TOWN OF MORAGA
PLANNING COMMISSION MEETING

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

June 3, 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
* Commissioner Schoenbrunner arrived after Roll Call

Absent: None

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

B. Conflict of Interest

There was no reported conflict of interest.

C. Contact with Applicant(s)

Commissioner Onoda reported that she had visited the property located at 217 Donald Drive on Sunday, June 2; viewed the site; and had spoken with the property owner.

II. PUBLIC COMMENTS

There were no comments from the public.

III. ADOPTION OF THE CONSENT CALENDAR

A. April 15, 2013
B. April 17, 2013

The Consent Calendar was moved for consideration under Item VI., Routine and Other Matters, as Item A.

IV. ADOPTION OF THE MEETING AGENDA

On motion by Commissioner Levenfeld, seconded by Commissioner Kline and carried to adopt the Meeting Agenda, as shown. Commissioner Schoenbrunner was absent.

V. PUBLIC HEARING

A. 271 Donald Drive

Applicant: Dr. Douglas Jamieson
Proposed Application: VAR 01-13: Request for a Variance to Municipal Code Section 8.28.030, to allow for a minimum 5-foot side yard setback to accommodate a 515 square foot residential addition at 271 Donald Drive, also requiring Design Review. (2-DUA, EMC)

Senior Planner Ellen Clark identified an error on the meeting agenda and clarified the applicant's name as *Dr. Douglas Jamieson*. She presented the application for a variance to MMC Section 8.28.030 to allow a minimum 5-foot side yard setback on the north side of the home to accommodate a 515 square foot addition to house a new workshop area, bathroom, and reconfiguration of the existing kitchen at 271 Donald Drive, also requiring Design Review. The home had been constructed in 1971 consistent with Contra Costa County's R-15 zoning standards allowing for a minimum setback of 10 feet. The applicant's request was 5 feet less than that allowed in the 2-DUA standards which require a 15-foot setback. The staff report included information on the various findings to support a variance pursuant to MMC Section 8.28.030. She noted that the property was a large-sized lot, irregularly shaped, flat, with little vegetation and with the existing home built to the 5-foot setback. The home, like the rest of the neighborhood, had been built pursuant to the County's zoning standards and there were various setbacks in the neighborhood ranging from 5 feet to 7 feet 2 inches, and 8 feet to 16 feet.

Ms. Clark advised that staff had determined the location and surroundings would support findings for a variance, although staff recommended the setback be approved at 10 feet pursuant to the R-15 zoning standards, consistent with many of the homes in the neighborhood. Staff determined that the variance would not grant a special privilege for the reasons stated in the June 3, 2013 staff report. The zoning code did not include a statement of intent or purpose and after review of the General Plan; the standards were intended to protect the quality of life, character, privacy, and separation between residences [setback standard]. With a 10-foot setback, the property would be consistent with the homes in the neighborhood and the policy standards maintaining a setback within the intent and character of the neighborhood.

Ms. Clark recommended the Planning Commission approve VAR 01-13 for 271 Donald Drive allowing a 10-foot sideyard setback on the north side of the property based on the conditions of approval and findings as shown in the June 3, 2013 staff report.

Responding to the Commission as to the status of the garage, Planning Director Shawna Brekke-Read explained that the existing garage had not been built to the setbacks established at that time, was not legal, was non-conforming, and was technically illegal or not legal non-conforming.

For the purposes of the MMC, the 5-foot setback was legal, non-conforming since it had been in existence prior to the Town's incorporation and adoption of the Town's Zoning Ordinance. The existing garage therefore would not have to be removed.

Ms. Clark explained that there were many properties in the neighborhood with varying setbacks and the history of why those setbacks had been established was unknown.

PUBLIC HEARING OPENED

Dr. Douglas Jamieson, 271 Donald Drive, Moraga, stated that he had included 5" x 7" photographs with his variance application to show the ground level and other shots to offer a feeling for the addition and how it fit on the site. As a long-time resident of Moraga, he had purchased the residence from his parents in the 1980's, and had conducted a small remodel in the 1990's at which time he had addressed drainage to the property which was why the property had remained un-landscaped since that time. Since he and his wife intended to remain in the residence, future improvements had been planned for the property.

