

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

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

November 5, 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 7:00 P.M.

**ROLL CALL**

Planning Commission:

Present: Commissioners Killam, Kline, Kuckuk, Socolich, Wykle, Chair Levenfeld

Absent: Commissioner Obsitnik

Design Review Board:

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

Absent: None

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

**B. Conflict of Interest**

There were no reported conflict of interest.

**C. Contact with Applicant(s)**

Chair Levenfeld reported that she had returned a telephone call but had no further conversations with the applicant.

**II. PUBLIC COMMENTS**

There were no comments from the public.

**III. ADOPTION OF THE MEETING AGENDA**

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

#### IV. PUBLIC MEETING

##### A. APN 257-180-082 and 257-190-057 - Moraga Town Center Homes (City Ventures) Discussion on the pre-application plans for Town Center Homes, a proposed multi-family residential development in the Moraga Center Specific Plan Area.

Planning Director Shawna Brekke-Read introduced Doug Donaldson, the Contract Planner for the project.

Contract Planner Doug Donaldson summarized the project design from City Ventures; a conceptual plan for the development of a Multi-Family Residential project for 55 units in Area 13 of the Moraga Center Specific Plan (MCSP) Area. The site is currently vacant land and comprised of 3.9 acres between Moraga Way and Country Club Drive adjacent to Moraga-Orinda Fire District (MOFD) Station #41. He advised that the intent of the study session is to allow City Ventures the opportunity to present its plans to the Planning Commission, Design Review Board (DRB), and the public and receive comments to guide the applicants as they prepare a formal application. No formal application had been filed at this time. This pre-application public meeting was to allow guidance to the applicants when moving forward with a final plan.

Mr. Donaldson explained that the staff report had been intended to guide everyone through some of the important issues raised by the project and the questions that needed to be addressed including: General Plan policies and issues relating to density, community design, scenic corridors, open space, and Housing and Circulation Elements considerations. The staff report had also summarized the applicable provisions of the MCSP, development standards for the area, and the design guidelines adopted as part of the MCSP, which had been included as an attachment to the staff report.

Mr. Donaldson stated that the project is large and would involve a number of future and additional permits including a Conceptual Development Plan (CDP), a Precise Development Plan (PDP), Design Review, Grading, and Tree Removal Permits, all of which would require future public hearings. In terms of the environmental review, he advised that the State Specific Plan statute provides that projects in conformance within an adopted Specific Plan are exempt from the California Environmental Quality Act (CEQA). If the project is found to be in conformance with the MCSP, it would not require any further environmental review.

If the project is found to be out of conformance with the MCSP, environmental review would be required with the preparation of an Initial Study and potentially a Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR).

Mr. Donaldson asked the Planning Commission and the DRB to consider the following: Is the use appropriate given that the MCSP characterized Area 13 as Mixed Office/Residential where the project proposed all Residential with some Office development already in Area 13; Is Residential use appropriate adjacent to MOFD Fire Station #41? He reported that the applicant had also prepared Alternative B, a combination of the access roads where it was possible some of the land the MOFD had at the site could potentially become part of the project site. Other considerations were whether or not the conceptual plan conformed to the development standards and the applicable standards in the MCSP. The DRB and the Planning Commission was also asked to provide design review guidance on the architecture, design, and open space qualities desired. He identified the range of densities in the MCSP and advised that the proposal was in the 12 to 20 dwellings per acre range.

Phillip Kerr, Vice President of Development, City Ventures, described City Ventures as an infill developer who worked with smaller towns in developing downtowns. City Ventures had helped to develop downtowns in a way to allow residents to walk to nearby amenities while also realizing the growth of a downtown. City Ventures has been involved in similar projects in Specific Plan Areas including downtown developments in Scotts Valley and Morgan Hill. He took the opportunity to introduce his design team present in the audience.

