EBRPD) and Moraga-Orinda Fire District (MOFD) had also been notified and sent copies of the proposed alternative subdivision plans.

Mr. Chamberlain reported that in addition to the comments received from the MOFD and the EBRPD, staff had received comments on the staff report and the proposals from Robert Pickett, R. W. Pickett & Associates, which had been forwarded by e-mail to the Planning Commission.

Mr. Chamberlain explained that the property had been acquired by the Town of Moraga in 1977 when the State had sold portions of the proposed right-of-way for the Gateway Freeway. The Town Council had directed staff to prepare plans for the subdivision of the property in order to defray costs for the acquisition of the building at 331 Rheem Boulevard for use as the Public Works Corporation Yard. On September 22, 2010, the Town Council discussed the density and subdivision of the property and at the request of Councilmember Trotter, Mr. Pickett had prepared an analysis of the property supporting development of two or more lots. The Planning Commission conducted a public meeting on February 7, 2011 to discuss the sketch alternatives for a one- or two-lot subdivision of the property, with no action taken since the EBPRD had not been on the notice list and had not had adequate time to review the item.

Following the February 7 Planning Commission meeting, Mr. Chamberlain reported that staff had consulted with the Town Surveyor and had requested the preparation of a tentative parcel map for the one- and two-lot alternatives. The maps were also to show the MOSO building cells for each lot and the required access road width. The tentative maps for the one- and two-lot alternatives were received on May 11. After review by staff and the Town Manager, it was observed that the two-lot subdivision had a MOSO cell that was over 20,000 square feet, where two 10,000 square-foot cells could be considered under MOSO. At the request of the Town Manager, the Town Surveyor was requested to prepare a three lot alternative.

Mr. Chamberlain explained that the 19.49-acre remainder parcel would be retained by the Town as undeveloped open space. He noted that pursuant to Mr. Pickett's most recent correspondence, sketch marks had been made on the plan. Staff and the Town Council were looking at the total value to the Town of the subdivision and the staff report had referenced a report which had been commissioned by a Realtor specializing in raw land to offer an opinion on the value of a one- or two-lot subdivision. The Realtor had suggested that one estate-sized lot may have the same value as two smaller lots; however Mr. Pickett had disagreed with that assessment and had provided additional information on the Realtor's opinion. He commented that if there was less than 45 feet of street frontage for the lots, the fees paid to the Central Contra Costa Sanitary District for hookups could impact the cost of the sale of the lots and the configuration from the tentative map would have to be changed to include the 45-foot frontage.

Mr. Chamberlain identified issues that may occur for a single as opposed to a two-lot subdivision. One of the issues was that a single-lot subdivision project would be categorically exempt under Section 15303(a) of the California Environmental Quality Act (CEQA) Guidelines provided that grading was not required on any slopes greater than ten percent.

Mr. Chamberlain advised that a minor subdivision for the development of two or three residential lots could be found to be categorically exempt under Section 15315 of CEQA because it is located in an urbanized area where the slope of the property is less than 20 percent. An Initial Study for determination of the environmental impacts might be necessary for the two- and three-lot alternatives if the visual impact of the new homes from the St. Mary's Road scenic corridor was considered to be significant.

The property is zoned Open Space and must comply with the standards of development under the Moraga Open Space Ordinance (MOSO). A use permit would be required for residential development of the property regardless of whether or not the project was for one, two, or three lots. The allowed density of development is one dwelling unit on 20 acres. The single lot alternative would conform to the density. The two- and three-lot alternatives would require approval of findings to allow an increase in density not to exceed one unit per five acres. The findings had been identified in the staff report under Section III.C of the MOSO Guidelines for a density increase.

Mr. Chamberlain stated with respect to Finding H, that staff believed that the reference to Goal OS5 of the Open Space and Conservation Element actually refers to Goal OS1.5 which directly applies to MOSO land. OS1.5 requires that each lot have a minimum 10,000 square foot building cell with an average slope less than 20 percent, confirmation that the lots had no geotechnical hazards or landslide problems, and the lot cannot be on a minor ridge over 800-foot elevation. He stated that all three alternatives showed the minimum 10,000 square foot building cells on the lots. The Town Surveyor had been asked to revise the cells to include the grading for the access roads within the cells, but this was not expected to be a problem.

