

**TOWN OF MORAGA  
PLANNING COMMISSION MEETING**

La Sala Room, Hacienda de las Flores  
2100 Donald Drive  
Moraga, CA 94556

February 18, 2014

7:00 P.M.

**MINUTES**

**I. CALL TO ORDER**

Chairperson Comprelli called the Special Meeting of the Planning Commission to order at 7:00 P.M.

**ROLL CALL**

Present: Commissioners Kline, Kuckuk, Levenfeld, Marnane, Onoda,  
Schoenbrunner\*, Chairperson Comprelli

\* Commissioner Schoenbrunner arrived at 7:17 P.M.

Absent: None

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

**B. Conflict of Interest**

There was no reported conflict of interest.

**C. Contact with Applicant(s)**

Commissioners Kline, Kuckuk, Marnane, and Onoda reported that they had recently toured the Hetfield Estates project site with the applicant.

**II. PUBLIC COMMENTS**

There were no comments from the public.

**III. CONSENT**

- A. September 3, 2013 Minutes**
- B. October 7, 2013 Minutes**
- C. October 21, 2013 Minutes**
- D. November 18, 2013 Minutes**
- E. December 2, 2013 Minutes**

On motion by Commissioner Kline, seconded by Commissioner Kuckuk to move the adoption of the Consent Calendar to Item V. Public Hearing as Items B, C, D, E, and F. The motion carried by the following vote:

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

#### **IV. ADOPTION OF THE MEETING AGENDA**

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

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

#### **V. PUBLIC HEARING**

- A. Conduct a Public Hearing to Consider Approval of General Development Plan, Vesting Tentative Map, and Conditional Use Permit for the Hetfield Estates project, a seven-lot single-family subdivision.** (An Environmental Impact Report was certified for the CDP in July 2012. A CEQA Addendum has been prepared to address specific alignment of the Emergency Vehicle Access (EVA) on the site.) (OS-M, EMC)

Planning Director Shawna Brekke-Read described the background of the Hetfield Estates project which had involved numerous public hearings and input from the public. She recommended that the Planning Commission conduct a public hearing, receive a presentation from staff, ask any questions of staff, receive a presentation from the development team, ask any questions of the development team, accept public comment, provide any further comments from the Planning Commission to the applicant and staff, and then continue the item to a date certain.

Senior Planner Ellen Clark identified the public hearing to consider the approval of a General Development Plan (GDP), Vesting Tentative Map, and Conditional Use Permit (CUP) for the Hetfield Estates seven-lot single-family subdivision located just off of Hetfield Place with access off of Sanders Drive. The site was zoned Open Space-Moraga Open Space Ordinance (OS-M), and was subject to the requirements and procedures of MOSO and the Planned Development (PD) process, including the approval of a Conceptual Development Plan (CDP), GDP, Hillside Development Permit (HDP), Grading Permit, Precise Development Plan (PDP), Final Map, Design Review, and Building and Grading Permits consistent with the prior approvals.

Ms. Clark advised that the Environmental Impact Report (EIR) for the CDP and a CUP pursuant to MOSO had been approved by the Planning Commission in July 2012. She explained that one of the key findings for the approval of the GDP was a finding of project consistency with the previous approval, and the staff analysis concluded the plans were consistent and addressed issues that had been identified during the CDP process. The Planning Commission approved the CDP following an appeal of the project and the adequacy of the Initial Study/Mitigated Negative Declaration (MND) The Town Council had directed the preparation of an EIR, particularly to address the geotechnical hazards, among other issues, related to the site.

Ms. Clark explained that the CDP application included a six-lot subdivision and the EIR had considered an eight-lot alternative which would reduce the overall footprint since the lots would be smaller in size. As part of the CDP approval, the Planning Commission ultimately approved the seven-lot project in an effort to reduce exposure to landslide hazards on the site and to address neighbor compatibility issues.

Ms. Clark commented that a number of conditions of approval had been adopted as part of the CDP; staff had reviewed and revisited those conditions and had found that the conditions covered all bases of approval and issues of concern. Given the need to improve the organization of the conditions, she suggested incorporating many of the standard Public Works conditions associated with a Final Map. She explained that many of the changes had been made to clarify and make the conditions clearer and delete duplicate conditions. The Town's CEQA Consultant had also carefully reviewed the conditions and had compared them to the mitigation measures, resulting in the deletion of some of the conditions since they had already been addressed in the mitigation measures.

Ms. Clark reiterated that there had been a number of issues and concerns raised during the process for the Hetfield Estates project, as outlined in detail in the February 18, 2014 staff report. The site, located in a hilly area, would involve the clustering of seven lots on the lowest and flattest portion of the site although remedial grading would be required to prevent landslide risk, and in order to develop level pads for the future homes. Staff had carefully reviewed the grading plan against the previous approval and had found that although there were slight differences in the amounts of cubic yards of grading, the two proposals were substantially similar and would not differ to the extent they would not meet the requirements of conformance with the prior approval.