Mr. Kerr emphasized a focus on projects that had won awards and identified a City Ventures award winning project in the downtown area of Santa Barbara where the homes had been designed for the future. He identified the subject site between Country Club Drive, Moraga Way, and MOFD Fire Station #41 which consisted of 3.9 acres, as currently vacant land designated for 12 to 20 dwellings per acre. He acknowledged the Town's work on the MCSP and that the Town's Housing Element had done a good job of reviewing the downtown, designated sites for development, and laying out what could be done on specific sites within the MCSP. He reiterated that the site is currently designated Mixed Office/Residential with a mixture of Mixed Office/Residential already in the area.

Mr. Kerr noted that the General Plan spoke to the MCSP, a mixture of uses in the downtown, the need for housing, and a need for people in the downtown to create that energy. He explained that traffic; access, circulation, and parking were all important aspects of the design with pedestrian and bicycles, design quality, and creek protection, all focuses of the project design.

Mr. Kerr also noted that the Housing Element, a subset of the General Plan, spoke to how the Town had gone through the process of working with the

landowners in the downtown to promote housing in the MCSP Area with a need for local serving higher density housing where the project site had been designated for 54 units. The MCSP spoke to the design guidelines in greater detail and had identified the area as Mixed Office/Residential, the market at the given time, the importance of a project to respond to the current market whether Office or Residential, and the need for infill development and identification of the project site as an infill development at 12 to 20 units to the acre. At the maximum of 20 units to the acre, 62 units would be permitted on the site.

Mr. Kerr presented an overview of the proposal for 55 new for-sale homes, two to three stories, from 1,400 to 1,800 square feet with a mix of two to four bedrooms, two car garages for every home, 27 guest parking spaces, and private common yard, to be designed as LEED [Leadership in Energy and Environmental Design] Gold Certified homes with solar, located within walking distance to the Moraga Town Center, and compliant with the MCSP design guidelines and Town of Moraga's Housing Element. He detailed the requirements of the MCSP, identified Laguna Creek which runs through the project site along with a creek trail, requirements for hubs for potential future access, and pointed out the different areas in the downtown core area.

Mr. Kerr advised that a basic plan had been submitted to the Town. Town staff had found the design to be uninspired with recommendations for the developer to add curvature to the design, add a connection to the southwest corner to the rest of the community, improve the building façade undulation, provide movement in the buildings, provide better pedestrian connections, consider meandering pathways at the frontages, continue conversations with the MOFD, and provide increased and varied open space.

Mr. Kerr explained that the developer had revised the plans, completed a yield study to determine how the densities proposed could be laid out, and reviewed the market on what would sell. Based on the feedback from staff and recognition of the Sonsara development's landscaping in the scenic corridor, the same approach had been proposed for the frontages with a berm, a pathway, and room for a bike path. A greenscape would also be provided along Country Club Drive. As to the area of Laguna Creek, a green space along the creek and a pathway along the edge of the creek were also being considered with discussions of a pathway along the MOFD portion of Laguna Creek.

In reviewing the connections through the site, Mr. Kerr stated that the developer had provided a secondary connection where it would come to a hub in the middle with a focus on the MOFD side to create a separation from the MOFD property.

Mr. Kerr noted that berms, walls, landscaping, and trees could be used to create that separation from the MOFD property. He identified an existing berm which was sloped and not currently used by the MOFD, existing green space, and the connection to the trail. He also identified a connection through Country Club

Drive to Moraga Way and a potential connection in the MCSP Area, with the intent to continue that connection to allow a dual use of the MOFD entry and the project entry and to limit cut-throughs with the use of colored pavement to identify the residential access. He identified the fronts of the homes with alley-loaded garage designs creating a sense of place from the street, privacy for the homeowners, and being frontage activated with eyes on the street. He noted that the EIR for the MCSP had reviewed the overall traffic in the MCSP Area and along with smart design and multiple access points would allow homeowners to reach their homes at different times. He commented that the developer had spent a great deal of time reviewing aerial photographs of the site, and had proposed the two-story townhomes along the frontages with the three-story townhomes in the middle which were not as visible and massive from the street while still achieving the densities in the MCSP.

