

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

April 15, 2013

7:00 P.M.

MINUTES

I. CALL TO ORDER

Chairperson Comprelli called the Regular Meeting of the Planning Commission to order at 7:00 P.M.

ROLL CALL

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

Absent: None

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

B. Conflict of Interest

There was no reported conflict of interest.

C. Contact with Applicant(s)

Commissioner Levenfeld reported that she had spoken with the applicant for Public Hearing Item B, 1043 Camino Pablo.

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

V. PUBLIC HEARING

- A. 1800 Donald Drive** - DRB 4-11, Proposed construction of a 4,270 square foot home on a vacant 13,203 square foot parcel, with access from a circular bridge driveway off Donald Drive.

Planning Director Shawna Brekke-Read introduced Contract Planner Doug Donaldson.

Contract Planner Doug Donaldson presented the application for the proposed construction of a 4,270 square foot home on a vacant 13,203 square foot parcel with access from a circular bridge driveway off of Donald Drive, on a steep and wooded hillside parcel. The site is located in the 6-dwelling units per acre (DUA) zoning district, surrounded by open space on three sides and a duplex on the downslope side of Donald Drive. The design plans called for a structure that would step down the existing slope minimizing the need for grading. The project would not require a grading permit. The building would consist of three levels offset so that the building would be two stories in height supported on a foundation of drilled piers and grade beams. Off-street parking would be provided for four vehicles utilizing a bridge structure supported on piers to provide access to and from Donald Drive minimizing the need for grading.

Mr. Donaldson advised that the application had originally been submitted in March 2011, with the chronology having been summarized in the April 15, 2013 staff report. The original application had been for a duplex, as permitted in the existing zoning district, with the design details having evolved over time and with the size, location, and massing of the project having changed little other than being smaller in size from the original application. The project had first been presented to the Planning Commission in November 2011, at which time the Planning Commission had requested additional information including a title report, biotic report, arborist report, an additional geotechnical study, and the installation of story poles.

The Design Review Board (DRB) had held a study session in January 2012, and in March 2012 the project had again been brought back to the Planning Commission which had adopted an Initial Study/Mitigated Negative Declaration (MND), finalizing the California Environmental Quality Act (CEQA) process. The Planning Commission had not approved the project and requested additional design information including a detailed foundation plan, geotechnical peer review and the like. The project had again been reviewed by the DRB in October 2012 when the DRB had recommended approval subject to the Moraga-Orinda Fire District (MOFD) review of the plans, which had been done, regarding defensible space. The plans had been revised calling for a bio-retention basin to treat rainfall runoff with a gravity discharge to Donald Drive below the site using an existing utility easement.

Mr. Donaldson referenced the Mitigation Monitoring and Reporting Program (MMRP) identified as Attachment F to the staff report, adopted over a year ago, which had been worked into a draft resolution of approval to ensure that all mitigation measures as part of the CEQA review had been made part of the project, and was one of the items the Commission would be asked to approve as part of the project, to be implemented as part of the approval.

Mr. Donaldson identified the entitlements under Commission consideration including a Hillside Development Permit (HDP), Use Permit for a Single-Family Residence, Tree Removal Permit, Sideyard Adjustment for both side yards, (approved by the DRB), and Design Review. He asked the Commission to receive the presentation from the applicant and the applicant's design team, receive public comment, acknowledged that several letters had been received and had been included in the April 15 staff report, and upon the conclusion of the public comment period consider approval of a draft resolution subject to findings, conditions, and the MMRP.

Responding to the Commission, Mr. Donaldson advised that the MOFD Fire Marshal had reviewed the application and had made a recommendation that the plans go before the Building Official and that the project conform to the MOFD guidelines which had been included as a condition of approval. A letter from the Fire Marshal, identified as Attachment G, had been included in the staff report.

Planning Director Shawna Brekke-Read clarified that an exemption would apply in this case in that a grading permit was not required. The issue had been raised as a question given the Planning Commission's concerns about the applicability of the General Plan policies. She clarified that the grading would be done in a way that would not require a grading permit.

Mr. Donaldson acknowledged there was some ambiguity with the General Plan language as it related to the grading permit requirement and stated that the Planning Commission may determine there was some ambiguity and require Town Council consideration and direction on that issue, although staff was of the opinion if the project did not require a grading permit the provisions of the Grading Ordinance requiring Town Council review and approval did not apply.

