

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

June 17, 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, Schoenbrunner*,
Chairperson Comprelli

* Commissioner Schoenbrunner arrived at 7:19 P.M.

Absent: Commissioner Onoda

Staff: Shawna Brekke-Read, Planning Director
Ellen Clark, Senior Planner
Pierce Macdonald Powell, Senior Planner
Doug Herring, Planning Consultant

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 property owner of 205 Fernwood Drive.

Commissioner Marnane reported that he had toured the Camino Ricardo property with the developer's representative.

II. PUBLIC COMMENTS

There were no comments from the public.

III. ADOPTION OF THE CONSENT CALENDAR

A. April 17, 2013 Minutes

B. June 3, 2013 Minutes

C. Adoption of Meeting Agenda

Consent Calendar Items A and B were removed from the Consent Calendar to be considered under Item VI. Routine and Other Matters as Item B.

On motion by Commissioner Levenfeld, seconded by Commissioner Kuckuk and carried unanimously to adopt Consent Calendar Item C.

IV. PUBLIC HEARING

A. 271 Donald Drive Variance (Continued from June 3, 2013)

Applicant: Douglas and Sandra Jamieson

Proposed Application: Request for a Variance to Municipal Code Section 8.28.030, to allow for a minimum five-foot side yard setback to accommodate a 515-square foot residential addition, also requiring Design Review.

Senior Planner Ellen Clark reported the item had been continued from the Planning Commission meeting of June 3, 2013. During the public hearing, staff had presented information and the Commission had opened the public hearing and received comments. During its deliberations, the Commission had presented ideas and offered evidence to support the approval of a five-foot variance as requested by the applicant.

The Planning Commission voted 5-2 to direct staff to continue the public hearing and return with revised findings to support a variance for a minimum five-foot side yard setback based on the information provided by the Planning Commission. The June 17, 2013 staff report included a revised analysis and revised findings to support the approval of the variance. The project would also require Design Review Board (DRB) approval of the design at a future meeting.

Ms. Clark stated the draft resolution attached to the staff report contained revised findings. She recommended the Planning Commission adopt a resolution making the required findings and approving a variance to MMC Section 8.28.020 regarding side yard setbacks to allow for a minimum five-foot side yard setback at 271 Donald Drive, subject to conditions of approval.

Chairperson Comprelli acknowledged the applicant was present but had nothing to add to the public record.

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

Commissioner Kline remained opposed to the variance request and suggested it would be wrong to lower standards for setbacks.

Commissioner Kuckuk stated she had hoped staff would be able to make the findings to support the variance request based on the comments from the last Planning Commission meeting. She was satisfied the findings could be made to support the variance request. She otherwise identified a typographical error to the sixth "whereas clause" on Page 1 of the resolution, which should be amended to read:

WHEREAS, the public hearing was continued to June 17, 2013; and

Commissioner Marnane supported the variance request.

Commissioner Levenfeld concurred with Commissioner Kuckuk's comments and supported the variance request.

Chairperson Comprelli also supported the variance request.

On motion by Commissioner Marnane, and seconded by Commissioner Levenfeld to adopt Resolution next in number to approve a Variance to Municipal Code Section 8.28.030, modifying the minimum side yard setback to permit a 515-square foot residential addition on the north side of an existing residence at 271 Donald Drive, subject to Conditions of Approval. The motion carried by the following vote:

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

Planning Director Shawna Brekke-Read indicated the decision could be appealed in writing accompanied by a fee.

B. 205 Fernwood Drive Variance

Applicant: Bob Adelson, 50 Los Alamos Court, Alamo, CA 94507

Proposed Application: Request for a Variance to Municipal Code Section 8.28.030, to allow for a Minimum Area and Yard Regulations, to allow a proposed 20.9-foot front yard setback, 14.5-foot side yard setback and 25-foot combined side yard setbacks for building walls), and to approve Exceptions to the Design Guidelines

Senior Planner Clark presented the request for a variance to MMC Section 8.28.030 to allow a proposed 20.9-foot front yard setback, 14.5-foot side yard setback, and 25-foot combined side yard setbacks for building walls, and exceptions to the Design Guidelines for property located at 205 Fernwood Drive. The proposal would allow a residential addition and interior remodel which would reconfigure several areas of the interior of the home, and the expansion of the garage approximately five feet into the front yard setback.

Ms. Clark noted this was another instance in which a home had been built based on Contra Costa County's setback regulations. The building encroached approximately

five feet into the front yard setback and approximately four inches into the sideyard setback. The DRB had reviewed the application, made recommendations, and recommended approval of the design components of the project. Staff had received one letter of support for the application from a nearby neighbor. Staff had also analyzed the project and determined conformance with the required variance findings as shown on Pages 9, 10 and 11 of the June 17, 2013 staff report. She recommended the Planning Commission adopt a resolution approving a variance to MMC Section 8.28.030, regarding minimum front yard and side yard setbacks at the property located at 205 Fernwood Drive, and approve Design Review PLN 13-20 pursuant to all required findings and conditions of approval.

PUBLIC HEARING OPENED

Bob Adelson, 50 Los Alamos Court, Alamo, thanked staff for all of their hard work on the application, acknowledged the findings found in the staff report, and suggested the project would add value to the neighborhood.

PUBLIC COMMENTS CLOSED

Commissioner Kuckuk suggested the extension into the front yard setback was modest, the project met the County requirements under which the home had been constructed, the home was similar to others on Fernwood Drive with small side and front yard setbacks, and the expansion added architectural interest. She supported the request for a variance.

Chairperson Comprelli clarified with staff that the letter in support from a neighbor was from the neighbor the most impacted by the development. He also found the extension into the setback to be modest, and he agreed with the staff findings which were reasonable and did not grant any special privileges not already enjoyed by other homes in the neighborhood.

On motion by Commissioner Marnane, seconded by Commissioner Kline to adopt Resolution next in number to approve a Variance to Municipal Code Section 8.28.030, modifying the minimum front yard and side yard setbacks to permit a residential remodel at 205 Fernwood Drive; and approving Design Review PLN 13-20 pursuant to all required findings and conditions of approval. The motion carried by the following vote:

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

Ms. Brekke-Read identified the 10-day appeal period in writing to the Town Clerk subject to the applicable appeal fee.

Commissioner Schoenbrunner arrived at 7:19 P.M.

C. Review of Camino Ricardo Subdivision Draft Environmental Impact Report

Applicant: SummerHill Homes

Proposed Application: 26-lot single family subdivision off Camino Ricardo on a 14.26-acre site

Planning Director Shawna Brekke-Read advised that the purpose of the public hearing was to take comments on the adequacy of the Draft Environmental Impact Report (DEIR) for the Camino Ricardo SummerHill Homes proposal for a 26-lot single-family detached subdivision off Camino Ricardo on a 14.26-acre site between Camino Ricardo and Moraga Road. She identified the entitlement applications that would be required as part of the application including rezoning, Conceptual Development Plan (CDP), Vesting Tentative Subdivision Map, General Development Plan (GDP), Precise Development Plan (PDP), Design Review, Hillside Development Permit (HDP), Grading Permit, Tree Removal Permit, and other applicable permits as identified in the June 17, 2013 staff report. The project was also located within the Moraga Center Specific Plan (MCSP) Area. Several meetings had already been held at the Planning Commission level including a joint meeting between the DRB and the Planning Commission, and two meetings with the Park and Recreation Commission to solicit feedback on a potential park on the site.

Doug Herring, California Environmental Quality Act (CEQA) Consultant, described the background of the MCSP Program Level EIR which had been certified by the Town in 2010, and which had evaluated potential impacts from the build out of the MCSP Area, including the project site. The Camino Ricardo DEIR tiered off the Certified MCSP EIR, providing more detailed analysis on potential project impacts of the proposed subdivision. CEQA encourages lead agencies to tier documents that they prepare for environmental analysis for separate but related projects. Tiering documents refers to the practice of having a general analysis such as for a Specific or General Plan, followed by more site-specific analysis.

The MCSP EIR identified six significant and unavoidable impacts and the Town had adopted a Statement of Overriding Consideration for each of those impacts identified as traffic impacts in Orinda and Moraga on regional routes of significance, impacts on air quality, and generation of Greenhouse Gases (GHGs). Since the proposed project was consistent with the MCSP, its contribution to the potential significant unavoidable impacts had already been addressed, and under CEQA would not require the EIR to be re-evaluated. However, the Camino Ricardo DEIR refers to findings in the MCSP EIR where appropriate, incorporates that document by reference, and requires implementation of mitigation measures identified in the MCSP EIR that are also applicable to the proposed project, as summarized in Table 2-3 of the Camino Ricardo DEIR.

Mr. Herring noted that prior to the preparation of the DEIR, an Initial Study had been published which had identified impacts typical of most development projects, and had identified mitigation measures for those impacts as summarized in Table 2-2 of the Camino Ricardo DEIR. Impacts included generation of dust and noise during

construction, potential to encounter buried archaeological or other cultural resources during site disturbance, potential soil erosion during construction, and the potential for structural damage and seismic ground shaking during an earthquake. The Initial Study had also repeated several mitigation measures from the MCSP EIR that were applicable to the project related to fire and police services.