Mr. Kerr acknowledged that infill development is a challenge and is not a single-family home, but emphasized the strong demand for convenient and safe townhome living. Given the existing Mixed Office/Residential in the area, he looked forward to building a similar sense of place. He offered photographs of similar densities and infill concepts in other downtowns designed by other developers in the Lamorinda area along with Ross and City Ventures' projects located in San Mateo and Santa Barbara.

Speaking to the Laguna Creek pathway, Mr. Kerr identified an open space area with benches to allow anyone on the pathway to take a break, the use of trellises to create an entryway and sense of privacy, greenery in the landscaping plan with places for people to sit, placement of the garages behind the homes not visible from the street, and the use of paseos in the green areas and along the frontages. He presented a brief video of City Ventures award winning project in Santa Barbara, which although in a different design style than the subject proposal involved similar development constraints.

Mr. Kerr also identified Alternative B for the MOFD site and commented that in discussions with staff, the developer had been asked to review the options given the adjacent uses. In discussions with the MOFD and having met with MOFD Fire Chief Bradley, he noted that had led to a conversation for consideration to incorporate a portion of the MOFD property into the site plan. Alternative B identified seven additional units for a total of 61 units and would consolidate the driveway for the MOFD's administrative building and the project site entrance into a single road.

Mr. Kerr stated that would make the road wider to allow for a central island, shared use of the driveway, with the garages off of the drive isle turning their backs on the MOFD training facility but still allowing for berms and sound walls along the frontage. He explained that Alternative B would continue to be

considered as it made sense and welcomed feedback from the public, DRB, and the Planning Commission.

#### PUBLIC COMMENTS OPENED

Jerry Tanner, a resident of Moraga Country Club, Moraga, agreed that the site is a current eyesore and if the Town was to build around the area suggested that the project was logical and he could support it, although he stated that residents of Moraga Country Club were not allowed to park in front of their driveways and must park in their garages. He expressed concern that the proposed density for the plan did not appear to have adequate space in front of the garages for vehicles to park and passing vehicles to travel, and concern with the potential for overflow parking along the north side of Country Club Drive. He asked if the parking issues had been adequately addressed and questioned whether or not the density was too much for the project site.

Jan Kaminski, a resident of Country Club Drive, Moraga, commented that she was used to the views of the hills and preferred open space. She too expressed concern with parking, traffic and access, along with the safety of pedestrians walking along the street which was a 25 MPH zone, and which was narrow.

Gordon Nathan, 51 Carr Drive, Moraga, stated that did not see the location from his home, although as a long-time resident of Moraga, he had been a volunteer firefighter for the old Moraga Fire District prior to its transition to the MOFD, and had served two terms on the MOFD Board of Directors. Familiar with the site, he noted that whether or not the land was appropriate and consistent with the MCSP was a question for the DRB and the Planning Commission. He generally liked the plan but expressed concern with the height and questioned whether or not a multi-family site would be appropriate adjacent to the MOFD Fire Station given his experience where residents who lived adjacent to fire stations had been concerned with noise, lighting, generators, fire engines and sirens. He questioned how those concerns could be mitigated without negatively affecting the operations of the MOFD and asked that those issues be considered prior to moving forward with the project.

MOFD Fire Chief Randall Bradley affirmed that he had met with the applicant, City Ventures, on several occasions to discuss the project and the fact that the proposed site is situated adjacent to the MOFD Fire Station. He commented that the residents around the existing fire station were pleased with Fire Station #41, did not want it to move, and asked that it remain.

Chief Bradley detailed the difficulties in relocating existing fire stations, acknowledged that there were concerns with the proposal as the previous speaker had identified, noted that the MOFD had provided comments on the MCSP and the EIR, and suggested that was the time to make such decisions. The Town had approved the MCSP and he therefore suggested that the Town

must mitigate any impacts to the MOFD, based on its own decision. He advised that the MOFD was willing to work with the applicant, wanted to be a good neighbor, but was not in a position to spend any money to mitigate any impacts.

