

**TOWN OF MORAGA  
PLANNING COMMISSION MEETING**

Joaquin Moraga Intermediate School Auditorium  
1010 Camino Pablo  
Moraga, CA 94556

April 17, 2013

7:00 P.M.

**MINUTES**

**I. CALL TO ORDER**

Chairperson Comprelli called the Special 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  
Rob Brueck, Hauge Brueck Associates  
Amy Skewes-Cox, Contract Planner

**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**

In response to a member of the public as to the process for the public hearing, Town Attorney Karen Murphy advised the Planning Commission would be asked to receive public comment on the adequacy of the Draft Environmental Impact Report (DEIR) for the Bollinger Valley Project. She clarified that the *Public Comments* section of a meeting agenda was reserved only for general comments on any item not on the agenda.

Lee Lawrence, Valley Hill Drive, Moraga, explained why she had purchased her home in a rural setting away from traffic, able to keep horses in a quiet neighborhood that was zoned for five-acre minimum lots. Her rear fence was near the Las Trampas Wilderness area and few homes were visible from her property. She opposed the agriculturally zoned, 126-home Bollinger Valley project as incompatible with her neighborhood which was also zoned agricultural.

Ms. Lawrence commented that her property had been completely organic for the past 12 years and she raised free and pasture range chickens. She desired a secluded and rural environment to be able to live with all the associated wildlife, and she opposed potentially up to 1,400 new car trips using the road which would have to be completely redesigned into two divided lanes under the protest of the property owners who owned the easement and were unwilling to expand it. She expressed concerns with the use of eminent domain to expand the roadway, with potential fire and safety hazards with vehicles obstructing the road, with fire access and the removal of the trees identified in the DEIR, with air quality as a result of additional traffic, and would rather see the Town focus on community values and establish a community-oriented urban design. She urged more bicycle and walking improvements, suggested the Town would thrive as a result, asked for consideration of an entrance through Joseph Road and The Bluffs, with compacted allotment on the Bruzzone property near The Bluffs increasing to larger acreage farther away and a large park at the end to preserve open space. She urged the preservation, not the development, of the agricultural treasure of the Bollinger Valley.

Ms. Murphy clarified that the last comment would be incorporated into the Response to Comments to the DEIR. She reiterated that this portion of public comment was only for those comments not related to the public hearing item.

### 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. Bollinger Valley Project** - The public hearing will provide an opportunity to submit oral comments on the information and analysis in the Draft Environmental Impact Report (DEIR) that addresses the 126 proposed single-family lots on a 186.33-acre site at the eastern edge of Moraga. The applicant has requested an amendment to the General Plan, changing the site's designation from "Study" to a mixture of "Residential 2 du/ac" and "Open Space." A rezoning would also occur. A Conceptual Development Plan (CDP) would require approval as the first stage of the development process. The project would also include 25 second units, widening of Valley Hill Drive, a new Emergency Vehicle Access (EVA) north of the site in the City of Lafayette, major utility improvements, onsite detention basins, and other features.

Planning Director Shawna Brekke-Read explained that the intent of this public hearing was to receive public comment on the adequacy of the DEIR for Bollinger Valley. She took the opportunity to introduce the project consultants, including Rob Brueck with Hauge Brueck Associates, whose firm had prepared the DEIR and who would also prepare the Response to Comments document. Amy Skewes-Cox, a Contract Planner with the Town, was also present and would be acting as the staff person for the project.

Contract Planner Amy Skewes-Cox offered an overview of the project and the project site located on the far eastern edge of the Town of Moraga, adjacent to county lands, and south of the City of Lafayette. She displayed a Google Earth photograph of the site with views of I-680, Highway 24, the Town of Moraga, and development to the west, noting that the site had been designated "Study" requiring an analysis to determine the best new zoning category to be applied at a future time. The adjacent zoning is Moraga Open Space Lands Density Transfer, The Bluffs residential development located west of the area, and Saint Mary's College (SMC) to the southwest. The county area located to the east of the site was designated A2-Agricultural zoning and a small area of R-15 Rural Residential, and the City of Lafayette property to the northern edge of the site was zoned Rural Residential, one unit per ten acres. A Google Earth overview was displayed showing how much of the site was woodland area and tributaries of Las Trampas Creek. The site had a number of slopes ranging from 1,026 to 1,650 feet above mean sea level. Valley Hill Drive was approximately 10 to 24 feet in width and the proposal would increase the road width to 36 feet with a 5-foot wide sidewalk. There is currently a 60-foot wide roadway utility easement along Valley Hill Drive.

An overview of the ridge tops was identified, with one long ridgeline with elevations ranging from 899 feet to 1,076 feet above mean sea level. The branch Ridgeline extended to the south with an elevation of about 865 feet. The site included 50 mapped landslides although the area was devoid of landslides in the more level area on the eastern edge and the vegetated corridor following the onsite tributary to Las Trampas Creek. The vegetation consisted of oak woodland along the tributary areas and along the far northeastern corridor where another waterway was located. Tributaries and waterways on the site were identified along with small areas of wetlands with one small waterway along the northeastern corner flowing towards Lafayette with the vegetative corridor following the tributaries. A slope map was also provided to show the slopes greater than 35 percent, 30 to 25 percent, and 25 to 30 percent. The predevelopment slope calculations prepared by the applicant had found the average slope to be 24.64 percent for the proposed plan and 24.37 percent for the mitigated plan. A two-dimensional drawing of the CDP was presented for the 126-single family lots to be concentrated in the northern and western portions of the site.