The project also included lot sizes similar to those previously approved and conditions of approval required that the homes be no more than 4,000 square feet in size, with a limit on the number of two-story homes placed side by side. Also as part of the project and prior to the construction of the homes, the applicant would be required to submit home designs to the Design Review Board (DRB) for review and approval to ensure compatibility with the existing neighborhood.

Ms. Clark described the required findings consistent with the MOSO Guidelines which had been restated in the resolution, and noted that a significant portion of the site (54 to

55 of the total 58 acres) would be preserved as open space to be served by trails, including a trail to parallel the existing access road, connect to an Emergency Vehicle Access (EVA) and then to the old Moraga Ranch Trail. There would be a number of conditions of approval as part of the project to address the trail.

Ms. Clark identified the only major change from the previous approval related to the EVA where the Planning Commission had previously discussed a conceptual alignment. As part of the CDP application, the applicant designated a more precise alignment of the EVA with an analysis in the CEQA Addendum. The EVA would be an unpaved fire trail engineered to carry a vehicle weight and terminate in a cul-de-sac allowing for a Moraga-Orinda Fire District (MOFD) emergency apparatus and equipment turnaround. Although there was a desire for the road to connect through to the Sanders Ranch subdivision and the applicant had been coordinating with the Sanders Ranch Homeowner's Association (HOA) to facilitate that connection, the Sanders Ranch HOA had other priorities and would not be entertaining such work at this time. She stated that the Town would like to see those efforts continue to be able to provide that connection.

Ms. Clark noted that natural resources on the property had also been identified as a concern, with Larch Creek running along the southern boundary of the site and with all of the grading activity outside of the creek setback with the exception of a bridge connection necessary to connect from the terminus of Hetfield Place in order to provide access to the site. The project included numerous conditions of approval related to the protection of Larch Creek.

Ms. Clark also identified the parking requirements and conditions for the project site, the conditions related to the geotechnical hazards, the requirement for a Geologic Hazard Abatement District (GHAD), and conditions related to the certainty of project completion as detailed at length in the February 18, 2014 staff report.

Ms. Clark reiterated that staff was not asking that the Planning Commission take action on the project at this time but provide feedback to staff and the developer, receive a presentation from the developer and comments from the public, and direct staff to return with any additional information to a date certain.

Responding to the Commission, Ms. Clark clarified Condition 31 related to the alternative endowment approach to secure funding for the GHAD and recommended the applicant clarify that information.

Eric Harrell, ENGEO, affirmed that a GHAD could be funded through supplemental taxes or if large enough through an endowment that could fund the GHAD activities.

As to some of the maintenance tasks it was recommended the GHAD provide, Ms. Clark affirmed that had been a topic of discussion between staff and the applicant and it had been recommended that one entity do all of that work.

In response to comments from the Commission, Ms. Clark again clarified the intent of Condition 31 as well as Condition 168, a general condition regarding the project approval, specifically for CEQA documents if legally challenged, and noted that a lengthy legal document would go with the GHAD and would be considered by the Town Council which would make a decision on the GHAD. She also acknowledged a request that the long-term liability of the Town be appropriately addressed; clarified Condition 8 which was a standard condition and pointed out there were other agencies and entities beyond the Town that had control and regulatory authority with respect to the development of the site. She acknowledged a request to specify the utilization of Illuminating Engineers Society (IES) of North America Standards for Condition 21 and explained that the condition had been taken verbatim from the CDP conditions. She added that if there was more specific language, and the applicant was amendable, the condition could be modified.

Ms. Clark also clarified in response to questions the intent of Condition 102 related to how the storm water would be treated before reaching the creek and public drain systems through an underground system pursuant to C.3 Clean Water requirements, with the applicant to clarify that condition during the presentation. She identified the geotechnical measures with respect to how landslide repair would be achieved physically with different technologies available for the stabilization which the applicant would also clarify; explained that the landslides had been remediated or measured to ensure the homes would not be impacted by a landslide hazard which the applicant would clarify; and as to whether prospective home buyers would be made aware of the history of landslides in the area stated that numerous disclosures would be required as part of any home sale. She was uncertain there would be a specific indemnity for the Town contained in any homeowner disclosure although conditions had been included to indemnify the Town.

Ms. Brekke-Read advised that the Town's attorneys would not be reading those specific and individual home disclosures at the time of sale. If there was not already a condition one could be added requiring full disclosure of geotechnical hazards. She pointed out that the history of any landslides would be disclosed since anyone purchasing a home in the project would be purchasing in the GHAD, which would address issues related to liability. She added that the GHAD would be funded in perpetuity.