Mr. Herring commented that in terms of the impacts identified in the DEIR, no significant unavoidable impacts had been identified and all impacts could be mitigated or reduced to a less than significant level. Three significant traffic impacts had been identified as follows: the project would contribute incrementally to the traffic at the intersection of Corliss Drive and Moraga Road, which on the side street, movement would already operate unacceptably under future cumulative conditions; potential safety hazard on Moraga Road as a result of pedestrians crossing from Moraga Road to the proposed park; and potential conflicts with existing traffic from off-haul trucks hauling excess soil off-site during grading. There were also several biological impacts including a potential impact related to the disturbance of state and/or federal jurisdiction waters; loss of habitat for special status and other native wildlife; direct or indirect impacts on nesting, roosting, or foraging special status birds or bats; and erosion during construction which could adversely affect water quality which could, in turn, adversely impact aquatic organisms and wildlife. The project would require the removal of a large number of mature trees from the site and could interfere with native wildlife in the area both during and after construction.

Mr. Herring added that remaining impacts related to visual quality during construction; water quality, including erosion and sedimentation having the potential to adversely impact surface water quality; and creation of new impervious surfaces on the site that might increase erosion siltation off and on-site and increase the rate and volume of storm water discharge from the site in excess of the capacity for downstream receiving waters and create pollution and affect water quality. Each of the impacts and mitigation measures had been listed in Table 2-1 of the Camino Ricardo DEIR.

Pursuant to CEQA, Mr. Herring reported that two project alternatives had been evaluated including a no project alternative with the project site to remain undeveloped in the short term but eventually to be developed at the residential density permitted by the MCSP which allows 3-dwelling units per acre, or up to 42 single-family homes. The MCSP Alternative would allow for 27 homes on larger lots; all lots meeting the 10,000 square foot minimum and 80-foot minimum lot width, with the development of a triangular parcel on the east end of the site currently proposed for a park. This alternative would eliminate the pedestrian bridge crossing over Laguna Creek and the potential pedestrian safety hazard along Moraga Road. For that reason, the MCSP alternative had been identified as the environmentally superior alternative.

Mr. Herring explained that as part of the Town's approval of the project, a Mitigation Monitoring and Reporting Program (MMRP) would be required to ensure compliance with all of the mitigation measures. He reiterated the purpose of the public hearing to receive comments on the adequacy of the DEIR with the merits of the proposed project to be considered at a future date.

PUBLIC HEARING OPENED

John Reed, a resident of Crossbrook Court, Moraga, reported that he intended to provide written comments for the record. He referenced the evaluation of the alternatives in the Camino Ricardo DEIR which had clearly recommended Alternative 2, which would eliminate the proposed park and which had been identified as the superior alternative.

Rich Scarpitti, 920 Camino Ricardo, Moraga, suggested the inadequacies in the DEIR included visual impacts. Referencing the photographs and figures contained in the DEIR, he asked for more visual illustrations as to how Street A would appear entering the project site and requested more design details for the photos as shown in Figures 7-1 and 7-3. He stated that Figure 7-1 is inadequate because it doesn't show the proposed entry street. As to the proposed alternatives, he noted the MCSP was identified as the more environmentally-friendly alternative and suggested that Figure 9-1, which had shown a sketch of how the design might appear, should include more detail in terms of access, landscaping, and lot sizes. He sought more visual details as to how the project might appear from both sides of Camino Ricardo given that would be the entrance to the project.

For the record, Chairperson Comprelli stated that written comments on the Camino Ricardo DEIR would be accepted through July 15, 2013.

Shawn Kim, The property owner of 170 Danefield Place, Moraga, expressed concern with air quality during construction although the mitigation measures required watering twice daily. He questioned how the air quality would actually be mitigated given the volume of dirt to be moved around the site and the number of trucks expected during construction.

Britta Harris, 178 Corliss Drive, Moraga, expressed concern with the potential impacts to existing wildlife during construction and with visual access. She expressed her hope that the Town would allow the natural ecosystem to function with the least amount of human disturbance. She otherwise thanked the developer, particularly Denise Cunningham with SummerHill Homes, for her willingness to answer residents' questions.

Paul Kline, 843 Crossbrook Court, Moraga, explained that his property would border Parcel C and expressed concern with the amount of fill to be moved across the Corliss Tributary, noting the lack of analysis on the potential environmental impacts. He inquired of the amount of dirt to be moved across the site, whether it would be moved across the pedestrian bridge, asked of the environmental effects on wildlife, expressed concerns with dust and noise, and expressed concern, given that the plan had not been fully developed, as to how potential environmental impacts could be clearly identified at this time.

Mr. Kline also expressed concern with the discussions before the Parks and Recreation Department as to the proposed park. He wanted to know what kind of open space would be developed and what was the definition of a "passive park." He noted the lack of details for the homes as part of the alternative plans, understood the fill would raise the site 10 or more feet, and asked for greater details on the visual impacts to the neighbors along his side of the street.

PUBLIC HEARING OPENED

Ms. Brekke-Read advised that staff had made note of the comments raised by the public. Staff would continue to accept written comments until July 15, 2013. She encouraged the Planning Commission to provide its own individual comments on the Camino Ricardo DEIR.

Commissioner Kuckuk expressed concern with the vague definition of the status of the park land and related environmental impacts particularly if sports teams were allowed to use the park which could impact the neighborhoods.

Commissioner Marnane spoke to Impact 4-2 as relating to consistency with the MCSP and said that the impact should be significant. He asserted that the fact that Alternative 2 would not include the park area, but would allow the expansion of the project as a whole where Impact 4-2 would not be required. He suggested there was a better alternative and recommended an alternative which did not require Impact 4-2 to be mitigated.

Commissioner Marnane also expressed concern with the movement of 125,000 cubic yards of earth which had not been identified as a significant environmental impact. He recommended an alternative that would not require the movement of that level of earth in order to grade the site.

Commissioner Schoenbrunner expressed concern with the impacts to traffic affecting the entire community including the cities of Lafayette and Orinda. She also asked for clarification as to the mitigations listed on Table 2-3 and Table 2-35 regarding the proposed traffic mitigations for the Lamorinda area.

Commissioner Levenfeld was uncertain of the actual environmental impacts as related to the proposed park. She reiterated prior concerns with the use of the park and with the height of the dirt being moved onto it. She also expressed concern with a mitigation measure for pedestrian crossing along Moraga Road and suggested it should not be a foregone conclusion since it was unknown what it would be used for. She asked for clarity on the approval process for the park as the project moved forward in terms of whether it would come back to the Planning Commission or only to the Park and Recreation Commission for review. She identified the potential park as a key component for the DEIR to make sense in that context.

Chairperson Comprelli commended staff on a well done staff report and the DEIR, suggested the proposed park was a major concern given that 'park' was a subjective

word, and since the use of the land had not been firmly established. Even if a "proposed" park, he suggested it should be identified in the DEIR as open space as it had been identified on various maps. He recalled that the Park and Recreation Commission had also discussed the area as open space and not a park, but he understood that all of the documentation had been prepared months ago and that might have been the thinking at that time.

Chairperson Comprelli referred to Parcel C and suggested the need to evaluate the environmental impact of leaving the space natural with no dirt dumping from the rest of the site; and if a public space, no dirt should be placed there; a paved trail with appropriate pedestrian bridges should be considered. He noted the road across the Corliss Tributary while an alternative would not be trivial and if seriously considered would be a concern. He referenced Page 3-27 and the statement that the applicant might be willing to reduce the amount of dirt to be dumped on Parcel C by 9,000 to 12,000 cubic yards if allowed by the Town. He understood that was an option to be evaluated as one of the merits of the project, but suggested the use of the term "if allowed by the Town" was a presumptive statement. While he agreed the option should be evaluated so that the Planning Commission was apprised of what was involved in the alternatives presented, he questioned the use of that statement.

Chairperson Comprelli referenced Pages 9-7 and 9-8 and the judgment made that several alternative development options could not be considered for a variety of reasons, and found that judgment to be inappropriate, presupposing the evaluation of the merits of the proposed project by the Planning Commission. He suggested the DEIR should evaluate the environmental impacts of the project over a range of options to be considered by the Planning Commission during subsequent phases of the project, including an option for custom grading as opposed to a mass grading approach. He sought consideration of grading for specific lots in specific positions which involved less grading, fewer cubic yards of fill, and fewer cubic yards transported off site without destroying the hill as the proposed grading would do and which he found to be excessive.

Chairperson Comprelli suggested the property should be developed on a reasonable basis and at this time he saw nothing in the document that would develop the property on a reasonable basis. He noted the MCSP allowed a density of 3-DUA for a total of 42 dwelling units, which was not a mandate or guarantee. He asked that the DEIR be clearer and more forthright on that point. He added that he might have other comments, and if so, would provide them to staff in writing.

PUBLIC HEARING CLOSED

Ms. Brekke-Read reiterated that the public comment period on the DEIR would remain open until 5:00 P.M. on July 15, 2013.

