

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

December 2, 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, Marnane, Onoda, Schoenbrunner,*
Chairperson Comprelli

* Commissioner Schoenbrunner arrived after Roll Call

Absent: Commissioner Levenfeld

Staff: Shawna Brekke-Read, Planning Director
Bob Pendoley, Contract Planner

B. Conflict of Interest

There was no reported Conflict of Interest.

C. Contact with Applicant(s)

Chairperson Comprelli, Commissioners Kline, Kuckuk and Onoda reported that they had participated in a site tour of the Rancho Laguna II Subdivision.

II. PUBLIC COMMENTS

There were no comments from the public.

III. CONSENT

There was no Consent Calendar.

IV. ADOPTION OF MEETING AGENDA

On motion by Commissioner Kuckuk, seconded by Commissioner Kline to adopt the meeting agenda, as shown. The motion carried by the following vote:

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

V. STUDY SESSION

- A. Discuss and Consider Rancho Laguna II Subdivision and two versions of the project site plan.** A 27-unit subdivision of single-family detached homes. The project site consists of 178.89 acres located on the east side of Rheem Boulevard, between Moraga Road and St. Mary's Road.

Contract Planner Bob Pendoley provided a summary of the project as shown in the December 2, 2013 staff report. He explained that the main point of discussion at this time would be the two alternative General Development Plan (GDP) proposals for the site as submitted by the applicant, SummerHill Homes. He identified the project site consisting of largely undeveloped ranch land currently used for cattle grazing, with a minor ridge traversing the site in a north-south direction and with the minor ridgeline breaking into three smaller ridges at the south end with two small intervening valleys, generally between Rheem Boulevard on Moraga Road and St. Mary's Road. The property was designated Open Space in the General Plan, and zoned both Open Space - Moraga Open Space Ordinance (MOSO) (OS-M) and Open Space - Planned Development (OS-PD).

Mr. Pendoley described the history of the site since 2006 for a 35-unit proposal from a development group. An Environmental Impact Report (EIR) had been prepared as part of the development group proposal, and the Planning Commission had held a series of public hearings. In 2009, the Planning Commission approved a Conceptual Development Plan (CDP) for 27 units. That approval had been appealed to the Town Council and in January 2011 after four public hearings on the appeal the Town Council had approved a revised version of the CDP for 27 units.

Mr. Pendoley identified the approved CDP which included two entries to the property off Rheem Boulevard, Fay Hill Road to be widened and slightly realigned, a new road installed ("E" Street) along the minor ridgeline following the spine, with 19 units developed along the southeast development area, and the remainder along "D" Street. The grading would be such that the "E" Street development would be below the daylight line and below the ridgeline, with extensive grading and cut where there were three small ridgelines off the minor ridgeline, and with the fill to be placed in the valleys to create pads for the homes. The west slope for the first 1,000 feet or so along Rheem Boulevard and along Fay Hill Road down to the entrance of "D" Street would be cut to provide pads, with additional grading to repair Rheem Boulevard in addition to slide repairs. Cutting would also occur along the spine of the ridgeline to accommodate "E" Street which would create a trench effect. Wetlands would be excavated and rebuilt as part of the roadway repair, and all of the grading would produce 3:1 slopes.

Mr. Pendoley explained that the CDP had been approved with 130 conditions of approval, three of which must be satisfied to approve a GDP.

Mr. Pendoley also reported that on December 20, 2012, SummerHill Homes had assumed control of the property and had submitted a GDP application; staff had reviewed the application and deemed it to be complete for processing in February 2013; staff had initiated a peer review process on geotechnical, air impacts, visual impacts, and wetlands to determine whether additional environmental review would be required or whether the EIR had covered all impacts of the GDP as proposed; and staff had found no substantial discrepancies between impacts created by the GDP versus what had been studied in the EIR. SummerHill Homes had also met with community residents who had followed and spoken about the project in the past, and as a result of the peer review and those discussions, SummerHill Homes had revised the proposal and submitted to the Town last month two proposals identified as the November 23, 2013 GDP Site Plan and the Alternative Site Plan.

Mr. Pendoley noted that the November 2013 GDP closely followed the general layout of the CDP, with eight lots proposed in the west central neighborhood, and 18 lots shown in the southeast development area "B" and "C" Courts, "D" Drive, "E" Street and the realigned Fay Hill Road in the same location and configuration as shown in the CDP site plan, with the southeast area of the rear property lines for Lots 20, 21, 22, and 23 having been moved closer to "C" Court to make the parcels smaller and to leave more of the woodland grove to the east in permanent open space. The property lines in the west central neighborhood more closely followed the CDP site plan.