Chief Bradley also advised that discussions on Alternative B were very preliminary. He noted that he had not briefed the MOFD Board of Directors on any proposal since a formal proposal had not been presented by the applicant. He was reluctant to comment on that issue given the preliminary nature of the discussions.

Frank Sperling, Vice President, MOFD Board of Directors, affirmed that the MOFD Board of Directors had not held any formal discussions on the project although he was aware of the project as a result of the current meeting. He advised that the MOFD Board of Directors respected and honored the various roles of the Town's governmental agencies and would not challenge any decisions the Town might make on the proposal but did have concerns with any intended or unintended impacts to the MOFD's current operations and ability to serve the community. He noted that there were only three MOFD Boardmembers and he did not want to perceive any conflict with the Brown Act. He clarified that his comments were not intended to represent the MOFD Board although he suggested that the MOFD Board of Directors would likely be concerned with potential traffic impacts to the MOFD's ongoing operations, traffic impacts to Moraga Way, potential noise restrictions to the MOFD and its operations, and access restrictions to the MOFD during the construction of the project.

Dale Walwark, Moraga, questioned whether the MOFD had discussed the issue of the vacant land owned by the MOFD and whether or not the MOFD planned to give up that land or sell it. If there were plans for the MOFD property, he suggested that Alternative B was not viable. He otherwise expressed concern with the width of the streets for the project and with the parking and whether or not parking would be permitted given the small size of the property. He noted that the Sonsara development had wide streets where parking was a non-issue.

Mr. Sperling emphasized that the MOFD property was used consistently as a training facility with some training on the weekends and during the evening periods. There had also been on occasion movement of equipment after hours. He acknowledged that the issue with the vacant MOFD property would have to be discussed with the MOFD Board of Directors.

Mr. Walwark suggested that if there were any complaints about the MOFD Fire Station and changes were required to be made, that the future Homeowner's Association (HOA) should be responsible for the cost of those changes.

Mr. Kerr spoke to the issue of parking and traffic and recognized that both were always a challenge in every community. He recognized that the project was not like Sonsara which is a single-family development, with the subject project to provide parking for two cars and two guests. He commented that the CC&Rs for this project would prohibit the garages from being used for storage with vehicles required to be parked inside the garages. He reiterated that the garages would not be visible to the public since they would be alley-loaded. He described the parking as self-regulated. He suggested that the pattern of the project would prevent cut-through traffic in adjacent neighborhoods. He identified the guest parking locations in the project site to create separation from the neighboring uses. He added that the developer had also reviewed fire stations in the Bay Area, identified a fire station in the City of Campbell adjacent to million dollar homes, and suggested it was not unique to place residential uses near fire stations, particularly in downtown areas. He offered examples of other residential developments in Contra Costa County adjacent to fire stations while acknowledging the concerns with residential development adjacent to a fire station and the fact that mitigation measures would likely be required.

An unidentified speaker added that the developer had met with an acoustical engineer and the MOFD Fire Marshal who had run through a series of tests at Moraga Fire Station #41, with noise monitoring of various activities at the site. Based on conversations with the acoustical engineer, the noise was found to be mitigatable.

Mr. Kerr explained that when the homes were sold there would be a disclosure statement to future homeowners stating that the homes were situated adjacent to a fire station, and potential buyers would be made well aware of existing adjacencies.

#### PUBLIC COMMENTS CLOSED

Ms. Brekke-Read explained, when asked, that a list of concerns from the MOFD had not been provided to the DRB or the Planning Commission given that the application was not yet complete when such details would typically be part of the analysis of a formal project submittal. She explained that the purpose of the study session was to offer an opportunity for the DRB and the Planning Commission to give direction to the applicant to allow the applicant to determine how to move forward with the application.

Mr. Donaldson asked that the Planning Commission and the DRB discuss whether or not Residential adjacent to a fire station would be appropriate. While potential mitigation measures as part of the development should also be discussed at this time he acknowledged that given the lack of a formal site plan and design of the buildings, specific mitigations could not yet be identified.