Further responding to Commission questions, Ms. Clark identified the height of the retaining wall at the end of the cul-de-sac at three feet seven inches, with close to five foot retaining walls at the back of the lots and the 3:1 slope, and with the tallest retaining walls pertaining to the retention of the 3:1 slope. She clarified that the EVA would serve as fire protection despite the lack of a connection to Sanders Ranch with an increased access to the open space benefiting the community in general, with the actual width of access of the EVA at 16 feet. She also clarified Condition 19 with the setbacks for the homes to be consistent with the three dwelling units per acre (3-DUA) zoning standards; and she described the width of the debris basin at 10 feet with a flat top berm-mound and suggested that the applicant clarify the details of the debris basin.

Ms. Brekke-Read also clarified the intent of Condition 75, a Public Works standard condition for public safety purposes, with the condition intended to ensure that the Planning Department was involved in the design of the streetlights to prevent any off-site glare.

Ms. Clark added that the streetlights in the intersections had been based on the road configuration with the street lighting to provide appropriate sight distances. When asked, she clarified the intent of Condition 145 and explained that many of the native grasses would be annuals although there would be a mixture of native and annual grasses.

Ms. Brekke-Read noted that Condition 145 was a standard condition for annual grasses. She acknowledged a recommendation for perennial rather than annual grasses and explained that recommendation would have to be reviewed further by staff.

As to Condition 172 regarding the time limit for GDP and CDP approvals, Ms. Clark referenced Condition 13 regarding a bond with a time certain requirement in that condition. She reiterated there would be a condition to limit the placement of two-story homes next to one another; and again clarified the intent of the EVA and the hypothetical connection to the Sanders Ranch development with no agreement with the Sanders Ranch HOA at this time, although discussions were ongoing, and while there would be an EVA on the subject property it would terminate on the subject property. She noted the MOFD required a secondary ingress/egress when there were more than 25 units in a project, and with the subject development at seven units the secondary access would not be required; the EVA would only be an access road and not a traditional EVA.

Ms. Clark reiterated the parking requirements for the seven units with the CDP approval requiring one off-street parking space per lot. Originally the Planning Commission had envisioned the initial eight-lot development with eight off-street parking spaces in addition to the four trail parking spaces at the end of the cul-de-sac. She also identified the requirement for trail parking spaces and suggested the Planning Commission may reconsider the number of off-street parking spaces, although there was a request by the applicant to share the parking spaces between the residents, guests and trail users.

With respect to Condition 65, Ms. Clark acknowledged a recommendation to revise the condition to reference *Telephone and Television Service Providers*, and again reiterated the height of the retaining walls with the tallest retaining walls to be behind the homes and screened, and with all retaining walls to be limited to no more than five feet in height. The most visible retaining walls would be three feet, seven inches high around the cul-de-sac.

John Wyro, The Wyro Company, 40 Valley Drive Orinda, identified himself as the applicant and introduced the development team present in the audience. He noted that the project had gone through an evolution over the last eight years, with the lots for the Hetfield Estates project no longer estates but a commons program.

Mr. Wyro explained that the development team had worked through a difficult process which had produced a better product as a result with a well thought out CDP. He thanked the community, particularly Suzanne Jones with Preserve Lamorinda Open Space (PLOS), who had provided constructive comments. He cited the numerous conditions of approval and suggested the Town had established good standard conditions of approval that could be applied project-to-project. He also recognized the GDP must be consistent with the CDP and suggested the findings and conditions were consistent. He agreed with the staff recommendation for approval, emphasized that the developer had continued to provide outreach to the neighborhood and would continue to do so through this process, had nothing further to add to the staff report, and looked forward to dialogue with the Planning Commission at this time and further dialogue on March 3, 2014.

Bob Rourke, RMR Design Group, 1130 Burnett Avenue, Suite A, Concord, responded to some of the questions from the Planning Commission and explained that the project would be required to meet C.3 stormwater requirements as mandated by Contra Costa County. The filtration method would use bioswales to be directed into a conventional storm drain system and then into plants in the bioswales. A preliminary Stormwater Control Plan had been submitted and reviewed by the Town's engineering staff and had been found to be acceptable. He also clarified that the eastern lot line of Lot 7 was outside of the western lateral limit of Landslide 5 and the project would not incur into Landslide 5.

Mr. Rourke also responded to concerns with respect to the Town's liability in terms of the landslide activity and history of the site and stated the applicant and the Town's attorneys would work that out given there would be provisions as part of the Final Map process, disclosures through the Department of Real Estate, GHAD documents and the like where such concerns would be addressed. He referenced Section DD of Sheet 2 of the project plans which had shown the cross sections of the retaining walls at the cul-de-sac, with the highest point of the highest wall at three and a half feet tapering down to zero when going around the curb, with a 3:1 slope between the walls. Conditions of approval would address the retaining walls as landscape mitigation.

Speaking to the EVA at Sanders Ranch, Mr. Rourke affirmed that the slope rose radically. The developer had provided the Town with an alignment study for the grading plan with the EVA to snake up the hill to meet the grades consistent with MOFD standards.

