

**TOWN OF MORAGA
SPECIAL JOINT MEETING
PLANNING COMMISSION AND DESIGN REVIEW BOARD**

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

October 1, 2012

7:00 P.M.

MINUTES

I. CALL TO ORDER

Chair Levenfeld called the Special Joint Meeting of the Planning Commission and the Design Review Board (DRB) to order at 7:17 P.M.

ROLL CALL

Planning Commission:

Present: Commissioners Kline, Kuckuk, Wykle, Chair Levenfeld

Absent: Commissioners Killam, Obsitnik, Socolich

Design Review Board:

Present: Boardmembers Escano-Thompson, Kirkpatrick, Sayles, Chair Helber

Absent: Boardmember Zhu

Staff: Shawna Brekke-Read, Planning Director
Doug Herring, Contract Planner

A. Conflict of Interest

There was no reported conflict of interest.

B. Contact with Applicant(s)

Boardmember Sayles reported that he had participated in a field meeting on Friday, September 28 with the developer; SummerHill Homes for the Camino Ricardo Subdivision.

Planning Commission Chair Levenfeld, and Commissioners Wykle, Kline and Kuckuk also reported that they had met with the developer SummerHill Homes for the Camino Ricardo Subdivision on Friday, September 28.

II. PUBLIC COMMENTS

There were no comments from the public.

III. ADOPTION OF THE CONSENT CALENDAR

There was no Consent Calendar.

IV. ADOPTION OF MEETING AGENDA

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

V. ROUTINE AND OTHER MATTERS

A. Saint Mary's College Intramural Field Lights

Planning Director Shawna Brekke-Read explained that the Planning Commission considered and approved a Recreation Center for Saint Mary's College (SMC) at which time comments had been received from the public regarding the operation of the intramural field lights. The Planning Commission requested that the status of the intramural field lights be discussed by the Commission on a monthly basis until the issue had been resolved. She noted that as part of the project approval for the use of the intramural field lights, the Design Review Board (DRB) had allowed them to be operational until 10:00 P.M. unless there were issues with the neighborhood. If those were not resolved the Planning Department had the authority to direct that the lights be turned off by 9:00 P.M.

Michael Beseda, SMC, Vice President for College Communications, acknowledged the concerns voiced by the neighbors of SMC during a Planning Commission meeting in July. Since that time SMC had taken a number of steps to address those concerns. He noted that with the proposal for the Recreation Center, SMC had reduced its total square footage of field space with the impetus of placing lights in the fields to extend the time to allow students to have the use of the fields in the evening. The lights had been turned off in the summer, would not be operational when the school was not in active session including holiday periods and in-between terms, would not be turned on during Friday and Saturday evenings, with a system in place that if students were not using the fields the lights would be turned off. If it was not useful for the field to be used during inclement weather, the lights would again be turned off.

Ron Zeiger explained that he had been retained by SMC to analyze the lights for the intramural fields. He described his experience over the years designing ball fields and sport lighting for many campuses and sports fields.

Mr. Zeiger described the field meetings and night visitations when several night measurements had been taken with electrical crews and when the lights had been rearranged and some of the lights re-aimed. There had also been a change of reflectors and the outside shells of the light fixtures had been painted black in color to reduce the glare of stray lights affecting the east side of the dwellings in the Bluffs area. While the sports field continued to have light towers, he suggested the lights had been mitigated somewhat by these adjustments while still allowing the needed sports lights during competitive, varsity, and recreational sports activities. He understood that the primary sport activity for the intramural lighting was during lacrosse games and added that measurements for the sport lighting level had shown adequacy for such play. An experiment had been conducted by turning off half of the lights of the towers on the top row to establish whether or not the top row of the lights were glaring into the neighborhood. It had been found that the lights were uniformly lighting the area and turning off half of the lights was not a solution to address the glare into the neighborhood.

Mr. Zeiger acknowledged that some of the homes in the adjacent residential neighborhood had picture windows facing the SMC campus and in those circumstances in order to mitigate the glare from the light towers some sort of window shade or glare screen may have to be considered. He commented that the same issue had occurred at Heather Farms Sports Fields in the City of Walnut Creek which involved much larger playing fields and with homes only 15 feet from the fence line of the park. In that case, Walnut Creek's Park and Recreation Department arranged for shutters and black-out curtains to block out the glare of the light as a mitigation measure. No further measures had been considered or suggested to modify or readjust the SMC lights at this time.

Mr. Beseda stated that this is the second year the intramural lights have been used. He stated that improvements had been made and he asked the Planning Commission to allow further time to continue to work on the issues identified by Mr. Zeiger and the steps being taken to address the neighbors' concerns. As to concerns with respect to sound, he noted that SMC was committed to replacing the sound system in the football stadium which was in progress and which could be discussed further at the Planning Commission's discretion.

PUBLIC COMMENTS OPENED

Charlie Luecker, 1810 Joseph Drive, Moraga, commented that his property was the closest to the SMC sports fields at the corner of Bollinger Canyon and Joseph Drive. He had not experienced some of the sound issues expressed given that his home was located below the canopy of the trees in the old Lake LaSalle although he had experienced problems with the lights which impacted his property.

Mr. Luecker wanted to see limitations in place for the use of the sports fields and that they be used no later than 9:00 P.M., which he found to be more reasonable than 10:00 P.M. As to the modifications that had been made by SMC and whether or not he had experienced any reduction in the impacts to his property, he reported that he had not experienced any change in impact and suggested that a time limitation on the use of the sports field would be a more reasonable solution.