The Planning Commission and DRB discussed the issues for discussion point by point as follows:

*Issue 1: Is the proposed use appropriate for the site?*

*Issue 2: Should residential development be constructed adjacent to the fire station?*

*Issue 3: Should Alternative B be pursued?*

*Issue 4: Does the proposal generally conform to the applicable development and design standards set out in the MCSP?*

*Issue 5: What are the key design review considerations, drawn from the MCSP Design Review Guidelines, that may be important in affecting the detailed design of this proposal?*

Commissioner Wykle commented that he generally favored and supported infill developments. He recognized the challenges of the site given its adjacency to the MOFD Fire Station training facility but he wanted to know the potential mitigation measures the development may have to consider and he questioned the elevation change between the two parcels.

Mr. Kerr explained that the current site had no elevation change although there would be a berm which sloped down with a mound on the site. If they were to flatten that area, there would be a five to six foot cut where a retaining wall could be placed. He noted that the hill was essentially useless land for the MOFD and the developer was willing to work with the MOFD to possibly improve its space. Those details must be worked out in the conceptual level. He suggested that a Residential use would be appropriate adjacent to the fire station, that the vacant land would not likely remain vacant, that mitigations would include retaining walls or berms, and reiterated that the developer was willing to work with the MOFD on its portion of the site.

Mr. Kerr added that an attractive solid block wall creating a separation from the MOFD land and the subject property with vegetation could be considered noting that the primary mitigation would be through the design of the townhomes. The homes would also have fewer window openings in the side facing the actual fire station. Mitigation through landscaping would also be done through the planting of substantial trees along the frontage while other landscaping details remained to be identified.

Commissioner Wykle commented that he was uncertain how to reconcile General Plan Policy LU4.6 with the proposed residential project adjacent to the

MOFD station but suggested that the developer was heading on the right path subject to significant mitigation measures.

Commissioner Kline stated that the site would allow for Residential development and suggested there was a probability that the developer would propose mitigation measures that were acceptable.

Boardmember Zhu suggested that the Town should welcome more diversified housing. He liked high density housing and suggested that any future homeowner should be notified of the adjacent fire station uses. He asked that significant mitigation measures be considered.

Commissioner Kuckuk suggested that a Residential use would be appropriate for the site, that the MOFD Fire Station Administrative Offices offered a buffer from the project site, and while the proximity of the MOFD training facilities was a concern and should Alternative B be pursued, she understood that the MOFD would have to give up a portion of their unused land at the training facility which was something that must be discussed further. She suggested that the project conformed with the development standards in the MCSP although she had concerns with the circulation element for the high level design which appeared cumbersome in its transition from vehicle driver to pedestrian placing additional pressure on the garages and parking in front of the garages for access. On the west side of the site, she wanted to see better movement between the homes for parking and for pedestrians, and she expressed concern with access to the garage alleyway which made vehicle turning movements difficult.

Commissioner Socolich found the project to be appropriate for the site. He recognized that the site was reasonably close to the Moraga Center although there were no specific connections to the Moraga Center. He clarified with the developer that connections for pedestrians to the entire downtown layout would be addressed through a bicycle/pedestrian pathway along the frontages of the homes. He recommended that the project facilitate ways to reach the Moraga Center, liked the thought of a trail along Laguna Creek, and suggested that would be a nice improvement. He added that he could not comment on Alternative B at this time given that there was no resolution or detailed arrangement with the MOFD.

In response to comments from the developer as to the payment of development impact fees related to bicycle and pedestrian connections, Ms. Brekke-Read advised that development impact fees were for impacts to existing infrastructure and not to finance new improvements resulting from new development.

Commissioner Killam liked the project but had reservations that the noise mitigation was doable for those homes located across the street which had recorded many noise complaints. If the noise mitigation was not addressed he

stated that the Town would receive complaints in the future. He suggested that 55 units would be too many given that most homeowners owned two vehicles with the potential for traffic impacts to existing traffic conditions on Town roads and traffic along Country Club Drive. He expressed concern that while the initial homebuyers may be aware of the adjacent fire station, when the homes were resold in the future a future homebuyer may not be aware of the proximity of the fire station.