The November 2013 GDP differed from the approved CDP with two water quality detention basins proposed in the southeast development area, required as part of the conditions of approval in the CDP, which resulted in more grading. The grading plan was slightly different from the grading plans submitted in December 2012 responding to the peer review which had found additional wetland impacts. SummerHill Homes had made one change to the December 2012 submitted plans, and rather than grading at a 3:1 slope proposed grading at a 2:1 slope. Staff determined that this plan conformed to the CDP.

Mr. Pendoley identified the Alternative Site Plan which had most graded areas at 2:1 slopes; a limited number of small graded sections would have slope ratios closer to 3:1 reducing cut and fill and volumes; "D Street would be realigned to connect directly to Fay Hill Road which would improve the project by eliminating an intersection with Rheem Boulevard tying in the west central and southeast development areas together strengthening the sense of neighborhood and freeing up space to relocate two homes from the southeastern development area to the west central development area; Lots 10 and 11 would be moved from "B" Court to "D" Street and "B" Court would be shortened, reducing the grading in the southeast area and pulling the daylight cut line farther away from the small spur ridge just west of "B" Court; and "E" Street would be shifted to the east of the centerline on the north-south ridge, reducing the cut in the grading plan and eliminating the trench effect. This plan would eliminate the grading that would restore a small area where a water tank was formerly located east of "B" Court.

Mr. Pendoley stated that peer reviews had confirmed that the Alternative Site Plan did not raise any new environmental issues and that impacts would be reduced to a less than significant level. Peer review for the visual simulations for this plan would not be required because the proposed development would be below grading daylight lines in the CDP and in the proposed November 2013 GDP, with the visual simulations produced for the plans showing that the impacts would be mitigated.

Mr. Pendoley explained that the total acreage of open space land would be almost the same under all three proposals, with the primary difference being the grading. The CDP would have 176,000 cubic yards of cut; the November 2013 plan involved 235,000 cubic yards of cut; and the Alternative Site Plan would involve substantially less, a result of the 3:1 to 2:1 slopes. With a focus on wetlands and tree issues, the amount of wetland fill would be essentially identical under both the CDP and both versions of the GDP, with the Alternative Site Plan resulting in substantially less disturbance to lineal footage of stream habitat.

Mr. Pendoley commented that based on the differences, a reduction to the disturbance of natural resources, reduction in overall grading quality, better site plan in terms of access to the west central development area, reducing intersections on Rheem Boulevard, and based on peer review, staff recommended that the Alternative GDP had advantages over the basic CDP and November 2013 plans.

Responding to the Commission, Mr. Pendoley identified the detention basins as about the same in the CDP and November 2013 plans but slightly smaller in the Alternative Site Plan.

Kevin Ebrahimi, Vice President of Development, SummerHill Homes, identified the background and experience of SummerHill Homes, a privately owned builder, specializing in high quality development. He stated that the developer had worked closely with Town staff on the SummerHill Homes Camino Ricardo project, and commended the assistance of Town staff on the project and the detailed history in the staff report which led to the current application.

Mr. Ebrahimi identified the project site, the details of the January 26, 2011 Town Council approved CDP, and completion of a GDP application in December 2012. He detailed the design features associated with grading, utilities, stormwater, and water quality management including the need for detention basins incorporated into the project, with Condition PDP #2 for the CDP having anticipated the potential need for the detention basins based on the engineering analysis to take place in the GDP stage. Although the GDP application had been deemed complete and found to be in substantial conformance by the Town of Moraga in 2013, SummerHill Homes had found it would be constructive to engage with Preserve Lamorinda Open Space (PLOS) to potentially find compromises within the plan to further improve the development. Having met over a six-month period with a representative of PLOS, SummerHill Homes had developed the November 2013 GDP and the Alternative Site Plan.

Mr. Ebrahimi displayed an exhibit reflecting the Alternative Site Plan with most graded areas reflecting a 2:1 slope, relocation of Lots 10 and 11 from "B" Court to "D" Street, "D" Street realigned to connect directly to Fay Hill Road, and the shifting of "E" Street to the east of the centerline of the north-south ridge reducing the cut line farther away from the small spur ridge west of "B" Court. The Alternative Site Plan also provided an added compromise for PLOS by further minimizing the impacts of the project. He suggested that PLOS had worked in good faith with SummerHill Homes in acknowledging the need to limit modifications to the site plan to those consistent with the basic framework of the 27-lot project approved by the previous CDP.