As to Finding I, which includes the factors that determined classification as a high-risk area, Mr. Chamberlain stated that staff was not aware of any slope stability issues on the property. Prior to the approval of the tentative map for a one-, two-, or three-lot subdivision, the Town would have to obtain a geotechnical evaluation of the proposed building sites. In staff's opinion, the subject property would not be classified as high risk.

Mr. Chamberlain explained that the Fire Marshal with the MOFD had reviewed the tentative parcel maps and stated it was likely that a new hydrant would be required for both the two- and three-lot alternatives. The access road for the two-lot alternative had been shown at 24 feet wide and would allow enough width for an 8-foot wide parking area along one side of the road, which would satisfy the Town's requirement for additional guest parking on the lots since no parking would be allowed along Rheem Boulevard. The proposed lots would have less than 45 feet of frontage to Rheem Boulevard unless the frontage was expanded to avoid an additional side sewer fee from the Sanitary District.

Mr. Chamberlain added that any extra guest parking spaces required on the lots could reduce the usable area for development of the lots and make split level or two-story homes more likely.

In terms of tree removal, Mr. Chamberlain stated that the tentative maps for both the single- and two-lot alternatives show the removal of two oak trees northwest of the driveway intersection with Rheem Boulevard. The 24-foot wide driveway for the two-lot alternative encroaches within the dripline of the oak trees, but the 16-foot driveway for the single-lot alternative did not appear to impact the trees. Staff had asked the Town Surveyor to confirm whether or not the trees would have to be removed for the single-lot project. The existing trees along Rheem Boulevard would substantially screen the view of new homes from Rheem Boulevard as depicted on the photographs included in the staff report. There was a gap in the trees along St. Mary's Road where the development may be visible.

Mr. Chamberlain noted that there is a large depression at the southwest side of Rheem Boulevard which was part of a creek drainage area. The heavy brush and trees in that area would screen the view of any new homes from the Rheem Boulevard scenic corridor, although any grading or improvements in this area would require approval from the State Department of Fish and Game and the tentative maps had shown this area as part of the Town's remainder parcel. An adjacent property owner expressed concern at the February 7 meeting that the drainage area should be maintained by the Town and should not be designated as a drainage easement with maintenance by a private property owner. Also, the addition of one, two, or three new homes would not trigger a requirement for a traffic signal at the intersection of Rheem Boulevard and St. Mary's Road although traffic control improvements at this intersection will eventually be necessary. He stated that enough land should be retained by the Town to allow all options including a traffic circle at the intersection.

Mr. Chamberlain reported that the Town had not proposed to change the alignment of the Lafayette-Moraga Pedestrian/Bike Trail. The existing location of the trail effectively cuts off the potential for any further development to the southwest side of the subdivision. Relocation of the trail had not been considered as a viable option to increase the area of development. He advised that the tentative parcel maps for the one- and two-lot alternatives had been mailed to the EBRPD for comment. The EBRPD had requested that the Town retain its open space intact.

Mr. Chamberlain asked the Planning Commission to consider the testimony from interested parties. If the Commission were inclined to recommend more than one-lot, findings would be necessary for an increase in density above the one unit per 20 acres density. The Commission is only making a recommendation to

the Town Council as to which alternative project to pursue, but the findings for an increase in density above the single-lot alternative should be considered in making the recommendation.

In response to the Vice Chair, Mr. Chamberlain affirmed that Saint Mary's College had been informed of the proposal and had not commented. As to the value of a one-, two-, or three-lot alternative, he suggested that Mr. Pickett was aware of the value of lots in Moraga and his opinion was that two lots were more reasonable and would give the Town almost double the value of a single estate sized lot. Mr. Pickett had also opined that the area was not appropriate for an estate lot as the Realtor had suggested given the location of the parcel with two major road intersections.

Ms. Salamack explained that a four to five-lot subdivision as proposed by Moraga resident Roger Poynts, as evidenced by his correspondence dated June 4, 2011, would require the combination of the 19-acre parcel and the 21-acre Moraga Commons parcel for adequate density to create a five-lot subdivision.