DRB Boardmember Kirkpatrick suggested that the project was compatible with the MCSP.

DRB Chair Helber suggested that the project could be compatible with the existing uses if designed and mitigated appropriately. He emphasized the importance for the developer to work with the MOFD to draft a disclosure statement for future homeowners with the disclosure to be recorded for all future homebuyers.

Boardmember Escano-Thompson also found the project to represent an appropriate use for the site. She suggested that the project is consistent with the MCSP and as long as mitigation measures were effective there should be no issues being adjacent to the MOFD Fire Station. She clarified with the developer the variation of the home designs planned with an emphasis on consistency throughout the development. She also expressed concern with the parking and questioned whether or not parking would be permitted off of Country Club Drive. She was uncertain whether or not she liked the three-story component of the project given that everything was flat when driving down Moraga Way.

Planning Commission Chair Levenfeld stated that she had gone through the entire MCSP process and suggested that more Office development in the area was not needed. She found the project to be a good fit for the site, although she struggled with the fact that Moraga had a lot of school children with little space for children to play given the current design. She sought more space for children to play rather than the walkway or alley areas. She was not opposed to the density or the fact that the project would be located adjacent to the fire station as long as it was designed appropriately.

Chair Levenfeld suggested that the pathway along Laguna Creek represented a nice component of the design but suggested that a connection from the community to the path should also be considered. She remained concerned with the parking and was uncertain that one space for each two units of non-garage parking would be adequate given that parking along Country Club Drive was always full.

Mr. Kerr clarified that Alternative B would consist of the same number of units and design proposal.

Boardmember Sayles was not opposed to Alternative B in concept but in detail, commenting that there were design issues that needed to be addressed. He clarified with the developer that the target buyers for the units would be individuals unable to afford to purchase a home in Moraga; typically young couples with or without children, first-time homebuyers, or singles. He also clarified that the site plan included private outdoor space with each home to have a small private front yard and patio area, that the drive isle width would be 26 feet, and that there were no specific plans for the median island in Country Club Drive. He suggested if that median were narrowed it may enhance the opportunity for street parking, could be better landscaped, and the current cut through could be aligned with the development. He otherwise expressed a preference not to have a driveway on Moraga Way and preferred to see that area sealed up and made an extension of the scenic corridor.

Chair Helber suggested that the project was a good one and he looked forward to the review process suggesting that the key to success would be how the two street frontages were designed. He commented that the landscaping appeared to go all the way to the street front-of-way and the plans had not determined if Moraga Road would be narrowed with landscaping on that side of the street. He clarified with the developer that the road was narrow along the golf course side which would be reviewed more closely in the details for the design. The developer agreed to spend more time on that detail in the future. He asked that the developer provide a future exhibit to show how the pedestrian connectivity would work. He also wanted to encourage consideration of two- and four-bedroom units given that Moraga was family oriented. He agreed that the community needed a common space area for children and perhaps an area near Laguna Creek could be utilized for that use. He also requested the submittal of plan views to illustrate the push and pull of the buildings along Moraga Way noting that the design had done a good job along Country Club Drive although more effort could be made on the frontages along Moraga Way.

Boardmember Kirkpatrick understood that the Town had a standard cross section for the build out of Moraga Road with widening similar to the fire station and the office uses where landscaping would not jog out into the right-of-way area and back. He suggested that there had been a nice package of design considerations for the developer to review and he looked forward to future presentations.

Commissioner Killam agreed that there is a parking issue with the current design and agreed there should be a place for children to play.

Commissioner Socolich clarified with the developer that the area along Moraga Way is intended to be somewhere between the Sonsara and golf course side of the street, with the use of berms, although whether or not a split rail or other type of fencing would be considered were details that had yet to be resolved. He liked

the way the homes had been placed along Country Club Drive but agreed that more effort needed to be made to break up the linear placement of the homes along Moraga Way. He suggested that the project generally conformed to the applicable development and design standards as discussed.