- D. Consider Potential Amendments to Title 8, Planning and Zoning, of the Town of Moraga Municipal Code, to Clarify Thresholds for Design Review. Clarify Discretion of the Planning Director to Determine When Projects are**

Exempt from Design Review; Allow Design Review Administrator to Request Additional Information and/or Waive Submittal Requirements; Allow Administrative Design Review in Non-Residential and Multi-Family Zoning Districts; and Clarify List of Exemptions from Design Review for Single-Family Zoning Districts.

Ms. Brekke-Read introduced Senior Planner Pierce Macdonald Powell.

Senior Planner Pierce Macdonald Powell presented the staff report dated June 10, 2013. She described the first two amendments as interim measures to improve the function of the MMC and to respond to concerns expressed by applicants. She read into the record the MMC section regarding design review and noted that all applications for a design of a building required DRB review, which was problematic for those applicants desirous to conduct routine repairs.

Ms. Macdonald Powell explained that the design review approach, as drafted by staff, would allow a more general exemption from some single-family residential changes, similar to those already allowed for an exemption, and introduce a design review process for changes to existing buildings and minor landscaping changes for districts other than Single-Family Residential. These other districts include Commercial, Multi-family, and Institutional/College. The proposed approach would allow limited exemptions in those districts other than Single-Family Residential Districts. She explained that the staff report had identified the specific code sections of the MMC that might be changed. She asked for direction from the Planning Commission regarding the type of exemptions and the limited scope of exemptions the Planning Commission might consider appropriate.

Ms. Macdonald Powell identified the two approaches outlined in the staff report including the preparation of a list of specific types of projects that would be exempt from design review. Staff acknowledged such a list might be lengthy and might not give the Design Review Administrator discretion over any changes. The other approach would be to develop criteria for the types of projects the Design Review Administrator might consider for exemption with an over-the-counter review process. Other procedural changes include the list of application requirements. Staff proposes some leeway in customizing the list based on a specific scope of a project; and in some rare cases, require items that might not be specifically listed in the MMC but necessary for the review of the project.

Ms. Macdonald Powell acknowledged an e-mail received from Moraga resident David Bruzzone, regarding the proposed amendments. She reported that staff would meet with Mr. Bruzzone to discuss the amendments. She explained that a public meeting had been scheduled for DRB review of the proposed amendments on June 10, 2013, which had been canceled. She noted that a public hearing on the proposed text amendments would be scheduled for Planning Commission consideration on July 1, 2013.

Responding to the Commission, Ms. Macdonald Powell clarified that the proposed text amendments to the Design Review code would not change the building requirements in any way. She cited Pages 5 and 6 of the staff report which had outlined the implementation of the draft ordinance and clarified that staff would report to the Planning Commission and the DRB on the exemptions on a monthly basis.

Ms. Clark added that from a design review perspective, the proposed Design Review text amendments would balance the situation with the number of exemptions for single-family homes while allowing latitude for commercial and multifamily projects.

Ms. Brekke-Read further added that currently there was a list of exemptions in the single-family residential district and that there was no text giving latitude for the professional staff. In the Multifamily and Commercial Districts, there was no latitude at all. The amendments would allow some latitude for applicants desirous to upgrade or repair their properties and include an administrative design review for districts other than single-family residential districts. She noted that the Senior Planners were aware of the projects that came across the counter each day in the Planning Department and aware of the opinion that the current Zoning Ordinance was cumbersome and needed repair.

Commissioner Kline opposed the use of the term "exempt from design review" since a project still involved design review by staff. He urged consideration of a change in the language to provide better clarification for applicants.

Ms. Macdonald Powell noted that building permit review was also accommodated over-the-counter in the same fashion, absent neighbor notification and public review.

Ms. Clark clarified that a re-roofing permit would not trigger design review and would depend on the application.

Commissioner Levenfeld questioned whether like-for-like replacement offered enough latitude for those who wanted to upgrade their properties, citing windows as an example. She did not want to make the regulations more difficult for potential applicants and asked whether the public hearing for the item had been noticed to the public

Ms. Clark commented that "like-for-like" was generally related to appearance. If the application resulted in a change of windows to a different style or location, as an example, then administrative design review would be required.

Ms. Macdonald Powell reported that the item had been noticed in the Contra Costa Times, posted at the Town Hall, Moraga Commons, and the Hacienda, published in the About Town newsletter, and noticed to all e-mail subscribers to the Town's website.

Commissioner Schoenbrunner supported the proposed amendments which streamlined the processes and encouraged improvements to aging structures in the community. She sought input from those Commissioners who had served on the DRB.

As a former member of the DRB, Commissioner Kuckuk generally favored the single-family residential district process with a checklist of common items that should not be subject to design review. She liked to think the community was one that had pride of ownership and encouraged homeowners and businesses to make needed improvements. As part of that, she did not want to hassle property owners. She emphasized the importance that the fee structure be transparent and cited window replacement, asking whether that would trigger design review at no cost, if truly exempt from administrative design review. She wanted it to be clear when fees were being charged so that the fees did not appear to be subjective.

Commissioner Kuckuk liked the idea of shifting some of the items from full DRB review back to the administrative process since there were many items that had gone to the DRB which could have been administratively reviewed in her opinion. She noted that when she had been a member of the DRB there had been a number of deck replacements, some of which involved a different style while others were substantially the same. In those cases, she did not want to hassle the homeowner to require full DRB review. She wanted to see the process structured similarly to the single-family residential treatment, and emphasized that she was sensitive to the fee structure for exempt applications.

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

Commissioner Kline liked the idea of criteria, since regardless of a list, it would not be quite right and some things might be missed. He emphasized that the criteria should not be ambiguous. He cited Items 2(a), (b), and (e) of the proposed criteria which could be considered as ambiguous.

Chairperson Comprelli found all of the proposed criteria to be subjective, which did not mean it was wrong, but offered authorization to staff to exercise judgment subjectively under certain situations. While some of the ambiguity could be argued, some of the language in the criteria was subjective, and the changes being discussed would authorize staff to exercise subjective judgments which preserved the important issues for the DRB and the Planning Commission.

Ms. Macdonald Powell identified one change that staff had recommended for the single-family zoning district. Currently, there was a list of 17 items that were exempt from Design Review, and staff would be preparing language to include a more general exemption for those items deemed consistent with the prior 17 items, as determined by the Planning Director or Design Review Administrator, and consistent with all Design Review Guidelines.

Ms. Macdonald Powell acknowledged that the policies for single-family, multi-family, and commercial districts could be the same to ensure the process was streamlined if that was the direction from the Commission.

Chairperson Comprelli referenced Attachment A (June 10, 2013 Staff Report) and recommended Page 1 of the staff report be revised to reflect its submittal to the members of the *Design Review Board* and not to the members of the *Planning Commission*. He asked staff to keep in mind the approach that could be implemented to ensure the proposed text amendments were followed by future staff.

On motion by Commissioner Levenfeld and seconded by Commissioner Kline to continue the Consideration of Potential Amendments to Title 8, Planning and Zoning, of the Town of Moraga, Municipal Code, to Clarify Thresholds for Design Review to a date certain of July 1, 2013. The motion carried by the following vote:

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

V. ROUTINE & OTHER MATTERS

A. Potential Amendments to Moraga Municipal Code, Title 8, Planning and Zoning, to Clarify Section 8.68.060, Lot Size, Yard and Setback Requirements

Ms. Macdonald Powell identified the potential amendments to MMC Title 8, Planning and Zoning to clarify Section 8.60.060 (Lot Size and Setback Requirements). She read into the record MMC Section 8.68.060, as written and as shown on Page 1 of the June 17, 2013 staff report, noted that this section of the MMC required cross referencing to other sections of the MMC and generally applied to those properties established prior to the Town of Moraga's incorporation in 1974. She commented that this section of the MMC used the term 'alteration,' which was commonly understood to mean remodel without repair or increase in floor area. MMC Section 8.72.030 (Design Review Procedure for Additions or Alterations) makes a distinction between the term 'alteration' and 'addition.'

Ms. Macdonald Powell explained that currently planning staff informed potential applicants that they might remodel or repair existing structures that met the previous County Zoning Ordinance but do not comply with the Town's setbacks. Staff also informed applicants that additions which met the County Zoning Ordinance but do not meet the current Town regulations must go through a variance process before the Planning Commission. This process was frustrating for applicants and was unclear in the MMC.

Ms. Macdonald Powell explained that this issue had been identified as a concern by the Town Council and residents of the Town. Staff proposed two different approaches to amend the MMC in order to make the process and intent of the ordinance clear for

applicants and staff. She identified the first approach for the Town which is to set up a procedure to allow those structures already built into the setbacks to extend beyond the Town setback as long as certain criteria was met, which would allow the Town to address issues of privacy, scenic views, sunlight and other benefits setbacks provided to neighborhoods and development. The second approach would be to allow the additions to extend into the Town's setbacks so long as the addition or changes were subject to DRB approval. She asked that the Planning Commission provide input on the staff recommendations, and noted that the same presentation would be made to the DRB on June 24, 2013 prior to the next meeting of the Planning Commission on July 1, 2013.

