

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

October 7, 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, Chairperson Comprelli

Absent: Commissioners Onoda, Schoenbrunner

Staff: Shawna Brekke-Read, Planning Director
Ella Samonsky, Associate Planner
Bob Pendoley, Planning Consultant

B. Conflict of Interest

There was no reported conflict of interest.

C. Contact with Applicant(s)

There was no reported contact with applicants.

II. PUBLIC COMMENTS

There were no comments from the public.

III. ADOPTION OF THE MEETING AGENDA

On motion by Commissioner Marnane, seconded by Commissioner Kline to adopt the Meeting Agenda as shown. The motion carried by the following vote:

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

IV. PUBLIC HEARING

A. 722 Augusta Drive, VA 03-13

Applicant: Diane Weil, 201 Roberta Avenue, Pleasant Hill, CA 94523

Proposed Application: Request for a Variance to Municipal Code 8.28.030 to allow a proposed zero- and-5-foot 6-inch side yard setback and 5-foot 6-inch combined side yard setbacks. Categorically exempt pursuant to Section 15301 and 15305 of the CEQA Guidelines ("Existing Facilities" and "Minor Alterations in Land Use Limitations," respectively). (3-DUA, EMC)

Planning Director Shawna Brekke-Read presented the request for a variance to Moraga Municipal Code (MMC) Section 8.28.030 to allow a proposed zero- and 5-foot 6-inch side yard setback and 5-foot 6-inch combined side yard setbacks. The project is located in the Moraga Country Club on a narrow lot adjoining the golf course green. A portion of the deck had already been constructed over the property line and another portion adjoined the property line. The DRB had already reviewed the project which involved the demolition of a deck for an addition and some remodeling of the home, removal of the existing deck on the south side of the property, a 283-square foot addition to be located on the south side of the property for an enlarged kitchen and dining area, a 46-square foot addition to the master bedroom at the rear of the home, new exterior door, remodeling of the front entry, and the replacement of two existing windows. The project required Planning Commission approval of a variance.

Ms. Brekke-Read acknowledged that similar requests had been made by applicants in the Moraga Country Club. In this case, the underlining zoning was 3-dwelling units to the acre (DUA) where greater setbacks were required than the existing setback on the ground. She noted the DRB had recommended approval of the project on September 9, 2013. The October 7, 2013 Planning Commission staff report and resolution of approval outlined the findings required for a variance.

In response to the Planning Commission, Ms. Brekke-Read clarified that Condition 1 in the Draft Resolution shown as Attachment A to the staff report, should be stricken from the conditions of approval. She also clarified that Moraga Country Club had been built as a Planned Development (PD) although the Town of Moraga zoning of 3-DUA was based on gross density. The Country Club contained some zero lot lines but it was unknown what development standards were adopted as part of the PD. As a solution, she suggested the zoning ordinance could be changed in the future to allow minor PD modifications.

PUBLIC HEARING OPENED

John Speicher, 722 Augusta Drive, Moraga, explained that the addition was intended as an extension toward the fifth green of the Country Club, which had a berm on the back side of the green, and which dropped down approximately 30 feet where the property was located.

Mr. Speicher commented the story poles for the addition were not visible from the lane where the garage was located, and that the other portions of the addition were minor

and intended to improve the current aesthetics. He stated that his wife was an interior designer and had spent a great deal of time reviewing the plans to ensure they fit within the aesthetics of the Country Club. He asked the Planning Commission to support the variance request.

PUBLIC HEARING CLOSED

Commissioner Marnane found the proposed variance to be well presented. He supported the granting of the variance request.

Commissioner Kline supported the Draft Resolution as written with the elimination of Condition 1.

Commissioner Levenfeld concurred.

Commissioner Kuckuk supported the variance request and found the plan to be well designed.

Chairperson Comprilli found the application to be a good one for a variance, one that made good sense, and met the requirements for granting a variance.

On motion by Commissioner Marnane, seconded by Commissioner Levenfeld to adopt Resolution next in number dated October 7, 2013 to approve VAR 03-13 for Weil at 722 Augusta Drive, subject to the findings and conditions as shown and with the elimination of Condition 1. The motion carried by the following vote:

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

The application was subject to the 10-day appeal process of a decision of the Planning Commission to the Town Council in writing to the Town Clerk.

- B. Draft Amendments to Moraga Municipal Code Section 8.68.060, Lot Size, Yard and Setback Requirements:** Public Hearing to Consider Draft Amendments and Recommendation to the Town Council. CEQA Status: Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines. Continued from September 16, 2013.

Ms. Brekke-Read reported that the Planning Commission and the DRB had reviewed the draft amendments to MMC Section 8.68.060, Lot Size, Yard and Setback Requirements during several past study sessions.

Ms. Brekke-Read noted that the Town Attorney had language to be included in the ordinance to make the setbacks clear for all properties developed under the County zoning, and prior to the Town's adoption of its own zoning in 1980. She asked that the

Planning Commission adopt a resolution recommending amendments to the MMC, which would be forwarded on to the Town Council.

Responding to the Commission, Ms. Brekke-Read explained that Moraga Country Club had been zoned R-15. The proposed amendments would not solve the issues staff had experienced with applications for the Moraga Country Club. She cited an application for property in the Fernwood Drive neighborhood for an extension of a garage with a five-foot setback, which was also developed as a PD.