Boardmember Zhu saw no reason that Alternative B should not be pursued but would like to see more guest parking spaces added rather than adding more units. He was thrilled to see a project that would pursue LEED certification, found that the design provided good articulation between the public street and the structures, and had no concerns with the two- and three-story design although based on his calculations of the roof and paving he suggested that there was a lot of hardscape. He asked the applicant to consider the use of different colors for the pavement, green roofs, or other materials that would reduce the volume of hardscape that had been proposed.

Commissioner Kline preferred to see the curve continue from the front of the office building in a straight line over to the fire station building which would require a turn lane when the other side of the street was developed. He noted that the concept for the Town is to establish trails and not sidewalks, and a 10-foot trail similar to the Sonsara and Country Club developments should be provided behind the push back curb. He suggested that the linear frontages be broken up, referenced the MCSP policies for open space and pervious area which the project design had not followed, suggested that the project would likely require the installation of bio-swales, and questioned where they would be placed on the site. The MCSP also called for 20 square feet of personal space. He agreed that parking was an issue although the project conformed to the MCSP policies for parking.

Commissioner Kline questioned whether the homes at the end of the project would actually park in the parking spaces rather than across the street. He noted that the MCSP also spoke to burglary risks and he expressed concern with the alley-loaded garages. The MCSP also called for one tree for every four to six parking spaces. He agreed that the building facades could be broken up better.

Commissioner Wykle suggested that the key to Alternative B is that the project as a whole work closely with the MOFD. In terms of the design, he agreed with the recommendation to eliminate the entrance/exit at Moraga Way but understood that traffic lights may be required. He agreed that there were areas where more green space could be provided.

Chair Levenfeld concurred that it would be nice not to have traffic enter/exit onto Moraga Way, although she affirmed with staff that it had been the policy of the MCSP to allow traffic the ability to go all the way up the hill. Staff had also affirmed that the MCSP encouraged the use of shorter blocks to encourage walking, not driving. She recognized that the project site is situated within the

scenic corridor and commented that she had a hard time with a large span of different architectural styles in the MCSP. She encouraged the design to reflect the traditional Moraga architecture given its location in the scenic corridor.

Ms. Brekke-Read asked whether or not the DRB and Planning Commission would like more analysis as to whether or not the project is compliant with the MCSP. If the project were found to be compliant with the MCSP, it would be exempt from the requirements of CEQA. She noted that the MCSP contained supporting documentation and goals that spoke to the plentiful commercial space in Moraga and the need to build residences to support that commercial space. The site is designated Mixed Office/Residential and that designation had not been clearly defined in the MCSP. From staff's point of view, an argument could be made either way whether or not CEQA analysis should be required. While there was not enough information at this time to make that determination, she supported a discussion of that issue.

Commissioner Wykle sought dialogue with the MOFD whether or not the project was compatible adjacent to the MOFD Fire Station and whether or not mitigation measures would be satisfactory to address any potential impacts.

An unidentified representative for the applicant suggested that the MCSP was clear that residential housing would be allowed and had allocated 55 units for the project site. While the project site had been designated as Mixed Office/Residential, she read that designation to mean that Residential made sense and one did not have to design Office with Residential on the Parcel.

Mr. Kerr added that some of the existing Office/Residential areas were on small parcels and he found it strange to require Office with Residential on the subject parcel.

Chair Levenfeld recalled the intent of the designation during discussions on the MCSP which had been to provide a mix of Office with Residential in the land use designation.

Boardmember Sayles commented that there was a wide range of uses for the parcel and it was up to the applicant to make the best decision for its use and then for the DRB and the Planning Commission to consider whether or not the applicant was heading in the right direction. In his opinion, the Residential use was appropriate.

MOFD Fire Chief Bradley recognized that several former MOFD Board members had commented on the conceptual proposal but clarified that the current MOFD Board of Directors would be making a decision as it related to the MOFD.