Peter Snell, 1819 Joseph Drive, Moraga, a long-time resident of Moraga and a neighbor of SMC, commented that SMC had been a great neighbor until the intramural field lights had been installed creating a serious problem for the neighborhood with glare from the lights directly into the living spaces of his home. There had been no change in these impacts even with the modifications made by SMC. He questioned allowing the lights to be turned on until 10:00 P.M. for one group, the lacrosse players, while impacting many of the nearby neighbors. He commented that he had attended a prior meeting at SMC about this issue but SMC had not responded to any of the neighbors' concerns, SMC's lighting expert supported SMC and had not answered any of the neighbors' questions, had provided no solutions and had rejected many of the neighbors' suggestions. He added that no one from SMC had participated in neighbors' invitations to visit their properties to see the identified impacts. He suggested that SMC did not care about its neighbors, pointed out that the neighbors had not been notified of the intramural field lights prior to installation, that no analysis had been prepared for the lighting plan, and he questioned that the sports fields could not be utilized during the daytime hours as had been done in the past. He urged the readjustment, realignment, or elimination of the intramural field lights to prevent spillage into the adjacent Bluffs and Manor neighborhoods.

Judith Howard, 1850 Joseph Drive, Moraga, questioned how the intramural field lights had been allowed at SMC prior to neighbor notification since it had not allowed any opportunity for feedback during neighborhood or Town meetings. She commented that dual pane windows had to be installed at her residence to reduce the noise from the stadium, which noise had doubled since the addition of the intramural field lights, resulting in her no longer being able to enjoy her rear yard. She questioned what other impacts may occur in the future with the approval of the new Recreation Center and baseball field.

Gerri Joyce, 43 San Pablo Ct., Moraga, asked that the lights in the intramural field at SMC be turned off at 9:00 P.M. She too commented on the noise impacts which affected the enjoyment of her residence. Since her home did not enjoy air conditioning, oftentimes her windows were left open. The light pollution also impacted her enjoyment of star gazing. She commented on the fact that a vast majority of the Bluffs residents had not been notified of the lights since they did not live close enough to the fields.

Ms. Joyce expressed concern that the lights were allowed to be operational beyond 9:00 P.M. given that other recreational sports fields in Moraga, the Lamorinda area, and in other communities had a policy in place with lights turned off at 9:00 P.M. She asked that the SMC intramural field lights be turned off by 9:00 P.M. given the fact that many in the Bluffs were working families with school children and having the lights on until 10:00 P.M. had been disturbing.

Bob Prindle, 122 Corliss Drive, Moraga, questioned whether or not any studies had been prepared based on the use of lights for sports fields in other communities which had turned off their lights at either 9:00 or 10:00 P.M. She agreed that allowing the lights to be operational until 10:00 P.M. was too late.

Frank Comprelli, 1844 Joseph Drive, Moraga, commented that a public hearing had been held before the DRB in March 2011 with a presentation from SMC for a plan for the entire facility. He referenced statements made by Town staff during that meeting and the fact that staff had recommended a California Environmental Quality Act (CEQA) exemption to SMC for the intramural fields since the new structure would be located on the same site and for substantially the same purpose and capacity as the structure being replaced. However, he disagreed that was the case in that the new project was not the same as the old project, with the removal of 1,800 cubic yards of dirt, 1,200 cubic yards of new dirt installed, a new field, and four new light standards which had not existed before. Staff had also recommended a CEQA exemption for the light standards because it was considered to be construction, replacement of minor structures, and accessory to institutional facilities. He disagreed with the CEQA exemption since the light standards had not existed in the past. While not faulting the DRB, he suggested that Town staff had done something unusual in recommending two exemptions and presenting them to the DRB.

Mr. Comprelli stated that staff had also decided that no environmental review was necessary since the new facility, lights, and noise generated by the use of the field would have no environmental impact. The DRB was not asked to evaluate these issues but had only reviewed the design and granted approval with the lights allowed to operate until 10:00 P.M. even though the then Planning Director had encouraged the DRB to reconsider and require the lights be turned off by 9:00 P.M. He found the staff decisions to be suspicious given the SMC construction schedule, given his experience in the construction industry, with two sub-schedules for a critical path for the intramural field. Due to the exemptions granted by staff, the project had not required Planning Commission review for a Conditional Use Permit saving SMC at least three months and two critical pieces of the critical path construction schedules for the intramural and baseball fields, and allowing these fields to be used as soon as possible.

Mr. Comprelli advised that the residents of the Bluffs neighborhood believed that the lighting issues at the SMC fields were unacceptable. They wanted to see

SMC continue to work on the lighting issues with both the Planning Commission and the DRB. He also wanted to see the operation of the lights changed pursuant to the conditions of approval whereby if a problem with the noise continued, the hours of operation for the lights could be reduced to 9:00 P.M. by the Planning Director. He asked the Commission to confirm the DRB's direction to the Planning Director and that the Planning Director be directed to reduce the hours of operation for the lights to 9:00 P.M.