Commissioner Kline commented that Section 14.04.032 H of the Grading Ordinance exempts excavations for footings and that a grading permit is clearly not required and the project does not need to be referred to the Town Council.

Mr. Donaldson added should the road be damaged as result of construction of the project, the issue had been addressed as a standard condition of approval requiring repair of the road in the condition it was originally found. In addition, the applicant had spoken with a contractor on the contracting procedures with a small terrace to be created off of the road to be used for the staging of materials.

A track vehicle could be stored on a steep slope and stored in the staging area, as reflected in Attachment I, Construction Contractor's Letter.

Mr. Donaldson responded to the use of the term in the documents "legal lot," noting that it had been subdivided and was a legal parcel with development rights attached to that legal lot. There had been access constraints to the parcel in the past, but that had been alleviated with the Mulholland Open Space arrangement where the parcel was subject to the zoning in the zoning district defining the developable rights. Responding to concerns with the bridge and the elevated driveway, as reflected in correspondence received, he explained that the driveway was connected to the street, was integral to the facility, and was allowed. The concern had been that the driveway could be considered an ancillary building and could not be built in this way, although the requirements for accessory and ancillary structures would not apply in this case since the driveway provided a fundamental part of the home, access to the property, supported the garages, and the home could not be built without it. Had the bridge structure or something similar not proposed to be built, there would be more grading, excavation, or modification of the street. He found the bridge and driveway to offer a creative solution for the parking needs for off-street parking and guests.

PUBLIC HEARING OPENED

James Phillip Wright, Architect, Lafayette, advised that his client had hired him since he was an expert in ecological design and explained that the inspiration for the design had come from the natural aspects of the property. He offered a slide presentation of the site advising of the intent to maintain as much of the existing vegetation as possible to ensure the dwelling was within the trees, which character was important to the aesthetic of the inside of the home. Story poles had been erected and a silver coated tarp had been pulled over the story poles to illustrate the imposition of the home. He noted that the tarp was 50 x 100 feet in size and was not able to go all the way up but stopped with views through the trees. He acknowledged that a computer simulation of the potential views that had been presented in the past had been inaccurate.

Mr. Wright identified the foliage on the site, the view of the top of the home, street views, views through the trees acting as a portal through the property, views of the proposed bridge and the massing of the home and the home below, with a cross section of the upper levels, living areas, the rain water cistern as part of the energy system for the home and the four parking spaces; two enclosed and two outside. He also pointed out the driveway between the trees into a back-up area for parking, a bio-filter area underneath the bridge for stormwater runoff from the roof to be filtered water to the easement, and views of the understructure. He noted that he had worked with the Town Engineer on what would trigger a

grading permit. He also identified the gutters with gravity drains into a bio-filter system and the bio-retention basin, all compliant with the Zoning Ordinance.

Mr. Wright stated his client had requested that the rain water catchment system be abandoned as part of the design given the controversy associated with that design element. He identified the parking plan for the upper level, living area, stairwell to the kitchen, living room, decks, master bedrooms, secondary unit, elevator on the side, the lower level, massing and glazing, elevations of the siding with the use of salvaged redwood tree bark cutoffs to be cut into 8-inch planks, the protrusion of the foundation into the earth, the redwood tree vertical planks to be used, a color board illustrating the use of redwood, iron metallic surface, rusted metal painting, PSL, and a redwood recycled fence. The roof material would be slate with lichen and moss encouraged to grow on the roof.

In response to the Commission, Mr. Wright advised that the MOFD had conducted a flame test on the proposed materials and had determined that the materials qualified. The line of sight, as illustrated by the story poles, would be negligible. He noted that the tarp, as shown, was likely chin level of the middle level of the home (the second level of the home), and he reiterated that the rain water catchment system would be eliminated as part of the design at the direction of his client. There would still be the same retaining walls on the foundation regardless of the inclusion of the rain water catchment system and it would have no impact on any structural integrity whether it was included or not. That design element had been intended as the heat sync for the planned co-generation system and would have generated electricity and hot water simultaneously.

An unidentified speaker added there would be drilled piers with the depth determined by the building load down from the roof; a recommended minimum six feet into the bedrock.