Mr. Wyro described the history and evolution of the EVA and commented that at such time the Sanders Ranch HOA decided to do something the easement would be in place. He also spoke to the process for the trail which had evolved into a fire trail and whether it connected to Sanders Ranch or not would provide protection through the MOFD. He agreed it would be great for Sanders Ranch to join in and affirmed the developer would continue conversations with Sanders Ranch in the hopes that connection could be achieved. He expressed the willingness to reach out again to the Sanders Ranch HOA prior to the Precise Development Plan process.

Mr. Rourke added that he had given a presentation to the Sanders Ranch HOA on the details of the EVA. On the question of annual versus perennial grasses, he understood the intent was for annual grasses which would be green in the winter, die in the spring, and recycle annually once the plant material reseeded. He also clarified the guest parking versus trail parking with eight total parking spaces; two parking spaces around the knuckle, two as parallel parking spaces along the street, and four parking spaces off the end of the cul-de-sac. In the best interest of the community, he explained the intent to encourage an East Bay Regional Park District (EBRPD) type of trail head, and a concept for shared parking at the trail. There would also be two closed parking spaces in the garages, two parking spaces in the driveway in the front, with eight parking spaces on the street. He pointed out that guest parking had not been required as part of the Moraga Municipal Code (MMC) for single-family residential developments and suggested that eight parking spaces would be adequate overall.

Mr. Wyro added that there was no MMC requirement for parking for the trail.

Mr. Rourke also spoke to the debris basin and clarified the reason it only showed access from the parking lot and the backs of Lots 6 and 7 since the debris bench itself was behind Lot 5. The debris bench would have drainage and would be fairly flat, with a 10 percent slope and V-ditch interceptor prior to running into the 3:1 slope and into the backs of the lots.

Further responding to questions on the GHAD, Mr. Harrell explained that the GHAD must have a link to geologic abatement. In this case, the GHAD as a property owner and as a responsible property owner, may take on additional tasks related to the open space area such as fire suppression. He explained that the Association of GHAD website included detailed information on liability and information that the City of Oakland and other municipalities and counties had experienced with respect to GHAD liability. He also responded to the concerns with respect to disclosure of landslide activity in the area, and reiterated that not only would there be real estate disclosures but as part of the guidance document for a GHAD, geologic hazards that remained on the site must be described which would be done through a public document.

Mr. Wyro identified the Moraga Ranch easement which had an actual trail but which was steep north to south, and reiterated the intent to provide the EVA and the eight parking spaces with the developer to provide a trail across the property to connect to the Moraga Ranch Trail.

Mr. Harrell responded to inquires with respect to a lawsuit regarding the Oakhurst GHAD located in the City of Clayton. In that case, there had been a lower assessment level than the engineer's had recommended to the property owners within that GHAD. As a result, the Oakhurst GHAD was underfunded. He added that in order for a GHAD to provide special benefits to its assessed parties, it may only protect its own which would be those members contributing to the assessment. In the event a landslide occurred off-site, the GHAD may sue or be sued.

Mr. Rourke also clarified that the life span of a bioswale was unknown since it was a fairly new approach, although an ongoing maintenance and operations plan would be required as part of the project to be provided to the homeowners who would be required to maintain the bioswale. He noted the number of conditions regarding the GHAD-owned open space property to maintain all of its facilities, and within the limits of the seven lots explained that the drainage facilities would be maintained by the HOA. In this case, the HOA would be responsible for all of the maintenance of the bioswales rather than the individual homeowners.

## PUBLIC HEARING OPENED

Tim Meltzer, 6 Willow Spring Lane, Moraga, stated that he had submitted an e-mail to staff and the Planning Commission, asked for a continuance to allow public comment given the volume of materials that had been distributed on February 13, wanted to avoid similar scheduling issues in the future given that the Presidents Day holiday had resulted in many people being out of town who had been unable to review the volume of materials, and emphasized the need for public comment to allow the Commission to make an informed decision.

John O'Hara, 1120 Sanders Drive, Moraga, identified his home on the corner of Hetfield Drive and Sanders Drive with his garage opening to the cul-de-sac. He expressed concern with the placement of sewer and water lines which may be where the bridge was located through Hetfield Drive. He asked how residents would be able to exit/enter their garages and asked for details on the bridge in terms of size, type of construction, and materials as part of the development plan. He also identified an existing mature oak tree on the bank of the creek where the bridge would cross and asked that the tree be preserved in the final development plan.

Eleanor Vaughn, 1104 Sanders Drive, Moraga, described her 45-year experience in her home with major slides in the area that had impacted the homes in the neighborhood. She referenced a prior development proposal which had not proceeded given that the land had been deemed to be unsuitable and unstable. She asked that the Planning Commission keep that in that mind when considering the proposal.