A Google Earth feature showed the site plan, geo-referenced showing the roads lining up with Valley Hill Drive, and views of how the lots would follow the ridgelines in a portion of the project going over the ridgeline into Lafayette on the far northern portion of the site. The grading plan was also displayed to show that 145 acres would be graded on the site in addition to the lots. In addition to the onsite lot development, offsite features included an EVA at the north end of the site which would be located in the City of Lafayette and follow an existing gravel road connecting to St. Mary's Road, and major improvements proposed to Valley Hill Drive to primarily widen the roadway and provide sidewalks.

Ms. Skewes-Cox explained that the DEIR had looked at the proposed project but had also identified five alternatives ranging from a no-project alternative to a 121-lot subdivision. Each of the alternatives had been evaluated for each of the topics in the DEIR. She noted that some of the alternatives would require a great deal more grading than shown in the "development area" overview illustration of the project and alternatives. The alternatives included Alternative 1, No project; Alternative 2, Minimum Development Alternative for 8 lots; Alternative 3, General Plan Density Assumption Alternative for 37 lots; Alternative 4, Clustered Housing Alternative for 100 residential units, and Alternative 5, Site Redesign Alternative for 121 lots.

Rob Brueck, Hauge Brueck Associates, offered a brief summary of the resource issues that had been found in the DEIR as significant impacts which had been included in the April 17, 2013 staff report. He identified the California Environmental Quality Act (CEQA) process which had been followed to date, with an application having been filed with the Town and the preparation of an EIR to identify potential significant impacts. An Initial Study/Mitigated Negative Declaration (MND) had also been prepared and circulated as part of the Notice of Preparation for the EIR in 2006, followed up with a second Notice of Preparation in 2007, which had been circulated, and with comments on both documents allowing the preparation of the DEIR for the project. Since that time, several alternatives had been considered, provided to the Town for review, and included in the DEIR. The public comment period for the DEIR had commenced on February 22, 2013, and in order to accommodate some school events and meeting times, the public comment period had been extended to 60 days from the mandatory 45 days.

Mr. Brueck pointed out the significant and unavoidable impacts that had been identified in the EIR for the project, as proposed, and for the alternatives. Numerous significant and unavoidable impacts related to air quality, greenhouse gas emissions (GHGs), hydrology and water quality, stormwater runoff, land use density and consistency with adjacent land use, public service related to the Moraga-Orinda Fire District (MOFD) access, transportation for emergency vehicle access, failure of roads and Level of Service (LOS) standards.

Impacts that had been identified as able to be mitigated to a less than a significant level included impacts to viewsheds in Lafayette and Moraga related to the ridgelines, visual quality of the interior of the site from light and glare from the development, air quality as a result of the short-term construction emissions, biological resources to habitat and wetlands disturbance during grading and construction on the roadways, impacts to special status species, cultural resources, geology and soils related to landslides on the site, hydrology and water quality related to ground water recharge and drainage, stormwater treatment, and potential for mudslides after the development had occurred.

Land use issues included consistency and incompatibility with the densities proposed for the site as compared to what existed in adjacent residential areas; noise impacts as a result of short-term construction noise and vibration impacts; impacts on traffic and on local roadways and more regional roadways, population and housing related to exceeding the growth anticipated in the General Plan EIR for the site; public services with more increased demands on police, fire and parks; transportation related to increased vehicle trips with temporary construction impacts to roadways during construction; utilities and hazards related to an increased demand for utilities including water, power, and wastewater; and the transportation of hazardous materials during the construction period.

Mr. Brueck offered a comparison of the alternatives, the project details, and the project impacts, all identified in the DEIR, with Alternative 3, the 37-lot alternative having been identified as the environmentally superior project.

Mr. Brueck described the upcoming CEQA process with the subject hearing intended to receive public comment on the adequacy of the DEIR with written comments to be accepted until April 23, 2013, and preparation of a Final EIR (FEIR) including any responses to comments and any changes to the text that may be required. The Planning Commission would make a recommendation on the adequacy of the FEIR and a recommendation on the project approvals to the Town Council to allow for certification of the environmental documents. The Town Council would then determine the adequacy of the EIR, take action on the certification, and make findings as to whether the impacts could be mitigated, and if necessary make Overriding Consideration Findings for significant unavoidable impacts associated with the project alternative to be adopted, and then consider the different project approvals after EIR certification.

Responding to the Commission, Ms. Skewes-Cox clarified that for any mitigation measures outside of the control of the lead agency, it was important that those impacts be identified as significant and unavoidable given that the lead agency did not have control over whether or not they were accomplished.

## PUBLIC HEARING OPENED

Dave Bruzzone, Property Owner/Applicant, Moraga, explained that his family had moved to the Lamorinda area in 1906 and his father had purchased part of the ranch in the 1960's. In the 1970's, the Bruzzone family developed The Bluffs neighborhood which been developed at 3 lots to the acre, with Joseph Drive designed as a collector street connecting to Bollinger Canyon Road. At around 1976/78, he explained that the Town Council had taken actions to terminate Joseph Drive and had informed the Bruzzone family it had to improve access to Valley Hill Drive. In 1974, the Town of Moraga incorporated; in 1979 the first General Plan was prepared and designated the Bollinger Valley as "Study," requiring site specific analysis for future residential uses. In 2000 and 2002, the Bruzzone family worked closely with the Town Council and the Planning Commission to develop a definition for the "Study" designation in the General Plan, and the Town Council had agreed that future site specific analysis paid for by the Bruzzone family would be a General Plan policy. In 2003, the Bruzzone family submitted a study including geotechnical, biological, and important considerations for the Bollinger Valley. In 2006, additional studies had been submitted to the Town for mitigated alternatives. In 2010, the Bruzzone family met with the community, the Town Council, and the Planning Commission and submitted a third alternative; the open space and clustered housing concept.