Mr. Wright commented that whether the bedrock was two to four feet down, the product was a vertical load requirement. It would not be cantilevered and there would be no geological instability since the site was less steep than those in the Oakland Hills along Highway 24. He characterized the site as not challenging to build. The tarp that had been used was a reflective coated tarp that was intended to make a statement about the exposure of the home. He suggested one would be challenged to find obtrusive views.

Paul Bunton, Moraga, advised that he owned a duplex located below the subject property. He opposed the project for a number of reasons and although had been told that the parcel was a legal parcel, in his opinion it was not developable. He suggested the parcel deviated from the Hillside Development Ordinance, noted the General Plan also referenced character and scale, and suggested the

home, although interesting in design, was outside the character called for in the General Plan.

As reflected in previous correspondence he had submitted, Mr. Bunton remained concerned with safety due to the massiveness of the home perched above his residence. He commented on the potential for seismic activity in the area and was pleased the rain water catchment system would be eliminated as part of the design. He also remained concerned with potential drainage issues and although the garage was off-set allowing the structure to be defined as a two-story residence suggested the design should really be defined as three stories. He urged the Commission to prevent any non-compliance with the Hillside Development and Zoning Ordinances, suggested there was enough information to deny the project, and urged the Commission to deny the application.

Lynda Deschambault, 2066 Donald Drive, Moraga, stated that she had submitted written comments and had spoken during the public hearings in the past. She concurred with the comments of the previous speaker, stated her home was in close proximity to the subject site, referenced her experience and the history of property on Rheem Boulevard which had been precedent setting and where the soil in that case had failed, and expressed concern the same could happen with the construction of the subject home. As a former member of the Town Council, she noted the Council had required a Geologic Hazardous Abatement District (GHAD). While she liked the design and materials of the home, she suggested a photo rendering diagram should have been prepared rather than the use of the tarp through the trees. Having viewed the site, most of the existing trees were Monterey pines that would be removed which pleased her since they were leaning and a fire hazard.

Ms. Deschambault suggested the size of the home was confusing and commented that her 2,100 square foot home including the garage was actually larger in size than the proposed home. She asked whether the total square footage of the proposed home included the garage. She urged consistency and consideration of a GHAD and expressed concern with the lumens proposed with ceiling to floor lights. She suggested the project needed more work diagrams and setbacks and urged the Planning Commission to deny the project.

Mr. Donaldson clarified that the garages had not been included in the total square footage of 4,270 square feet and would be 547.8 square feet over and above the total square footage, as shown on Table 4 of the April 15 staff report.

REBUTTAL:

Mr. Wright reiterated the intent for all of the colors and materials to blend in with the landscaping, through the use of natural materials. He suggested the presence of the structure would be non-existent and the square footage was a

product of the parking need on the top of the roof, which was why the home design had been proposed and evolved with a design and roof to blend into the hillside as unobtrusively as possible.

An unidentified speaker commented that if the building was designed in such a way where all of the piers were grade beams, there would be no foundation issues. While a neighboring home had experienced a failure, it was .7 of a mile away from the site having no bearing on the subject location.

PUBLIC HEARING CLOSED

Ms. Brekke-Read clarified when asked by the Commission that Floor Area Ratio (FAR) Guidelines applied only to Single-Family Residential Districts. The Rheem Boulevard property that had been referenced involved an issue with the lot which was more than 20,000 square feet in size. She described the requirements for a HDP which required a soils investigation and peer review by the Town's Geotechnical Engineer, which had been done in this case. She reported that the applicant's geotechnical expert had offered answers to that peer review and the Town's Geotechnical Engineer had been satisfied.

Mr. Donaldson commented that the home was not designed to withstand falling trees and a wind study had not been required.

Mr. Wright reiterated the home would be tucked within the trees. He did not see that the wind velocity would be that great in that a higher elevation on a ridgeline was a greater concern. He reiterated that his design ideas for the site had been based on the circumstances of the subject site, which was dynamic and an exciting location with the motive to create an exciting environment.

Mr. Donaldson clarified that photographic simulations had been done in 2011, with some members of the Planning Commission having viewed them, and with the Commission having requested additional information as he had outlined during his presentation. When the story poles had been installed, they had illustrated that the photo simulations had been inaccurate misrepresenting the architecture and not representing the trees. He described the home as in the forest with over 29 trees on the site, many of which were quite large. Less than half of the trees would be removed and the home would be located in the middle of the site, with dense tree cover. Although the Commission may require a photo simulation, he explained that the DRB had been satisfied with the tarp and the other photographs that had been presented.