Commissioners discussed that the Campolindo neighborhood had been built in 1980, and concerns regarding the language in the resolution.

Ms. Brekke-Read reiterated the Zoning Ordinance had been adopted in November 1980. She clarified that excerpts from the Planning Commission meeting of April 24, 1980 had been included in the staff report for background purposes for this discussion, and stated that staff had found the language had not changed beyond that time. She read into the record the existing language of the MMC which reads:

Front and sideyard setbacks applicable to property which was developed under County regulations continue to apply to that property notwithstanding the existence of regulations in this title which may make the use non-conforming. A building which is non-conforming solely because of inadequate front or sideyard setbacks or both may be structurally altered so long as the alteration does not occur within the front or sideyard area established when the property was originally developed.

Commissioner Kline suggested the first sentence could be amended to read: *Front and sideyard setbacks applicable to property when the permit process passed through the Town as of November 1980*, which he suggested would be more specific.

Ms. Brekke-Read clarified in response to the Chair that the setbacks applied to the "lot," not to the home. She offered different scenarios of potential applications in the R-10, R-15, and R-20 zones, and reiterated that for an extension of a building most additions staff had seen followed the existing building line, unless it was an architectural feature.

PUBLIC HEARING OPENED

Mike Rolley, 308 Birchwood Drive, Moraga, presented the Planning Commission with written material, referenced the Town's Zoning Ordinance which had been adopted in 1980, described his neighborhood consisting of few flat lots planned by those with 150 years of combined experience in plotting subdivisions in the hilly Lamorinda area, and while he understood this issue had been discussed in the past, the County setbacks had been changed for Moraga and he suggested the data used to rationalize a reason to change the setbacks was flawed. He noted that his entire street had a single sideyard setback of five feet, with every home on Birchwood Drive at a minimum setback of five feet on one side, with an aggregate of 25 feet. He cited his written materials consisting of the Town's Zoning Ordinance, an original County document, and

material he prepared to highlight the setbacks of the homes on Birchwood Drive, along with a document showing the distance from his residence and the neighbor located above.

Mr. Rolley stated that this property had been surveyed two years ago with a setback of six and a half feet from his property line. He pointed out that the neighboring properties were stacked with his neighbor above located 43 feet away. That neighbor had views of his roof, and he [Mr. Rolley] had views from his living room above his neighbor's roof of the chapel at Saint Mary's College (SMC).

The home below his property was 45 feet away, and when considering the property line and setbacks, Mr. Rolley asked that the entire layout of the land, not just the property lines, be considered. He otherwise commented that millions of dollars had been spent designing his and other neighborhoods in Moraga, with the homes on Birchwood Drive all over 20,000 square feet in size.

Shannon Zwakman, Moraga, stated she had spoken on the issue in the past and she urged the Commission to adopt the staff recommended resolution. She emphasized that many residents had purchased their homes and made planning decisions based on the homes being zoned by the County setbacks. She commented that she had previously submitted an e-mail to the Planning Commission detailing how she had inquired of her setbacks before the purchase of her home and had conducted due diligence to allow the expansion of her home for improvement and to accommodate a growing family. She suggested that she was not alone in that many residents were likely desirous to improve their properties for their families, improve property values, improve the neighborhood, and improve Moraga as a whole. She asked that the Planning Commission adopt the resolution to allow residents to improve their homes in a reasonable manner to the County setbacks that she and many others were of the belief applied to their properties.

Steve Forster, Architect, Pleasant Hill, also spoke to the many discussions and study sessions between staff, concerned citizens, the Planning Commission, and the DRB on this topic. He suggested the summary of those discussions, as outlined in the staff report, was an appropriate solution to the MMC issue, allowing homeowners within the context of R-10, R-15, and R-20 Districts an opportunity to create additions appropriate to today's needs and those with growing families. He noted the staff recommendation was well written, concise, a collaboration of citizens, professionals, staff, and the Planning Director, and provided an excellent check and balance system with the Design Review Administrator for unusual conditions on unusual sites. He urged the Planning Commission to adopt the staff recommendation.

PUBLIC HEARING CLOSED

Commissioner Kuckuk acknowledged the desire for homeowners to improve their homes, add on to them, update them, keep them current, and keep the Moraga inventory of homes nice and at a desirable level; however, there was nothing in the language of the resolution to address the situation recorded for the Birchwood Drive tract, and as evidenced by information Mr. Rolley had provided from the County. She

asked staff whether there was any other area that was similar to the County's recorded document that indicated the setbacks were different than those identified in the County at the time.

Ms. Brekke-Read explained that she was only aware of the Birchwood Drive neighborhood and the attached type of PD products in Town.

Commissioner Levenfeld understood that a PD would not have to adhere to the regulations under discussion since there would be different standards under the PD.

Ms. Brekke-Read stated that was the reason for changing the MMC to account for that and perhaps require DRB review and approval or something that would not require a variance.

Commissioner Kuckuk pointed out that the information provided by Mr. Rolley was straightforward in that the aggregate was the same but on one side of the property the setback was five versus ten feet. The way the homes on Birchwood Drive were situated on the lots they were close to one property line, not close together, enjoying privacy and spacious rear yards. She asked staff how to accommodate that situation while also addressing the other PD issues as those in the Moraga Country Club.