Mr. Ebrahimi noted that the project would not be visible from Rheem Boulevard and the Lafayette-Moraga Regional Trail as required by the conditions of approval, and the storm drainage system had been designed to carry out water quality treatment to comply with Contra Costa County C.3 Clean Water requirements and reduce the peak flow for storm events of 10 to 100 years to historic levels.

Mr. Ebrahimi offered slides of the visual analysis to show that none of the proposed homes would be visible from the main public view points, Rheem Boulevard, St. Mary's Road, or the Lafayette-Moraga Regional Trail, and that none of the rooftops of the homes would be visible above the ridgelines. The single-story homes would be 19 to 21 feet in height and the two-story homes would be up to 35 feet in height.

Mr. Ebrahimi also reported that over 90 percent of the site would be designated as public open space managed through a Geologic Hazard and Abatement District (GHAD), with the new trail system to connect Rheem Boulevard to Fay Hill Road into the open space area connecting to the existing Lafayette-Moraga Regional Trail and to the future Palos Colorados Trail, with 5,000 lineal feet of new trail.

Mr. Ebrahimi offered a sample of the architectural elevations proposed for the project, with each design to include open courtyards and large covered patios and porches, and exterior spaces of the homes would create a well detailed and relaxed architecture similar to the courtyard style plans that would work well with the Moraga climate. He advised that SummerHill Homes would like to move forward with the Alternative Site Plan preferred by staff and continue to work with PLOS.

Responding to the Commission, Mr. Ebrahimi again identified the details of the Alternative Site Plan and commented that as part of the approved CDP, there was an agreement that the Town would participate with the applicant in the cost of repairing Rheem Boulevard, with all of Rheem Boulevard in sections defined in front of the property and farther south to be reconstructed, and that as part of the project design incorporated keyways would be included to stabilize Rheem Boulevard and the pads for the homes.

Ray Skinner, ENGeo, Geotechnical Consultants for SummerHill Homes, recalled as part of the prior discussions for the approval of the CDP that SummerHill Homes would be responsible for repairing the slide experiencing repeated activity over the years and the developer would not be responsible for dormant inactive slides.

Mr. Pendoley stated for the record that at this time staff was not prepared to discuss in detail individual slides although the Town had a geotechnical report reviewed by the Town Engineer and staff could return with a response.

Ms. Brekke-Read added that staff would be better prepared at a future meeting to answer those detailed questions on the level of slide repair.

Mr. Ebrahimi clarified that as part of the relocation of Lots 10 and 11 as part of the Alternative Site Plan, the grading would be eliminated that would restore a small area where a water tank was formerly located east of "B" Court, and that the restoration work would not be necessary since the area to be repaired would be small and difficult to see further reducing disturbance to the ridgeline. He also clarified the alternatives as shown for the underground sewage work and noted that trees in the area would not be required to be removed as a result of current drilling technology. He also clarified the depth and length of the detention basin, the detention basin design to be monitored by the project geotechnical engineer, the Town Engineer and Town's geotechnical peer review, and acknowledged a request to clarify and ensure accuracy of the slope calculations and to include the areas of slide repair although they may not be part of the development; a request to clarify the total cubic yards of cut and fill for the Alternative Site Plan clarifying there would be seven to ten percent shrinkage on the cuts depending on where the cuts were taking place; and acknowledged a request to clarify whether the project site was intended to be used as a dump for another site given that excess material from another site would be moved and there was interest as to where that material would be placed.

Mr. Ebrahimi emphasized the intent to work with the community on the development of the site which was the reason the developer had reached out to the community while there was an approved CDP. He further emphasized the intent to realize a design to the best of the developer's ability to incorporate as much as possible everyone's comments. He added that the intent of the large detention basin to serve the upper cluster of homes would create an area that would retain water. In working with the project engineer, the redesign of the project allowed the creation of the detention basin nested inside the existing grading area with the grading less than it was shown in the CDP. The detention basin would be designed with natural contours and a grassy swale area and the impacts would be minimal given its location and it would not be within any public viewsheds.

In response to the Commission as to the listed conditions of approval as part of the approved CDP, Ms. Brekke-Read explained that in the case of the Homeowner's Association (HOA) or formation of the GHAD, those conditions would be required at the time of the Final Map. She described the intent and purpose of the use of the GHAD as it related to the maintenance of the existing landslide with greater details on the GHAD to be provided at a future meeting. She also acknowledged a request for greater detail in the event a GHAD was unsuccessful in terms of potential liability to the Town or nearby residents given the existing slide activity in the subject area.