PUBLIC COMMENTS OPENED

Judy Dinkle, Moraga, a local Designer and Project Manager, thanked the Planning Commission for tackling an issue she had faced in the Town for a residential remodel. She had found the Town's process to be increasingly confusing, making it difficult to decipher how to advise her clients. She cited a current case for a home she was working on that had been built in 1966 under the County regulations which allowed 10-foot setbacks, although when the Town had been incorporated in 1974, the home had been converted to 20-foot setbacks. She sought clarification on the requirements, noted some of the existing buildings were provisionally sited on the lots, and noted there was no room to move an addition another 10 feet given the topography of many of the lots in the Town. She stated that this situation applied to approximately 80 percent of the dwellings in Zone 1 in Moraga. She asked the Planning Commission to consider allowing residents to continue to have walls (extend) in a straight line back from existing walls, when reviewed by the DRB, and when deemed appropriate in all other ways.

Steve Forster, Architect, Pleasant Hill, echoed the concerns with the conflicting language in the MMC which had been frustrating to homeowners. He identified three local projects for which he had been involved and which had been completed prior to the Town's incorporation in 1974, all of which had been successful with no neighbor objections. He cited a current project on Camino Ricardo which was being required to comply with the current Zone 1 rules. This property was similar to 26 other homes in Camino Ricardo, built prior to 1974 in compliance with the County regulations in lot size, width, and 10-foot setback. The requirement for a 20-foot setback would make it almost impossible to build an addition to his Camino Ricardo project. Although Section 8.72.03 of the MMC made a distinction between additions and alterations, the purpose of the design review process was to avoid substandard development and ensure improvements within a residential development maintained consistent standards of design. Both are intended with his architecture. He asked that the Planning Commission consider the adoption of the first approach identified by staff, permitting residential additions which continued to extend along the existing walls that occurred within the previous setbacks, established by the County.

Shannon Zwakman, Moraga, reported that this time last year she had been in contract to purchase her home on Scofield Drive. At that time, she had conducted due diligence on the Town's setback requirements and the potential for expansion and additions. She

had been informed by planning staff at that time that her property was located in Zone 1, built under the County zoning, and must comply with the R-15 building setback requirements, as documented by information she had been provided in writing. Based on that information, she and her husband had purchased their property. It had later come to her attention that her property might now be required to adhere to the Town's zoning requirements, as opposed to the County's R-15 regulations. She stated that requiring adherence to the Town's regulations would result in significant and negative implications, and an increase in the side yard setback from 10 to 20 feet meant she could not add on to her home behind the garage. Had she known this would be the situation, the home would not have been purchased. She expressed concern that the Town's regulations would negatively impact the value of her home, and would be a deterrent to those considering moving to and investing in Moraga. She asked the Town to honor the information she had been provided, in writing, and asked the Planning Commission to uphold the first approach identified by staff.

Robin Felix, 118 La Quinta, Moraga, commented that she had gone through the process with the Moraga Country Club Homeowner's Association (MCCHOA) for the purpose of expanding her deck located on the lower portion of her property, which had been approved by the MCCHOA Architectural Committee. Her home was three to seven feet from the property line and she had to comply with 10-foot setbacks from the property line. After having discussed her plans with planning staff, she had been informed her deck would encroach into the required setback necessitating the application for a variance. She expressed her hope that the Town would allow those property owners desirous to expand into the existing lines of building to do so.

Responding to the Commission that the Moraga Country Club would be addressed separately from the other issues to be addressed with the MMC, Ms. Brekke-Read explained that the Moraga Country Club had been on the staff program for almost two years. The intent was to address some of the issues in the Moraga Country Club with the proposed comprehensive amendments.

Ms. Clark acknowledged that the issue was a frequent problem for homes in the Moraga Country Club, and there could be opportunities for smaller setbacks where reasonable and smaller additions which could be approved where appropriate. The proposed amendments would not necessarily address Planned Developments (PDs) but she hoped the amendments would offer an opportunity to address some of the concerns.

Commissioner Levenfeld characterized the Moraga Country Club as different with homes in tight spaces, different from the subject discussion. She wanted the Commission to discuss whether it would fit into the proposed amendments or require further discussion.

Chairperson Comprelli pointed out that the Moraga Country Club was not the only PD in Moraga. He expressed concern there would be no flexibility with the parameters as described by staff.

Ms. Brekke-Read affirmed that PDs were different, by design. The PDs developed after the Town's incorporation had been zoned PD with their own development standards, such as Sonsara and Sanders Ranch. Much of Moraga Country Club had been approved by the County under a PD although when the Town incorporated it had not carried over the PD zoning and it was not straightforward. The Town had considered the total area of Moraga Country Club including public space and had designated it 3-DUA; however, the lots were nowhere near the 3-DUA the Town had designated, with some of the lots being 3,000 square feet or smaller in size, which had created an issue. Staff had discussions with the General Manager of the Moraga Country Club on both long- and short-term fixes, and staff could propose something separate from the subject discussion, or provide more information to the Planning Commission.

Ms. Brekke-Read cited the property at 205 Fernwood Drive, where Table 4 as shown in the staff report, had identified the development standards with the existing front yard setback at 24.8 feet close to the required 25-foot setback, and the property owner had requested to add on to the property. The question was whether to allow development into the Town's setback and she had recommended a variance if extending into the required setback. If the building line had already been established, if it made sense architecturally to extend the building line, and if it made sense from the layout point of view, the answer would be in the affirmative subject to DRB approval. She supported that check and balance as a good idea but recognized that would affect a lot of properties, which was why staff had not proposed specific language. She asked the Commission to discuss the staff recommendations and provide feedback and emphasized that input from the DRB would be solicited as well.

Ms. Macdonald Powell noted that the item had not been noticed as a public hearing. A public hearing would be scheduled for the Planning Commission, possibly as early as July 1, 2013.

Ms. Brekke-Read added that this discussion had been noticed in the About Town newsletter, and staff had conversations with many people who had also been invited to attend the meeting.

Commissioner Kline noted that approximately eight years ago he had built an addition to his residence within the 10-foot sideyard setback and had been granted administrative approval. He saw the situation as one of consistency, recommended that the first approach would achieve that consistency where the County setbacks were different, and represented a good first step to reducing many of the problems in the Town. While it would not solve the issues with Moraga Country Club, he recommended that staff enlist input from the MCCHOA.

Commissioner Kuckuk recognized the Town had established different zoning requirements when it had incorporated in 1974 with many homes built prior to 1974. She supported the staff recommendation for improvements subject to the setback requirements in place at the time of construction, given the number of homes that would be affected. She would require DRB approval only without any hesitation for cases involving extension of walls along existing setback. If there was any encroachment

further into the setback requirement, she recommended a variance and DRB review, emphasizing the intent for the regulations to provide spatial separation and a sense of privacy between individual residences. She emphasized the reasons that design review had been established to assist in achieving that vision. She also wanted to be reasonable and recognized the number of homes in the community that had been built under the County zoning requirements. She wanted to recognize the desire for homeowners to have pride in their property, make improvements and build in reasonable ways, while also recognizing in many cases that building might involve the extension of a wall along the existing setback.

Commissioner Kline agreed that a second story should require DRB approval, although he recommended that an extension of an existing wall should only require administrative approval and not DRB review.

Commissioner Levenfeld cited a situation where a home involved the extension of a wall but which was not near any other bordering property. In that case, while she had supported the project, she also supported DRB review.

Commissioner Kuckuk cited the variance application for 271 Donald Drive. One of the reasons she had supported the project was that there was no home built close to the lot line at the adjacent property. Although the extension along the existing setback was significant and at least the depth of the existing home, it angled away from the adjacent property, two factors weighing in support of the application. Absent a judgmental review at some point, an extension along the setback for approximately 25 feet would be allowed and it could be a concern on a given property if affecting the privacy of adjacent neighbors.

Commissioner Kline commented that the two examples used were not appropriate given that they involved encroachments into the setbacks set by the County. Urging consistency, he noted the long practice in the Town to approve such applications pursuant to the County rules. While a second story could be eliminated from the first approach, he saw no reason to change the County rules. Another aspect of the setbacks was where it was measured from the foundation or the eaves.

Commissioner Schoenbrunner clarified with staff the processes for administrative as opposed to full DRB review and approval.

Ms. Brekke-Read advised that the Zoning Ordinance measured the setbacks from the foundation or the building wall. In 2001, the Town Council had determined setbacks be measured from the eaves, and since that time the Town had been measuring setbacks from the eaves.

Ms. Brekke-Read reported that staff had revisited the issue with the Town Attorney who had agreed that a variance should not be required from the zoning to measure setbacks from the wall or foundation. Council policy required some review process which was the reason why many applications had been brought to the DRB. The Council had been apprised of the issue of measuring setbacks from the eaves, and on June 12, 2013 the

Town Council concurred with staff that setbacks were to be measured from the building line with the foundation.

Commissioner Kline pointed out that if applying the County rules, setbacks would be measured from the foundation. He expressed his hope that if the Town were to apply County rules, measurement would be from the foundation. He wanted to see that issue clarified as well.

Ms. Brekke-Read acknowledged that there were a number of areas where the Zoning Ordinance could be cleaned up. She would rather have the Town make forward progress slowly as opposed to making no progress.