Ms. Brekke-Read suggested there were options to deal with PDs and she asked the Planning Commission for their comments.

Commissioner Levenfeld recommended grandfathering-in documented subdivisions or PDs.

Chairperson Comprelli commented that he did not want to penalize a homeowner for a situation that existed but also suggested there were issues associated with going from an existing condition that conformed to zoning into a non-conforming situation by extending a wall or other form of modification.

Ms. Brekke-Read questioned whether the Chair was interpreting that existing code meant that homeowners may add on as long as they were in the established setback.

Chairperson Comprelli suggested the language in the MMC allowed a homeowner to apply for a variance or design review from the regulations, and to require a condition that could not be met was a concern.

Ms. Brekke-Read offered another scenario; if a homeowner had a six-foot setback and desired to add on and maintain the six-foot setback, if the Chair was suggesting the homeowner be allowed to apply for a variance.

Chairperson Comprelli suggested the language in the code allowed that to occur absent a variance since the home in that scenario existed with a six-foot setback, and if it was consistent with the five or six feet and constructed prior to the Town's incorporation, he questioned what choice the DRB or the Planning Commission would have to not allow a homeowner to do what the neighbors had been allowed to do. He sought language

whereby an existing home, which did not meet the standards, created a set of conditions that required unique consideration.

Commissioner Kline suggested that homeowners should be allowed to build to the setbacks in effect at the time the home had been permitted. If the home extended into the setback, a variance application should be pursued.

Commissioner Levenfeld suggested there was a difference between any home and something built in a PD.

Commissioner Kuckuk again referenced the County recorded document for the Birchwood Drive subdivision, and asked staff whether the document had been identified by another name or whether there were other similar documents which had assigned setbacks to any other subdivision. She sought modification to Section 8.68.060, as shown in Section 2 on Page 2 of the resolution to read: *Notwithstanding any provision in this title to the contrary, the front and sideyard setbacks applicable to a lot which was developed in the former R-10, R-15, and R-20 zones, under County zoning regulations (i.e. prior to November 1980) are the front and sideyard setbacks that were in effect at the time of development per the subdivision terms and restrictions or County zoning regulations. County zoning regulations prior to November 1980 are shown below.* She suggested that modification allowed for another source of regulation for the setbacks and asked staff whether another type of document would create the setbacks other than a set of restrictions.

Ms. Brekke-Read suggested the language could be modified further to read: *per the subdivision's development standards or County zoning. County zoning regulations prior to November 1980 are shown below.*

Chairperson Comprelli was not opposed to staff's language given the requirement to comply with County standards or consistent with some sort of subdivision, which term was being used in a general sense. He suggested either a home was single family, not part of a subdivision which was required to meet the standards, and if not, and if developed not as part of a subdivision but a single lot, it would not be covered by the language under discussion.

Commissioner Levenfeld expressed concern that the new language could still leave someone with a non-conforming home since a home must be consistent with the County zoning or be part of a subdivision.

Commissioner Kuckuk pointed out that a residence not part of a subdivision but a single lot would then be up to the Planning Director to determine whether a variance would be required.

Ms. Brekke-Read explained that meant in the case of the Moraga Country Club, as an example, if a home had a two-foot setback and someone wanted to extend or add on and maintain the two-foot setback, it could be done with no variance or DRB review and approval.

Commissioner Kuckuk clarified if there was no recorded document for the Moraga County Club, there was a different set of issues.

Chairperson Comprelli suggested the same should apply to any subdivision which did not have a recorded document.

Commissioner Kuckuk commented that a potentially complicating factor could be if there was an addition to a home at some point, but uncertain when it had been improved, and if the original construction was close to 1980, and if close to the property line, that could be the point to measure from, which she did not support and which was potentially something that could come up.

Commissioner Levenfeld did not want to move forward that quickly absent the full consideration of the Moraga Country Club where broad language could inadvertently create impacts.

Commissioner Kuckuk disagreed in that the language in the resolution had not addressed Moraga Country Club specifically, which could still leave that subdivision with problematic situations.

Commissioner Kline pointed out it was not the intent to address the Moraga Country Club at this time.

Ms. Brekke-Read offered further modification to the language to Section 8.68.060, to state: *Per the subdivision's recorded development standards.*

Commissioner Kuckuk commented that would address pretty much everything in the Town with the exception of the Moraga Country Club, which was the objective for the subject discussion.

Ms. Brekke-Read clarified it was not just the Moraga Country Club but any of the attached housing product (PD) built before the Town's incorporation, but acknowledged in the discussion the amendment could be limited to single-family homes. She suggested that detached single-family homes could be added to the language.

On the discussion of modified language for Section 8.68.060, Ms. Brekke-Read stated that Section 8.68.060, as shown in Section 2, of Page 2 of the resolution could be further amended to read:

Notwithstanding any provision in this title to the contrary, the front and sideyard setbacks applicable to a lot on which a detached single-family residence was constructed in the former R-10, R-15, and R-20 zones, under County zoning regulations (i.e. before November 1980) are the front and sideyard setbacks that were in effect at the time of development per the subdivision's recorded development standards or County zoning. County zoning regulations prior to November 1980 are shown below:

Commissioner Kuckuk suggested that whatever term was used, whether "developed" or "constructed," it should be defined.