Boardmember Sayles wanted to see the parking spread more evenly through the site to prevent walking in the perimeter units. He suggested that the project would work well and complement the Moraga Country Club. He found the green space along Laguna Creek a valuable open space where the developer may filter the runoff before it reached the creek and retain it for the required time as a detention. In his opinion, the path was on the wrong side of the creek and he suggested it be relocated to the other side of the creek heading towards the Country Club. He requested clarification on the difference between a deed restriction and something that would acknowledge the presence of the MOFD Fire Station when a home was purchased, supported a deed restriction to include a requirement that a future homeowner would be prohibited from harassing the MOFD, and suggested that the shared use with the MOFD was a wonderful idea and would represent an intelligent use of the land while helping to reduce impervious surfaces.

As to the compatibility of the proposed project to the MOFD, Ms. Brekke-Read understood that generally the DRB and the Planning Commission finds that it is compatible but concurred there was not enough information to make that formal determination. Once more information was provided; staff could conduct an analysis of that issue with the MCSP.

Mr. Kerr suggested that it was logical and common sense, and having read the MCSP he suggested that the project was compatible with the MCSP and that the Housing Element had identified the site for 55 units.

Commissioner Socolich had no concerns with the proposal adjacent to the MOFD property but recognized that others may have concerns. Commissioner Killam suggested that housing would be suitable on the site recognizing that more analysis was needed. He wanted to see agreement that the property did not have to be Mixed Use and could be Residential.

Ms. Brekke-Read clarified that the question was whether or not the project is consistent with the MCSP and as discussed that issue would determine whether or not CEQA would be required. She explained that there were many details remaining to be identified before that determination could be made, and she suggested it would be premature for the DRB and the Planning Commission to make a determination of consistency with the MCSP at this time unless the Commission suggested that it should be vertical or horizontal Mixed Use on the site. On further discussion, she acknowledged a consensus of the DRB and the Planning Commission that the property did not have to be Mixed Use and could be Residential.

Mr. Donaldson reiterated the fact that the question of whether or not the project is consistent with the MCSP would determine whether or not CEQA would be

required, which question must be resolved before a determination of consistency could formally be made.

Mr. Kerr commented on the significant investment being made in the proposal and in the community, noted that the entitlement process in Moraga was not a simple process, and expressed appreciation for the feedback from the DRB and the Planning Commission. He sought a balance encouraging such investment with a process back and forth with a detailed focus and suggested the more definitive guidance provided the developer the easier and faster the opportunity to move forward where they could invest in the project and identify the details.

**V. ROUTINE & OTHER MATTERS**

There were no routine or other matters.

**VI. REPORTS**

**A. Planning Commission**

Commissioner Socolich reported that he had attended the October 29 DRB meeting at which time the DRB had reviewed and approved the Saint Mary's College (SMC) Recreation Center final design, a deck addition for a home in Moraga Country Club, and the design for a 4,200 square foot residence at 1800 Donald Drive pending final comments from the MOFD.

Ms. Brekke-Read affirmed that the project at 1800 Donald Drive would come back to the Planning Commission for a Hillside Development Permit and a Use Permit with the applicant having provided more information and detail than in previous submittals.

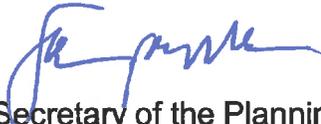
**B. Staff**

Ms. Brekke-Read reported that she continued to work with the Contract Planners on zoning text amendments to be presented to the Planning Commission in January. She anticipated both the DRB and the Planning Commission would have meetings in December although neither group would hold further meetings during the month of November. She acknowledged that the decision to modify the operation of the lights at the Intramural Fields at SMC had been appealed with SMC requesting that the appeal be heard by the Town Council in January. She acknowledged a request from the Commission that the past meeting minutes be submitted for review and approved prior to the hearing of the appeal. She also reported that staff would commence with recruitment of the two Planning Department vacant positions.

**VII. ADJOURNMENT**

On motion by Commissioner Wykle, seconded by Commissioner Killam and carried unanimously to adjourn the Planning Commission meeting at approximately 9:45 P.M.

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Secretary of the Planning Commission