Ms. Macdonald Powell added that the Town Council action in 2001 was a broad-based policy measure and not a zoning amendment. Staff was now recommending zoning amendments to clarify language and allow the Planning Commission, DRB, and the Town Council to ensure the language was clear and concise.

Chairperson Comprelli clarified with staff that the items before the Commission dealt only with single-family residential zoning with the intent to address PDs and the Moraga Country Club in the future.

Commissioner Marnane found the current rules for setbacks and size of lots to be appropriate for the most part. From a review of the history, it appeared that any application for a variance did not have to start with how to make the project good, but to do whatever the property owner wanted and then argue for support of the variance, with no clarity. He sought a set of reasonable guidelines which allowed some flexibility. Given the lack of clarity, he could not support any of the approaches recommended by staff at this time.

Commissioner Levenfeld was more comfortable at this time with the second approach identified by staff, requiring DRB review, and was willing to see more information since she could see why the first approach might also be appropriate. She found that an increase in building height [second story] would be significant and she would not be able to support just administrative review for such an addition since a second story could have a significant impact on a neighboring property.

Commissioner Kline suggested that those Commissioners who supported the second approach should also consider that the Town had operated over the years more or less with the first approach.

Ms. Brekke-Read disagreed in that staff had found many variances to the first approach with the policy applied in a variety of ways.

Commissioner Schoenbrunner sought an understanding of how onerous the variance process could be. As to the two approaches proposed by staff, she found the first approach to be reasonable, but would like more information on the possible

repercussions that could change the Town. She was also uncomfortable with the addition of a second story and the possible setback impacts.

Chairperson Comprelli commented that his preference would be the first approach, although he remained concerned with situations that could develop under the first approach. He was concerned with situations that should not be allowed, such as a second story, or garage 25-feet-deep with a 50-foot extension, and whether the setbacks would be maintained, which he found to be excessive. He was uncertain how such situations would be handled, leading him to the second approach. The second approach had a list of potential (exceptions) which required DRB review. As a result, he was leaning towards support of the second approach since he did not want to see the (setback) exceptions foisted on the Town without appropriate thought and review.

PUBLIC COMMENTS CLOSED

On motion by Commissioner Schoenbrunner and seconded by Commissioner Marnane to direct staff to schedule a public hearing and continue Potential Amendments to Moraga Municipal Code Title 8, Planning and Zoning, to Clarify Section 8.68.060, Lot Size, Yard and Setback Requirements to a regular Planning Commission meeting on July 1, 2013.

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

B. April 17, 2013 Minutes June 3, 2013 Minutes

The following changes were requested to the minutes of the **June 3, 2013** meeting:

Commissioner Kuckuk requested an amendment to the second to last paragraph on Page 7, as follows:

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 Kline brought to staff's attention the revisions he had requested, as shown on Page 11 of the minutes of the June 3, 2013 meeting for modifications to the minutes of the April 17, 2013 meeting, had not been recorded in the "revised" copy of the April 17, 2013 meeting minutes.

On motion by Commissioner Kuckuk and seconded by Commissioner Kline to approve the minutes of the June 3, 2013 meeting, as amended. The motion carried by the following vote:

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

The following changes were requested to the minutes of the **April 17, 2013** meeting:

Commissioner Kline restated an amendment he had earlier requested to the fourth sentence of the second paragraph on Page 18:

With the submittal of a grading plan and as mitigation, the level of 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 [Commissioner Kline] suggested that they should not be built if they are visible above the ridge.

After the motion was taken, Chairperson Comprelli requested a revision to changes he had requested to the minutes of the April 17, 2013 meeting, as shown on Page 12 of the minutes of the June 3, 2013 meeting, as follows:

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 full stop at the stop sign at Joseph Drive, which had not been adequately evaluated in the DEIR.

On motion by Commissioner Kline and seconded by Commissioner Marnane to approve the minutes of the April 17, 2013 meeting, as amended. The motion carried by the following vote:

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

Absent: Onoda

VI. REPORTS

A. Planning Commission

Commissioner Kuckuk reported that she had attended the Liaison meeting when the Fourth of July *Buy a Rocket* program was the topic of discussion.

B. Staff

Ms. Brekke-Read re-introduced Pierce Macdonald Powell who spoke to her background, who was pleased to be back in the East Bay, and who looked forward to working for the Town of Moraga.

Ms. Brekke-Read also reported that the Town was advertising for a full-time regular Associate Planner position with the recruitment period to end in the middle of July. She reminded the Commission that Planning Commission and DRB meetings would not be held in August.

VII. ADJOURNMENT

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

A Certified Correct Minutes Copy

Secretary of the Planning Commission

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

January 7, 2013

7:00 P.M.

MINUTES

I. CALL TO ORDER

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

ROLL CALL

Present: Commissioners Kline, Killam, Kuckuk, Chair Levenfeld

Absent: Commissioners Obsitnik, Socolich

Staff: Shawna Brekke-Read, Planning Director
Doug Herring, Consultant 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

There were no comments from the public.

III. ADOPTION OF THE CONSENT CALENDAR

- A. November 5, 2012 Joint Meeting Minutes**
- B. October 15, 2012 Minutes**
- C. October 1, 2012 Joint Meeting Minutes**
- D. August 6, 2012 Minutes**
- E. July 16, 2012 Minutes**
- F. July 2, 2012 Minutes**

On motion by Commissioner Kuckuk, seconded by Commissioner Kline and carried unanimously to move the Consent Calendar to Item VI, A. Routine and Other Matters.

IV. ADOPTION OF THE MEETING AGENDA

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

V. PUBLIC MEETING

- A. Camino Ricardo Subdivision - Proposed by SummerHill Homes.**
Discussion of the revised site plan for the Camino Ricardo Subdivision. The 27-lot subdivision includes 26 single-family residential parcels and one open space parcel.

Planning Director Shawna Brekke-Read explained that the intent of the discussion was to allow the applicant, SummerHill Homes, the opportunity to present the project. She introduced Consultant Planner Doug Herring.

Consultant Planner Doug Herring presented the revised site plan for the Camino Ricardo Subdivision based on input from the Planning Commission, the Design Review Board (DRB), and residents during a Joint Planning Commission and DRB meeting on October 1, 2012. He highlighted the project site which consisted of 14.26 acres on Camino Ricardo; 900 feet north of Moraga Way; south of Hardy Drive; located on a hilly, long, and narrow site; covered primarily by a former walnut orchard; with Laguna Creek running along the eastern boundary; and Corliss Tributary crossing over two dense riparian corridors. The project site was located in the northern portion of the Moraga Center Specific Plan (MCSP), designated Residential 3-dwelling units to the acre (DUA), and while zoned 3-DUA the project would require rezoning to Planned Development District (PD).

Mr. Herring compared the revised plan to the previous submittal with both plans intended to develop the western half of the subdivision and leave most of the eastern half permanent open space and dedicated park. Both plans would provide for single access off of Camino Ricardo via a single private internal street to terminate at a turnaround at the eastern end. The revised plan had reduced the number of homes from 28 to 26; replaced two of the units facing Camino Ricardo with a landscape buffer of rows of orchard trees; added curvature to the street incorporating undulations; oriented the homes to the internal street; shifted the internal street to the south to improve sight distance; widened the internal street width adding a landscape median to the entrance; increased lot sizes by approximately 20 percent, with new lots ranging from 7,528 square feet to 22,765 square feet and with an average size of 12,599 square feet; larger lots had been located on the north side of the street closest to the existing homes to the north; lots on the northern side of the street would range from 13,084 square feet to 22,765 square feet with varied lot widths and shapes at the front and rear, widths of the lot frontages varying from 42 to 200 feet, rear lot widths varying from 42 to 189 feet; and added variation to the front setbacks.

There would be increased separation between the homes with a minimum of 20 feet and up to 42 feet between buildings at the second story.

The revised plan also included customized front entries and landscape treatments; a future road connection to the property to the south had been shifted about 250 feet to the west and now occurs mid-block rather than at the end of the street breaking up the stretch of homes on the south side of the street with the end of the street now a traditional cul-de-sac; a continuous 4.5 foot sidewalk had been added on both sides of the street rather than only on the north side; a 38-foot street right-of-way included two 10-foot travel lanes and an 8-foot parking lane, sidewalk and 0.5 foot curbs. The right-of-way would be 56 feet at the entrance including the landscape medians, and three homes would have side entry garages (Lots 7, 9, and 20) with the majority to remain oriented where both front doors and the garages would face the private street. A combined access road and pedestrian trail had been extended south along Corliss Tributary and the open space area to the proposed outfall; the pedestrian trail continued south to the adjacent property; substantially increased grading would be required and the off-haul increased from 8,000 cubic yards to 25,000 cubic yards with the placement of fill on Parcel E to remain at 21,000 cubic yards; and there would be an increased number of retaining walls with a maximum height of 4 feet with added curvature to some of the walls, all to be screened with landscaping.

Mr. Herring explained that both the planning code and the MCSP had established a minimum lot size of 10,000 square feet, and noted that the General Plan allowed clusters on lots of less than 10,000 square feet subject to Planning Commission review and approval pursuant to General Plan Policy LU1.6, Minimum Lot Size; and Policy LU1.6 (c), Clustering on Smaller Lot Sizes. He also referred and read into the record the following policies: Policy LU3.1 (k) Creek Protection; Policy OS2.2, Preservation of Riparian Environments; Policy OS2.5, Watercourse Preservation; Policy LU5.2, Preservation of Agricultural Resources; Policy CD1.1, Location of New Development; Policy CD1.3, View Protection; and Policy CD4.4, New Residential Developments; as outlined in the January 7, 2013 staff report.