Ms. Brekke-Read explained on the discussion that staff must rely on its Geographic Information Systems (GIS) records, with the records relying on the date of construction. She restated the potential language modification to Section 8.68.060.

On motion by Commissioner Kline, seconded by Commissioner Kuckuk to adopt Resolution next in number dated October 7, 2013, recommendation to the Town Council Regarding Amending Section 8.68.060 of Title 8, Planning and Zoning, of the Town of Moraga Municipal Code, as amended by staff. The motion carried by the following vote:

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

The application was subject to the 10-day appeal process of a decision of the Planning Commission to the Town Council in writing to the Town Clerk.

Chairperson Comprelli declared a recess at 8:28 P.M. The Planning Commission meeting reconvened at 8:30 P.M. with Commissioners Kline, Kuckuk, Levenfeld, Marnane and Chairperson Comprelli present.

V. STUDY SESSION

A. 489 Moraga Road, Via Moraga Subdivision

Applicant: Signature Properties

Proposed Application: 17-lot Single-Family Detached Subdivision

Ms. Brekke-Read introduced Consultant Planner Bob Pendoley to the Planning Commission.

Consultant Planner Bob Pendoley presented an update on the Via Moraga project, which had been presented to the Planning Commission and DRB during three separate study sessions in 2012. Based on the input from the study sessions, the project returned to the Planning Commission in December 2012, further revised by the developer, for an 18-lot detached single-family home development, and a preferred street circulation system with an internal looped road with two driveway entry points from Moraga Road. After the December study session, the applicant, Signature Homes, developed a full application package which had been submitted to the Town in May 2013. The Planning Commission considered the May 2013 plans on September 3, 2013 and provided input on the revised plans.

The Planning Commission identified concerns with guest parking and the potential for overflow parking onto Moraga Road, with the Commission requesting more guest parking and that parking to be more evenly distributed; front doors facing Moraga Road

should be visible and include evergreen planting; parking on the internal loop street to be screened from Moraga Road; with concerns that the recreation area fronting Moraga Road may not be the safest location for children. The Planning Commission also sought a project which offered a village within a village concept; and after the applicant had considered all comments, had requested another study session with the Planning Commission and now offered three alternatives based on the discussions during the December 2012 study session.

Tom Quaglia, Project Manager, Signature Homes, thanked the Commission for the opportunity to address the project again during a study session. He again highlighted the four issues the Commission had discussed during its last study session on September 3, which had been addressed in the three alternatives. He presented the plans the Commission had seen during the September study session in order to show the evolution of the project as compared to the three alternatives, again outlined the concerns raised by the Commission regarding the overflow and guest parking, front doors along Moraga Road, and screening of the internal loop street. Taking those concerns into consideration, alternatives had been prepared.

Alternative 1 would maximize the guest parking at 18 spaces where the Zoning Ordinance required nine spaces through the use of diagonal parking at the east property line; locating the recreation space close to homes approximately four feet from the adjacent home to the west raising privacy issues; pedestrians would have to cross the loop street to get to the recreation area; the reconfigured recreation area would be narrower than shown in the May 2013 design and somewhat less usable; and the plan would place three parking spaces at the entrances to the neighborhood and effectively widen the streets, increasing the visibility of on-street parking as seen from Moraga Road.

Alternative 2 would place the recreation area sheltered from Moraga Road traffic to be easily accessible from all of the homes in the neighborhood, but would require buffering between the recreation area and the two adjacent homes, with three on-street parking spaces to be used for loading and unloading; the pocket next to parking space #15 would screen the on-street parking as viewed from Moraga Road although the Commission may want to consider requesting another landscape pocket at spaces #1 and/or #16; and parking spaces #7 through #15 would present an unattractive view of the two homes located across the street.

Alternative 3 would also provide a good location for the recreation area, but would require buffering for the two adjacent homes; the alternative would result in less parking than the other versions, but provide more than 14 guest parking spaces where the Zoning Ordinance required guest parking spaces for nine vehicles; and the plan would place three parking spaces at the entrance driveways and effectively widens the streets, contrary to the Commission's preference for screening parking from Moraga Road.

Mr. Quaglia explained that with the proposed evergreen hedges, the street trees could be as close to the street as possible, enclosing the entry with the landscaping as the feature. He described the proposed project as similar to Carroll Ranch, and expressed

his hope that the Commission would be able to provide general agreement of the project plans in order to allow the applicant the opportunity to finalize the project package.

Responding to the Commission, Mr. Quaglia identified the space that had been taken from the south side of the site in order to widen the street, with the back yards approximately 25 feet in depth, with a 10-foot landscaping area, and with some of the depth removed from one of the rear yards to widen the street. He spoke to Alternative 1 and commented that if the recreation area was swapped with the parking spaces on the east side, the recreation area would be slightly smaller but still offer room for a usable space. As to whether there was the opportunity to work with the adjacent property to extend the recreation area, he identified a grade differential and a retaining wall with the buildings set four feet back which offered no gain.