Mr. Beseda thanked everyone for their comments. He emphasized that SMC took all comments very seriously. He disagreed with the assertions that SMC had not done anything. If the Planning Commission decided to reduce the hours to 9:00 P.M. it would be far less than SMC's stated modifications to reducing the use of the lights. He emphasized that it was clear in listening to the SMC's resident students that any other college allowed such field activities during the evening oftentimes much later than 10:00 P.M. He again asked that SMC be allowed to continue the work it had already begun to address the concerns of the neighbors to make the situation better.

PUBLIC COMMENTS CLOSED

Chair Levenfeld clarified that the Planning Commission would discuss the issue.

Commissioner Wykle asked Mr. Zeiger to clarify what was changed on the lights.

Mr. Zeiger walked through the modifications to the light standards. The top shields were retrofitted to avoid bouncing light back down and the light fixtures to be painted black to reduce reflection. He acknowledged that the lights near the homes on Joseph Drive were oriented towards the soccer goals and that strategic re-aiming could be done to reduce the impacts. Commissioner Wykle asked if anything more could be done. Mr. Zeiger stated that special adjustments could be done. He explained that he had been unable to visit the Snell property given the inability for everyone involved to meet at the same time. While more could be done, he suggested that would be experimental in terms of the results.

Commissioner Kline asked why more had not been done. Mr. Zeiger pointed out that the time to get the crew to do the work was difficult during the evening summer period since it must be very dark and it did not get dark enough until 9:00 P.M., and once the crane was installed it would then be 10:00 P.M. and the lights would then have to be turned off. When entering the winter months, he suggested there may be better periods of time when further adjustments could be made.

Commissioner Kline asked how a 9 P.M. shut off time would affect corrections.

In the event, the Planning Commission decided to modify the operational time of the lights to 9:00 P.M., Mr. Zeiger suggested it would have no basis on the modifications proposed with no gain. Commissioner Kline asked how many hours of darkness would be needed to correct the lights further. Mr. Zeiger stated that he would need a period of time, three hours a session, to make the relevant changes for at least one of the lights which would allow an opportunity for feedback from the neighborhood to determine whether or not the changes were having a positive result.

Commissioner Wykle asked why SMC has moved from no lights to a need to have lights on until 10 p.m.

Mr. Beseda explained that SMC had gone from 100,000 square feet of field to 40,000 square feet with the relocation of the baseball field. He emphasized that SMC had always been under resourced and based on student surveys of colleges, SMC was bringing into place recreational facilities that students now expected.

Mark Orr, SMC Athletic Director, restated that SMC playing fields were reduced from 100,000 square feet to 40,000 square feet. He identified the sports activities that used the intramural fields, suggested that SMC had not had the time to address the neighbors' concerns since the lights were only turned back on September 10, and asked for the ability for SMC to address these concerns through the light expert's proposed modifications. When asked, Mr. Orr stated that a men's club lacrosse team and women's varsity lacrosse team use the field. The varsity women's lacrosse team has been using the field continuously for the past ten years.

Commissioner Kline asked if the teams could compete during the daylight hours as it did in the past.

Mr. Orr stated the lacrosse team could use the playing fields during the daytime hours. From 2:00 to 3:00 P.M. until 10:00 P.M. there were other sports activities ongoing in the intramural field. When asked, he stated that no scheduled competitions occurred after 9:00 P.M.

Commissioner Kline asked if SMC could rectify the lights in two weeks if it was given the opportunity.

Mr. Beseda stated it would be difficult to meet a two-week schedule.

Commissioner Wykle asked when the lights were first used.

Mr. Beseda clarified that the intramural field lights had been operational since September/October of 2011.

When asked, Ms. Brekke-Read advised that staff had received complaints about the lights shortly after they had become operational.

Commissioner Wykle was surprised that the approval of the intramural field lights had not initially been reviewed by the Planning Commission and that a CEQA exemption was granted given the aesthetics, noise and light poles. He was also surprised the Planning Commission was hearing the issue since the Design Review Board allowed the Planning Director to curtail the hours if neighbors complained. He understood the Planning Director's intent that the item be discussed by the Planning Commission. He viewed the site, he agreed that the lights were too bright and the noise is an issue. Pursuant to the DRB recommended condition of approval, he recommended that the Planning Director be directed to require the lights at the SMC intramural fields to be turned off at 9:00 P.M. He encouraged SMC to continue to address the issue.

Commissioner Kline recommended that the matter be left open should SMC satisfy the neighbors' concerns that the hours for the lights could be extended to 10:00 P.M.

Commissioner Kuckuk agreed that the intramural field lights should be turned off at 9:00 P.M. at this time and suggested that extending the hours to 10:00 P.M. should warrant a new application and that there be an agreement reached with the neighbors.

Commissioner Kline recalled prior discussions from SMC that should the hours for the intramural field lights be moved back to a turn-off time of 9:00 P.M., SMC had stated it would not work to make it better.

Mr. Beseda disagreed with that recollection.

On motion by Commissioner Wykle, seconded by Commissioner Kline and carried unanimously the Planning Commission imposed the Design Review Board condition of approval [dated March 28, 2011] for the Saint Mary's College Intramural Field Lights whereby the Planning Director had permission to direct Saint Mary's College to turn the lights off at 9:00 P.M. Should Saint Mary's College satisfy the concerns of the Bluffs residential neighborhood that the lights and noise had been mitigated to a satisfactory level, the lights may be extended to 10:00 P.M. subject to Planning Commission review and approval.

Ms. Brekke-Read clarified the appeal process for this item, with direction to the Planning Director, whose decision may be appealed to the Planning Commission.