Mr. Wright clarified that the public view would not be much higher and below an existing telephone pole. The roof of the parking would not be visible and while the crown of the roof would be visible, the plane would not.

Ms. Brække-Read acknowledged that the most difficult sites, such as the subject site, were the last to be developed. There were no other sites on Donald Drive as the subject site and the Town could not approve lots with similar slopes due to the Town's regulations.

Mr. Donaldson reiterated that Cal Engineering was satisfied with the applicant's geotechnical report which had been reviewed by the Town's Geotechnical Engineer. The site did not have an active landslide and the soils stability had been considered as part of the geotechnical report. He referenced the February 2013 report from Cal Engineering and identified Points 7, 8 and 9 which had not been completed as of February 2013. He understood that Point 9 had been completed as part of the new drainage plan and bio-retention basin being proposed in response to that comment which was under review by engineering, with new plan sheets having been included in the April 15 staff report. The draft conditions of approval included a requirement for additional review by the Town's Geotechnical Consultant with all engineering issues to be reviewed by the Town's Engineer pursuant to signed plans from the applicant's geotechnical expert, to be peer reviewed if necessary, by Cal Engineering under review and approval by the Town Engineer. This would address the concerns that had been identified in the February 2013 letter in addition to any mitigation measures as part of the previously approved Initial Study/MND.

Commissioner Schoenbrunner acknowledged the uniqueness of the project, the hurdles and the mitigation measures that had been identified to address them, and supported approval of the project at this time.

Commissioner Kline referenced the driveway which he viewed as similar to a deck which was not considered to be a structure. He deferred to the geological reports in terms of the stability of the hillside, noted the plans had called for the planting of more trees, and spoke to the issue of potential Town Council consideration of a grading permit. He referred to Chapter 14 of the Moraga Municipal Code (MMC), Section 14.04.032, which stipulated that no grading permit or Town Council approval was required. He supported the approval of the project subject to modification of the conditions of approval.

Commissioner Levenfeld commented that she had seen the project in several iterations and liked this project better than the first iterations. She was disappointed the rain water catchment system had been eliminated from the design and found the project to be interesting and unique, although she continued to struggle with the HDP and the size of the home. She agreed the home would not be clearly visible and while it appeared larger than some of the other homes in the area, she was not convinced the massing would be visible. She understood the requirements of the HDP and agreed that pursuant to the General Plan the project did not require Town Council review and approval, although it appeared to go against the spirit of the HDP requirements. She

agreed the project had been prepared in such a way as to not require a grading permit, and based on the staff recommendation it did not require Town Council review and approval. At this time, she could support the project although she still struggled with the intent of the HDP requirements.

Mr. Donaldson clarified that staff was not recommending the project could not go to the Town Council on appeal but that a grading permit did not require Town Council review and approval.

Commissioner Kuckuk commented that she had seen the project on more than one occasion as a member of the DRB and the Planning Commission. She agreed the lot was a legal lot, the property owner had rights to develop pursuant to current Town guidelines, acknowledged it was located on a steep slope, and having lived in the Montclair neighborhood for years recognized the standard construction. She commended the architect for preparing a plan which did not require a grading permit, which she did not see as a technicality, and suggested it was important the project did not require a grading permit. As to the geotechnical reports, they were on file, had been peer reviewed, and there was a condition of approval for a final sign-off by the Town Engineer. She deferred to those experts.

Speaking to the load and scale of the property, Commissioner Kuckuk stated the DRB had offered its guidance in that regard. She had less concern with what the structure would appear like in the daytime since it would blend in with the hillside given the way it had been constructed. In her opinion, obtrusive views of the property would likely arise from how it was illuminated in the evening through the trees which would be difficult to see in a photo rendering. She was inclined to recommend approval of the HDP and the project as a whole but had minor issues with conditions.

Commissioner Marnane was also concerned with the spirit and intent of the General Plan as it related to Town Council review. He trusted the project would be constructed appropriately in terms of the seismic issues and supported the project.