PUBLIC COMMENTS OPENED

Dale Walwark, 857 Camino Ricardo, Moraga, expressed concern with pedestrian and vehicular traffic on Moraga Road as a result of the development of the project given that pedestrians would likely cross Moraga Road to reach the shopping center across the street. He noted that left turning movements from the project site onto Moraga Road would be difficult leading to the eventual request or demand for a traffic signal, which would likely not be well received by the citizens of Moraga. He commented that he had recently walked that section of Moraga Road with Town staff all the way to the Commons and Rheem Boulevard as part of the Livable Moraga Road Project, and expressed concern that the projects planned as part of the Livable Moraga Road Project may not be feasible if the subject development was not taken into account given that it was situated in the middle of the Livable Moraga Road Project area.

Mr. Walwark suggested that all effort should be made to avoid something that could cause problems in the future. He otherwise noted the property had long been zoned for Commercial for good reason, and suggested that rezoning the property could be a problem in terms of pedestrian and vehicular safety.

Jim Grassi, former Deputy Town Manager for the Town of Moraga, commented that he had left the Town when AAAAA-Rent-A-Space had been proposed, which had elicited similar development concerns from the public. He understood the property had been zoned for apartments at one time, suggested the subject development would result in less traffic than a commercial use, pointed out the property had sat idle and was a site of visual pollution, and suggested it would be an asset for the Town.

PUBLIC COMMENTS CLOSED

Commissioner Marnane commented that he liked Alternative 1 (which he described as flipped) as a good solution. He suggested the developer had done a good job addressing all of the Commission's input; he liked the fact that Alternative 1 had shown the recreation area on the other side but he would like to see a photo simulation of that area to see how it would affect the two homes on the upper corner. He found that

Alternative 1 offered a number of parking spaces for the limited area but questioned whether the parking count had included the driveway with two parking spaces.

Commissioner Kline supported Alternative 1 with the recreation area at the rear. He pointed out that none of the alternatives had addressed the traffic issue and the pedestrian crossing, which called for a discussion for a median strip or crosswalk. He would not support approval of the project without some method to address those issues.

Mr. Pendoley clarified that this was just a study session, not a public hearing. The project would require DRB review and approval, and a Mitigated Negative Declaration (MND) would be required as part of the project which would address traffic and pedestrian safety issues.

Commissioner Kuckuk supported residential development and suggested a small lot single-family development could be done well on the property. She admitted that she was not happy with any of the alternatives, although she liked the placement of the angled parking at the rear. She noted that her comments during the prior study session related to the frontage, views from Moraga Road into the project, and concerns with respect to safety. She suggested that all of the alternatives were inadequate in screening the two streets. With large setbacks for the front yards of the homes, the streets' combined distance would be too great and the landscaping could not mitigate the view of the two rows at 90-degree angles from Moraga Road, and which would not appear as a village within a village. She sought input from the DRB with a recommendation from the DRB to the Planning Commission on the site plan and continued to be an advocate for a single entry to the loop street.

As the Planning Commission appointee to the Livable Moraga Road Project, Commissioner Kuckuk suggested the need to minimize points of contact between vehicles, pedestrians and bicyclists, in the roadway design. Two driveways should not be a part of the design unless required by the Moraga-Orinda Fire District (MOFD) or traffic studies. In her opinion, the plan should always be for a single driveway.

Commissioner Kuckuk pointed out there were no current requirements on the project to have two driveways. A single driveway could be one lane in and two lanes out to accommodate right and left turns, and by design would more effectively screen the internal loop road, keeping views of the scenic corridor scenic. She emphasized that the area was a commercial area of the Town, with small lot single-family development intended. She did not want to see a wall along Moraga Road but wanted to see the beautiful architecture that had been proposed. She did not want to see the cars and the streets but that the development remain private for the residents and from the road. At this time, she could not support any of the alternatives that had been presented and suggested there were many ways to configure the project, which was the reason she would like to see the DRB provide a recommendation to the Planning Commission on the project design.

Commissioner Kuckuk pointed out that the two-driveway concept had not been supported by the MOFD and the traffic studies. She urged the exploration of a single

driveway option, commented that the lots and the size of the setbacks could be reconfigured to accommodate a single driveway, and cited the recent Signature Homes' tour Commissioners had participated in and sought a design similar to Signature Homes' River Rock Lane which had been built in another community, and which had the closeness and village feel as opposed to the larger setbacks in the front yards.

Commissioner Levenfeld noted that the single driveway concept which had been presented in the past had involved a greater number of units. She too shared the concerns with the appearance of the project from the scenic corridor and preferred to see some restrictions with a right turn in/out only, which could be addressed in the future. She too favored a single entry but recognized the developer had fallen victim to changes in the makeup of the Planning Commission during the process.

Commissioner Levenfeld favored Alternative 2, which had the largest buffer on the left hand entry with a denser landscape pocket screening the views of the vehicles. Speaking to the alignment of the homes, she was uncertain what could be done given the small lots, and although the picture appeared to show the homes as staggered, in reality the homes were all in a row. She sought a more staggered appearance as opposed to a row of homes on each side of the street. She also liked Alternative 2 because of the parking accommodations and clarified with the developer that the number of parking spaces had not included the driveways. She requested that the project CC&R's prohibit the use of the driveways for parking overnight.