Chair Levenfeld declared a recess at 8:04 P.M. The meeting reconvened at 8:05 P.M. with all Commissioners and DRB members initially shown as present and absent.

VI. PUBLIC MEETING

- A. **489 Moraga Road - Via Moraga Subdivision - (Signature Properties).** Conceptual Development Plan to subdivide 1.96 acres into 20 lots and construct detached single-family residences; (LC zoning.). *The applicant has requested that the public meeting for this item be cancelled and heard at a subsequent meeting.*

Ms. Brekke-Read clarified that the applicant had requested that the public meeting for this item be cancelled and be heard at a subsequent meeting.

- B. **Camino Ricardo Subdivision (SummerHill Homes) - 28 detached single-family dwellings and a 2.5-acre park on a 14.26-acre parcel located on Camino Ricardo in central Moraga, approximately 950 feet north of the intersection of Camino Ricardo and Moraga Way.**

Ms. Brekke-Read introduced the Town's Contract Planner Doug Herring, an expert in CEQA and Environmental Impact Report (EIR) consultants.

Contract Planner Doug Herring presented the application from SummerHill Homes for 28 detached single-family dwellings and a 2.5-acre park on a 14.26-acre parcel located on Camino Ricardo in central Moraga approximately 950 feet north of the intersection of Camino Ricardo and Moraga Way and 250 feet south of Hardie Drive, with the frontage along Camino Ricardo approximately 275 feet in length.

The site was described as hilly and currently undeveloped with former pear and walnut orchards. The elevations on the site ranged from 525 feet above sea level at Camino Ricardo to a central knoll at approximately 630 feet sloping down towards the east reaching a low point of approximately 506 feet in the southeastern corner of the site. Laguna Creek ran along the site's eastern boundary with vacant land owned by the Town of Moraga along the east side of the creek. A dense riparian corridor flanking the Corliss Tributary bisected the site in a northwest/southeast direction roughly separating the eastern third of the site.

Mr. Herring explained that this would be the first project within the Moraga Center Specific Plan Area (MCSP) adopted in January 2010, designated at Three Dwelling Units per Acre (3-DUA) allowing the proposed density although the project would require rezoning to Planned Development (PD) District under the Moraga Municipal Code (MMC). The MCSP called for a transition between the site and existing low-density residential development to the north and planned higher density residential development to the south. The project would

also be subject to the Design Guidelines in the MCSP rather than the Town's Design Guidelines.

Mr. Herring stated that the project would be built on the western half of the site and the eastern half would be preserved as open space. Access to the site would be from a private street extending from Camino Ricardo towards the east, turn to the south, and terminate at the site's southern boundary providing for a future connection to proposed development to the south. A partial cul-de-sac/turnaround would be located at that turning point for emergency vehicles to turn around. The street would have a 28-foot curb to curb roadway, 34-foot right-of-way, two 10-foot travel lanes, and parking and a sidewalk located on one side of the street. Most of the homes would front both sides of the street with two lots fronting Camino Ricardo and two lots located at the end of the street adjacent to a partial cul-de-sac turnaround.

The lot sizes would vary from 6,203 square feet to 20,640 square feet with an average size of 10,676 square feet. The lot dimensions would range from 56 feet wide by 110 feet deep to 114 feet wide by 258 feet deep. The resulting density would be 1.9 units per acre, well below the allotted density. The project would provide a total of 8.85 acres of permanently dedicated open space. Parcel E, the eastern end of the parcel defined by the two creeks would be developed as a public park and deeded to the Town. The applicant is also considering deeding Parcel D, which encompasses the Corliss Tributary and the riparian corridor flanking the creek, to the Town. There would also be open space to the north of Lots 1 through 10 which would preserve the hillside and create a large open space buffer between the residents of the site and those to the north.

Two pedestrian bridges had been proposed; one to be constructed across Corliss Tributary to provide access to the park from the subdivision and a trail would extend from the turnaround at the east end of the private street to the bridge. A second bridge would be constructed across Laguna Creek to provide park access from Moraga Road and public parking for park patrons at the Moraga Commons located on the opposite side of Moraga Road. The site would also provide three on-site bioretention facilities for the detention of stormwater. Two would flank the entrance and the third would be located at the eastern end of the subdivision. A concrete V-ditch would be located on the southern edge of the development.

The grading would involve 101,000 square feet of cuts and approximately 93,000 cubic yards of fill resulting in approximately 8,000 cubic yards of excess soil to be off-hauled. The cuts on the site would vary and range from one to five feet in the lower southwest area of the site, with 25 to 32 feet of cut required on Lots 5 through 7, and with fill to be placed on the lots at the east end of the development to create the proposed building pads and range from 10 to 30 feet

on Lot 27. Approximately 10 feet of fill would be placed on the park parcel. About half of the lots would be separated by retaining walls from one to four feet in height to accommodate the contours of the hillside as much as possible.

Mr. Herring noted that the project is subject to environmental review pursuant to CEQA. An Initial Study had been published on September 10, 2012 and circulated for review to the public agencies and concerned members of the public for review and comment, with the public review period to end on October 11, 2012. The Initial Study had found that there would be significant environmental impacts requiring the preparation of a Focused EIR.

