

**TOWN OF MORAGA  
PLANNING COMMISSION MEETING**

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

March 4, 2013

7:00 P.M.

**MINUTES**

**I. CALL TO ORDER**

Chair Levenfeld called the Regular Meeting of the Planning Commission to order at 7:04 P.M.

**ROLL CALL**

Present: Commissioners Comprelli, Kline, Kuckuk, Marnane, Onoda, Schoenbrunner, Chair Levenfeld

Absent: None

Staff: Shawna Brekke-Read, Planning Director

**B. Conflict of Interest**

There was no reported conflict of interest.

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

There was no reported contact with applicant(s).

**II. PUBLIC COMMENTS**

There were no comments from the public.

**III. ADOPTION OF THE CONSENT CALENDAR**

There was no Consent Calendar.

**IV. ADOPTION OF THE MEETING AGENDA**

On motion by Commissioner Kline, seconded by Commissioner Comprelli and carried unanimously to adopt the Meeting Agenda, as shown.

**V. PUBLIC HEARING**

There was no public hearing.

**VI. ROUTINE AND OTHER MATTERS**

**A. Planning Commissioner Training and Continuing Education**

1. **Permit Streamlining Act**
2. **The Brown Act & Fair Political Practices Commission**
3. **General Plan**
4. **Moraga Center Specific Plan**
5. **California Environmental Quality Act**
6. **Conditional Use Permits**
7. **Variances**
8. **Design Review**
9. **Subdivisions**
10. **Major Projects Overview**
11. **Question and Answer Period**

Planning Director Shawna Brekke-Read provided an overview of Planning Department staff, identified her background with the Town of Moraga and in the public sector, her experience with a variety of agencies in Contra Costa and Alameda counties and Northeastern California, and her experience in the planning sector. Each Commissioner offered a brief introduction of his/her background and experience leading them to serve on the Planning Commission.

Ms. Brekke-Read identified the Planning Commission binder which contained the 2002 Town of Moraga General Plan, identified the State of California requirements for a General Plan, highlighted each element of the General Plan including Land Use, Transportation, Circulation, Housing, Open Space, Conservation, Safety and Noise, Community Facilities, Growth Management, and Community Design; and identified the changes that had been made to the General Plan since its 2002 adoption with updates to the Growth Management Element to include references to Measures C and J, and to the Housing Element. She identified the mandates of the 2010 Housing Element and how the Town was required to accommodate the Association of Bay Area Governments (ABAG) Regional Housing Needs Allocation (RHNA), identified the process for certification of a Housing Element through the State Housing and Community Development Department (HCD), and reported that Moraga's Housing Element was due to be updated in the next two years.

Ms. Brekke-Read described how each development project proposed in Moraga must comply with the Town's adopted General Plan with a section in each staff report to include a General Plan analysis. She identified diagrams located in the back of the General Plan of the Town's land use districts and identified each district in the Town: Single-Family Residential (1, 2 and 3 dwelling units an acre (DUA)); Multiple Family Residential (6 and 20-DUA); Community, Limited and Suburban Office Commercial; Non-Moraga Open Space Ordinance (MOSO), and MOSO; and Community Facility which included Saint Mary's College (SMC).

Ms. Brekke-Read explained that public schools were subject to Moraga School District (MSD) regulations, or in the case of Campolindo High School, the Acalanes Unified School District (AUSD). She also noted that both the Rheem Planning Area and the Moraga Center called for the preparation of specific plans. She described the multi-year process for the development of the Moraga Center Specific Plan (MCSP) and explained for the Rheem Planning Area the Town Council was leaning towards a General Plan Amendment (GPA) rather than a specific plan while also addressing the themes in the General Plan. She described the differences between the MCSP and the General Plan with any proposed project required to comply with the General Plan, or if located within the MCSP area, a project must comply with the development standards within the MCSP.

Ms. Brekke-Read detailed the efforts of the Town's Economic Development Action Committee (EDAC) as related to the Rheem Planning Area in response to vacancies, in an effort to attract businesses, and in an effort to make the Town's permit process easier with discussions on permitted and conditional uses. She reported that the Planning Commission had met on February 20 and considered amendments to the Zoning Ordinance as it related to the Rheem Planning Area Community Commercial District which should be brought back to the Planning Commission in the next two weeks for further discussion.