Mr. Quaglia clarified he had counted the parking spaces based on two in the garage, two in the driveway, and one on the street.

Commissioner Levenfeld suggested the two parking spaces in the driveway not be counted since there would be views of even more vehicles. She favored more screening, or staggering with some of the homes blocking the views of the driveways from the next home. She suggested that Alternative 2 had most of the parking buffered and screened from view. She also liked the recreation area and found that it would have the best configuration in Alternative 2.

Chairperson Comprelli understood the concerns with a single entry and agreed they had merit. He noted that he had not been a member of the Planning Commission when the initial iterations were presented; expressed concern with traffic in terms of exiting left onto Moraga Road from the shopping center which was currently a challenge; and stated he had difficulty visualizing the driveway and the left hand turning movements, depending on people turning left out of the shopping center. He noted the traffic in/out of the development relative to the traffic volume in/out of the shopping center would be negligible although there would be moments of congestion.

Chairperson Comprelli also agreed that pedestrians would likely cross where they wanted and that there had been some past discussions about a crosswalk consistent with the entry along Moraga Road, which was a concern since that was where the traffic was the worst with traffic in/out of the shopping center. He also had trouble visualizing how that would be addressed and handled in the form of a traffic study.

Mr. Pendoley explained that a traffic study had been presented in 2012 for the subject project which had considered several alternatives for the property and several traffic solutions. The study had shown that Moraga Road would handle the number of vehicles in/out of the property. If the project had a single entry driveway, the turning movements would be simple. The engineers preferred solution for two driveways, on the southern driveway, was a right turn in/out only, an alternative to that could be a traffic signal; a right turn in/out with a small island configuration was a common solution. The traffic study had also shown that it should not be expected that people would walk several hundred feet down to the crosswalk, and for safety purposes, a crosswalk should be part of the project although the location had yet to be identified.

Mr. Quaglia expressed the willingness to review the diagonal parking spaces for the recreation area and possibly flip the parking stalls to perpendicular if they fit. In response to the concerns with traffic, he identified the pedestrian entry into the shopping center across the way, identified the block from the mini-storage which did not have a crossing to the shopping center, and identified a logical point to place a light activated pedestrian crossing crosswalk which everyone could share, and which could be addressed in a future traffic analysis. In addition, he identified the existing bus stops. He also responded to the recommendation for a single entry and suggested that the days of the cul-de-sac were long gone, with the entry completely dictated by fire and police departments which preferred two points of entry. He suggested that one point of entry with a loop with only one way out would not be supported by the MOFD and would prove to be problematic. Responding to the visual concerns, he suggested a hybrid of Alternative 2 may address those concerns but would be a compromise and a completely different project.

Mr. Quaglia pointed out that the Signature Homes River Rock project had no setbacks, limited parking, 13-DUA, and 25 percent more traffic and privacy issues. He identified the setbacks and lining up of the buildings, suggested that the buildings really did not line up, and suggested the other Signature Homes' projects be revisited and if the project was viewed in a micro scale there would be more in/out. From a traffic generation standpoint, all existing retail and commercial uses along Moraga Road had two entry points and from a traffic generation standpoint, would generate more traffic than the subject project. He suggested that the project would generate as little traffic as possible in a land use standpoint in comparison to a commercial use. While he acknowledged he could do a better job on the screening, he could not provide a design similar to the Signature Homes River Rock product.

Commissioner Kuckuk clarified that she liked the village concept of the River Rock development.

Mr. Pendoley advised that Mr. Quaglia's description of the pedestrian crossing had come from the traffic study and under the Town's supervision for the property. As to the variations in the front yard setbacks for a staggered look, he commented that the variation in architecture recommended in the site plan would break up the pattern, offer a feel of real texture along the street frontage, and even though the garages would be

on the same plane with the amount of variation on the buildings on the front facades, one would not recognize that the garages were on the same plane. In response to screening the views down the street as seen from Moraga Road, he suggested that could be done at the cost of three parking spaces or less if they considered head-in 90-degree parking along the east side of the property.

Mr. Pendoley acknowledged in some standards the project was over parked and it had twice as much off-site parking as required by the Zoning Ordinance. If the driveway spaces were counted for guest parking, the project could afford to lose three parking spaces to achieve screening for the look the Commission desired. He otherwise commented that the Planning Commission had previously reviewed single entry driveway proposals with more units than now proposed, and at that time he had concerns with how those proposals would work with the MOFD and the Moraga Police Department. At that time, he had met with the Chief of Police and the MOFD, both of which indicated as long as there was the appropriate turning radius, a single entry approach could be handled.

Mr. Quaglia clarified that since the project would be a private development, with private streets open to the public, the project CC&R's would include strong restrictions that the garages be used for parking and not for storage.

Commissioner Kuckuk suggested if the perpendicular parking could be accommodated, and if there were any parking spaces to be eliminated, she would recommend those closest to Lots 16 and 18 be eliminated since they were the most visible to northbound traffic.

Mr. Quaglia also offered some potential monumentation for the project with a Welcome to Moraga Road Village or something like that which could be done with a basket with plants which would draw the eye to the monumentation.

Commissioner Levenfeld agreed with Commissioner Kuckuk's recommendation for the project to be reviewed by the DRB in order to provide input, particularly given the location within the scenic corridor. She recommended that review occur prior to the project returning to the Planning Commission for final review.