Responding to the Commission as to the average lot size uphill from the subject site, Mr. Herring understood the average lot sizes were approximately 20,000 to 22,000 square feet. The subject parcel was intended as a transition from the higher density to the south.

Denise Cunningham, SummerHill Homes, displayed an example of a hillside project, also designed by SummerHill Homes, in the Town of Los Gatos, illustrating an example of the architecture and quality intended for the subject site. She introduced the design team present in the audience.

Ms. Cunningham provided an overview of the site and identified the surrounding uses with Sonsara Development to the west, Moraga Commons, Moraga Road, Laguna Creek, and the Safeway located in the Moraga Shopping Center. She reiterated that the project was located within the MCSP and that a great deal of effort had been put into the design with community input. She reiterated that the property would be located in the northern portion of the MCSP, zoned 3-DUA, and envisioned as a transition to the higher density to the south up to 20-DUA.

Ms. Cunningham presented the initial iteration for 36 lots, with 10 lots bounding the creek located on the east side of the property, which would have required a road to take access off of Moraga Road along with the approval of an easement from the Town for property to the east. This plan had not been viewed favorably by the Town. There was a recommendation to cluster the homes on the west side away from the riparian access with no access off of Moraga Road. After meeting with the Town, a 28-lot plan had been proposed with clustered homes on the west side of the property, access off of Camino Ricardo consistent with the MCSP, future access at the eastern end of the site, and a program for the area to the north between the existing neighbors and new homes for permanent open space. Many of the design elements for that plan had been driven by a reduction of grading off-site which would have resulted in approximately 17,000 cubic yards of fill on the peninsula and 18,000 cubic yards of off-haul. Two of the homes would have been located on Camino Ricardo. That had not been well received by the Planning Commission, DRB, and the community who sought more variation in the street scene as opposed to a long stretch of homes. Drainage impacts had been addressed as a concern, sidewalks and parking on both sides of the street had been recommended, and there had been a recommendation to consider 10,000 square foot lots with 80-foot widths across the entire property although that would result in a significant amount of off-haul.

Ms. Cunningham advised that in response to input, the developer had revised the plans and recommended the cluster plan as the most appropriate for the site and which would address the majority of the concerns. This plan included the dedication of permanent open space to be maintained by a Homeowner's Association (HOA), preservation of the hillsides, a reduction in grading, and buffering and transition from the homes to the north. She advised that the site plan had been revised with curvature and a harmonious approach with the existing communities. A key component was the curvature of the road creating variation and contours with the hillside providing flexibility for varied lot sizes, frontages, and widths. The homes fronting Camino Ricardo had been eliminated from the plan and there would be a 25-foot landscape buffer in that area to be planted with ornamental orchard trees. All of the homes would have driveways fronting the new future street. The frontages of the homes would vary from 32 to 100 feet offering opportunities to design customized entries and landscape features.

In addition, the future road connection had been moved to be more central to the site, breaking up the appearance of a long stretch of homes, and improving the massing. The revised plan had resulted in more grading, off-haul, and retaining walls although the retaining walls would be screened from view and vary in height from 4 feet or less.

Ms. Cunningham identified the introduction of a landscape median which would also break up the impervious area and break up the entry. She noted that in consultation with the traffic consultant the shifting of the road to the south would improve sight visibility and would be away from the neighbors to the north. She offered artistic renderings of the revised plan including the entries, landscape median, landscaping, and a sample of the circulation that would encourage the use of alternate modes of transportation. As part of the revised plan, sidewalks would be located on both sides of the street allowing for complete circulation from Camino Ricardo to the future road connection to the south, and the open space all the way to Moraga Road and extension of the trail along the Corliss Tributary to the south would serve as an access road to the storm drain outlet and retention pond. The developer had also worked closely with a biologist and arborist on the placement of the pedestrian bridges to avoid the most mature trees on the site and there would be no biological impacts or disruption to the creek.

In response to a recommendation for parking on both sides of the street, Ms. Cunningham explained that due to the trade-offs of grading and off-haul, there would be two parking spaces for each home in the garage, two parking spaces in each driveway and one additional space on the street, for a total of five parking spaces per home. She suggested that would be adequate to accommodate the parking needs but could be discussed further. In terms of the density, she identified the existing neighborhood to the north at 3-DUA and 2-DUA units as built and stated that the subject proposal included the largest lots on the northern side to provide the greatest setbacks in keeping with the existing lots sizes. The revised plan was in keeping with the higher density planned to the south of the MCSP.

Greg Miller, CVG, Project Civil Engineer, described the project topography and terrain with 50 feet of fall from the top of the hill down resulting in a challenge to fit the homes on the lots and work through the grading issues. He described the intent for the street to get up the hill as quickly as possible with movement far to the north and as steeply as possible pursuant to the policies of the Town's Subdivision and Grading Ordinance and the Moraga-Orinda Fire District (MOFD). The curvature of the road would create visual interest and additional street length allowing the road to fit higher and more closely to the existing grades.

Mr. Miller presented cross sections of the high point of the road with 50 feet of existing setback where the hill would remain in its existing condition with grades back down to a 3:1 slope, which had shown the relationship of the highest lots to the existing neighborhood and which illustrated that no views would be impacted.

Mr. Miller spoke to the grades and the connector road extension to the south which had been shifted to the west to create more interest and which would fit better topographically. He described the effort to minimize the off-haul from the project, identified the existing park site which had a grade of 3.5 percent, and the effort to place some material to reduce the off-haul while also creating more of a level pad more conducive to park uses.

Mr. Miller identified a change in grade of eight feet and explained while visible would be set back around 50 feet from the property line. In terms of the utilities, due to the hillside on the top of the site, storm drains and sewer would be in each direction with sewer lines to connect to the Central Sanitation District on Camino Ricardo to the west and on the east side down the pedestrian trail connecting to an existing manhole on the far eastern portion of the site. He commented that in discussions with the Central Sanitation District, there would be adequate capacity. The drainage would be collected on the western half of the site with bio-retention for water quality treatment to drain the lots from the street; and from the street collect the low flows into the bio-retention areas, filter the water, and 500 feet to the west connect to the existing storm drain at Camino Ricardo. On the eastern side, the drainage would come down a storm drain in the pedestrian trail with another bio-retention at the Corliss Tributary, which would take care of the storm water quality treatment and reduce flows from various flow events. An existing 12-inch water line at Camino Ricardo located in the East Bay Municipal Utility District (EBMUD Bryant Zone) was identified, with the notation that the project would likely have an 8-inch water line in the main street to be designed by EBMUD.

Dan Hale, Hunt Hale Jones Architects, described the guiding principles for the site plan for the SummerHill Homes project. He commented that he had reviewed the MCSP and the Town's Design Guidelines, and countless successful hillside neighborhoods in the Lamorinda area identifying the Sonsara development as a successful hillside development, which had married the home design to the topography with good articulation, massing, and landscaping.

Mr. Hale identified the three different types of home sites proposed including a side-split design to be located where the streets were going up and down; upslope design flat in the front and stepped up to the back, and homes that were flat with a range of 2,750 to 3,100 square feet of living space, excluding the garage. All homes would have flex space to allow the homeowner to fit the home to one's lifestyle similar to a custom home.

Perspectives of individual lots were displayed of the upslope homes offering interesting massing, more separation between the homes, floor plans to be articulated with single-story elements projecting out of the second-story elements, 20 feet between buildings across the board and wall-to-wall, 10-foot minimum sideyards with the second floors of the upslope homes to have 35 feet between elements creating variety in the streetscape.

Mr. Hale commented that the front of the homes had been pushed and pulled to provide curvature and interest from the street and to ensure that all front setbacks were not the same providing articulation and variation. The side-split home design would have a 10-foot minimum and up to 35 feet between second-story structures and the flat lots would have 10-foot minimums and up to 45 feet between second-story structures in some instances. He offered conceptual drawings of the three different home style designs including an example for Home Site 1, to consist of a side-split home with the garage at the bottom level with living space above, and a transition to a front porch and entry in an Arts and Craftsman design incorporating plaster, shingle, siding, exposed wood detailing, corbels, detailing around the porches, railing, columns, and in some instances trimmed out windows, window boxes and masonry elements, and elements in front of the garages.

Of the 26 home sites, 22 would have physical portions of the architecture coming out in front of the home site and the other four would have outdoor living space in front of the architecture. Home Site 8, to consist of an upslope design (four of the sites would offer this style), was displayed to illustrate the living space in front of the architecture, with the home sites offering unique design opportunities with outdoor living space offering a transition from the front of the street to the higher living level in an Early California style with the use of elegant plaster primary building material, recessed windows, metal detailing, nice tile roofs, the second floor would be set back from the single-story element, and with a variety of roof shapes and forms.