Ms. Brekke-Read walked through the various sections of the Moraga Municipal Code (MMC), identified how building heights were measured; the California Environmental Quality Act (CEQA) regulations pursuant to state law; the standards that could be applied to a project; exemptions to the CEQA requirements; the CEQA Environmental Checklist; and explained when an Initial Study/Mitigated Negative Declaration or Environmental Impact Report (EIR) would be applied to a project. She also identified the different permits that could be obtained from the Planning Department, the process and criteria triggering Design Review Board (DRB) review, administrative design review, and Planning Commission review; along with the findings (statements of fact and evidence) required for the approval of a Conditional Use Permit, offered examples of recent projects approved by the Planning Commission which involved a Conditional Use Permit, identified the criteria for variances, noted that Town staff typically discouraged variances, and offered recent examples of variance applications that the Planning Commission had denied.

Ms. Brekke-Read described two types of subdivisions; Parcel Map or Minor Subdivisions consisting of four units or less, and a Major Subdivision consisting of five units/lots or more, and identified the process and criteria for each.

Ms. Brekke-Read also described the Planned Development District process and noted that three developers had proposed Planned Development projects including the Signature Homes proposal for the former bowling alley site; the SummerHill Homes Camino Ricardo development; and the City Ventures proposal for a townhome project proposed adjacent to the Moraga-Orinda Fire District (MOFD) station. She identified the status of each project and described the Conceptual and Precise Development Plan processes with four applications proposed in various stages of this process including Bollinger Valley, Hetfield Estates, Rancho Laguna II, and Palos Colorados (which project had been fully approved in perpetuity and through a Settlement Agreement). She clarified that land use approvals ran with the land, not with the property owner. The first hearing for the Bollinger Valley EIR had been scheduled for the Planning Commission on April 1.

Future projects included an update of SMC's Master Plan with an EIR to be prepared by the Town's Consultant on the Master Plan; and a project on Donald Drive for a single-family residence which required a Conditional Use Permit, Hillside Development Permit, and Design Review, to be considered by the Planning Commission in mid-April. Staff was also in the process of preparing a Focused EIR for the SummerHill Homes project on Camino Ricardo to be published in June, which project involved numerous entitlements, as did the City Ventures townhome project expected for Commission review in 2013.

Ms. Brekke-Read clarified the relationship between the DRB and the Planning Commission, the process when applications were submitted to both the DRB and the Planning Commission, and noted that oftentimes joint meetings between the DRB and the Planning Commission would be held to allow early feedback to applicants. At this time she recognized a number of developers present in the audience who had been invited to attend the Planning Commission meeting.

John Wyro, Applicant, Hetfield Estates, extended an invitation to all Commissioners to walk the property with the developer to offer a better sense of the project.

Cherry Wagner, City Ventures, developer for the townhome project on Moraga Way near the MOFD Fire Station, also expressed a willingness to speak with Commissioners independently while the developer continued to work with staff.

Denise Cunningham, SummerHill Homes Project Manager for the Camino Ricardo project, also extended an invitation to Commissioners to walk the property and ask questions.

Ms. Brekke-Read walked the Commission through the Planning Commission agenda format, the regulations of the Fair Political Practices Commission (FPP), and the process for public hearings before the Planning Commission.

Ms. Brekke-Read also identified the regulations of the Brown Act, the regulations of the Permit Streamlining Act pursuant to state law, Planning Commissioner attendance on a rotating basis at DRB meetings when Commissioners were encouraged to provide a report on Planning Commission meetings and provide feedback on DRB applications, and rotating attendance during Moraga Community Liaison meetings, which she affirmed was not a Town function.

Responding to comments, Ms. Brekke-Read advised the Housing Element and the MCSP planned to accommodate 1,000 units in the next five years although there were far less than 1,000 units total in the projects she had identified as proposed or approved at this time. She acknowledged a recommendation not to hold the hearing for the Bollinger Valley EIR on April 1, although the Town Attorney had advised of the 45-day public review period, and the public hearing had already been noticed to the public. She expressed the willingness to discuss the issue with the Town Attorney and project consultants to determine whether the meeting date could be continued to avoid conflict with spring break.

## VII. REPORTS

### A. Planning Commission

There were no Planning Commission reports.

### B. Staff

Ms. Brekke-Read reported that the DRB would meet on March 11 to consider an application for an elevator for the Rheem Theatre; the Planning Commission meeting of March 18 would include more information on amendments to the Zoning Ordinance; acknowledged a request for copies of the EDAC report to be provided to the Commission; the new Senior Planner to commence employment with the Town on March 8.; with a Temporary Planner providing assistance to staff on DRB applications; and with staff advertising for the position of Assistant/Associate Planner.

## VIII. ADJOURNMENT

On motion by Commissioner Comprelli, seconded by Commissioner Kline and carried unanimously to adjourn the Planning Commission meeting at approximately 9:27 P.M.

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Secretary of the Planning Commission