PUBLIC COMMENTS OPENED

Roger Poynts, 147 Donald Drive, Moraga, explained that he had presented the Commission with information for a five-lot subdivision. He sought consideration of more than three lots for the parcel. He proposed a plan for a five-lot subdivision based on 60 x 80 square foot pads with a potentially higher value. He suggested that a smaller subdivision would be less enticing. His plan would include a 28-foot wide street, 10 feet in each direction of travel with 8 feet of parking, adequate for the MOFD and public services. Such a plan would allow a 38-foot wide public service easement or a 40-foot public right-of-way, and which would connect St. Mary's Road to Rheem Boulevard. His plan would relocate a small portion of the trail and provide access to the parking staging area as part of the EBRPD. Such a scenario would also allow for the improvement of the staging area and the potential use by citizens. He otherwise had not analyzed the traffic situation, although he was a proponent of traffic circles. He cautioned the Town Engineer and consultants to ensure that the traffic circle was not too steep given the slope involved.

Based on the density calculation, Mr. Poynts sought consideration of a smaller impact development. He questioned whether the property would be utilized to its full value with a small lot subdivision given the Town's need for funds. He asked the Planning Commission to ask staff to include correspondence in future staff reports from the Town Attorney that the staff recommendation for a smaller lot subdivision was defensible.

Mr. Poynts clarified, when asked by staff, his request for an opinion from the Town Attorney on the MOSO consideration, specifically Pages 6 and 7 of the staff report which spoke to the rule of no grading or access created through a MOSO area with a slope greater than 20 percent; and that there was a hidden requirement that had not been called out in the staff report, that the determination of the MOSO cell was such that the definition of development of the subdivision was that the property could not be subdivided with new lot lines in areas steeper than 20 percent, which was not what the MOSO law stated. He asked that those two issues be clarified and defended in a document by the Town Attorney.

Kathy Macchi, Carroll Drive, Moraga, expressed concern with the visual and aesthetic impacts to the scenic corridor and the potential precedent that may result with potential development.

Jim Townsend, Trail Development Manager, EBRPD, commented on the importance for the community to recognize that the parcel was not real estate to be bought and sold, but open space. Given the limited open space in the area, he noted that once the Town lost its open space it would be gone forever. He wanted to see Town officials be charged with the management of the Town's affairs and also be stewards of the future and consider that all decisions would have impacts on the future. He commented on past efforts to protect open space and scenic corridors and expressed concern with the potential precedence that could be created if the Town developed the parcel to meet current funding needs.

Given that any development on the parcel would require a use permit and discretionary approval and the fact that any of the alternatives would require discretionary findings as the Town moved through the process, Mr. Townsend asked the Town to consider the precedent that may occur with future developers seeking similar approvals if the Town granted itself an exception to the rules. He suggested it would be difficult to make the findings that any development would not cause environmental damage because of the existing drainage, potential removal of trees, and the proximity of the creek. He also questioned that development of the parcel could be substantially screened from view from the scenic corridors or the Lafayette-Moraga Pedestrian/Bike Trail. He noted that the EBRPD supported the preservation of open space and he asked the Town to consider that recommendation.

Ahmad Carmody, 173 Fernwood Drive, Moraga, explained that he had purchased his property in April. He suggested that the proposed development of the parcel was a bad idea and made no sense. He recognized the economic hardships facing the Town and all citizens but suggested that expansion projects had caused nothing but problems. He expressed concern with the potential impacts to the scenic view, wildlife, and the culture of Moraga. He wanted to see the parcel remain as is, open space.

Dave Trotter, Moraga, a member of the Moraga Town Council, explained that since the Town was the applicant and he was a representative of the Town, he found it appropriate to appear before the Planning Commission to explain why the recommendation was being made. He noted that the Town Council had directed staff to find a way to realize a modest amount of value from Town assets to assist in paying for infrastructure and to defray the cost of purchasing 331 Rheem Boulevard for the Corporation Yard, and for the improvements to 329 Rheem Boulevard, which would allow all Town staff to move from the Hacienda in the next couple of years to 329 Rheem and allow the Hacienda to be used strictly for recreational purposes as opposed to Town offices. The initiative had been proposed and endorsed by the Town Council in concept in 2009. The Planning Commission was being asked to make a recommendation as to the number of lots that could be developed.