Commissioner Onoda commented that the spirit of Moraga and the General Plan had not been followed pursuant to the General Plan policies and guidelines. While the home was interesting and unique, she suggested there was a spirit of three stories which was inconsistent with the neighborhood. She supported denial of the application, suggested the home did not fit into the neighborhood, commended staff and the DRB and the discussion of all of the positive aspects of the home but suggested setting on the subject slope was not the right place for the structure.

Chairperson Comprelli suggested the Town Council had been looking forward when it had developed the Grading Ordinance. He found the site to be unique, was not in agreement that setting a precedent was an overriding concern, had carefully reviewed the staff report and the soils and seismic analyses, which would continue to be analyzed by the Town's Geotechnical experts.

Chairperson Comprelli found that the project was heading in the right direction. As to the visual impacts, he had no issues with the viewshed and the visual impacts in that views from the street during the daytime would be non-existent. He understood the concerns with the third story although it was not a third story and the visual access for that story would not be visible. In response to concerns with illumination in the evening, he agreed that was a concern and that would have negative connotations given the amount of glass that had been proposed. He suggested the project was worth support.

The Planning Commission walked through Attachment J, Draft Resolution for Approval of Hillside Development Permit, Residential Use Permit, and Tree Removal Permit, and the April 15, 2013 staff report, and made the following modifications:

- Page 2 of 7, Revise the fourth WHEREAS clause to correct the date to read "April 15, 2013;"
- Page 16 of 24 of the April 15, 2013 staff report (h), revise to require the eight conditions of approval the MOFD had recommended be incorporated into the resolution of approval also be incorporated into the conditions of approval;
- Page 2 of 7, revise the third WHEREAS clause to include the follow-up letter from Cal Engineering dated February 15, 2013;
- Findings in the draft resolution to be corrected to strike any reference to "duplex;"
- Add the following conditions to Part I - Findings for Approval of Hillside Development Permit, to read:

Require an assessment from the Public Works Department and Town Engineer of the condition of the road. The applicant is obligated to repair any damage to the road subsequent to construction.

Upon completion the easement shall be returned to the condition it was found.

Require final Design Review Board (to ensure compliance) approval prior to issuance of Building Permit.

On motion by Commissioner Kline, seconded by Commissioner Marnane to adopt Draft Resolution next in number to approve DRB 4-11 for a Conditional Use Permit, a Hillside Development Permit, a Tree Removal Permit, and Design

Review Approval of a 4,270.5-square foot single-family residence on a vacant 13,203-square foot hillside parcel at 1800 Donald Drive, subject to the findings and conditions as shown and as modified, carried by the following vote:

Ayes: Kline, Kuckuk, Levenfeld, Marnane, Onoda, Schoenbrunner,
Comprelli
Noes: None
Abstain: None
Absent: None

Ms. Brekke-Read identified the 10-day appeal process of a decision of the Planning Commission to the Town Council in writing to the Town Clerk.

B. 1043 Camino Pablo - Lot Line Adjustment, LL1-13, proposed adjustment to the size, frontages, and property line locations for three lots on Camino Pablo.

Ms. Brekke-Read identified the request for a lot line adjustment at 1043 Camino Pablo, a site short of 72,000 square feet containing three parcels with one single-family residence which had been used as a storage yard in the past. New property owners had requested a reconfiguration of the lots. Two of the lots would measure just over 13,000 square feet and the third lot would be 45,000 square feet; the lot line adjustment included the creation of a flag lot. She reported that the MOFD had weighed in on the request and the applicant had made sure the width of the easement was adequate. There was the possibility the larger lot to the rear could be subdivided in the future. She noted the Town was limited in its purview of lot line adjustments but conditions of approval related to General Plan, Zoning Ordinance, and Building Code compliance could be added. Staff had added a condition related to curb, gutter, and sidewalk along Camino Pablo tied to a building permit consistent with state law and the applicant was in agreement. The applicant had offered to dedicate right-of-way which was not Town-owned with curb, gutter, and sidewalk on either side of the project site.

PUBLIC HEARING OPENED

Ken Hertel, Project Architect, Lafayette, identified the location of the one-foot easement along the driveway width into Parcel B.