Mr. Herring stated that the Town of Moraga had held a Scoping Session on September 19, 2012 to receive input from the public agencies and the public on the issues to be addressed in the EIR, with a summary of the issues identified in the October 1, 2012 staff report. The key issues for the project had been outlined in depth in the October 1, 2012 staff report. He asked the DRB and the Planning Commission to discuss and provide direction to staff related to lot size, width and setbacks, hillside grading, orchard policies, the replacement of trees, and the MCSP Design Guidelines.

Ms. Brekke-Read clarified that the purpose of the meeting is to allow the applicant to make a presentation and solicit feedback from the DRB, the Planning Commission, and the public on the project. It is not a public hearing and no decision would be made at this time. Staff would then incorporate the comments into the environmental document and the applicant would use the comments to make potential revisions to the project. The next step would be hearings before the DRB and then on to the Planning Commission and the Town Council.

Denise Cunningham, SummerHill Homes, reported that SummerHill Homes is a local builder with a primary focus on the Bay Area and headquartered in San Ramon. Over 50 communities had been built since the firm had been established over 30 years ago with the goal of complementing the design of existing neighborhoods. She offered an overview of the proposal and introduced the SummerHill Homes design team. The site is located within the MCSP, in the northernmost area, designated for 3-DUA, which would allow up to 42 homes and which had been identified as a buffer/transition zone from the existing residential property to the north and the higher density identified in the MCSP to the south. The plan offered this transition by placing the largest homes on the southern portion of the property with these homes having the largest lots on the site which would provide a buffer from the adjacent existing neighborhoods. Visual simulations and photographs of the site were presented to show the property as it would be designed.

Ms. Cunningham described the vision of the design to provide a meaningful transition from the existing homes with minimal grading and off-hauling. The property was described as unique, with a small amount of frontage on Camino Ricardo; a long piece of property with a fair amount of topography which climbs approximately 100 feet from Camino Ricardo to the highest point of the site. All efforts would be pursued to minimize grading, off-hauling, retaining walls, and to protect the riparian corridor.

Ms. Cunningham advised of the fair amount of grading to provide access to the site and the required grades for the slopes with approximately 8,000 cubic square feet of off-haul. She noted that site activities would last a couple of months although the off-haul would not occur during all of that time.

Ms. Cunningham presented the conceptual design for review, noting that the original design had been a bit different and had shown 36 homes including the area bounded by Laguna Creek and the Corliss Tributary, although in discussions with the Town the developer continued to review the site and embraced the concept of clustered zoning; moving the homes to the Camino Ricardo site, and taking advantage of average lot sizes with smaller lots and reduced setbacks, significantly reducing the amount of grading and preserving more land for open space. The MCSP encouraged clustered zoning on the property.

The developer would also be applying for a Planned Unit Development for the site, which would allow diversification of lot sizes and open space. The plan also showed two pedestrian bridge crossings over Laguna Creek.

A cross section was presented to show the existing property and to offer an example of the grading, existing homes to the north, preserved open space area, proposed homes, and proposed fill. In order to minimize grading, a step foundation would be provided for over two-thirds of the homes. The new homes would also be at the relative height of the existing grade to minimize offsite views. Another cross section from Camino Ricardo through the property through Corliss to Laguna Creek was also presented to show the existing grade, eastern portion of the site, grade of the proposed road, and amount of fill to be removed. An example of the split pad technique was presented as well.

Ms. Cunningham identified the proposed park and permanent open space area and presented a photograph of the park area including possible passive uses of the site. In response to questions during prior meetings as to the use of the bioretention facilities, she identified the high point of the site where half of the site would drain to Camino Ricardo and the other half to the Corliss Tributary. The bioretention facilities would be designed as a landscaping feature, to drain quickly.

In terms of the architecture, high quality and a diversity of plans had been proposed with articulation added to the homes to reduce massing. There would be three different plans with three different elevations.

Ms. Cunningham explained that the design met the goals and policies of the MCSP, would stay away from sensitive areas, would include 2.53 acres for a public park and 8.85 acres of permanent open space, minimize the amount of grading, provide a transition/buffer from existing homes to the north, and include a number of community benefits such as school, developer, impact, and Town fees and provide infrastructure and circulation.

PUBLIC COMMENTS OPENED

Henry King, 917 Camino Ricardo, Moraga, stated that his father had submitted a detailed e-mail addressing concerns with stormwater, drainage, hillside and grading drainage, traffic, noise, fencing, oversight, and construction. With stormwater on Camino Ricardo flowing through the subject property over the past several years, he stated it has raised concerns as to whether or not the road through the property would allow adequate drainage. He asked what provisions would be made in the development plan to address additional stormwater drainage through his property and other residences. He also raised concerns with the sloping and banking of the area and questioned how the increased grading would impact the existing drainage issues.

Mr. King further expressed concern with noise and traffic given that there would be one entry point to the development with limited parking, questioned the adequacy of fencing, and expressed concern with development impacts to existing wildlife, and visual impacts from the development site.

Dale Walwark, 857 Camino Ricardo, Moraga, expressed concern restricting the size of the road into the development which would not allow parking on both sides of the street. He cited the Sonsara development which had wider streets. He expressed concern with parking disputes in the future if parking was too limited and recommended consideration of a reduction in the depth of the lots or a road design similar to what had been done for the Aegis property.