While he had a strong record to preserve open space, Mr. Trotter noted that the site had a number of attributes and he suggested that one versus two lots was the decision under consideration; not more than two or up to five lots. He asked the Planning Commission to consider Mr. Pickett's observations based on his experience with development in the area and as reflected in his correspondence that a two-lot approach made the most sense. He agreed with Mr. Pickett's opinion that the site was not appropriate for a large estate home. He suggested that two smaller homes on the parcel would have fewer visual impacts on the Lafayette-Moraga Trail than would one large home.

Familiar with the parcel, Mr. Trotter suggested that the existing tree screen between the road and trail was dense, would not be affected by development, and would screen modestly-sized homes from St. Mary's Road and Rheem Boulevard. He also suggested that there was precedent to development in the scenic corridor, citing development along Moraga Road and across from the Rheem Valley Shopping Center where landscaping had done a good job of maintaining an attractive scenic corridor.

In terms of the traffic circle having reviewed the plans prepared by staff, Mr. Trotter suggested that the trail would still come back to its original configuration past the riparian corridor and a traffic circle would not have significant impacts on the recommendation being asked of the Planning Commission. With sufficient setback and landscape requirements, he suggested that the impacts from the trail could be mitigated for a short distance along the trail. Also based on the size of the total parcel, with two homes on the proposed parcel there would be an appropriate balance and the findings could be made to support a two-lot parcel. He urged the Planning Commission to make such a recommendation. He added that it may not have been reflected in the staff report but the Town Council had significant dialogue on the issue in a public forum.

Teresa Onoda, Moraga, suggested that the question was how the Town could find it acceptable and democratic to sell Town-owned land that Moraga voters had voted as open space.

Megan Carmody, 173 Fernwood Drive, Moraga, understood that the question was whether or not the open space should be developed as two lots, although based on the materials provided she now understood the question to be whether there should be one or up to five lots. She asked whether or not it was final that the parcel would be developed at all. Based on her experience with real estate financing, specifically real estate owned (REO) properties, she suggested that the Town would find it difficult to sell the lots as is, commented that lot financing was now non-existent, suggested that the Town would likely see the predicted numbers be much different than what an actual homeowner would pay, and sought consideration of other options. She asked whether or not the subdivision of the parcel and the selling of the land would really assist the Town's finances. She did not find a five-lot proposal to be realistic in the current market. She reported that two homes on Fernwood Drive had been on the market for over a year and backed onto open space. She questioned how a raw lot would be sold and suggested that a five-lot subdivision would not conform to the existing neighborhood.

Suzanne Jones, Moraga, Preserve Lamorinda Open Space, a local organization representing 700 members, 300 of whom resided in the Town of Moraga, suggested that the public notification was excellent to those that resided close to the project site but not the constituency that used the trail. She asked the Town to publish and post information on the proposal at the trail as soon as possible, at least ten days prior to the next hearing on the matter. She questioned the practice of selling publicly-owned land located in open space for development and pointed out that the parcel was located in MOSO space, protected by MOSO, the highest protection for open space in Moraga, and any decision for development should not be made lightly. She was concerned that this was the Town's first proposal to sell publicly-owned land for development. She asked the Town to consider all options.

Ms. Jones asked whether or not there was an alternative Town-owned property that could be considered. In terms of the environmental review, she understood that staff had advised that the project may be exempt from CEQA although she suggested that finding may be premature based on the potential biological and visual resources that were under CEQA regulation that could impact the project. Having walked the site, she noted the number of plant species that were only located in wetlands and she asked the Town to retain a wetlands specialist to map the site. In addition, there appeared to be a significant stand of native grasses on the site that should be protected and a botanist should evaluate the site and map the area.

Ms. Jones objected to the removal of the two oak trees along Rheem Boulevard and asked that the two oak trees be retained. She emphasized that the site had the distinction of lying in the intersection of two designated scenic corridors as protected in the General Plan and located on a heavily used regional trail in Lamorinda with the potential for visual resources.