Camille Santi, 1148 Sanders Drive, Moraga, identified her home as being situated behind Lot 7. She expressed concern with the drainage system and its long-term viability and asked who would provide maintenance to the system; expressed concern the lighting proposed at the end of the cul-de-sac may impact her bedroom and neighbors' homes and asked that she be involved when a final decision for the lighting was considered; referenced the volume of dirt to be excavated expressing concern it may fall onto her property particularly since she had conducted an extensive remodel two years ago at great expense; requested more details on the fire access road in terms of its placement pointing out that Sanders Drive had a road that was not completely developed and questioned whether that roadway would be barred; and also expressed concern with enforcement of the parking spaces at the end of the cul-de-sac given an increase in burglaries in the Lamorinda area.

Ellen Voyles, 1156 Sanders Drive, Moraga, expressed concern and distrust with the project since neighbors had been told at the time Sanders Ranch had been developed that no homes or streetlights would be built on the ridge. She referenced a past slide on Larch Avenue near the Los Encinos development which had yet to be built, with a landslide almost reaching a neighbor's bedroom, noted in that case no drainage ditches had been cleared out, and expressed her hope there would be some reckoning to ensure that the ditches would be maintained. As to the EVA, she identified the area behind 1164 Sanders Drive as a wetlands area and behind that another landslide, which area was not to be touched, and understood the EVA had been proposed to go right through those areas.

Roger Poynts, 147 Donald Drive, Moraga, suggested the dilemma with the EVA could be resolved by changing it to an Access and Utility Easement (AUE) that could be defined on the Final Map. He asked whether the project would have an HOA and was informed that it would. He understood the HOA scope of work and the real estate documents that dealt with the HOA could be expanded to include all the work proposed as part of the GHAD. In speaking with someone who had experience as bond counsel, he had been informed it was possible to limit the Town's liability. He asked that the Planning Commission think carefully about the benefits of having a GHAD.

Daran Santi, 1148 Sanders Drive, Moraga, asked for an aerial map of the project site to show where Lot 7 ended and where the parking spaces had been proposed, and was informed by staff the Tentative Map was available on the Town's website showing the boundary of Lot 7 and the relationship of the site plan to the neighboring properties. Staff also reported that full-sized plans could be reviewed in the Planning Department's offices.

Given his understanding the public hearing would be continued to the Planning Commission meeting of March 3, 2014, Mr. Wyro asked for the opportunity to respond to the public comments at that time. He expressed the willingness to research the answers to all questions raised by the public and to respond at the next meeting.

Mr. Rourke advised that a detailed arborist report had been submitted to staff with an assessment of all of the trees within the reasonable proximity to the grading, and all efforts would be taken to preserve the oak tree referenced.

Commissioner Kline spoke to Exhibit 1, Conditions of Approval for the Hetfield Estates General Development Plan, Vesting Tentative Map, and Conditional Use Permit, and asked that the conditions be annotated with an identification of those conditions that had been carried over.

Commissioner Schoenbrunner asked for a comparison table of the responsibilities of a GHAD versus an HOA and the pros and cons of each body in terms of addressing issues on the site.

Ms. Brekke-Read advised that the EIR had called for the creation of a GHAD although staff could provide more information as requested.

Commissioner Onoda clarified with staff the public notification process and that the applicant had approached the Sanders Ranch HOA more than once over the past two years, with all residents within 500 feet of the entire project having been noticed of the public hearing.

Ms. Brekke-Read advised that the next meeting of the Planning Commission had been scheduled for March 3, 2014 with a public hearing for Rancho Laguna II entitlements, and introduction of the Sign Ordinance. She added that the Sign Ordinance had been scheduled for a noticed public hearing on March 17, 2014. The Hetfield Estates project could be continued to March 3 or March 17.

Mr. Wyro advised that he would be out of the state on March 17, 2014. He expressed his hope the item would be continued to March 3 based on the discussions he had with staff. He suggested if an item was to be continued, it should be another agenda item that had yet to be heard by the Planning Commission.

On the discussion of whether the Rancho Laguna II project could be rescheduled from the March 3 meeting and if that was the direction of the Commission, Ms. Brekke-Read expressed the willingness to work with the Rancho Laguna II applicant accordingly. She also acknowledged the Commission discussion to possibly schedule another meeting of the Planning Commission during the month of March to accommodate the work load, subject to the staff ability to meet deadline requirements. Staff had been unable to schedule a public hearing prior to the meeting of March 3 given the public's request for more time and the ability for staff to respond to the questions raised.

By consensus, the Planning Commission continued Hetfield Estates to the meeting scheduled for March 3, 2014, and rescheduled the Rancho Laguna II project.

Commissioner Marnane made a motion to continue the public hearing for a General Development Plan, Vesting Tentative Map, and Conditional Use Permit for the Hetfield Estates project, a seven-lot single-family subdivision to a date certain of March 3, 2014, and to reschedule the Rancho Laguna II project to the Planning Commission meeting of March 17, 2014. Commissioner Onoda seconded the motion.