Ms. Brekke-Read also identified those conditions that must be satisfied prior to the approval of the GDP and prior to the approval of a Precise Development Plan (PDP) which would be done at the same time as the Final Subdivision Map. The conditions and associated timing had been outlined in the approved CDP.

Mr. Ebrahimi also stated that the intent of the detention basins had been to ensure that the project did not exceed the volume levels that were present before the site was developed. He emphasized the amount of calculations that had been done to size the detention basins to ensure they complied 100 percent with the requirements of the CDP. He also clarified the purpose of the one-foot wide trail intended to have the least amount of impact to the hillside; the need to relocate an existing pipeline along Rheem Boulevard which was not yet known and while required would be identified as part of the improvement plans for the project in the future; identified the details of the permanent conservation easement; grazing leases for fire control to mitigate the loss of grazing lands with the exact requirements to be identified at the stage of approval process and not anticipated to be significant; no emergency access road had been proposed other than Fay Hill Road as part of the CDP; interior sprinklers would be provided on all homes; and clarified the Town and developer's shared responsibility and costs for the stabilization of the lower Rheem Boulevard road repair.

Mark Armstrong identified himself as the former Project Manager for the owners of the Rancho Laguna II Subdivision. He described a three- to four-month time period for the analysis and discussions between the Town Manager, Town Attorney, and Town Geologists for the plans for the road repair, which the Town Geologist had proposed as an alternative to the filling of the lower Rheem Valley buttress fill, and with the road to be closed for a period of time to accommodate that repair. The Town had records to confirm the repair with a cost estimate that had been prepared by the Town's Geologist, Cal Engineering, and which had been reviewed by the project engineer. He commented that the figure in the million dollar range had been expected by the project engineer EN GEO and Cal Engineering. He ensured the Commission that many meetings had been held with Town staff and the public before the Town had approved the numbers identified in the approved CDP.

Ms. Brekke-Read emphasized again the timing of the conditions of approval, dependent upon when the conditions were to be applied.

Mr. Pendoley acknowledged the Planning Commission would likely desire a detailed discussion on the road repair prior to the approval of a Vesting Tentative Map. He also acknowledged a request for a moving checklist as part of the approval process for the project.

As to the adequacy of the Fay Hill Road/Rheem Boulevard intersection, Mr. Pendoley advised that such review would occur as part of the review of the Vesting Tentative Map. If it was determined that a safe intersection must be engineered that could be imposed as a condition of approval.

PUBLIC COMMENTS OPENED

Suzanne Jones, 1285 Bollinger Canyon Road, Moraga, Preserve Lamorinda Open Space, (PLOS) explained that PLOS had participated in the review of the project since it had first been proposed ten years ago and had been involved in the appeal of the project to the Town Council in 2009, leading to the final approval of the CDP in 2011. She identified Exhibit C, a Comment Letter submitted to the Town on behalf of PLOS dated November 12, 2013 and included in the December 2, 2013 staff report, which had outlined a recommendation for the Planning Commission to pursue the Alternative Site Plan as opposed to the November 2013 plan. She advised that PLOS had never supported a project of this density on the project site but understood that as part of the approval of the CDP, the Town must approve a GDP in substantial compliance with the approved CDP and that the density and major changes to the project would be unlikely at this stage.

Ms. Jones suggested that SummerHill Homes had made an honest and meaningful effort to address some of the concerns raised in the 2009 appeal, and she reiterated that her letter had enumerated the changes made to the plan and PLOS' support of those changes. She noted the issue of the new detention basin below the upper cluster of homes as part of the required C.3 requirements was a concern since it had not been analyzed as part of the EIR process and it would increase the grading, volume, and footprint over and above that approved in the CDP. She also understood that SummerHill Homes had responded with a proposed alternative plan which would avoid much of the additional grading, holding back further encroachment into the wetland area at the base of the slope below the cluster of homes through the incorporation of the 2:1 slopes, with small retaining walls. She supported the changes to prevent the vast increase in grading that would result, and expressed her hope that the Town and Planning Commission would work with the developer on how to limit the size of the detention basin if at all possible. She thanked the developer for being a cooperative partner in discussions with PLOS and in taking meaningful steps to mitigate many of the concerns expressed. She agreed with the staff recommendation to opt with the Alternative Site Plan.

Brian Morton, 599 Rheem Boulevard, Moraga, pointed out that the property lines along Rheem Boulevard as depicted in the plans were not accurate in comparison to County records, specifically for his property which had no road as had been depicted in the plans.

Ms. Brekke-Read stated that staff would work with the applicant to ensure the accuracy of the information.