Dr. Jamieson reported he had signatures from nine neighbors in support of the project including the property owner of 268 Birchwood, which consisted of two properties, and who was his direct uphill neighbor, located at an elevation of 100 feet above his property. The neighbors had been shown the plans, asked for a signature of support, and all but one had offered their signatures.

Dr. Jamieson referenced the required findings for a variance as shown in the June 3, 2013 staff report, specifically Finding B, and noted that his property was unusual given the setback and where the home was located. His neighbor located across the street had been offered a variance at 7 feet 2 inches from where the home was located and suggested that the unusual circumstance was where the home was located. He suggested the variance request was also consistent with Finding A. The project was consistent with Variance Finding B since the request would not grant a special privilege, the impact to the neighborhood would be minimal and negligible, and there were nine signatures of support.

Dr. Jamieson stated that two weeks ago he had engaged the services of a landscape architect who was in the process of preparing full landscape architectural plans for the entire lot. He expressed a willingness to include anything his next door neighbor may want in anticipation of the approval of the variance. He suggested that the variance request also complied with Finding C given the minimal impacts to the neighborhood; the home had not been built to code, did not have a 10-foot setback, and until this time no one had been aware that the home had been built 5 feet from the property line. In addition, there were no issues with his neighbors.

Dr. Jamieson disagreed with the staff report that there were any potential issues with the variance request. He had prepared drawings to identify the possibilities if a 10-foot setback was imposed to illustrate how that setback would impact his plans to remodel his kitchen and build a workshop.

With the requested 5-foot setback, Dr. Jamieson stated that would allow a pass through from the kitchen to a proposed workshop, allow continuity, and not devalue the home. He emphasized the importance of being able to build along the existing wall. If a 10-foot setback was imposed it would impact the interior of the home and require removal of a closet.

Sarah Steen, Sarah Steen Architectural Design, clarified that the new drawings represented the location of the south wall which was where it needed to be since it was part of the existing structure, and once moved in, the access to the addition would be limited creating dead space. She added that the property owner/applicant was a woodworker and the workshop was important to him and a "jog" created by a 10-foot setback requirement could impact the functionality of the space. The property owner's other hobby was working on cars and the addition was intended to be an extension of the garage; the property owner wanted the flexibility to use the space, which is why it would be on the garage side of the home. With a 10-foot sideyard setback, access would be outside of the addition.

Dr. Jamieson clarified he would like to be able to move a vehicle into that space, and if the north wall was allowed to be an extension of the already existing wall there would be enough room for a car to pass through as shown in the original drawing. The space was not intended to be used by cars pulling in/out on a regular basis but allow for a car to pull in and remain for a period of time.

Ms. Steen emphasized the applicant's request for a 5-foot sideyard setback was because of where the home had been constructed; the smallest setback in the neighborhood was 7 feet 2 inches; the design was form following function; the workshop would serve as a mudroom of sorts allowing access from the patio outside balancing the needs of the existing structure with the applicant's needs; the variance worked well with very minimal impacts to the neighborhood with no views across the street and minimal views from the downslope neighbor; there would be minimal impacts to the uphill neighbors; the neighbors supported the proposal; access was important from the garage and to fit it in with the existing kitchen; and the addition was in keeping with the spirit of the current code, would be one story, and the ridge would be lower than the existing ridge allowing for spaciousness on the property with minimal impacts to neighbors.

PUBLIC HEARING CLOSED

In response to the Commission, Ms. Clark stated in order to make the required findings the Commission's decision would have to be based on the condition of the surrounding neighborhood, with other properties with lesser setbacks than the current zoning allowed, with the 5-foot setback consistent with the overall lesser setback line, and while a better design was important for the applicant that could not be the only basis for making the finding. Also, while any decision made by the Commission would not be a precedent for the neighborhood, she acknowledged it would make it easier for future variance requests to be supported.