Home Site 4 depicted an upslope home design to be offered in a Bay Area architectural style, consisting of lap siding, window boxes, shutters, porches with wood columns, railings depending on the home site, and would offer an opportunity to create a broad open entry courtyard to the front porch reinforcing the custom feel of the home site. An example of the flat home design was also presented consisting of the Early California style through the use of small accents, wood shutters, exposed rafter details, recessed windows and a few shutters, and three-dimensional massing offering the opportunity for unique massing and custom feel reinforcing the design goals desired. Side entry garages would be accommodated for three of the home sites in each of the three home styles. Of the 26 home sites, 13 different exterior expressions of the architecture had been proposed with 26 different entry designs.

Shari Van Dorn, Van Dorn Abed Landscape Architects, identified the generous 25-foot setback from Camino Ricardo to the first home, translating to over 35 feet from the face of the curb to the first side of the home allowing the creation of a triple row ornamental orchard, recalling the history of the site, which would cross into the median used at the entry and follow through on the other side of the street.

Ms. Van Dorn described the road meandering nicely through the project, creating a nice street scene which would allow each lot a different shape, frontage and unique landscape design, entry feature, and custom patio. Trees would be planted around the entire perimeter of the project to allow the project to be nestled into the hillside and allow buffering of views in/out of the project. Trees would be provided along the southern boundary with a dense canopy between the homes and the riparian area and also provide a strong buffer from any potential views from the Town looking up. The top of the project would allow for a dense canopy of trees from the homes above and a comprehensive tree replacement plan would be provided as part of the project working with the Town and the Parks and Recreation Department.

Ms. Van Dorn identified the main entry, views into the project with views of the triple row of ornamental trees, low stone retaining wall, split rail fence with stone pilasters providing a physical barrier from the ornamental orchard, and the water treatment area with the intent to create a consistent colored and textual blanket for the understory for the orchard to work past the split rail fence into the water treatment through a seamless design. Images of the low stone wall and split rail pilasters was offered along with the proposed ornamental orchard material, successful planting for water treatment areas that had been used in the past, including mounding grasses, and use of color and more riparian native plant material for the water treatment area at the rear. All of the lots would have custom designs. She offered concepts for custom patios, livable outdoor spaces, low picket fences or no front patios, all custom designed and unique through a variety of paving and landscaping materials.

Ms. Cunningham emphasized the effort to provide diversity in the plan in response to the comments from staff, the Planning Commission, the DRB, and the public in order to provide transition while being consistent with the policies of the General Plan and the MCSP.

PUBLIC COMMENTS OPENED

JOHN REED, 846 Crossbrook Court, Moraga, identified his property as being located adjacent to the park component of the project. He commented that when he purchased his home it abutted the abandoned orchard and the zoning for the property was 3-DUA.

Mr. Reed expressed concern with a potential change in zoning which would allow the area behind his home to become a park in violation of the current zoning. He expressed concern with the amount of grading that could occur as part of the development and the impacts of water runoff. He stated that he would rather see a home behind his property than the park.

PAUL KLINE, 834 Crossbrook Court, Moraga, questioned the practical reasons for the movement of earth in the potential open space/park area and expressed concern with the potential environmental impacts. He is concerned that stormwater would drain into his back yard. He was also concerned about the effect of building up the park parcel on his views from his back yard. He also expressed concern with the amount of grading to accommodate the homes and the potential impacts to the creek area. He stated he would like to see the orchards remain.

DALE WALWARK, 857 Camino Ricardo, Moraga, appreciated the changes made to the plan since the initial submittal, the proposed landscaping which would be very important, and the removal of the homes along Camino Ricardo, and agreed with the widening of the entrance at Camino Ricardo. He also appreciated the varied architecture. He questioned whether the width of the street past the entrance had been changed since he found it to be too narrow particularly for larger vehicles such as garbage trucks and emergency vehicles which could block the entrance. He was concerned that a garbage truck could break down and then a fire truck would be unable to get through. He suggested there could be room behind the homes to allow the street to be widened or the developer could consider the acquisition of a slice of property below the subject property to be able to enlarge the width of the street.

RICK SCARPETTI, 920 Camino Ricardo, Moraga, acknowledged the changes had focused on the cluster of the homes away from the riparian areas which was a benefit. He asked about the ranges of lot widths on the frontages on the southwest side of the site, questioned how the access road would be connected in the future, and asked whether another street would come in from Camino Ricardo or another street from the west to accommodate the homes on the ridge. He suggested that Lots 16, 17, and down to 11 did not have to be clustered; found the depth of the lots more than sufficient; suggested the width of the homes should be expanded; suggested there were too many lots on the southwest side; questioned how the smaller lots at 3-DUA would transition to 20-DUA; suggested the lots could be wider and less deep; questioned how the frontage along Camino Ricardo would be developed; expressed concern with the bio-retention areas which would be more visible; expressed concern with sight distance hazards and with traffic traveling north into the site given the existing traffic conditions; questioned where construction equipment would be stored during the construction period given that Camino Ricardo was not a viable option; questioned the 10,000 minimum square foot lots; spoke to the first home that had

been turned facing north and asked of the lot and home size; questioned whether the homes were compatible with the Sonsara development which had a mix of single- and two-story homes; and urged a project that was compatible with the existing neighborhood.

PUBLIC COMMENTS CLOSED

Ms. Cunningham reiterated that in working with the Town the plan had been revised from the initial submittal to a 27-lot subdivision with the 26 single-family homes spread across the site; and that the drainage at the peninsula would be factored into a detailed analysis with the drainage to be captured properly through bio-retention.

Mr. Miller acknowledged that both the Reed and Kline properties drained along the back property line and stated that the project would provide a swale or drainage ditch along the property line that would collect stormwater drainage from the project site and prevent it from flowing onto the adjacent residential properties.

Ms. Cunningham commented that the elevation of the creek along Moraga Road was higher than the peninsula and some of the grade was required to build up the area for the bridge and pedestrian crossing, and could be done 50 feet from the neighbor's property line. She noted that the street width was the same as previously proposed even with the sidewalk which did not reduce the standard street width. She also clarified the density along the southwest side noting the entire southern portion of the site with the smaller lots clustered on that side, and advised that the developer had reached out to the property owners of property along that southern side with no interest in coming to a mutual agreement or acquisition of the property. She added that the MCSP included a full Environmental Impact Report (EIR) which had evaluated all environmental impacts, including traffic, which had evaluated 42 homes on the site. A Focused EIR would be prepared to evaluate site specific comments when the intersection would be evaluated.

As to the 10,000 square foot lots, Ms. Cunningham advised that was in the zoning code. She reiterated that the MCSP called for clustered housing and she clarified that Lot 11 would be 15,596 square feet including the extra 25 feet of the orchard area. The home on that lot would range in size from 2,800 to 2,900 square feet and would be one of the larger lots.

Commissioner Killam understood that the MCSP called for minimum separation for single-story buildings at 25 feet, although the revised plan called for the homes to be 20 feet. As a result, the plan as revised would be in violation of that requirement. He questioned whether or not MOFD apparatus would be able to access the street even with the 28-foot standard width; clarified that parking would only be on one side of the street; and that the homes would range from

\$1.2 million in price although he understood the homes were to meet the requirements for Low Income housing. He also clarified the parking with two parking spaces inside the garage, two in the driveway, and one along the street for a total of five parking spaces available for each home. He didn't think that three guest parking spaces per unit were sufficient.

Mr. Miller reiterated that the project met the MOFD and Town requirements for street width and turnaround; the project complied with the policies of the MCSP in terms of separation from the buildings; and the project complied with the Town's Development Standards.

Ms. Cunningham explained that the cluster concept would allow for variation in lot sizes and plans. The new sizes would have a minimum of 20 feet between each home and possibly greater in other areas.

Commissioner Killam stated that he had questioned the width between the homes given that part of the charm of Moraga was that homes were farther apart which added to the rural feel of the community.

Commissioner Kline found the revised plan to be a vast improvement when compared to the first iteration although he remained concerned with the emphasis on cluster development as the objective of the MCSP citing the Executive Summary of the MCSP regarding clustered housing with minimum 10,000 square foot lots and compatibility with existing neighborhoods; and in that regard there were several policies in the MCSP which specified 10,000 minimum square foot lots, a 25-foot lot separation, 80-foot lot widths, and a Floor Area Ratio (FAR) of .25. He did not agree with the applicant's position that clustering took precedence and the other policies should be waived. He acknowledged that the guidelines were flexible, although not extensively. He could support a 20-foot home separation with a flexible minimum lot size although he could not support a minimum of 7,000 square feet. He suggested that smaller lot sizes on the downhill side away from the street would be a good idea, clarified where the MCSP called for 42 homes in the core area, and suggested the plan should be revised prior to the expenditure of funds on environmental studies.

Commissioner Kline also expressed concern with the width of the street suggesting it should allow for parking on both sides. He noted that the MCSP called for a stub road but with no clue what the next developer planned and which needed to be resolved. While the stub road may now move left to right, when homes were built it could not be moved. He also raised concern with the fact that the MCSP called for street trees on landscape strips between the sidewalk and the street which could be provided on the deeper lots; the MCSP also called for rolled curbs; and that the homes not face open space, which the project homes do. He understood that 72 percent of the existing orchard was in

poor condition and the remainder in fair condition and he therefore found the preservation of the orchard not to be an issue.