Ms. Brekke-Read asked that the motion be modified to eliminate the reference to Rancho Laguna II which had not been agendized for discussion.

Commissioner Marnane modified his motion accordingly, with Commissioner Onoda as the second accepting the modification.

On motion by Commissioner Marnane, seconded by Commissioner Onoda to continue the public hearing for a General Development Plan, Vesting Tentative Map, and

Conditional Use Permit for the Hetfield Estates project, a seven-lot single-family subdivision to a date certain of March 3, 2014. The motion carried by the following vote:

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

**B. September 3, 2013 Minutes**

Commissioner Kuckuk requested the following amendments to the September 3, 2013 Minutes, and expressed the willingness to provide her corrections to staff in writing.

The first sentence of the last paragraph on Page 5 to read:

*While her greatest concern had been parking, in general Commissioner Kuckuk suggested the impact of the new use on shared parking arrangement might be minimal given the other businesses in the center and their different hours of operation, the size of the shopping center, and the ability to park once and walk to more than one business.*

The first paragraph on Page 12 to read:

*Commissioner Kuckuk realized that the Commission had given the applicant a difficult job to create a village within a village concept, which was what had been sought with smaller single-family lots. She supported the idea of small single-family lots but would like to see more density and was curious how the design could be modified to create a more private development. She wanted to see people in this development outside of their homes and in contact with their neighbors, although currently the straight on view into the project would not be conducive for this. She spoke to the Signature Homes developments she had toured which had the look and feel of close knit communities which was what she desired for the Moraga community and the development.*

The second paragraph on Page 12 to read:

*Commissioner Kuckuk expressed her hope to be able to avoid development similar to a controversial development at 533 Moraga Road which had prominent views into a gaping parking structure that was illuminated during evening hours with views of the HVAC units. She found the streetscape views of the proposed development to be more like a single-family home development and out of place in a commercial district. She sought a way to work with the existing plan in order to create a village within a village concept, and suggested the only way to achieve that would be to modify Parcels A, B and C, to soften the appearance of*

*the right angles straight down to the streets with rows of housing and parks parcels visible to the scenic corridor. In terms of the density and overall appearance of the architecture, she suggested that the developer was on the right track.*

Commissioner Onoda requested an amendment to the last paragraph of Page 15:

*Commissioner Kuckuk, Commissioner Onoda, and Chairperson Comprelli reported on their attendance during the second iteration of the City Ventures meeting at the Moraga Country Club with many residents expressing opposition to the development.*

Ms. Brekke-Read recommended that the minutes of the September 3, 2013 meeting be continued to the next meeting of the Planning Commission to be brought back in a redline strikeout format.

Chairperson Comprelli recognized the limited staff time but requested in the future that the Planning Commission meeting minutes be provided in a timely manner given the time that had elapsed since the dates of the minutes provided. He was not certain of his own comments but was uncertain what changes should be made given the time that had elapsed since the various meeting dates had been held.

Ms. Brekke-Read apologized for the delay in the receipt of the meeting minutes, which were prepared off-site, with staff required to review them prior to the submittal to the Planning Commission. She acknowledged that some delays had occurred because of audio difficulties in taping the Planning Commission meetings.

### **C. October 7, 2013 Minutes**

Commissioner Kuckuk requested the following amendments to the October 7, 2013 Minutes:

The title on Page 2 for agenda Item A, to read 722 Augusta Drive, VA 03-13.

The fourth sentence of the fourth paragraph on Page 12 to read:

*She [Commissioner Kuckuk] 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.*

The fifth paragraph on Page 12 to read:

*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.*

The second sentence of the sixth paragraph on Page 12 to read:

*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 from the scenic corridor scenic.*

Commissioner Kline requested an amendment to the last sentence of Page 17:

*He [Commissioner Kline] recognized that large businesses had an impact and should be regulated by size.*

On motion by Commissioner Levenfeld, seconded by Commissioner Marnane, to approve the minutes of the October 7, 2013 meeting, as modified. The motion carried by the following vote:

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

#### **D. October 21, 2013 Minutes**

On motion by Commissioner Levenfeld, seconded by Commissioner Marnane to approve the minutes of the October 21, 2013 meeting, as submitted. The motion carried by the following vote:

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

#### **E. November 18, 2013 Minutes**

Commissioner Kuckuk requested an amendment to the third sentence of the last paragraph of Page 5 of the November 18, 2013 Minutes:

*She [Commissioner Kuckuk] recommended that the resolution be amended that rather than tying the monitoring component to a five-year period of reporting to the Town it instead be tied to the SMC Master Plan.*

Commissioner Kline requested an amendment to the second paragraph under Reports on Page 12:

Commissioner Kline reported that he had attended the October 15, 2012 DRB meeting at which time it had been suggested that the density for both the bowling alley and the fire station projects was too low and that higher density projects should be near bus stops. Some DRB members suggested that a high density alternative should also be considered.