As to whether the proposed workshop should be considered as a different type of room or space, Ms. Clark commented that such workshop spaces in garages were typical for most single-family neighborhoods. She acknowledged the variance allowed at 272 Donald Drive and approved in 1998 consisted of a simple expansion of living space for a kitchen addition. In the context of that project, the logical location was adjacent to the existing kitchen where 43 square feet had been added. The major difference with the subject application is that a workshop could function independent from other pieces of a home and oftentimes was detached. Also, in this case the addition consisted of a lot of additional building wall that would be placed in the sideyard setback. While she did not disagree with the design logic of what had been proposed, she stated it was a question of whether the variance findings could be made.

Ms. Clark added there was a condition of approval requiring the applicant to revise the plans to conform to the 10-foot setback which would require a different variance request along with design review. The Planning Commission would also reconsider the project unless it directed that review be done by the Design Review Board (DRB). As to whether there were other properties that enjoyed the privilege of a double-deep garage/workshop, she was only aware of smaller/modest additions. She noted that the Town was concerned with the setbacks, the projection of the building into the setback, and any internal changes could be made at any time without requiring Planning Commission review and approval.

Speaking to recommended Conditions of Approval in the Draft Resolution, Ms. Clark explained that Condition 4 assumed the project would conform to the 10-foot sideyard setback where the north side of the setback area could accommodate a small tree or taller shrubs for the purpose of screening the extension from the property located above; something the applicant would have control over as opposed to the oleanders located on the neighboring property. The area would be harder to screen within a 5-foot sideyard setback given that the zoning code limited fences to 6 feet in height, which limited the screening opportunities.

Commissioner Onoda commented that she had reviewed the application and had visited the property. She noted that five of the neighboring properties staff had listed had less than 10-foot setbacks, which she found to be significant. She spoke to the variance findings and suggested that granting a special circumstance would not apply in this case since the home had been constructed with the 5- foot setback. She acknowledged that nine neighbors had offered signatures in support showing that the adverse impacts were known. She suggested the project would fit in well within the community, it was not clearly visible from the street, nor would the 5-foot setback be visible given existing vegetation, and the only party who would know of the 5-foot setback would be the property located above and a tree or other form of landscaping would block any views. She found the design to be more of a hacienda shape, level with the other side of the home and courtyard area, which she found to be appealing, compatible with any neighborhood in Moraga. Also, the neighboring home with oleanders had a great deal of land with sheds and other structures and a great deal of space on the other side of its yard and would not be impacted by the residential addition. She disagreed that the property owner should be asked to relocate the existing interior wine storage.

When asked, Ms. Clark clarified that the property owner's plan had been signed-off by the Moraga-Orinda Fire District (MOFD), and the MOFD had confirmed the project setback would not pose a fire hazard.

Commissioner Kline acknowledged that while the current neighbors did not have concerns, the opinion of future homeowners was unknown. In response to the information for the other setbacks that had previously been approved in the neighborhood, he suggested each application should be decided on its own merits and that the other setbacks were not relevant. As to whether the project met the finding for a special circumstance, he disagreed that finding could be made particularly given that the property owner wanted to bring a car into the extended addition but was unable to comply with the 10-foot setback requirement due to an existing wine storage area which he suggested could be relocated. He opposed the granting of a variance for a 5-foot setback and expressed his support for the staff recommendation for a 10-foot sideyard setback.

Commissioner Levenfeld recognized the property had been constructed with the 5-foot sideyard setback, and that setback policies were intended to preserve the quality of the neighborhood, lifestyle, and housing. She suggested there would not be a significant impact by allowing the home to extend along the 5-foot setback since it would move further away from the existing home with a large space between the two properties. She noted the addition was not that large and the properties were situated in such a way where a 5-foot setback was not detrimental to either. She also opposed the planting of shrubs for screening purposes which would be more of a nuisance given the limited space. She did not see the project would decrease the value of the neighboring properties.

Chairperson Comprelli suggested just because something had been allowed 30 years ago was not justification today. He agreed that each case should be judged on its own merits and asked staff to speak to the importance of precedence.

Ms. Clark commented that when she had reviewed the staff report for 272 Donald Drive, a strong basis for the justification of that variance had been the design. In her opinion, the strongest finding for a 5-foot setback would be the neighborhood and the fact that a number of the homes had small setbacks, and what was different with this property that could not be found for other properties in the neighborhood.