Mr. Walwark commented that the turning configuration the developer had identified assumed a crosswalk, which was new information that no one had heard.

Mr. Quaglia clarified that issue had been discussed during past study sessions.

Ms. Brekke-Read concurred the topic had been discussed in earlier study sessions.

- B. Study Session to discuss potential amendments to the General Plan and Title 8: Planning and Zoning. The Commission's discussion will focus on the Rheem Planning Area including the types of land uses that would be allowed and potential development standards.**

Ms. Brekke-Read explained that the Planning Commission had discussed the potential amendments to the General Plan and Title 8 during a meeting on March 18, 2013, at which time the Commission had discussed what types of uses should require a conditional use permit and what types of uses should be allowed by right, or permitted in the Rheem Planning Area (RPA). She provided an outline of the background of the discussions on the topic, including recommended short-, mid-, and long-term solutions for the RPA, and the staff recommended potential zoning and General Plan Amendments (GPAs) as detailed at length in the October 7, 2013 staff report.

Ms. Brekke-Read provided the Commission with a list of tenant parking spaces and the square footage for each tenant in the RPA for informational purposes. She asked that the Planning Commission discuss the issues, accept public comment, and provide direction to staff regarding the GPA and changes to the Zoning Ordinance.

Responding to the Planning Commission, Ms. Brekke-Read identified Attachment A, Recommendations for Rheem Planning Area, which recommendations had come from the Economic Development Advisory Committee (EDAC) as part of the visioning workshops conducted two years ago.

PUBLIC COMMENTS OPENED

Kathy Nelson, representing the Moraga Chamber of Commerce, spoke to the efforts of the EDAC, and the *Shop in Moraga* effort of the Chamber of Commerce. She urged the Planning Commission to make the process as turnkey and simple as possible.

PUBLIC COMMENTS CLOSED

Commissioner Kuckuk recalled that many of the Planning Commissioners were new at the March 18, 2013 Planning Commission meeting she a lengthy discussion of how other towns handled the same issue. She said the Commission discussed a streamlined process for a few uses which were important to the Town and listing other uses that were prohibited. The Commission also preferred not to have a lot of large commercial/big box stores. She was happy to see the sizes of existing tenant spaces and to see how many small spaces were in existence, which had shown they had a long way to go to consolidate those tenant spaces which would encourage a more national chain-oriented shopping center.

Commissioner Kuckuk noted that staff had recently provided the Commission with written information regarding the consolidation of tenant spaces. Given the number of businesses that started in smaller tenant spaces but did not succeed, she found 3,000 square feet to be a good size for requiring a use permit; however, she remained concerned with the consolidation of spaces which should be addressed as a Commission.

Commissioner Kline suggested that his number would be 4,000 square feet. He did not see that anything less than that needed to be discussed.

As a new member of the Planning Commission, Commissioner Marnane advised that many citizens had spoken to him about the MMC and signage. He was aware of the EDAC efforts but asked staff what action would be brought to the Planning Commission in the future. He wanted to see the Rheem Shopping Center fill up but suggested the RPA had worked well.

Chairperson Comprelli asked staff the ultimate purpose of the GPAs and Zoning Ordinance Amendments for the RPA. The prior Commission had indicated certain land uses should be permitted, and certain land uses should require a conditional use permit, such as a drive-through restaurant. The Commission had also discussed requiring a discretionary permit for certain sized businesses and formula-based businesses.

Commissioner Levenfeld recalled the Commission's discussion in March 2013 was more about over-regulation, and she recalled the public wanted it to be more open and allow anything, although the Commission had been heading in the opposite direction.

Commissioner Levenfeld had a different perspective of the discussions of that meeting, and suggested there were some uses that were too prolific in the Town, which issue needed to be discussed again. She suggested that size and use could be triggers and while she understood the Town did not have the funds to incentivize uses, there were uses that were desired that could be streamlined, with a list of uses that were not desired by the community.

Ms. Brekke-Read reiterated the feedback from the public was that the Commission's discussion was heading in a different direction. She emphasized that the feedback from the EDAC, the Town Council, and the community was a desire for cafés, outdoor seating, retail stores, and a variety of stores, and the way to achieve those uses would be to make it easier for such uses to obtain permits. To ensure that variety, size would have to be regulated or the number of tenant spaces that could be combined would have to be regulated. There had also been discussion about a variety of national and locally-owned retailers, which could be regulated through formula-based businesses and a discretionary process.

Chairperson Comprelli agreed that size was important to regulate as well as at some point in time the development of a series of businesses which fell within an umbrella of acceptability while at the same time allow a different kind of business to apply, particularly a larger business that may not be part of the Town's current vision but which could be accommodated by the RPA.

Commissioner Kline recalled that the former Planning Commission had been presented portions of code from various North Bay communities which included formula-based businesses and a definition from the City of San Francisco, although those communities did not have the same values as Moraga. In a later discussion, the Commission had been provided with clauses from other communities including the Town of Danville. He found the idea of formula-based businesses to be ridiculous, citing TJ Maxx as one of the best draws and sales tax generators in Town. He recognized that large businesses had an impact and should be regulated by size.