Commissioner Marnane requested an amendment to the last sentence of the fifth paragraph of Page 7:

*He [Commissioner Marnane] sought quantifiable specific goals in six months, recommended that SMC return in six months and let SMC determine how to resolve the parking situation, and recommended a figure of 80 or 85 percent capacity as a better figure with 90 percent defined as full occupancy.*

On motion by Commissioner Kuckuk, seconded by Commissioner Levenfeld to approve the minutes of the November 18, 2013 meeting, as modified. The motion carried by the following vote:

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

#### **F. December 2, 2013 Minutes**

Commissioner Kline recalled questioning Fay Hill Road as the entrance road to Rancho Laguna II since the visibility was so poor which had not been reflected in the discussion for the Rancho Laguna II Subdivision. He recognized the concern may come up at the next meeting of the Planning Commission when the project returned for consideration.

Ms. Brekke-Read recommended that staff re-listen to that portion of the meeting tapes of the December 2, 2013 meeting, with those minutes to be continued to the next meeting of the Planning Commission.

Ms. Clark identified comments made by Consultant Bob Pendoley regarding Fay Hill Road on Page 7 of the December 2, 2013 minutes and asked Commissioner Kline whether the comments were sufficient to address his concern.

On the discussion of Commissioner Kline's concerns with a discussion of Fay Hill Road, the comments referenced on Page 7 were deemed to be adequate and no changes were proposed to the December 2, 2013 meeting minutes.

On motion by Commissioner Marnane, seconded by Commissioner Onoda to approve the minutes of the December 2, 2013 meeting, as submitted. The motion carried by the following vote:

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

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

### **A. Consider Approving 2014 Planning Commission Meeting Calendar**

Ms. Brekke-Read presented the 2014 Planning Commission Meeting Calendar, noted the MMC called for two meetings per month for both the Planning Commission and the Design Review Board (DRB) which schedule had been difficult for staff to meet given the required preparation of meeting packets, and stated the DRB had reviewed and approved its 2014 Meeting Calendar with meetings to be held once a month. She suggested the Planning Commission meeting schedule as proposed would allow staff to be more efficient and while meeting agendas would be lengthier the new schedule would be helpful to the public. She clarified the DRB would not be taking a summer break in August as the Town Council and other Town commissions/committees would given the need to accommodate applicants during the August break.

The Planning Commission discussed the 2014 Planning Commission Meeting Calendar and offered the following comments and/or suggestions for modification:

- Concerns expressed with the date for the distribution of Planning Commission packets just days after the notices being published, with a recommendation for packets to be provided in a more timely manner, particularly in recognition of the public which oftentimes requested more time to prepare and participate often leading to a continuance of an application;
- Staff expressed a preference not to include the column identifying the dates for the distribution of Planning Commission meeting packets with the intent to have the packets distributed as quickly as possible; staff noted it was typical for packets to be distributed on a Friday for a meeting on Monday with staff having made the effort to distribute packets earlier, potentially the Monday before the next Monday's scheduled meeting. Staff advised that oftentimes information was being provided by an applicant during the staff preparation of the staff reports, and staff was also receiving feedback from the public prior to the distribution of the packets with staff making great effort for the staff reports to reflect all concerns related to a project;
- Commissioners recognized that more than one meeting would be required for some larger projects such as Hetfield Estates and Rancho Laguna II.

An unidentified member of the public suggested there was real tension between what staff was suggesting within the Planning Department to obtain public comment and

incorporate into a staff report in that the public was not always able to respond in a timely manner. He was uncertain how to provide more time for public review prior to the preparation and distribution of the staff report. Based on his experience and based on the comments of neighbors he spoke to regarding the Hetfield Estates project, the public wanted the opportunity to respond to the materials and then be able to address the Commission clearly, which was not always possible when the materials were provided just days before a scheduled meeting date.

- Commissioners suggested a longer period of time between the Applicant Submittal Deadline and the distribution of the packets with a suggestion to move the date of the packet [as shown in the packets columns of the 2014 Planning Commission Meeting Schedule] back one week prior to a meeting date; if an applicant was unable to meet that timeframe, the application could be scheduled for a later date;
- Suggested staff should have the flexibility to meet the needs of the applicant, the public, and the Planning Commission to ensure adequate time for evaluation of meeting materials;
- Staff pointed out that process was already being followed, as shown in the 2014 Planning Commission Meeting Schedule pursuant to the dates of the Applicant Submittal Deadline and the Notices Published columns; and while the Applicant Submittal Deadline could be pushed up a week, it may prove to be difficult for an applicant to comply
- Staff recommended the elimination of the Packets column;
- Recommended a two-meeting process for the evaluation of every subdivision which may address some of the concerns with timing with recognition that may slow the process and may not be supported by applicants although continuance of an item to a date certain/uncertain was always an option;
- Staff also recommended as an option that if the packet was not distributed the Monday prior to the scheduled meeting date the application would not be heard by the Planning Commission;
- Staff expressed the willingness to move the Applicant Submittal Deadline a week earlier (essentially four weeks prior to a meeting date);
- Recommended that the 2014 Planning Commission Schedule identify additional meeting dates, as needed; and
- Recommended that length of Planning Commission meetings not go beyond 12:00 A.M.