Chairperson Comprelli suggested that the subject application and the variance for 272 Donald Drive were not the same magnitude. He applauded the support of the neighbors although he questioned the importance of precedence as to whether the subject application merited a variance. The only finding he could make in this case was continuity of design. He suggested the property owner could still achieve the addition, with access, with the relocation of the wine storage given there was room for it to be moved. He expressed concern with the 1 foot, 11 inches, which was less than half the size of a doorway, as shown on the plans. He also found the applicant's recent drawings that had been submitted to be unreal.

Ms. Brekke-Read commented that many homes in Moraga had been built according to the County's setbacks and the Town, for some reason, decided to zone them with twice the setback required under the County regulations. In addition, there was the entire neighborhood of the Moraga Country Club, which had been built under Planned Development (PD) with more specialized zoning setbacks, which the Town based on gross acreage, although the lots were nowhere near the minimum lot size of the Town's zoning regulations. She acknowledged the Town had issues it needed to address in terms of zoning, which was the reason it was part of the Capital Improvement Program (CIP) for the next two years. From a professional planning point of view, she explained that staff must follow state and local law, and a 10-foot setback must be observed.

Ms. Brekke-Read added that staff had also spoken with the Town Attorney who had pointed out with respect to variance Finding B for projects built according to the County's setback (with all homes in the subject neighborhood built to the County's setback), there would be no granting of special privilege nor would it deprive the property from privileges enjoyed by other properties in the vicinity and in the same zoning district (Finding A), since other properties had been built to the County's setbacks. As to whether it would be precedent setting if the variance was allowed, that was where Findings A and B came into play to demonstrate what other properties in the area enjoyed. She identified the classic reasons for granting a variance, which were few in Moraga, and recommended the Commission decide as a body what it wanted to follow. A draft resolution following the staff recommendation for a 10-foot sideyard setback had been included in the Commission packets. If the consensus of the Commission was to support a 5-foot sideyard setback, she asked that direction be given to staff on the findings to be prepared to support the approval of the variance, to be approved at the next Commission meeting.

Commissioner Kuckuk commented that she felt strongly both ways. She generally agreed with the staff report, in that it was not so much what the design suggested and what was reasonable but following the law. She agreed that an argument could be made why the addition would not impact the neighbors and the adjacent property. While she too recognized letters from the neighbors in support, she remained concerned with careless planning and design causing an inadvertent decrease in value of the adjacent property. The current property owner of the neighboring property supported the proposal and was in view of the lot.

The project proposed a continuation along the five-foot setback involving a long run of linear feet of wall angling away from the home next door, where there was also a large visual screen currently existing. She suggested it would be possible to work with a 10-foot setback but was uncertain it works within the space desired by the applicant, and which involves the movement of interior walls, relocation of the wine storage, etc. At this time, and in the interest of being as generous as possible, she recommended the item be continued to allow staff to come up with findings to support a five-foot sideyard setback.

Commissioner Schoenbrunner agreed with Commissioner Kuckuk's comments and was inclined to grant the variance.

Commissioner Schoenbrunner's reasons for granting the variance were that it would be a continuation of the existing internal wall; in this case the request was only in the context to continue the existing legal non-conformity; the continuation would be angled away from the property located next door and effectively provide a greater setback from the home located next door; neighbors who owned adjacent properties who would be most affected and whose properties may lose value had provided their signature of consent; and any future property owners would see the addition and have the opportunity at that time to consider whether or not to purchase a property.

Ms. Clark affirmed she had copies of the signatures in support of the application, as provided by the applicant.

Commissioner Marnane commented that there had recently been a similar setback discussion by the DRB. He suggested the Town was not paying enough attention to setbacks; staff had provided enough balance between 5 and 10 feet; and it would be reasonable to revise the plans to comply with the staff recommendation for a 10-foot sideyard setback.

Commissioner Levenfeld noted the 5-foot setback existed and the design was not being approved but a variance from the setback. There was the potential, particularly with another buyer, that the workshop may not even be used as a workshop but a bedroom. She found improvement to a property to be a value to the property and the neighborhood, and found that overall the improvement would not diminish property values. She supported a continuation of the application with staff to prepare potential findings to support a variance for a 5-foot sideyard setback.

Speaking to the recent drawings provided by the applicant, Ms. Clark identified access to the addition from a door on the side into the garage.