Dick Loewke, Loewke Planning Associates, San Ramon, advised that two pieces of correspondence had been submitted and should have been provided to the Planning Commission. An additional technical letter would be submitted in the next week. He described the project site as one mile from St. Mary's Road adjoining The Bluffs neighborhood within the Town's boundary and within the Central Contra Costa Sanitary District boundary, East Bay Regional Park District (EBRPD) ultimate service boundary, and the countywide voter approved Urban Limit Line (ULL), with the site situated east of The Bluffs neighborhood; 300 feet above St. Mary's Road. The lower hills separating the site from the surrounding landscape were visible and the interior of the site was not visible, although the ridgeline from Las Trampas was visible, and rising from that location 2,000 feet above the roadway over the lower hills separating the site from the surrounding landscaping was a bowl where in each of the alternatives all of the housing units would be situated. He noted that approximately 120 families were currently dependent on Bollinger Canyon Road as the sole means of access, with no emergency access serving the area.

The project alternative and Alternatives 4 and 5 provided critical circulation improvements, mandatory for any development of the property. Also incorporated into the project area would be a series of localized improvements along the length of Bollinger Canyon Road leading down to Valley Hill Drive.

Mr. Loewke commented on the expense of replacing Valley Hill Drive and as shown in the mitigated alternative, and Alternative 4, the MOFD would accept nothing less than a minimum 24-foot width to create a stable roadway that would last whether one or 126 homes were built. He identified the EVA that would continue north from the project site directly back to St. Mary's Road and which would serve the entire community. He also noted that within Bollinger Canyon Road, the feasible alternatives must extend sanitary, sewer, and water trunk lines, provide pump stations, and extend those services into the project site, as necessary, whether one or 126 homes.

Mr. Loewke commented that the feasible alternatives had identified two East Bay Municipal Utility District (EBMUD) water storage tanks to provide potable water and fire protection to the entire area; a series of hydrants to be built along the access road into the site; and water quality basins in each of the alternatives to support the site to ensure that drainage was cleaned, retained, and discharged pursuant to Clean Water Act C.3 standards. In addition, there was a series of slope stabilization improvements the DEIR analysis had not addressed which dealt with the repair of landslides that would otherwise continue to undermine the creek banks that were already eroding at significant levels threatening utility and roadway improvements and the homes themselves, whether one or 126 lots.

Mr. Loewke emphasized that the cost of the improvements ranged between \$30 and \$35 million as upfront capital costs, representing a burden on any of the feasible alternatives in the amount of \$300,000 per lot; and if imposed on a lesser unfeasible alternative, it would make them unfeasible. For that reason, he noted the importance to not dismiss an impact and make assumptions. He referenced the current General Plan and a diagram that identified a land use classification he had proposed; 2-DUA and Open Space, that on a site specific basis correlated with the project alternative and both Alternatives 4 and 5. He pointed out it was not unlike the General Plan designation the community had applied to other recent projects including Palos Colorados, Sanders Ranch, and The Bluffs.

Mr. Loewke further commented that the project was important to the feasibility of the community and the Moraga Center Specific Plan (MCSP), with the analysis for the MCSP having focused on the viability of a vibrant downtown, and having identified the project by name and at 126 lots. The proposal also dealt with life safety improvements that would not only support the residents of the project but enhance the safety of the entire area. It would also focus on single-family detached semi-rural development, a hallmark of the community, and something the Bruzzone family had fiercely attempted to advance and maintain.

Dale Walwark, Camino Ricardo, Moraga, recognized the tremendous amount of work that would have to occur on three roadways; Bollinger Canyon Road, Valley Hill Drive, and the new EVA which would be challenging and expensive. Mr.

Walwark suggested that roadway expense would impose a financial burden on the developer and the project to require enough homes to be built at high enough prices to make the project worthwhile. He recognized the intent in Moraga to keep things in scale, with most developments in the Town taking time, resulting in smaller and better developments. Neither for nor against the proposal, he recognized the challenges and pressure required to make the project large enough to be worthwhile.

Roger Poynts, Donald Drive, Moraga, stated that he had sent an e-mail this date to staff that he hoped had been included in the Planning Commission packets, which had raised concerns related to the potential for a Geologic Hazard and Abatement District (GHAD). He advised that he was the engineer of record for the Oakhurst Country Club located in the City of Clayton, which had formed a GHAD allowing that jurisdiction to have a special entity, and in the case of Clayton, included the Clayton City Council. In that case, the GHAD had gone broke and the City of Clayton had settled a lawsuit. He urged the Planning Commission to review that information carefully and make an informed decision whether a GHAD should be required. He did not want to see the Town take on more liability.