Mark Rijavic, 926 Camino Ricardo, Moraga, identified his property as located across the street from the subject site. He questioned whether or not the development was in keeping with the small town rural atmosphere of Moraga, suggested it was out of character with the established neighborhood, and was too dense and should be spread out more. He cited the Country Club Vista project where the property owners had worked together to design the land with Moraga Presbyterian Church and he urged the same efforts in this case. He also asked that drainage, traffic, and safety issues be addressed and expressed

concern with the limited sight distance from the proposed outlet from the development at Camino Ricardo towards Moraga Way. He urged consideration of a better design for Moraga.

Richard Scarpitti, 920 Camino Ricardo, Moraga, commented that during the Scoping Session and prior meetings, some of the neighbors' concerns were related to what type of development would be appropriate in the MCSP. He questioned the minimum lot size with the homes under 10,000 square feet and suggested there had been a misconception that the homes would be larger on adequately sized lots. He referred to another property within the MCSP which was also zoned 3-DUA, not considered clustered, but which should stay with the Sonsara theme. He expressed concern that the road out of the subject site would not provide continuity with the adjacent neighborhoods.

Mr. Scarpitti sought setbacks and landscaping similar to the Sonsara development; cited Table 4-10, Development Standards, Residential, for the MCSP which had identified the minimum lot sizes at 80 square feet which was not an average; and while the design of the homes appeared comparable to Sonsara he would rather see 16 to 17 homes which better conformed to the MCSP guidelines. Not opposed to the project, he wanted it to work and preferred a project that was nice visually and which preserved the existing character of the neighborhood.

The property owner of 856 Camino Ricardo, Moraga, asked for clarification on the potential development of the remainder of the MCSP area which may help to know if roads would be required elsewhere within the MCSP area in order to prevent future adjustments to an approved project.

Ken Park, 50 York Place, Moraga, expressed concern with the cost of the roads and future assessments for road maintenance. He supported a residential road through Moraga Way as opposed to one through Camino Ricardo.

Al Dessayer, 869 Camino Ricardo, Moraga, commented that he had been on the Planning Commission when the Sonsara Development had initially been proposed but not approved as a clustered development. He supported one road which encompassed the entire area and questioned jamming in a road with the homes too close and too high to one another. He suggested that the entire MCSP site should be addressed and not one area after another.

PUBLIC COMMENTS CLOSED

Boardmember Sayles initially found the project to be a transitional space from one neighborhood to another and become denser although he noted that the cluster is in an area backing up to densities a fraction of the proposed development and is approximately 40 percent more than the Sonsara Development. If the intent is to transition to the Moraga Center, he suggested

that was not being accomplished through the design. He suggested this was a planning issue with planning standards being set which would drive the project and the design relationships between the homes. He noted that the staff report had not addressed the adjacent zoning and adjacent separation between the homes, the setbacks were less than 5 feet of separation with lots not 80 feet in width, the homes were two story where the Town's guidelines required no more than two two-story homes in a row, suggested that the challenge was in the zoning and developmental standards, was uncertain a pocket park was needed close to Moraga Commons, and recommended a natural pathway to allow a flow to Moraga Commons.

Boardmember Sayles also wanted to see the riparian corridor left as is as a natural path and suggested that if money was left over it should be used for existing parks and not to create a public pocket park. In addition, the park as proposed at the front would be the first impression of the development.

Boardmember Kirkpatrick supported Boardmember Sayles' position as to the lot size and setbacks. He sought a better use of the land and creation of something other than a block dimension layout. He did not see the intended transition happening in this case.

DRB Chair Helber spoke to Page 6 of the staff report and the applicant's request for a developer agreement to be used to focus the impact fees from the project to local infrastructure and a request for a density transfer program. He clarified with staff that there would be an option to either dedicate a park or pay an in-lieu fee with the applicant requesting a credit for the installation of the pedestrian bridges and park improvements at the site. It was noted that the density transfer program had been established in the MCSP [not by ordinance] for high densities up to 20 units maximum per acre with a mechanism to transfer density to allow other sites an increase in density.

DRB Chair Helber asked that the Alternative Focus section of the EIR include a code-compliant alternative analysis which complied with required width and setbacks; that the cumulative scenario consider the entire build out of the MCSP area [to which staff clarified that work had been done in the program EIR]; that the applicant consider the actual site setbacks up and down Camino Ricardo and apply them to the distances between Lots 11 and 12; that Street A, the new private street include a sidewalk on both sides of the street; and that as part of the PD rezoning for the cluster development the developer consider creating better pedestrian circulation through improvements of the sidewalk along Camino Ricardo all the way to Moraga Way and through to Moraga Commons.

DRB Chair Helber confirmed that the open space within the development would be maintained by a Homeowner's Association (HOA). He encouraged the developer to pre-wire all of the homes for solar panels and suggested the

sanitary sewer line that crosses the Corliss Tributary be above the 100-year flood line and if not should be reinforced in a high water event. As to Parcel Area E, he expressed concern with the elevation of this parcel given the fill to be imported and encouraged the developer to consider a reduced fill method. Of the 93,00 cubic yards of fill, he questioned how much would be used for Parcel E and how it would be brought to that location expressing concern that the elevation of Parcel E would be raised since it could then view down into the homes of the adjacent properties impacting the usable area of that space. He also expressed concern that the pedestrian path, as proposed for the park, would flow in/out of the parcel with no transition shown as to how it would traverse the park. He asked how pedestrians would reach Moraga Commons once past the park given that there is no sidewalk along that side of Moraga Road and whether or not there was a need for a crossing at that location.