On motion by Commissioner Levenfeld, seconded by Commissioner Onoda to approve the 2014 Planning Commission Meeting Calendar, as discussed, and subject to the following modifications:

- Applicant Submittal Deadline to be modified to a date four weeks prior to the scheduled meeting date; and
- Strike the Packets column

The motion carried by the following vote:

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

In response to a member of the audience regarding the continuance of the Hetfield Estates project to March 3, 2014, Ms. Brekke-Read clarified the public hearing and public notification process for an application before the DRB and the Planning Commission; the preparation of staff reports; staff recommendations to approve, deny or continue, or alternate staff recommendation; with all effort for prepared packets to be provided to the Planning Commission in a timely manner enabling the Planning Commission to make an informed decision.

Ms. Brekke-Read reported that the Planning Commission packet for March 3, 2014 would be distributed the week of February 27, 2014, and it was important for staff to receive any comments from the public as quickly as possible. She recommended that any comments be provided to Planning staff by February 21, 2014.

## **VII. COMMUNICATIONS**

There were no communications.

## **VIII. REPORTS**

### **A. Planning Commission**

Commissioner Kuckuk reported that she had attended the February 10, 2014 DRB meeting at which time the DRB had evaluated a proposal to modify the balconies and elevated walkways for property located at 640 Moraga Road. The DRB had approved the request subject to the balconies providing a visual barrier to any stored items to preserve views of the scenic corridor.

Commissioner Levenfeld commented that as the Commission reviewed applications and considered concerns with impacts on schools, traffic, and the environment, it appeared as if much of the information over the years referenced the same letter from

the Moraga School District (MSD). She sought information to be apprised of the cumulative effects of residential developments already approved and pending in Moraga, including those identified in the Specific Plan Areas. She was not requesting the information be attached to a specific application but wanted to know the cumulative effects with the number of approved units for development related impacts. She also understood there was language in the General Plan related to areas designated Study, which was an area to be studied by the Town to determine the best use of a property; however, there had been an application in the past where the study had been conducted by the applicant. She asked staff to provide information on the definition and intention of a Study area since the regulations were currently ambiguous.

Ms. Brekke-Read asked that staff be able to provide information on Study areas sometime around the month of May.

Chairperson Comprelli reported that he had attended a coordination meeting on February 14, 2014 with a number of items having been discussed including the status of the Council Chambers/Community Meeting Room to be completed this year; interviews of candidates for the DRB, Park and Recreation, and Planning Commissions to be conducted on February 26; status of the Livable Moraga Road Project; the Moraga Police Department was seeking one new Officer and a new Community Services Officer; report on an increase in burglaries in the Lamorinda area; and a report the MOFD had designated Sleepy Hollow in the City of Orinda as a High Risk Fire Area with an MOFD education program with the residents of the area having been completed.

## **B. Staff**

Ms. Brekke-Read reported that she had sent an e-mail to all Commissioners outlining all Planning Department projects and encouraged Planning Commissioners to attend the free Planning Commissioners workshops; a Request for Proposal (RFP) would be going out for the Housing Element in the next week; she would be out of the office the week of February 24, 2014; and five Planning Department items would be considered by the Town Council on February 26, 2014 including the Camino Ricardo Subdivision Development Agreement (DA) subject to previously discussed Town Council recommended revisions. She outlined the Town Council's reasoning for supporting the bridge across Laguna Creek and across Moraga Road and recognized the discussion and recommendation from the Planning Commission on those components of the plan with adjustments to the DA accordingly. She added that funds from the Palos Colorados project needed to be appropriated for the Hillsides and Ridgelines project to be considered by the Town Council on February 26, with a schedule to be prepared by the Consultant to be provided to the Planning Commission when available.

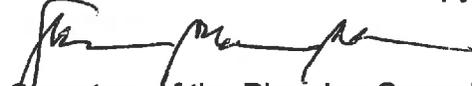
Commissioner Kuckuk reported that she had attended the latest Livable Moraga Road Project meeting with the next workshop scheduled for March 19, 2014.

Ms. Brekke-Read reported another Town Advisory Committee (TAC) for the Livable Moraga Road Project had been planned before that date with outreach to community groups and a presentation to be made to the Moraga Women's Group in the next week.

**IX. ADJOURNMENT**

On motion by Commissioner Marnane, seconded by Commissioner Levenfeld and carried unanimously to adjourn the Planning Commission meeting at approximately 10:40 P.M.

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Secretary of the Planning Commission