Suzanne Jones, Bollinger Canyon Road, Moraga, representing Preserve Lamorinda Open Space, referenced the extent of the grading and landscaping operations as part of the 126-, 100-, and 121-lot plans. She noted that the DEIR had shown the grading volume for the 126-lot plan at 1.5 million cubic yards of soil, 1.975 million cubic yards of soil for the 121-lot plan, and no figure provided for the 100-lot plan. She emphasized the extent of the grading involved in those plans and expressed concern that the DEIR had not shown the extent of cut and fill depths for each of the alternatives and how they would reshape the landscape. She pointed out that the overlays shown in the staff presentation had only shown the site plan for the existing topography but had not shown how the topography would change. She also noted there was no numeric information contained in the DEIR identifying the topographic information for the project, and Figure 2-10 had been produced at such a size as not to be legible.

Ms. Jones commented that a geotechnical report had also not included numeric information but hinted to the extent of the topographic alterations that had been proposed and included a small set of pre- and post-contour cross sections. The cross section for the 100-lot plan had shown that 90 feet of fill would be placed on the hillside to create a flat plateau which would be hundreds of feet across to accommodate homes on what was currently a steep slope. The General Plan contained numerous policies to preserve the natural landscaping, and the construction of a massive manmade plateau on 90 feet of engineered fill would not retain the natural topography. She therefore disagreed with the DEIR's conclusion the project was consistent with the policies of the General Plan.

Ms. Jones also noted the DEIR had not included the building pad elevations, heights of the homes, and any photo simulations, and their absence made it impossible to judge the visual impacts of the homes. In addition, the DEIR list of public viewpoints was woefully incomplete having missed the miles of public trails which surrounded the project within the Las Trampas Regional Wilderness, St. Mary's College (SMC), and Palos Colorados open space. She requested that the same level of visual impact and grading analyses that had been required of the Rancho Laguna and Palos Colorados EIRs be provided, and asked that the DEIR be revised to fill the gaps in information, and be re-circulated so that the project could be analyzed and reviewed by the public.

Gerri Joyce, San Pablo Court, Moraga, a resident of The Bluffs neighborhood, commented that she had reviewed the transportation section of the DEIR, specifically Section 4-LL3, as written, and suggested the project would impact the St. Mary's Road/Bollinger Canyon Road and Joseph Drive/Bollinger Canyon Road intersections which serve the homes on Bollinger Canyon Road, and which had not been mentioned in the table contained in the DEIR. She suggested that adding a left-turn lane on St. Mary's Road would be inadequate once the traffic increased on Bollinger Canyon Road where left-hand turns would not be permitted onto St. Mary's Road. Also, as one proceeded on Bollinger Canyon Road onto Joseph Drive, there were no shoulders on the road and traffic would have to be very slow to avoid potholes, pedestrians, bicyclists, students from SMC, and telephone poles abutting the pavement. She questioned how the road could be widened. She added that the intersection of Joseph Drive/Bollinger Canyon Road was adjacent to a sharp curve on Bollinger Canyon Road where traffic traveling right onto Bollinger Canyon Road would be unable to see traffic on the left-hand side, nor would Bollinger Canyon Road vehicles see vehicles stopped at the stop sign, all of which had not been addressed in the DEIR.

Mary Fenelon, Carol Lane, Lafayette, Director of the League of Women Voters Diablo Valley, expressed the League's opposition to the Bollinger Valley proposal since the potential development violated many of the League's positions on land use, agriculture, sustainable development, preservation of natural resources, transportation, defense of General Plans, and the protection of the Urban Limit Line (ULL). The League's position on land use strongly defended Moraga's General Plan which had zoned 186 acres of Bollinger Valley as an agricultural area. The county had zoned the unincorporated land beyond the Bruzzone property as agricultural and the Bollinger Valley had not been included within Moraga's ULL, but rather had been designated as an area for study. The League also opposed sprawl and supported the protection of agricultural land and open space against the threat of urbanization. The project also violated the League's policy on transportation with a dependence on single-occupancy vehicles and the Bollinger Valley would be more than two miles from any bus station or access to public transportation.

Ms. Fenelon reported that the League recommended that any new development be compatible and consistent with its surroundings, suggesting that placing over 126 single-family homes in the 100 percent agricultural area would violate this principle. She also referenced the numerous habitat and wildlife species that would be negatively impacted by the project; noted the League had been engaged in the OneBayArea Regional Planning as conducted by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), which recommended high-density housing close to public transportation to create sustainable, environmentally-sensitive development in a community, with open space and agriculture to be protected and urban and suburban sprawl to be discouraged. She urged the Planning Commission to oppose the application.

Dan Batlin, David Drive, Moraga, a resident of The Bluffs, expressed his belief in responsible and controlled growth. He recognized the Bruzzone family had the right to develop its property as long as it did not impact the quiet enjoyment of the adjacent residents. He spoke to the increase in classrooms that would be required to accommodate 126 new homes impacting the student-teacher ratio, and referenced Table 3-1 of the DEIR which had shown no significant impact to schools regardless of mitigation and absent any evidence to support the conclusion. He expressed concern with impacts to the Moraga School District (MSD), one of the values of living in Moraga, which could impact property values. He also expressed concern with the condition of Bollinger Canyon Road which required annual maintenance given landslides and seismic activity, expressed concern with the increase in traffic 126 more homes would create, the potential for eventual stop lights at the Bollinger Canyon Road/Joseph Drive and St. Mary's Road/Bollinger Canyon Road intersections, the loss of the semi-rural character, increase of the carbon footprint which had not been addressed in the DEIR, the necessary redesign of traffic circulation, and the concern that Bollinger Canyon Road could fall into further disrepair.