DRB Chair Helber also asked for information on the fencing and materials proposed for Parcels A and B along Camino Ricardo which would prevent anyone from accessing the bioretention facility while also not being a visual barrier.

DRB Chair Helber noted that the bioretention facility for Parcel C would require ongoing yearly and reserve maintenance and would have particulate matter in the engineered soil and he asked how a truck would access that location to provide needed maintenance in the long term. He also sought more information on the tree plan for each of the open space areas, and requested that the tree species and the number of trees to replace the trees to be removed be identified.

Commissioner Kuckuk expressed her appreciation for the efforts to cluster the development although she remained concerned with the way it had been done. She was not comfortable with the proposed setbacks and would like to see wider frontyard setbacks. She stated that the layout remained landlocked with a narrow street and steep ingress/egress with limited sight distance on Camino Ricardo inconsistent with the creation of a high-density pedestrian environment. She liked the effort to think outside of the box to widen the street although noted that the homes would be lined up against the narrow roadway with pedestrian access on one side. She sought a different configuration rather than the homes being clustered on one side; noted that the frontage allowed one on-street parking space for each home and no more; and stated that Section 2.24 of the MCSP spoke of the areas having garages set back towards the rear of the properties with minimal driveway width which had not been utilized in this plan and she would like to see that used in this setting. Park access was also troubling creating an attractive nuisance with mid-block crossing of Moraga Road and she sought a safer environment for the mid-block crossing. She added that much of the fill to be removed would be used in the pocket park area with no logical plan to move it across the pedestrian bridges, and the orchard

and tree replacement policies should be reviewed as part of a tree replacement plan.

Commissioner Kline commented that the applicant and staff had quoted the MCSP regarding clustering although he disagreed with those interpretations in that the MCSP had specifications for lot sizes and widths. He commented that the Floor Area Ratio (FAR) had not been mentioned. He also noted that quantifiable guidance for the guidelines had not been mentioned and he would not support the present plan as following the MCSP. He also opposed an amendment to the MCSP to permit the project, and opposed parking on one side of the street only. He supported a 36-foot street width for parking to satisfy the maximum demand, and a planting separation between the road and the sidewalk. He stated that there were no plans for drainage in the tributary area, questioned filling in the proposed park land as useful, recognized that three different styles of homes had been proposed but had been laid out in a row with little articulation, found the corner lots not in keeping with the MCSP or the Town's Design Guidelines, and stated that the MCSP's policies for the orchard and landscaping must be followed.

Commissioner Wykle appreciated the applicant's efforts to preserve permanent open space but agreed with the comments that the project was not ready to digress from the MCSP standards with the lot sizes too small, smaller than the 10,000 square foot minimum. He suggested that there was potential to find what would work for the developer and the Town and he encouraged smart development so that the area would look like one nice planned development.

Planning Commission Chair Levenfeld clarified with staff that impacts to the scenic corridors would be reviewed in the Focused EIR; clarified for the benefit of the audience that the MCSP was available on the Town's website and was a guideline for potential plans with the subject plan the first project proposed in the MCSP; recognized the value in moving pedestrians via a trail through the project site to Commons Park and from the existing community to Commons Park, possibly more than adding another public park; liked the idea of the preservation of the orchards as an important element in the development of the space and for Moraga as a semi-rural community; struggled with the proposed density as too dense and would like to see one home on Lots 11 and 12 rather than two since it would feel more like a neighborhood; recognized the intention for the project to be a transition but would like to see less density along Camino Ricardo; struggled with the two-story element and preferred varied roof heights to avoid the appearance of a wall of homes; supported consistency with the Town's Design Guidelines and found the MCSP guidelines to be less comprehensive; and questioned whether the ratio of tree replacement could be accommodated on-site, and if not, recommended that the trees be replaced elsewhere in the Town of Moraga.

Ms. Cunningham stated that she could not respond to all of the comments at this time but could return at a later date. As to the recommendation for pre-wiring for solar panels, she acknowledged that could be done. She explained that access to place the soil in the park area would be done through permits through the Corliss Tributary, the quantity of the soil proposed for the park area would be 15,000 to 17,000 cubic yards, recommendations to increase the street widths with sidewalks and parking on both sides of the street would increase the setbacks of the homes, and the recommendation that garages be located farther back from the homes would all impact the grading and the intention of the design to reduce the grading on the site as much as possible. She noted that a drainage plan had been submitted with the Tentative Map and Hillside Development Permit applications and had been reviewed extensively with all drainage to be captured on-site. Impacts to the open space as a result of the development had been addressed through the preservation of open space, and traffic and drainage would be reviewed through the EIR process.

Ms. Cunningham added that the pedestrian bridges had been placed where located pursuant to the MCSP and were at the narrowest point of the creek crossings. Recommendations to reconsider the clustering of the homes had been addressed where the homes to the north would have significant setbacks intended to transition to open space and offer a buffer to the existing neighborhoods where some of the homes were close to the existing property line. The proposed homes would have greater setbacks than some of the existing homes and on the north the homes would average 15,000 square feet with sloped and landscaped back yards. Two-story homes had been proposed pursuant to the guidelines in the MCSP and would be located adjacent to high density to the south to accommodate those homebuyers preferring more yard area than single-family homes. Also, efforts would be made to work with the landscape architect on the replacement of the trees which could easily be reviewed as part of the development process.