Ms. Brekke-Read affirmed the easement included a rounded corner for the turning radius for the hammerhead and to maximize the development potential for Parcel C. Speaking to Attachment A, the Draft Resolution, Page 2 of 2, Condition 4 requiring a fence along the emergency vehicle access (EVA) easement on Parcel B prior to issuance of a building permit for construction on Parcel B, staff had recommended a fence be constructed to the property line with the intent that the fence be permanent and not temporary. She added that the

MOFD had approved the size of the hammerhead although there was no letter of verification from the MOFD.

Tim Cecchin, Moraga, expressed his hope that the lot line adjustment would be approved to allow the lot to be a more logical size and shape to conform to the Town's standards, allow a home to eventually be built at the rear in which his family would reside, advised of the intention to sell the home on Parcel A as soon as the lot line adjustment had been approved, and noted the fence issue had been raised by staff and he was open to other suggestions to resolve that concern.

Mr. Hertel explained that he would be helping the Cecchin family to design a home on Parcel B and eventually on Parcel C. He commented that the crux of the work was to create developable lots to meet the Town's standards with the MOFD requiring the dedication of an easement regardless of a fence or a lot line deeded to the MOFD through an easement. The hammerhead had been located where proposed as a result of a drainage feature and to maximize the redevelopment of that feature to be made more consistent with the engineering requirements. He reported that in working with the MOFD, a large piece of apparatus had been driven down the existing driveway so that the MOFD could verify it could adequately navigate the roadway. He noted that imposing the fence at the 16-foot line would accomplish nothing to meet the needs of the MOFD.

Mr. Hertel advised that he had created a plan for Parcel B and would be disappointed if it must be fenced off with 6-foot fence which was not the right solution. That lot had been developed with a rear yard away from the road with a nice front elevation for the home, which he would hate to see cut off with a 6-foot fence. In addition, the intent was to utilize the existing structures, vegetation, and driveways of the property with minimal change, which was why the lots had been configured as they had been. The existing home also had an existing driveway and while there had been consideration to combine the driveways that would result in the loss of a great deal of vegetation. Instead, they wanted to stay within the existing pattern of development. The two parcels at the front were also sized larger than the adjacent subdivisions, and the project would maintain the development presentation of the community across Camino Pablo.

Mr. Hertel added that the Cecchins desired a larger parcel for their home to be farther away from the road, which was the reason they had not proposed four to five lots.

As to whether metal stakes could be used to provide the demarcation desired as opposed to a fence, Ms. Brekke-Read suggested the condition requiring a fence could be deleted.

Mr. Hertel noted the easement would be recorded and would follow the properties in perpetuity.

Mr. Hertel explained the MOFD had verified that the existing vegetation along the 16-foot right-of-way would not have to be removed, although some ground cover may creep into that right-of-way. The MOFD had identified the 16-foot requirement and had not required the removal of existing large trees as long as the MOFD apparatus could access the site which had been verified on-site. Having worked with the MOFD in the past, he explained they would work with any combination of surfaces as long as it fit the MOFD equipment.

When asked, Ms. Brekke-Read described the difficulty in making the findings for a variance, dependent primarily on the physical constraints of a site and noted it would be difficult to make those findings for the subject property. As to the retention of the existing trees within the 16-foot right-of-way and although that was acceptable to the MOFD and the Town, she noted that at any time the MOFD may require the trees to be removed. There was no structure at the rear and that issue would be addressed at the time of design review for a home when the plans would be forwarded to the MOFD to determine adequacy.

Jay Williams, Moraga, identified himself as a neighbor. He understood the property owners desired a large parcel but inquired of the goal for the parcel, asked of the goal of the hammerhead and Parcel C, and expressed concern the property could be split again.

An unidentified speaker expressed his hope there could be consideration for the flag lot to be moved to the other side of Parcel A.

Mr. Cecchin reiterated the intent to open the lot lines to allow the lots to be in conformance with the Town's requirements.

Mr. Hertel commented that the driveways could not be reversed. He had followed the existing pattern of development and any modification would be a radical change to the neighbors on the other side and could pose difficulties to the Public Works Department. It would also impact the existing home on Parcel A, the existing trees, and would not be logical from the basis of the existing pattern of development. In addition, the property was the Cecchin homestead; they had small children and were Moraga residents. He explained that he had prepared site development plans to construct a reasonably sized home with lots of space around it, room for the children, a pool and exterior outdoor living area, which the two parcels would provide. There was no intent to further subdivide the parcel.