Ms. Brekke-Read explained that a formula-based business was an acceptable form of regulation. If regulating by size, as an example, at 4,000 square feet, Starbucks as an example, at 1,600 square feet, would not fall under the category. The community had indicated it wants eating and drinking establishments, and that use would be permitted and would not require the approval of a use permit. However, Nation's Hamburger, as an example, was different at 1,200 to 1,300 square feet where size was not a trigger but which had a take-out service. Take-out services were regulated by some cities given the litter and traffic that could be generated. In that case, she asked the Commission whether take-out service was important to regulate.

Commissioner Kline clarified that formula-based business opposition existed because people were afraid of the death of Mom and Pop stores; however, if the market did that it was the way it should be left, and because of that he suggested that regulation through formula-based businesses was wrong. He agreed that take-out businesses should be regulated because of the potential impacts from traffic, litter, and the like.

Ms. Brekke-Read commented that the same would be true for Burger King which had a drive-in and take-out, and affirmed that Commissioner Kline was suggesting that auto-oriented uses should require a use permit.

Commissioner Kuckuk stated that the discussion on formula-based businesses in the past had noted that some of those businesses were franchises, and the Commission had discussed strongly that should be viewed more as regular small business Mom and Pop versus other uses.

Ms. Brekke-Read commented that the focus had been on the Community Commercial District. She reported on feedback she had received that a focus should also be on a GPA. She wanted to explore a single designation for the RPA that had Residential and Commercial, and which would include the Town Offices and beyond to the apartments, which could be discussed further by the Commission at a later date.

Commissioner Levenfeld wanted to see Mixed Use with a renovation of the shopping center with housing located above the retail spaces, which would offer life to the center or some of the vacant parcels near the theatre which could be considered for Mixed Use.

Commissioner Kuckuk agreed that with other Mixed Uses located on the other side of Town she did not see why it would not work for the RPA.

Ms. Brekke-Read thanked the Commission for its input.

VI. ROUTINE & OTHER MATTERS

There were no routine and other matters.

VII. REPORTS

A. Planning Commission

Commissioner Kuckuk reported that she had attended a Kick-Off Meeting and participated in a tour of the Livable Moraga Road Project.

Commissioner Kline reported that he would not be in attendance for the next meeting of the Planning Commission scheduled for October 21 given it would be his 52nd Wedding Anniversary.

Chairperson Comprelli reported that he had attended the September 23 DRB meeting when the DRB had considered sign applications for Iron Kitchen, Union Bank, and a study session for the Camino Ricardo Subdivision. He reported that the Chair of the DRB had asked that the Commission be apprised of the public's desire for changes to the Town's Sign Ordinance as soon as possible. Speaking to the Camino Ricardo project, he asked staff why the DRB had considered the design aspects of the project prior to the consideration of the specific parameters of the project by the Planning Commission.

Ms. Brekke-Read explained that the Planning Commission had reviewed the layout of the Camino Ricardo subdivision, held a couple of study sessions, and offered feedback on the overall site planning and project layout. The developer made modifications to the plans, the Planning Commission offered additional feedback, and staff began the processing the application. The Town was following a more linear fashion of processing development applications starting with the DRB review of the design of a project, with the project then forwarded on to the Planning Commission, and ultimately to the Town Council. She cited as an example, when staff processed the SMC Recreation Center application, the Town had followed the process that had been used in the past with review by the Planning Commission first on the entitlements which locked in the square footage of the recreation center in a particular location. The application had then been forwarded to the DRB which reviewed the small design details, which process had been a bit backwards. While the process had worked out in that case, planning staff had another issue with the project at 1800 Donald Drive, and in that case the project had been submitted to the Planning Commission for approval of entitlements and environmental review, although the Planning Commission wanted comment on the design from the DRB. The project had gone back and forth through a lengthy process between the DRB and the Planning Commission and was now being appealed to the Town Council. The appeal did not include design review since the DRB had not provided final action on the design and the project still required action from the DRB. Staff had found in some cases, such as Camino Ricardo and the Signature Homes' projects that the project design drove what was ultimately constructed.

Ms. Brekke-Read clarified that the sign application for Iron Kitchen Restaurant had not been approved by the DRB but had been continued to another meeting.

B. Staff

Ms. Brekke-Read took the opportunity to introduce Ella Samonsky, the new Associate Planner. She reported that the Town Council had received a presentation on hillsides and ridgelines during its September 25 meeting, and had given direction to staff for a scope of work and a draft Request for Proposal (RFP) with the use of Palos Colorados funds to pay for a consulting team to develop hillside and ridgelines polices and regulations as well as technical studies. This effort would take about a year and the Planning Commission would be involved in the process.

Ms. Brekke-Read also updated the Planning Commission on the status of the Painted Rock proposal and her understanding the property owner had made a presentation to the Moraga Kiwanis Club, and acknowledged an application had been filed with the Town many years ago and the plans had been revised with an Initial Study having been prepared. She understood the property owner had been trying to work with staff privately and expressed the willingness to advise the Planning Commission of any public meetings on the proposal.

VIII. ADJOURNMENT

On motion by Commissioner Levenfeld, seconded by Commissioner Kline and carried unanimously to adjourn the Planning Commission meeting at approximately 11:00 P.M.

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Secretary of the Planning Commission