As to the trade off of more grading to accommodate larger lots, Ms. Cunningham recognized that larger lots provided transition to the neighborhood to the north consistent with the DRB and Planning Commission consensus as a necessary evolution.

Ms. Brekke-Read commented that the Park and Recreation Commission had been invited to attend the meeting. Having reviewed the areas of the Town for future development, she explained that there was little opportunity for the Town to acquire more park land and staff had encouraged the applicant to consider the peninsula as an augment to the Commons. The Parks and Recreation Director and the Park and Recreation Commission acknowledged a desire in the community for more recreational facilities. She asked that the issue of the park

not be dismissed too quickly and noted that the issue of the park would be reviewed by the Park and Recreation Commission fairly early in the process.

VII. DISCUSSION

A. Discussion regarding Planning Commission and Design Review Board recommendations for making changes and updates to the Design Review Section of the Municipal Code.

Ms. Brekke-Read reported that the item was on the agenda to address the fact that many were unaware of the Town's requirements for design review and an article in the *About Town* newsletter had been recommended. Staff realized it was not straightforward to explain whether or not DRB review and approval was necessary since there were exceptions in the MMC that could be applied to an application.

Ms. Brekke-Read asked the DRB and the Planning Commission to discuss a straightforward and simpler process and recommended that one or two members of the Planning Commission or the DRB work with staff, which would require compliance with the Brown Act. She described the current review process as laborious for applicants. When asked, she commented that other jurisdictions, such as in the City of Orinda, had a straightforward process.

Boardmember Sayles noted that the City of Lafayette held a meeting once a week where the Chair of the Planning Commission and a couple of staff members determine the path a project would take. Based on his own personal experience with administrative design review for the Town of Moraga, he cited an example where one of his clients was paying the Town more in fees for the review of three small window changes than the cost of the windows themselves.

Ms. Brekke-Read cited another example for a project located on Corliss Drive for a single-family home with garage with the second story in the middle but not quite over the garage and living space, where the property owner would like to build out a full two-story. In this case, the design is boxy with little architectural interest. She suggested that such a project would be benefitted by the DRB review process although she could not find a trigger to require that review. The applicant had been encouraged to go through the design review process.

Chair Levenfeld recalled in the past that the former Planning Director had tried to make revisions to the design review section of the MMC and the Planning Commission at that time had conducted a great deal of work.

Ms. Brekke-Read clarified that effort had resulted in the list of exceptions which had been useful at the time but which she found were not user friendly. She

recognized the balance required in that simple changes could change the character of a neighborhood.

DRB Chair Helber suggested it may be beneficial in the long run for the Town to consider hiring a third party consultant to come up with new language in the MMC for design review and where the Town may save money in the long run in staff time.

Ms. Brekke-Read thanked the DRB and the Planning Commission for the input and acknowledged that it may be possible for the Town's Contract Planners to prepare language as the DRB Chair had recommended.

B. Create Temporary Sign Regulations Subcommittee

Ms. Brekke-Read reported that two members of the Moraga business community had suggested a potential ordinance for temporary sign regulations in response to staff enforcement of temporary signage. The proposal had been presented to the Planning Commission which had directed that the DRB be included and that a subcommittee be formed. She asked that the DRB and the Planning Commission consider the creation of a Temporary Sign Regulations Subcommittee and appoint two members from both the DRB and the Planning Commission, with the subcommittee to meet as needed once staff was available. She added that the subcommittee meetings would be subject to the Brown Act.

On motion by Commissioner Kline, seconded by Commissioner Wykle and carried unanimously to create a Temporary Sign Regulations Subcommittee to be represented by members of the Design Review Board and the Planning Commission subject to Brown Act regulations.

Planning Commissioners Kuckuk and Socolich, and Boardmember Kirkpatrick and DRB Chair Helber were appointed to the Temporary Sign Regulations Subcommittee.

VIII. REPORTS

A. Planning Commission and Design Review Board

Commissioner Kline reported that he had attended the September 24 meeting of the DRB at which time an application for an 1,800 square foot addition to an existing home on 330 Draeger Drive had been reviewed and approved by the DRB.

Chair Levenfeld asked that future packets for the Planning Commission include the DRB agendas so that the Commission could be better informed of DRB applications.

B. Staff

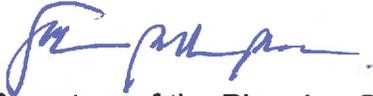
Ms. Brekke-Read reported that she had advertised for a temporary planner and that one interview had been conducted with the Town to backfill with Contract Planners. She also reported that newly hired Senior Planner Avalon Schultz would be leaving the Town on October 5 having decided to return to her previous employer. In addition, the DRB and the Planning Commission would not be meeting again this month although a joint meeting between the DRB and the Planning Commission had tentatively been scheduled for the first meeting of November to receive a presentation from City Ventures for property located within the MCSP near the Moraga-Orinda Fire District (MOFD) station.

In addition, the applicants for the former bowling alley site continued to meet with staff and the project for property located at 1800 Donald Drive, would be heard by the DRB at their next meeting.

IX. ADJOURNMENT

On motion by Commissioner Wykle, seconded by Commissioner Kline and carried unanimously to adjourn the joint Planning Commission and Design Review Board meeting at approximately 10:15 P.M.

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Secretary of the Planning Commission