Commissioner Kuckuk suggested the revised plan was an improvement to the original iteration presented on October 1, 2012.

Commissioner Kuckuk also appreciated the undulating roadway which appeared more natural but which resulted in more grading recognizing the Town's intent had been to minimize the grading when possible. She was pleased to see the roadway access to the lot to the south moved away from the cul-de-sac; shared the concerns with lot sizes and would like to see them closer to the 10,000 square foot mark; liked the varied sizes and ability to offer those varied sizes to the market; emphasized the site had always been intended as a transition in the MCSP with the attempt to provide something between the 3-DUA north of the property built out less than that density and with the density to the south to be even greater, and she commended the effort at transition.

Commissioner Kuckuk found the greatest concern with the development to be the park. She liked the idea of clustering in general and understood the issues of building on the eastern portion of the property given the riparian corridors in that area yet the project would be a change in zoning to those who lived adjacent and the park area needed to be thought out well. She suggested the plan should move forward with the environmental review.

Chair Levenfeld commented that the MCSP had been developed as taking an entire parcel into account with the goal of creating higher density housing with this the first project presented. She found the plan to represent the best case scenario that the Town would see with the build out of the MCSP; suggested the project would not feel as dense as it appeared given the undulation of the road; and that the height differences and architecture, while not perfect, were close to or better than that envisioned in the MCSP. As to the park, she commented it made sense to be more of an open space for people to sit and she was uncertain a bocce ball court was appropriate, and suggested that issue be discussed separately. She liked the ornamental orchard trees in the front as a nice compromise to save some of the character of the area and would like to see that concept wrapped around the entire Camino Ricardo area as the MCSP was built out. She agreed that the unknown of the connection street was a concern and would like to know if it was to directly connect to the access to the parcel adjacent to the MOFD Fire Station at Moraga Way. She suggested that the revised design worked well and was better than the initial hammerhead design which went nowhere. She noted that the issue with the street width would be something the Commission would struggle with through the implementation of the MCSP and higher density development. She was comfortable with the project moving forward as submitted and with completing the EIR.

In response to Commissioner Kline as to the issue of the park, Ms. Brekke-Read advised that the Park and Recreation Commission had asked staff to present the project to the Commission which was expected in February.

The Park and Recreation Commission had requested activity in the development review process given the significant lack of parks in the Town and the concern that increased development would bring in park development impact fees although the land would be developed with no land to purchase for park land.

Ms. Brekke-Read stated that she and the Parks and Recreation Director had worked closely to ensure that parks were considered early in the process and the Park and Recreation Commission shared that concern and was pleased to see a park plan offered and dedicated to the Town. She expressed her hope that would be incorporated as part of the EIR and in terms of the grading on the site.

Mr. Herring addressed the scheduling of the project which would, in part, be determined by the direction of the Planning Commission. At this time, he saw a split in direction with two Commissioners desirous of the plan being further revised and two suggesting the plan move forward with environmental review. He suggested the Commission might need to meet again to have a fifth member present to allow clearer direction on the application. Once that direction was clear and conveyed to the applicant, the applicant could move forward with additional plans required to be completed prior to the environmental review.

Ms. Brekke-Read acknowledged that she had considered a joint Planning and Park and Recreation Commission meeting to present the project although that involved two different issues; land use and planning and whether a park was appropriate, and if so what kind of park. In this case, she sought direction from the Planning Commission prior to input from the Park and Recreation Commission.

In response to some concern with the setbacks/separation between the buildings not being consistent with the MCSP, Ms. Brekke-Read clarified that there could be a misunderstanding of the Development Standards as shown on Table 4-10, which had shown the development requirements for 1-DUA per lot with no minimum building separation. She identified the options for Commission consideration; to close the item and allow the applicant to decide the direction to take, to ask the applicant to consider continuing the item to a future meeting or to ask the applicant to allow a continuance to a date certain. She also clarified with respect to the FAR in this case, pursuant to the table notes (b), 1-DUA per lot where proposed, the maximum dwelling unit may equal 5,000 square feet.

Ms. Cunningham stated, when asked, that the developer would prefer that the meeting be closed allowing the developer to take all comments into consideration and then determine whether to return at a later date.

Chair Levenfeld declared a recess at 8:50 P.M. The Planning Commission meeting reconvened at 8:55 P.M. with Commissioners Kline, Killam, Kuckuk, and Chair Levenfeld present.

VI. ROUTINE & OTHER MATTERS

The Consent Calendar had been continued to this point in the meeting.

- A. November 5, 2012 Joint Meeting Minutes**
- B. October 15, 2012 Minutes**
- C. October 1, 2012 Joint Meeting Minutes**
- D. August 6, 2012 Minutes**
- E. July 16, 2012 Minutes**
- F. July 2, 2012 Minutes**

The following changes were made to the minutes of the **November 5, 2012** joint meeting.

Commissioner Kuckuk requested an amendment to the first sentence of the fifth paragraph on Page 10, as follows:

Commissioner Kuckuk suggested that a Residential use would be appropriate for the site, that the MOFD Fire Station Administration Offices offered a buffer from the project site, and while the proximity of the MOFD training facilities was a concern and should Alternative B be pursued, she understood that the MOFD would have to give up a portion of their unused land at the training facility which was something that must be discussed further.

Chair Levenfeld requested an amendment to the first sentence of the second paragraph on Page 15:

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

The following changes were made to the minutes of the **October 1, 2012** joint meeting.

Commissioner Kuckuk requested an amendment to the third sentence of the last paragraph on Page 16:

She [Commissioner Kuckuk] stated that the layout remained landlocked with a narrow street and steep ingress/egress with limited sight distance on Camino Ricardo inconsistent with the creation of a high density pedestrian environment.

It was also requested that the phrase "inconsistent with the creation of a high density pedestrian environment" be eliminated from the fifth paragraph.

On motion by Commissioner Killam, seconded by Commissioner Kuckuk and carried unanimously to approve the minutes of the **November 5, 2012** joint meeting, as amended.

On motion by Commissioner Killam, seconded by Commissioner Kuckuk and carried unanimously to approve the minutes of the **October 15, 2012** meeting, as shown.

On motion by Commissioner Kline, seconded by Commissioner Kuckuk to approve the minutes of the **October 1, 2012** joint meeting, as amended, as follows:

Ayes: Kline, Kuckuk, Levenfeld
Noes: None
Abstain: Killam
Absent: Obsitnik, Socolich

Chair Levenfeld advised that the minutes of the **August 6, 2012** meeting would be continued to a future meeting to allow a full quorum of the Commission to be present.

On motion by Commissioner Killam, seconded by Commissioner Kline and carried unanimously to approve the minutes of the **July 16, 2012** meeting, as shown.

On motion by Commissioner Killam, seconded by Commissioner Kline to approve the minutes of the **July 2, 2012** meeting, as submitted, as follows:

Ayes: Kline, Killam, Kuckuk
Noes: None
Abstain: Levenfeld
Absent: Obsitnik, Socolich

VII. REPORTS

A. Planning Commission

There were no reports.

B. Staff

Ms. Brekke-Read reported that the next DRB meeting had been canceled due to a lack of items; Temporary Planner Katherine Nasset had been hired as the new Planner; and the deadline for the Senior Planner position would end at 5:00 P.M. this date.

Ms. Brekke-Read also reported that SummerHill Homes/Rancho Laguna II Vesting Tentative Map had been submitted the week prior to Christmas and was being processed by staff; additional applications being processed included the construction of a new single-family dwelling at 1066 Larch Avenue; the SummerHill Homes Camino Ricardo project; a mono-pine cellular tower at Saint Mary's College (SMC) for AT&T; an application for 1800 Donald Drive would be heard by the Planning Commission in early February; and the application from Signature Properties for development of the former bowling alley site along Moraga Road was being processed by staff.

Ms. Brekke-Read further reported that CVS would be meeting with staff this week to discuss the pre-application for the remodel of McCaulou's Department Store for a drugstore, drive-through, and proposed 24-hour operation with the sale of alcohol. She advised that staff continued to work on the Commercial section of the Zoning Ordinance. Any updates of the Sign Ordinance had been placed on hold pending the hiring of a new Planner. She was uncertain whether a second Planning Commission meeting would be held in January. As to the status of the parcel adjacent to the movie theater, she had received interest from developers although no formal application had been received.

Commissioner Killam reported that he had taken a part-time position with the Lamorinda Weekly and would be writing articles on the MOFD. He was uncertain whether that would pose a conflict of interest while he also served on the Planning Commission.

Ms. Brekke-Read advised that both the Planning Commission and the DRB would be asked to retain their meeting binders rather than return to staff after each meeting to allow better use of staff time, with staff to deliver the meeting packets to Planning Commissioners and members of the DRB.

VIII. ADJOURNMENT

On motion by Commissioner Kline, seconded by Commissioner Killam and carried unanimously to adjourn the Planning Commission meeting at approximately 9:17 P.M.

A handwritten signature in blue ink, appearing to be "Frank M. ...", written over a horizontal line.

Secretary of the Planning Commission