Ms. Jones was particularly concerned with the two- and three-lot proposals which would require split level or two-story homes given the completion of the year-long appeal process on the Rancho Laguna project where the community worked hard to preserve the northeasterly view of the precise location along the trail of the ridgeline of Rancho Laguna. As a result of that process, the Rancho Laguna project had been significantly redesigned to protect the area of view along the area of the site from this spot on the trail, and in light of that history she suggested it would be poor planning for the Town to undertake a two-story project with structures that could detract from that view. She asked the Town to take a closer look at that issue. She suggested it could also violate the General Plan which contained an abundance of policies that strongly discouraged, if not outright prohibited, development that included views of ridgelines in scenic corridors from open spaces and public spaces.

Ms. Jones further commented that the one-story alternative as currently drawn contained no buffer between the trail and the development itself. Given the potential significant impacts of the project, she asked Town staff to review Section 15300.2(a) of the CEQA Guidelines, which states that a Class 3 project may not necessarily be categorically exempt if the location of the home, even if a single residence, had the potential for significant impact on sensitive resources. She also suggested that the MOSO findings could not be made as outlined on Page 4 of the staff report, particularly for a two- or three-lot subdivision given the wetlands, scenic corridor, and trails. She offered a copy of her comments in writing.

PUBLIC COMMENTS CLOSED

Commissioner Wykle commented that when the Commission had first discussed the proposal in February 2011, he had commented that the Town should be treated like any other applicant. He recognized the funding constraints of the Town but commented that they were secondary and should not drive the decision of the development of a parcel located in MOSO open space. He noted that the panoramic view of the trail was visible from St. Mary's Road for quite a distance and was a visual asset for the Town. In terms of the findings that needed to be made to support the development of the parcel, he had issue with Findings E and H. He was not convinced that the parcels could be substantially screened from view through the use of terrain or landscaping given the time needed for landscaping to mature to screen a single- or two-story home in the area.

Commissioner Wykle stated that Finding H was particularly troubling as compared to the General Plan policies regarding open space, citing Section 7 of the Open Space and Conservation Element of the General Plan. Based on that information, he suggested that the proposal would be in direct contrast to the policies of the General Plan and he could not support development of the parcel based on Finding H.

In response to Commissioner Levenfeld, Mr. Chamberlain explained that Stafford Drive crosses the parcel, but the parcel was one large parcel with three different sections making up the total acreage. The existing parcel had been split into three sections by Stafford Drive and a Central Contra Costa Sanitary District easement. The proposed residential development would only involve the northeast end of the section between Stafford Drive and Rheem Boulevard

In further response to Commissioner Levenfeld as to the average lot size in the surrounding areas as compared to the proposed lot size for the subject parcel, Mr. Chamberlain commented that the lots in the Rheem Valley Manor subdivision had been developed under the Contra Costa County R-15 zoning designation and were supposed to be 15,000 square feet minimum lot size. However, the subdivision was also a "Planned Development" where there are some variations in lot sizes and some lots were smaller than 15,000 square feet. On average, the lots were approximately 15,000 square feet for the Rheem Valley Manor neighborhood

Vice Chair Socolich stated that adjacent to the site were homes on both sides of Rheem Boulevard where one could consider the subject parcel as a continuation of the homes along Rheem Boulevard and around the corner. While the Town must be respectful of open space, he understood the desire of the Town to sell off some of the Town-owned land to pay for some Town improvements. With the existing trees and additional planting that would be required, he was confident the parcel would be screened from view and would not become an unsightly development. He otherwise opposed three or possibly five lots. He was leaning towards a two-lot development.

Commissioner Whitley suggested that the development in MOSO was a concern and although the Commission was not being asked to approve a specific development, if there was a future proposal he had grave reservations that the Commission could ultimately approve anything given the concerns with development in the Town's open space areas. He wanted to see the Commission assist staff and the Town Council to proceed to the extent where a proposal could be submitted to the Commission as directed by the Town Council.

Commissioner Whitley commented that he had reviewed the materials and was of the opinion that a two-lot proposal was the most appropriate. He opposed a higher density development and did not like the idea of one large estate plan. At

this time, if there was something to move forward he would recommend a two-lot proposal.

Commissioner Levenfeld agreed that if there was something to move forward, two lots would have a lesser overall impact than one lot.