Mr. Batlin added that light and noise pollution had also not been specifically addressed in the DEIR and he questioned how many decibels the construction would create, the increased glare to be created with lights on in the new homes during evening hours, whether lights would be required along Bollinger Canyon Road, and given the recent history of light and noise complaints related to SMC, questioned how the concerns would be minimized or eliminated for a project that would be closer to the neighbors than SMC. He added the effect of the EVA on emergency services had not been addressed in the DEIR; questioned how the project conformed to officer-to-resident ratios; questioned how the increased population would impact the existing emergency services response times; expressed concern with impacts to commercial activities in the Town with the Town having an already overcrowded supermarket since Safeway was the only market in town, and there were only two pharmacies in town.

Mr. Batlin also questioned how the increase in population would impact an already dilapidated commercial environment. He suggested that Alternatives 2 and 3 provided reasonable alternatives and he looked forward to learning more about how to reach a compromise.

Judie Howard, Joseph Drive, Moraga, commented that prior to allowing more development, the community had yet to realize the impacts from the as-yet-to-be-built SMC Recreation Center, the Palos Colorados development, and the Painted Rock Winery, with no discussion on repairing the existing condition of Bollinger Canyon Road. She agreed with the concerns with the existing speed of traffic along Bollinger Canyon Road which had become hazardous, and expressed concern how more development in the future with heavy construction equipment several times a day on the roadway would further deteriorate the roadway. She also questioned the impact of more development in the surrounding communities of Lafayette and Orinda.

Joan Marable, Valley Hill Drive, Moraga, questioned how many of the current Planning Commissioners had actively been part of the Palos Colorados discussions. Having been involved in that project for the past 20 years, she urged a review of the transcripts from those discussions. She commented that the issues related to that development also applied to the Bollinger Valley which would involve greater impacts. She urged compliance with the General Plan relating to ridgelines, wildlife, water, and the like and pointed out that during the Palos Colorados discussions there had been efforts to do things differently than the plan, although through the efforts of the Lamorinda community, those efforts had been denied with wildlife and water having been saved. She noted the road could not be repaired absent impacts to the wildlife and waterways, with changes to the entire topography also impacting soil stability. She urged a less dense project either in the 1 in 5, or 1 in 10 units to the acre range, depending on the steepness of the hillsides. She did not want to see the loss of pristine land that in her opinion should be placed in a land preserve or parkland.

Annie Rivoire, Senior Planner, East Bay Regional Park District (EBRPD), advised that the EBRPD had not yet prepared comments for submittal other than to remind everyone that EBRPD was a nearby neighbor to the east and the project site was visible from some of the regional wilderness. The EBRPD had a long-term goal to add additional public access at the northern end of Las Trampas, and had long considered opportunities along Bollinger Canyon Road and other locations within the area. She noted that EBRPD would be refining its comments to be provided to the Town, in writing, and she thanked the Planning Commission for the opportunity to hear the presentation and listen to the public comments.

Laura Zucker, St. Mary's Road, Moraga, commented that she had moved to her residence in 2006 and since that time she had learned that Moraga had no connection to a major highway.

Ms. Zucker noted that St. Mary's Road was a popular route and the population at SMC had increased. With more homes, traffic would increase on St. Mary's Road, which was already congested with air and noise impacts. She questioned how additional development could be allowed without providing alternate means of ingress/egress.

Gary Howard, Joseph Drive, Moraga, concurred with the concerns with the existing traffic conditions on the Town's roadways; the condition of Bollinger Canyon Road which was in deplorable condition; the number of new vehicle trips that could be generated with a 126-home development not including the construction traffic and which the current roads would not be able to accommodate; and referenced the limited ingress/egress on the three main routes in Moraga, all of which would be impacted by new development. He added there would be impacts to existing utilities, sewer, water, cable, and PG&E during the build-out period, and the DEIR had mentioned no improvements to Bollinger Canyon Road. He also expressed concern with the potential impacts to the surrounding Lamorinda communities with the Town facing possible legal action if the project was allowed to move forward.

Kristina Maiken, St. Mary's Road, Lafayette, echoed the comments made thus far, and found the project to be out-of-scale of the existing infrastructure with the St. Mary's Road corridor a major thoroughfare in and out of Moraga. She suggested the addition of 126 homes would make the road a freeway impacting the rural atmosphere of the area. She urged consideration of a smaller scale project and supports connecting Bollinger Canyon Road in Moraga to I-680.

Kelley Griest, Joseph Drive, Moraga, commented that her property was a large 60-acre parcel which bordered the subject property to the west. Her land was agricultural and she maintained cattle. She noted the DEIR had not addressed any potential impacts to her well. She also spoke to the water tanks located on the proposed development site on the west side which the EIR had mentioned would be recessed although close to the ridgeline and her property line. She was uncertain the water tanks would be recessed enough to be less visible to the top of Joseph Drive. She also questioned whether lights would extend and be visible from the top of Joseph Drive as part of the 126-lot plan.

Jenny Kallio, Topper Lane, Lafayette, recalled there had been at one time a Gateway project that was to have ingress/egress to Highway 24 and not direct traffic anywhere near Lafayette and Orinda although that had not been the case and Lafayette and Orinda had suffered with traffic flows from Moraga. She described the downtown traffic situation in Lafayette as deplorable and stated that Moraga Road was always congested. She advised of her intention to provide comments in writing pursuant to the deadline for the DEIR to outline her specific objections to some of the potential impacts.