Jane Russell, 273 Birchwood Drive, Moraga, suggested that views from Rheem Boulevard were not being taken into consideration. She currently enjoyed views of cattle on the ridgeline which would be changed with additional traffic as a result of the development. She suggested there were many issues unresolved with the project and expressed concern with potential impacts to existing wetlands, and Rheem Boulevard as a result of additional development. She also questioned the legitimacy of the open space designation.

Ken Markie, Lafayette, identified himself as the representative for a trust which owned a 3,000 property line fence shared with the development and on the other side of the bike trail identified another five-acre parcel owned by the trust. He expressed concern with the grazing lease. He commented that Contra Costa County was a fenced-in County; he had five horses on the property that was fenced-in although cattle owned by the Karr family had been allowed to run all over. He identified the impacts from methane as a result of cattle and nitrous oxide and CO2 contamination of the ground and ground water. He noted that his well water was contaminated and nothing was allowed to grow on the land. He advised that there was no revenue to his family as a result of the cattle grazing, and no money from a grazing lease would be shared with his family. His parcel extended to the Lafayette border and there was no agreement for traffic from the SummerHill Homes development to pass onto his land to reach the subject property.

Mr. Ebrahimi clarified that the trail had been proposed on the project site only as a requirement of the conditions of approval with the off-site trail part of the Town's concept for future development; i.e. Palos Colorados.

Ms. Brekke-Read asked that staff be able to return to the Commission with additional information to address the concerns expressed by the Markie family.

PUBLIC COMMENTS CLOSED

Commissioner Kline thanked PLOS and SummerHill Homes for cooperating to create a better project. He supported the Alternative Site Plan.

Commissioner Kuckuk also thanked PLOS and SummerHill Homes for working together to realize a better project in the Alternative Site Plan. She had a strong preference for the Alternative Site Plan noting that the GDP differed from the CDP because of the requirement for the detention basins, with the alternative plan reducing the grading, the area of disturbance, preserving the wetlands, and was most consistent with the General Plan. She found that the Alternative Site Plan was within the spirit of the initial approval of the CDP, and recommended moving forward with that plan.

Commissioner Schoenbrunner also thanked PLOS and SummerHill Homes for working together, appreciated the specific details to allow the Commission to hone in on the details, preferred the Alternative Site Plan, and asked that in the future as the project moved forward that all opportunities be allowed to comply with all of the conditions of approval, specifically the need to clarify whether the proposed public trail system, as reflected in Condition 12, would be viable.

Mr. Pendoley affirmed that inquiries about the public trail system would have to be further examined. Staff would return and identify the status of the trail and the Commission could discuss the options and details at a future hearing.

Commissioner Marnane also supported the Alternative Site Plan.

Commissioner Onoda supported the Alternative Site Plan, acknowledged the concerns with residents' properties not being mapped well, and expressed appreciation to PLOS and SummerHill Homes for working cooperatively.

Chairperson Comprelli also expressed appreciation to SummerHill Homes and their willingness to work with the community during the process. He liked the changes made from the CDP to the GDP and the Alternative Site Plan which changes he found to be constructive. He agreed that further work needed to be examined with future discussions between the public and the Commission. He found the Alternative Site Plan to be a constructive plan for the use of the property, and assuming all issues were resolved successfully could support the project moving forward to the next stage. He looked forward to a future presentation.

Chairperson Comprelli declared a recess at 9:02 P.M. The Planning Commission meeting reconvened at 9:04 P.M. with all Commissioners initially shown as present and absent.

VI. ROUTINE & OTHER MATTERS

There were no Routine and Other Matters.

VII. COMMUNICATIONS

There were no communications.

VIII. REPORTS

A. Planning Commission

There were no Planning Commission reports.

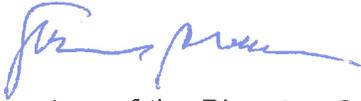
B. Staff

Ms. Brekke-Read reported that the new Associate Planner had started employment with the Town this date; the Design Review Board (DRB) would meet on December 9, 2013, which agenda would include a discussion on a Draft Sign Ordinance to be considered by the Planning Commission in early January 2014; the Town Council would consider updates to the Uniform Building Code (UBC), an updated Construction, Debris, Recycling Ordinance, and Code Enforcement Nuisance Abatement Regulations in early January 2014; and the Planning Commission would meet next on December 16, 2013 to hold a public hearing for the approval of the SummerHill Homes Camino Ricardo project and one other application.

IX. ADJOURNMENT

On motion by Commissioner Schoenbrunner, seconded by Commissioner Kline and carried unanimously to adjourn the Planning Commission meeting at approximately 9:20 P.M.

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Secretary of the Planning Commission