PUBLIC HEARING CLOSED

Ms. Brekke-Read responded to questions about the FAR noting that the FAR limits would not apply to lots greater than 20,000 square feet in size. In the existing configuration, Parcel C was the only lot with the FAR limitation and with the new proposal Parcel C would still be the only parcel with a FAR limit.

Commissioner Schoenbrunner found the request to be reasonable, would minimize changes to the existing lot, was compliant with the intention and spirit of the General Plan, and she supported approval of the application.

Commissioners Levenfeld and Kline also concurred.

Commissioner Kuckuk favored approval with the elimination of Condition 4, which she saw as a detriment that would create an alley-like situation and which would be covered by the recordation of the easement. She supported approval of the project.

Commissioner Marnane also supported approval of the project.

Commissioner Onoda was very familiar with the property, was delighted to see the future plans, found the existing trees to be beautiful, and suggested the property owners were doing the right thing. She supported the project.

Chairperson Comprelli agreed with the comments and with the elimination of Condition 4.

On motion by Commissioner Kuckuk, seconded by Commissioner Levenfeld to adopt Draft Resolution next in number to approve LL1-13, Lot Line Adjustment for 1043 Camino Pablo, subject to the findings and conditions as shown, with the elimination of Condition 4, carried by the following vote:

Ayes:	Kline, Kuckuk, Levenfeld, Marnane, Onoda, Schoenbrunner, Comprelli
Noes:	None
Abstain:	None
Absent:	None

Ms. Brekke-Read identified the 10-day appeal process of a decision of the Planning Commission to the Town Council in writing to the Town Clerk.

VI. ROUTINE & OTHER MATTERS

A. Review and Update on the General Plan Implementation Report

Ms. Brekke-Read reported that pursuant to state law local agencies must submit an Annual Planning and General Plan Implementation Report prior to its

submittal to the Town Council and the State Department of Housing and Community Development (HCD).

The Town must also provide evidence to the Contra Costa Transportation Authority (CCTA) that the report had been updated in order for the Town to receive its portion of Measure J sales taxes. Work program priorities and recommendations must also be made to the Town Council related to the implementation of the General Plan for the 2013-2014 Fiscal Year Budget, with staff to bring the matter to the Town Council on May 8. She urged the Planning Commission to review the report and provide direction to staff. Given the volume of the report, the Planning Commission could again discuss the item at its next meeting to allow a recommendation to the Town Council in time for its May 8 meeting.

Senior Planner Ellen Clark reiterated the intent of the review of the General Plan Implementation Report for the next fiscal year. She identified Attachment A, the Annual Planning and General Plan Implementation Report for January 1 to December 31, 2012, and walked the Commission through the list of key efforts and challenges in implementing the General Plan, as shown on Page 5 of 28 and the mandated and ongoing work programs identified by the Town Council as shown on Pages 5 and 6 of the April 15 staff report.

Ms. Brekke-Read advised that the General Plan Implementation Report had been forwarded to all Town Departments. Most Departments had responded and comments would be incorporated into the report.

Commissioner Onoda supported the modernization of the record keeping and archiving systems.

Commissioner Levenfeld spoke to the Housing Element Update, noting the last time the Housing Element had been updated the Commission had been led to believe that secondary units would qualify as affordable housing although there was no inventory of secondary units in Moraga. She expressed her hope that an inventory of secondary dwelling units could be identified in the future.

Chairperson Comprelli agreed with the need for accurate accounting of secondary units given the upcoming public hearings for the Bollinger Valley project.

Ms. Brekke-Read clarified the ongoing work program for Facilitate/Coordinate Rheem Theatre Upgrades, which had been identified as a Town Council goal. Staff was pursuing the designation of the theatre as a historic landmark and processing an application for the theatre to provide Americans with Disabilities Act (ADA) upgrades.

Ms. Clark also clarified that the Livable Moraga Road Project had not included a reference to Measure K funds since Measure K projects were primarily with the Public Works Department. Staff was working to prepare a work program for Measure K funds.

A typographical error was identified on Page 25 of 28 of the General Plan Implementation Report, to the first paragraph under the table shown on the same page, to be corrected to read:

In 2012, no new residential units were constructed and none were designated as below-market rate or affordable housing.