Ms. Kallio suggested that more traffic signals on St. Mary's Road were neither a desirable nor appropriate mitigation. She emphasized that Lafayette already had infrastructure that had been damaged by Moraga traffic with no money in Lafayette for road and infrastructure repairs. She spoke to a number of housing projects that had been approved and not yet constructed in Moraga and that all would bring more traffic to Lamorinda communities. She also understood the Lafayette City Council, Planning Commission, and Lafayette Homeowner's Association (HOA) all planned to respond and provide written comments on the DEIR.

Brian Walgenbeck, Valley Hill Drive, Moraga, stated that Valley Hill Drive was a private road, privately maintained by the 16 residents, with no fiscal impact to the Town, and the entrance to the project would be directly across from his driveway. He emphasized the negative impacts to circulation on the roadway as a result of the project which would be dramatic to the residents, agreed there were circulation issues on Joseph Drive, and was uncertain how taking people up and over the hill and around would offer a solution. He noted the DEIR had not addressed existing wells, with drainage from the project feeding his well. He expressed concern with movement of the soil also impacting his well.

Eric Kolhede, Valley Hill Drive, Moraga, understood the Bruzzone family had the right to develop its land but understood that development must be done in a reasonable manner. He found the applicant's statement that the project would enhance safety to the residents of the area to be disingenuous and bogus. He noted that Valley Hill Drive was a one-lane road bordered by a creek and hillside, could not be widened, and with 126 additional homes and an increase in vehicle trips per day would not be able to accommodate that development. A scaled-down development in character with the remainder of the existing parcels would be more appropriate.

Jan Milos, Valley Hill Drive, Moraga, stated that she had previously submitted written correspondence. She noted the DEIR had not mentioned the community behind Valley Hill Drive and was unaware the project was a possibility when she had purchased her residence to be able to live in a rural area with little traffic and have the ability to have animals. She emphasized the traffic impacts that would result with more development and the impacts to the existing environment and wildlife habitat that included endangered species. She would rather see the area remain zoned for a minimum five acres or more with homes limited to a certain size to maintain the area as rural. She added that the source of her well water was from the higher area which had not been addressed in the DEIR and that drainage from her property traveled down to the creek, all of which must be taken into consideration.

Mark Keller, Castello Road, Lafayette, echoed the concerns expressed for traffic impacts, expressed concern the EVA may turn into an ingress/egress roadway once in place impacting the Saint Mary's Orchard/Burton Valley area in Lafayette with noise on the hill, and expressed concern with ridgeline development, noting that the Lafayette General Plan had opposed ridgeline development and some of the homes would be located on the ridge, with noise and view impacts to Lafayette.

Gary Borrelli, San Pablo, Moraga, stated that he was a long-time resident of The Bluffs neighborhood. He recognized the Bruzzone family had the right to develop its property but echoed the concerns with the condition of Bollinger Canyon Road and the safety hazards for motorists, pedestrians, and bicyclists which had not been addressed in the DEIR.

Lynda Deschambault, Donald Drive, Moraga, suggested the project was not consistent with the Moraga General Plan nor was it consistent with state and local environmental laws, and suggested the application was incomplete. As an Environmental Scientist, she was also a 24-year Moraga resident and had a lot of knowledge and local land use planning policy experience. As a former member of the Moraga Town Council, she noted that in 2004 an average of ten homes had been built in Moraga, and the intent was to stick to that plan with infill near commercial areas to ensure a semi-rural character. However, in the last five years, the Town had approved the development of nearly 1,000 homes including homes in the MCSP, Palos Colorados, and other projects, all of which had yet to be built, and all to generate additional vehicle traffic (average of 10 trips per day for each home or 10,000 trips total per day). There would also be ridgeline, air, noise, and wildlife impacts which she did not see could be adequately mitigated. She questioned the volume of soil to be moved and noted that the General Plan was clear in its intent to protect the topography and natural resources to the greatest extent possible. She reiterated the numerous impacts the project would produce including impacts to federally-protected species habitats and to schools within the MSD, all of which were valuable to the community. She asked that the DEIR identify the cumulative impacts, and reiterated her opinion the DEIR was incomplete and should be updated and re-circulated for additional comment.

Richard Immel, Scofield Drive, Moraga, a co-sponsor of the initiative which had created the Moraga Open Space Ordinance (MOSO) in 1986, and which had not included Bollinger Valley in MOSO protection, opposed a massive destructive housing development on one of the last vacant lands in Moraga. Having read the DEIR, he noted the massive nature of grading required and found that conflicts with the General Plan had not been addressed in a meaningful way in the document. He spoke to the fact that most of the site was prone to sliding soil and remediation required removal and replacement with something else.

Mr. Immel read into the record Guiding Principle 1 of the Moraga General Plan, and noted the DEIR suggested that almost everything could be mitigated to a less than significant level although the way it was done was either through planting more oak trees or "kick the can down the road." He spoke to the request to change the General Plan to remove the restriction for development which made no sense. He asked for more detail in the DEIR prior to moving forward.

Serina Culleton, Valley Hill Drive, Moraga, a teacher at Rheem Elementary School, opposed the number of proposed homes in such a beautiful setting. She echoed the concerns with the additional traffic impacts to the existing area which was already impacted with existing roads unable to accommodate the increase in traffic. She noted that the schools in the Moraga School District (MSD) would be impacted with more development given that classes were already full, with schools having limited funding to meet all student and teacher needs. She emphasized that Moraga's schools were one of the reasons that many had chosen to live in Moraga, along with the semi-rural environment. She wanted to retain the qualities and guidelines in the General Plan.