Ms. Steen also identified an existing exterior door.

Staff reiterated that a specific design for the addition would be reviewed by the DRB.

Chairperson Comprelli suggested in principle that setbacks should he honored; expressed concern with the precedence that could be set in the neighborhood, particularly with the approval of a variance at 272 Donald Drive; however, in the bigger picture characterized it as a no-harm no-foul situation with no one seriously impacted by the addition other than the uphill property owner who had offered support for the application. At this time, he would likely support the application since it was common sense to do so, but for this case only.

Commissioner Levenfeld made a motion, seconded by Commissioner Onoda to continue VAR 01-13 for Jamieson at 271 Donald Drive, to a date certain and requested

that staff prepare findings to reflect the applicant's request for a variance to allow a 5-foot setback for a 25-foot structure.

On the motion, Commissioner Kline suggested it was wrong to direct staff to prepare a decision staff did not support, and it was wrong for the Planning Commission not to make a decision at this time.

Ms. Brekke-Read explained that the application could not be approved absent findings. If so directed, staff would prepare findings based on the Planning Commission's discussion and it would be advantageous to construct and write those findings and allow the Commission to later review them. She explained that the next meeting of the Planning Commission had been scheduled for June 17, or the application could be submitted to the DRB first for its review of the design and then return to the Planning Commission during a meeting in July for final action on the design and variance.

As to the size of the addition, Ms. Clark affirmed the Commission may impose a condition limiting the size of the addition.

Ms. Brekke-Read asked the maker of the motion to consider an amendment to the motion to direct staff to write a resolution to approve the variance for a 5-foot sideyard setback and construct findings based on the Commission's comments.

On motion by Commissioner Levenfeld, seconded by Commissioner Onoda to continue VAR 01-13 for Jamieson at 271 Donald Drive, directing staff to write a resolution to approve the variance for a 5-foot sideyard setback, and construct findings based on the Planning Commission's comments. The motion carried by the following vote:

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

A second motion was made to further amend the previous motion to include the continuance to a date certain.

On motion by Commissioner Levenfeld, seconded by Commissioner Onoda to continue VAR 01-13 for Jamieson at 271 Donald Drive to a date certain of June 17, 2013, directing staff to write a resolution to approve the variance for a 5-foot sideyard setback, and construct findings based on the Planning Commission's comments. The motion carried by the following vote:

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

B. Review Consistency of Fiscal Year 2013/14 Capital Improvement Program (CIP) with the General Plan

Ms. Brekke-Read explained that state law required the Capital Improvement Program (CIP) be found consistent with the General Plan. To ensure this, the Planning Commission must review and comment on the CIP each year during the budget review period. She recommended the Planning Commission:

1. Find the proposed Five-Year CIP to be consistent with the General Plan provided:
   a. Future CIPs continue to consolidate related projects to ensure projects are comprehensively planned and designed, consistent with General Plan policies; and
   b. New development projects may be required to construct, repair, or install improvements identified in the CIP as part of the development review process; and
2. Recommend the Town Council approve the proposed Five-Year CIP with the above- mentioned notes.

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

Commissioner Levenfeld offered a motion, seconded by Commissioner Kuckuk to direct staff to notify the Town Council that the Planning Commission found that the Capital Improvement Program (CIP) is consistent with the General Plan.

Chairperson Comprelli asked that the motion be amended to reflect "general" consistency with the General Plan.

As the maker of the motion, Commissioner Levenfeld accepted the Chair's amendment to the motion. As the second to the motion, Commissioner Kuckuk expressed concern with such a recommendation to the Town Council since it suggested a high level cursory review. She preferred the motion to remain as originally stated to recommend CIP consistency with the General Plan.

On the discussion, Commissioner Levenfeld agreed with Commissioner Kuckuk's comments and Chairperson Comprelli withdrew his recommended amendment.

On motion by Commissioner Levenfeld, seconded by Commissioner Kuckuk, to recommend the Town Council find the proposed Five-Year CIP is consistent with the General Plan. The motion carried by the following vote:

Ayes: Kline, Kuckuk, Levenfeld, Marnane, Onoda, Schoenbrunner, Comprelli

Noes: None
Abstain: None
Absent: None

VI. ROUTINE & OTHER MATTERS

A. April 15, 2013 Minutes
B. April 17, 2013 Minutes

The following revisions were made to the minutes of the April 15, 2013 meeting.