Ms. Brekke-Read explained that the Capital Improvement Program (CIP) would be presented to the Planning Commission in May and must be found consistent with the General Plan Implementation Program, to also be forwarded to the Town Council.

Commissioner Marnane sought a list of prioritized mandated and ongoing work programs which could be helpful in the future. He noted Items C5, G2, K7, I1 and L7, as shown in the General Plan Implementation Report, all referenced traffic with a focus on Lafayette versus Moraga. He suggested an action item would have to be confronted at some point in the future. He also referenced the discussion of master plans under Item G. Facilities, with no discussion on the Saint Mary's College (SMC) Master Plan and clarified with staff the SMC Master Plan was private with the Town regulating and processing a major project application.

The Planning Commission discussed prioritizing the list of mandated and ongoing work programs as shown on Pages 5 and 6 of the April 15 staff report, and primarily found that all items were of importance. The Commission clarified with staff the process for major project applications and entitlements and in the case of the Bollinger Valley Environmental Impact Report (EIR) during the April 17 Special Meeting, the Planning Commission would only be asked to discuss the adequacy of the EIR.

By consensus, the Planning Commission forwarded the General Plan Implementation Report to the Town Council, subject to the comments provided and with the understanding that Commissioners would also be able to provide further written comments to staff.

Commissioner Marnane advised that he had written suggestions and comments to provide to staff.

Ms. Brekke-Read understood the Commission's direction to forward the report to the Town Council and clarified that staff would continue to pursue the mandated and ongoing work programs as identified.

VII. CORRESPONDENCE

A. One Bay Area Correspondence

Ms. Brekke-Read provided the Planning Commission with the One Bay Area correspondence, described the One Bay Area Grant for transportation projects, and reported that Town staff is applying for a One Bay Area Grant as part of the Transportation Improvement Program under the Sustainable Communities Strategy. The item was informational only.

VIII. REPORTS

A. Planning Commission

Commissioner Levenfeld reported that she had attended the April 8 DRB meeting with one of the items having been continued and consideration of three routine items: status of landscaping at a telecommunications facility on Alta Mesa Drive with an agreement that staff check in with the applicant in six months to ensure the viability of the plants; Town of Moraga Parks and Recreation signs in need of replacement with standards adopted by the DRB for the new signs and the Moraga Garden Club having pledged funds to replace the Moraga Commons sign; and the election of Chair and Vice Chair.

Commissioner Kline spoke to the Valero Gas Station located at the north end of the Moraga Center which was to have installed a caution sign at the back curve, which sign had been replaced with a "buy propane" sign. In addition, he noted the telecommunications facility at Alta Mesa Drive was clearly visible with no plant material to provide screening.

Ms. Brekke-Read reported that the operator of the Valero Gas Station was in non-compliance with the sign conditions of approval and staff was to pursue code enforcement. As to the Alta Mesa Telecommunications site, she found story poles to be a better method to illustrate the potential views, noting they were now required as a matter of new construction and for all telecommunication facilities to illustrate height and bulk. She would contact the applicant to determine whether vegetation could be provided.

Commissioner Kuckuk reported that she had attended the interviews for the Livable Moraga Road project with three firms having been considered for the project design.

Chairperson Comprelli reported that he had attended a recent Liaison Meeting. He took the opportunity to invite everyone to participate in Moraga Beautiful on April 20 at 9:00 A.M., and to the April 22 Triathlon. He also reported that Moraga School District (MSD) schools had experienced an increase in enrollment more than it had seen since 2002.

B. Staff

Ms. Brekke-Read reported that the Town Council had received a report on the Measure J Livable Moraga Road on April 10, with staff to return with a contract and scope of work; the Town Council authorized staff to submit two grant applications with the CCTA for a roundabout at Rheem Boulevard and Saint Mary's Road including a \$500,000 grant for pedestrian and bicycle improvements and off-set trails within the public right-of-way but away from the road within the Moraga Center Specific Plan (MCSP) Area; and authorized staff to hire a second Senior Planner for the funded Associate Planner position, which had been done. She would be asking for the approval of a third Planner as part of the budget process. She emphasized that development activity in the Planning Department had increased.

IX. ADJOURNMENT

On motion by Commissioner Levenfeld, seconded by Commissioner Onoda and carried unanimously to adjourn the Planning Commission meeting at approximately 10:30 P.M.

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Secretary of the Planning Commission