Darwin Marable, Valley Hill Drive, Moraga, asked whether Commissioners had walked Bollinger Canyon Road and Valley Hill Drive, which was important to visualize the condition of the surrounding environment. He noted the proposed road at Valley Hill Drive crossed several residences and he questioned how that would be addressed, asked how the project would impact the water table of those living on Valley Hill Drive who relied on springs or wells, questioned how to keep children and animals (dogs) away from current grazing lands, and questioned whether a wall or fence would be installed. He commented that one home was being built in his neighborhood which had already produced considerable noise, dirt, air, and traffic impacts, and expressed concern with the impacts a 126-lot development could bring to the area. He suggested that too many homes had been proposed as part of the project but stated if homes were allowed to be built, there should be a different entrance/exit to the area and a minimum acreage for each home, in the 5 to 10-acre range more compatible with the existing homes.

Susan Sperry, Valley Hill Drive, Moraga, commented on her family's history with the building of the roadway, and stated as a resident of The Bluffs neighborhood they now had a problem with the filling of the creek which was backing up to a large drainage pipe impacting the neighborhood. She also expressed concern with existing problems with people cutting through the fence and dogs able to disturb grazing cattle. She too commented on the impacts such a large development would have on the area, including impacts to the environment, springs, wells, livestock, and to the quality of life of the existing residents.

Danielle Ginestro, San Pablo Court, Moraga, suggested the DEIR had not addressed whether the City of Lafayette opposed the use of the EVA through its jurisdiction. Having attended Lafayette's circulation meeting, sentiments were strong to prohibit EVAs through Lafayette. She asked how the project would impact the semi-rural environment of Bollinger Canyon Road with no mention in the DEIR of repairing the roadway as a result of construction. She expressed concern that responsibility may fall on the Town and the use of Measure K funds, and expressed concern building a new road versus repairs. She noted that residents of Lafayette were tired of the increase of traffic from Moraga with sentiments to install metering lights to mitigate traffic from Moraga through Lafayette.

#### PUBLIC HEARING CLOSED

Ms. Brekke-Read reiterated that no action would be taken on the project, only comments received on the adequacy of the DEIR. The Planning Commission may make verbal comments at this time with written comments accepted as well pursuant to the DEIR comment period deadline of April 23, 2013.

Commissioner Kuckuk spoke to the adequacy of the DEIR and expressed concern as to whether the extent of the grading had been adequately studied. The proposal had shown all development on ridgelines and hillsides, with significant grading, and impacts to Bollinger Canyon Road. She expressed concern that potential impacts to schools had been understated in the DEIR, as well as impacts to roads in adjacent cities, and expressed concern for what would happen if the EVA through Lafayette was not approved.

Commissioner Marnane expressed concern with insufficient information in the DEIR including already approved plans to make an informed decision on traffic impacts to Moraga Roads and adjoining communities. He also expressed concern with the lack of ways to evaluate the noise levels, particularly if 3 dB noise impacts occurred all day long. He found nothing in the DEIR that informed him as to how the mitigation recommendations would resolve the impacts to Moraga roads, how many vehicles traveled through to Lafayette, how many vehicles traveled through the affected intersections, and whether a two-second delay should be considered for St. Mary's Road, all of which needed further analysis. In response to concerns with zoning and density and a past preference given to projects that could not be done without other projects, he suggested there appeared to be conflicts and he was uncertain of what was being discussed in relation to making a decision on the alternatives. The DEIR was also not clear as to how many and which acres would be affected for each of the alternatives, the amount of fill areas, and the seismic impacts, and while the DEIR discussed a timeline for the project of 20 years, he asked what that meant and he sought a better understanding of the timeline.

Commissioner Marnane also expressed concern with the number of units for each of the alternatives, the number of secondary units, whether they had been considered for each of the alternatives, and the mitigation numbers used in relation to the wetlands (e.g., is a 2:1 mitigation requirement adequate if there were protected species present onsite). With respect to grazing areas, there was no indication that mitigation would be required. As to the MSD, the DEIR contained no information as to whether any mitigation was required leading one to believe there would be no impact to Moraga schools. He also had difficulty visualizing how the alternatives would appear and sought better clarification through computer aided design work. The absence of geotechnical, geological, and hydrological information in the DEIR was also a concern with no information as to the potential impacts of landslides. Section 4-H-1 was also unclear as to the noise levels, sound channels, and ground vibrations in light of the discussions regarding slides and ground instability with no information on impacts that could affect a final decision.

Commissioner Marnane also referenced Page 4-M-10 of the DEIR which was unclear as to the water supply, and questioned shortening the life span for water transmissions; concern with how the alternatives had been selected and how conclusions had been reached; whether an environmentally acceptable alternative was viable; and found little information to evaluate all of the intersections that would be affected. Until that was understood, he could not understand the traffic flows.

Commissioner Schoenbrunner suggested the DEIR was not adequate as to clarifying consistency with the Moraga General Plan and the philosophy behind that, and as related to the policy to retain the natural topography and beauty of Moraga. She suggested the various specifics of Bollinger Canyon Road and issues impacting the Town and the wider impacts on the Lamorinda community needed to be further analyzed. There also remained many issues regarding the existing residences on Bollinger Canyon Road which had not been addressed, as well as impacts during and after construction related to traffic and safety. Impacts to the water table of current residents in the rural environment and the proposed massive grading were concerns that had also not been sufficiently described for all of the potential impacts. For the Town, she suggested that impacts on Moraga schools had not been addressed nor had the potential liability for the Town as it related to Measure K funds which may have to be used to repair Bollinger Canyon Road along with the potential liability to the Town for a GHAD. There were also cumulative impacts to the wider Lamorinda community considering all the projects that had been approved in Moraga, not including the subject project, which the DEIR had not addressed.