Ms. Salamack explained that the Town Council had an interest in defining a project that would come through the Town review process. The Planning Commission was being asked to assist the Council in defining what the project would be; a one, two, three, or larger subdivision as recommended by a member of the public.

Given those choices, Ms. Salamack asked the Planning Commission to define what the Town Council should pursue as the application. She recognized that the majority of the Planning Commissioners present would recommend a preference for a two-lot subdivision based on the question asked by the Council as to the best application for the Town to pursue, not based on the greatest return to the Town in terms of dollars but in consideration of the site as to what the site may accommodate. The recommendation from the Planning Commission would be forwarded to the Town Council which would then make a judgment as to whether or not to direct staff to pursue an application through the Planning Commission process, with full public notice, and with an expanded public notification as a member of the public had requested.

Vice Chair Socolich noted the consensus for a two-lot approach. At this time, at a request from a member of the public, he allowed further public comment.

PUBLIC COMMENTS REOPENED

Ms. Jones noted that a one-lot project did not have to be a large "McMansion" type of home but a one-lot project on a 15,000 square foot lot that would be set back from the trail and be in keeping with the surrounding neighborhood.

PUBLIC COMMENTS CLOSED

Commissioner Wykle reiterated his preference for no development on the parcel. He expressed his disappointment that staff resources had been utilized to pursue the issue when it was, in his opinion, in direct contrast to the Open Space and Conservation Element of the General Plan.

Commissioner Levenfeld reiterated her preference for a two-lot approach based on what was being asked of the Commission at this time.

Commissioner Whitley shared the concerns and reiterated that he was uncertain they could get past a true review of the open space requirements; however, he believed that staff had been asked by the Town Council to prepare a proposal for

Planning Commission review and a two-lot approach was the most appropriate based on the information presented.

Commissioner Whitley added that he could not currently approve such a proposal but that did not mean that additional information would not allow a different decision to be made. At this time, he suggested there was insufficient information to make a complete decision.

Vice Chair Socolich agreed that there was not enough information for any decision to be made. He otherwise would move forward a two-lot approach.

Ms. Salamack recognized consensus for a two-lot approach and noted that if the Council was in concurrence with the recommendation from the Planning Commission for a two-lot approach, the Planning Commission would be asked to make findings about an increase in density which would make the difference of whether a one- or two-lot proposal would be pursued. She reiterated, when asked, that if the Commission recommended one lot and the Council agreed, and the matter returned to the Planning Commission, the Commission would have to make the findings for the approval of a conditional use permit. If a two-lot subdivision, the Planning Commission would have to make findings for an increase in density under MOSO and a conditional use permit. Staff was not asking for a no project option at this time; but a one-, two-, or three-lot alternative.

VIII. ROUTINE & OTHER MATTERS

A. Approval of a Resolution establishing the regular Planning Commission meeting location at the Moraga Library, 1500 St. Mary's Road, Moraga

On motion by Commissioner Wykle, seconded by Commissioner Whitley to approve a resolution establishing the regular Planning Commission meeting at the Moraga Library, 1500 St. Mary's Road, Moraga, California.

IX. COMMUNICATIONS

A. None

X. REPORTS

A. Planning Commission

Commissioner Levenfeld reported that the Design Review Board (DRB) meeting she planned to attend had been canceled.

Vice Chairman Socolich reported that he would not be attendance for the June 20 Planning Commission meeting.

B. Staff

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

Ms. Salamack reported that the Town Council would be considering adoption of the California Building Code (CBC) on June 8. During the June 22 Town Council meeting, the Council would be presented the draft changes in the Growth Management Element and possibly the subdivision of Town-owned land at Rheem Boulevard and St. Mary's Road, particularly given that the project was related to the budget and the Town Council would be adopting the budget on that date. Formal meeting minutes from this meeting would likely be prepared for the Town Council to review for that item.

Ms. Salamack added, when asked, that the Hetfield Estates project would return to the Planning Commission once vacation schedules had been coordinated and review of documentation had been completed. In addition, a Planning Commission meeting had been scheduled for July 5.

XII. ADJOURNMENT

On motion by Commissioner Levenfeld, seconded by Commissioner Whitley to adjourn the Planning Commission meeting at approximately 9:11 P.M. to a regular meeting of the Planning Commission on Monday, June 20, 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