The second sentence of the fourth paragraph on Page 8:

> *He* [Commissioner Kline] *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.*

To the first sentence of the fourth paragraph on Page 17:

> *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.*

The motion on Page 11 was discussed, with Commissioner Onoda explaining that she had been opposed to DRB 4-11 for 1800 Donald Drive, and while the motion reflected a unanimous vote of the Planning Commission, she misunderstood, thought the discussion portion of the item was reflective of her vote, and while she understood the motion could not be changed at this time, clarified it was her intent to vote "no" on the item.

Commissioner Marnane also clarified with staff he had provided written comments to staff in response to the Bollinger Valley Draft Environmental Impact Report (DEIR), which comments would be part of the Response to Comments portion of the DEIR.

The following revisions were made to the minutes of the April 17, 2013 meeting.

The fourth sentence of the first paragraph on Page 18:

> *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 a single- or two-story home would be allowed. He* [Commissioner Kline] *suggested that they should not be built if they are visible above the ridge.*

Commissioner Kline also referred to the second paragraph of Page 18, and offered comments he had neglected to state during the April 17 meeting to reflect that the EIR

should also consider whether there should be a crossing, and how pedestrians would cross to the trail at the intersection of Bollinger Canyon Road and St. Mary's Road.

The fourth sentence of the third paragraph on Page 18:

> *She* [Commissioner Levenfeld] *also commented that the homes would likely be sold to families with children.*

To the second sentence of the last paragraph on Page 19:

> *She* [Commissioner Kuckuk] *referenced 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.*

And to the second sentence of paragraph two of Page 19:

> *He* [Chairperson Comprelli] *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.*

Ms. Brekke-Read advised that given the changes to the minutes of the April 17, 2013 meeting, she would provide a clean copy of the meeting minutes, as revised, for Commission action at its next meeting.

On motion by Commissioner Marnane, seconded by Commissioner Kline and carried unanimously to approve the minutes of the April 15, 2013 meeting, as amended.

Speaking to the project at 1800 Donald Drive, Ms. Brekke-Read affirmed the project had been appealed to the Town Council to be considered during the Town Council meeting on June 26, 2013.

VII. REPORTS

A. Planning Commission

There were no Planning Commission reports.

B. Staff

Ms. Brekke-Read encouraged Commissioners to contact staff if they were unable to attend Commission meetings; clarified there would be a quorum for the Planning Commission meeting scheduled for July 1; reported that staff planned to cancel the two Planning Commission and DRB meetings scheduled for August; and updated the Commission on the status of a Historic Preservation Ordinance with the Town Council

having directed staff to prepare potential language for a proposed ordinance and to look into what could be done to designate the Rheem Theatre as a historic landmark.

Chairperson Comprelli referred to a flyer that had been circulated in the community for the City Ventures project with a meeting planned at the Moraga Country Club to discuss the project on June 11, and with the flyer stating there would be no affordable housing units in the luxury condominium project. He asked staff to provide information at the appropriate time to clarify what the Town wanted in the Moraga Center Specific Plan (MCSP) as it related to affordable housing, zoning densities, and how affordable housing related to the densities on each parcel in order to allow evaluation of the City Ventures and SummerHill Homes applications.

Ms. Brekke-Read advised that the Commission meeting of June 17 had a full agenda. She would try to provide the information during a meeting in July, otherwise the information could be provided by the end of the summer. The Commission meeting of June 17 would include consideration of the adequacy of the EIR for the SummerHill Homes project, and a few minor clean-up items to the Zoning Ordinance.

Commissioner Onoda also requested information on what rules were flexible in the General Plan, since she understood the MCSP trumped the General Plan, and asked staff to clarify that issue as well.

VIII. ADJOURNMENT

On motion by Commissioner Marnane, seconded by Commissioner Kline and carried unanimously to adjourn the Planning Commission meeting at approximately 9:15P.M.

A Certified Correct Minutes Copy

Secretary of the Planning Commission