Commissioner Onoda echoed the comments made as reflective of the notes she had taken during the discussion, with impacts to grading, schools, traffic, roads,

and water needing further analysis. She requested more information on those topics and more visualization in non-planning terms.

Commissioner Kline affirmed with staff there would be responses to all comments from both the public and the Commission. Speaking to the aesthetics as to whether the project would be visible from many locations in Moraga or in the Lamorinda community, he noted the solution offered in the DEIR was to consider that at the time of the grading plan. Absent a grading plan, the elevations or the extent of fill would remain unknown and he suggested that a rough grading plan would be appropriate to aid in the discussions. With the submittal of the grading plan and as mitigation, the level of the pads was to be reviewed to determine where homes would be visible above the ridge, and determining whether single- or two-story homes would be allowed. He suggested that they should not be built if they are visible above the ridge. He did not want to see a berm on the ridgeline to screen any views, which solution he found to be inappropriate causing a disruption to the ridgeline. Also, the DEIR had not mentioned the potential for any light poles that may protrude above the ridgeline which should be evaluated.

Speaking to Bollinger Canyon Road, Commissioner Kline spoke to Mitigation Measure, 4-L-10, as written, and recommended a discussion whether sidewalks or bicycle lanes should also be provided along Bollinger Canyon Road, to be addressed and discussed in the DEIR.

Commissioner Levenfeld found it odd that the proposed project was for 126 lots while the highest concentration of homes considered in the study was for 121 lots, and if Alternative 2 was a rational alternative with only 8 homes, the difference between 126 and 121 homes could be significant. She agreed with many of the comments offered, found the cumulative impacts to the MSD had not been addressed in the DEIR and should be evaluated, and disagreed that a small enrollment increase was anticipated. She suggested that conclusion was out-of-date and agreed that many people moved to Moraga because of its schools. She also commented that the homes would likely be sold to families with children. She found the findings in the DEIR related to schools to be misleading and urged that the cumulative effect be identified, and the cumulative effect of approved projects in Moraga (yet to be built) should also be addressed in terms of the traffic impacts.

Chairperson Comprelli stated that he had submitted many of his comments in writing to staff. He highlighted his concerns including the EVA and the fact that the DEIR had ignored one critical element and had not adequately examined the impact of a severe seismic event where all residents of the Bollinger Valley project would require safe egress out of the area, and in the event of an emergency, the closure of Bollinger Canyon Road between St. Mary's Road and Joseph Drive would result in isolation for residents and possibly result in heavy

use of the EVA. He suggested it would be reasonable to assume that scarce resources would not be directed to re-opening Bollinger Canyon Road for some time potentially isolating 314 residents of The Bluffs, Bollinger Canyon Road, Valley Hill Drive, Upper Bollinger Canyon Road, and those in the proposed project.

Chairperson Comprelli referenced Page 4.A-7, Section 4.A-2.1Z, where the DEIR clearly stated the Moraga General Plan included policies for the preservation of trees and tree covered areas; however, Page 4.A-27 of the DEIR, stated that the construction of the western end of the EVA would require the removal of 53 native trees in 0.8 acres of Coast Live Oak woodlands. The DEIR had not evaluated the environmental impact of the removal of the trees, had not addressed the consistency of that action in the Moraga General Plan, and had not indicated any action would be required in Mitigation Measure 4.C-8 Tree Preservation. The DEIR had also neglected to address the safety issues with the intersection of the western end of the EVA, essentially a driveway into St. Mary's Road, but recognized that both the tree removal and the EVA were within the municipal control of the City of Lafayette. The Moraga General Plan addressed both issues strongly and he suggested the DEIR should reflect Moraga's General Plan position.

Chairperson Comprelli also commented that the DEIR had made no mention of the Bollinger Canyon Road/Joseph Drive intersection with every vehicle trip traveled required to travel through that intersection. He noted the potential safety hazards for that route for the residents of the area, and identified a blind curve along Bollinger Canyon Road with little time to react to oncoming traffic after a false stop at the stop sign at Joseph Drive, which had not been adequately evaluated in the DEIR. He found that to be a safety, not a traffic count, issue which was inconsistent with General Plan Policy C1.5.

Commissioner Marnane referenced paragraph 4A-1.1 and the discussion of minor ridgelines. He asked that the ridgelines whether minor or major be clarified in the DEIR.

Commissioner Kuckuk commented on the fact there had been little discussion about air quality and GHGs although they were the main source of CEQA unavoidable impacts. She referenced Mitigation Measure 4-B-1, and questioned how that general impact could be mitigated for each of the project options and alternatives while all of the specific impacts shown in Table 4-B-7 show significant and unavoidable impacts. She asked staff to provide further clarification on that issue.

## **VI. ROUTINE & OTHER MATTERS**

There were no routine and other matters.

**VII. REPORTS**

**A. Planning Commission**

There were no reports.

**B. Staff**

There were no reports.

**VIII. ADJOURNMENT**

On motion by Commissioner Marnane, seconded by Commissioner Levenfeld and carried unanimously to adjourn the Special Planning Commission meeting at approximately 9:35 P.M.

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Secretary of the Planning Commission