

**TOWN OF MORAGA  
PLANNING COMMISSION MEETING**

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

July 21, 2014

7:00 P.M.

**MINUTES**

**1. CALL TO ORDER**

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

**ROLL CALL**

Present: Commissioners Comprelli, Levenfeld, Marnane, Onoda, Chair Kuckuk

Absent: Commissioners Schoenbrunner and Woehleke

Staff: Shawna Brekke-Read, Planning Director  
Ellen Clark, Senior Planner  
Ella Samonsky, Associate Planner  
Sean Kennings, Project Planner

Planning Director Shawna Brekke-Read reported that Commissioner Schoenbrunner had resigned from the Planning Commission and would be moving to Boston.

**B. Conflict of Interest**

There was no reported conflict of interest.

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

There was no reported contact with applicant(s).

**2. PUBLIC COMMENTS**

Richard J. Olsen, 1861 St. Andrews Drive, Moraga, a 42-year resident of Moraga stated that he had been involved with the incorporation of the Town and had served on the first Design Review Board (DRB). Having attended the DRB meeting on July 14, 2014, he expressed concern that two DRB members were developers and suggested that was inappropriate. He cited specific comments made by Boardmember Kirkpatrick during the meeting and stated that he had chastised those members of the audience who had spoken in opposition to the Moraga Town Center Homes development, commenting that they should be involved in process of MCSP. He noted that some audience members in attendance at that meeting had participated in prior community meetings on the development.

Mr. Olsen reported that he had prepared a lengthy memorandum to the Town Manager, Planning Director, Planning Commission, and the Town Council sharing his thoughts and concerns with what he characterized as a pro-development bias during the July 14 DRB meeting. He also referenced his background and experience having served on the Moraga-Orinda Fire District (MOFD) Board; stated that the story poles erected by the developer for the Moraga Town Center Homes had been controversial; that Legal Counsel for the MOFD had submitted written correspondence to the Town expressing concern with the development; and he read into the record General Plan Land Use Policy LU4.6, which applied to the project. He suggested that the Moraga Town Center Homes project was incompatible adjacent to a fire training facility.

Denise Coane, Moraga, stated she had also attended the July 14 DRB meeting, and reported that one of the DRB members had abstained from voting on the Moraga Town Center Homes project due to the Town's current efforts on viewshed protection.

Jerry Tanner, Moraga, supported the development of the Moraga Town Center Homes property and noted that the property was currently an eyesore. He acknowledged that the developer, City Ventures, had been responsive to the Moraga Country Club although he objected to the project design due to its density and the parking issues that could be created. He urged consideration of a less dense development, one which would be consistent with the Town.

### **3. ADOPTION OF CONSENT AGENDA**

- A. March 3, 2014 Minutes**
- B. May 5, 2014 Minutes Redlines**
- C. June 16, 2014 Minutes**

Item A was removed from the Consent Agenda.

On motion by Commissioner Marnane, seconded by Commissioner Levenfeld to move Item 3A to Routine and Other Matters as Item D. The motion carried by the following vote:

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

On motion by Commissioner Marnane, seconded by Commissioner Levenfeld to approve Consent Agenda Items B and C, as shown. The motion carried by the following vote:

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

Chair Kuckuk allowed public comment at this time.

Mr. Olsen expressed concern that the resolution for Public Hearing Item 5B would essentially eviscerate the Suburban Office District in order to accommodate City Ventures' Moraga Town Center Homes project, which had not been clarified on the meeting agenda. As a result, he suggested the public had not been adequately noticed of the potential action by the Planning Commission. He understood that as late as this afternoon, planning staff had e-mailed one of the opponents advising of the agenda item but had not clarified the extent of that action.

Chair Kuckuk recognized the concern that the meeting agenda was not as descriptive of the issue being discussed and suggested the comments were actually a continuation of the public comment portion of the meeting.

Mr. Olsen reiterated his opinion that insufficient notice had been provided to the public related to Agenda Item 5B, and asked that the item be removed from the agenda to allow it to be appropriately noticed to the public.

Ms. Brekke-Read stated that the language for that item was consistent with the language on the Town Council agendas, and was clear that a resolution was under consideration along with the actions that had been proposed. She reported that public notices had been mailed to neighbors in excess of State law requirements that described the changes in the draft ordinance. Staff was of the opinion the agenda had detailed all of the changes to be considered by the Planning Commission as related to Agenda Item 5B.

#### **4. ADOPTION OF MEETING AGENDA**

On motion by Commissioner Marnane, seconded by Commissioner Comprelli to adopt the meeting agenda, as modified, with Agenda Item 3A, moved to Item 6D. The motion carried by the following vote:

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

#### **5. PUBLIC HEARING**

##### **A. Via Moraga Subdivision**

**Applicant:** Signature Properties

Conduct a Public Hearing on Via Moraga, an 18-lot single family Subdivision Project, and Consider

1. Resolution No.2014-\_\_ Adopting Findings that the Initial Study/Mitigated Negative Declaration for the Via Moraga Project has Met the Requirements of the California Environmental Quality Act (CEQA) and Adopting the Via Moraga Initial Study/Mitigated Negative Declaration;

2. Resolution No. 2014-\_\_ Approving the Conceptual Development Plan, including Conceptual Site Plan, Conceptual Architecture, and Conceptual Landscape Plan, for the Via Moraga Project, an 18-Unit Single-Family Residential Subdivision, Subject to Conditions of Approval; and
3. Resolution No. 2014-\_\_ Recommending the Town Council Amend Moraga Municipal Code Section 8.48.040 to Add 10DUA-PD Zoning District (10-PD) and MMC Section 8.48.060 to Modify Planned Development (PD) Standards, Amend the Zoning Map to Zone the Project Site 10-PD, and Amend General Plan Policy LU3.3 to clarify 10DUA as an allowable land use in the Rheem Park Specific Plan Area. (Limited Commercial, SK/EMC)

Project Planner Sean Kennings presented the staff report dated July 21, 2014 requesting that the Planning Commission consider and approve the entitlements and resolutions as detailed in the staff report. He reported that the application had been through at least ten different public meetings between the DRB and the Planning Commission and that extensive public comment had been received. The project had been under review since 2010 and had been refined over the years to reflect all comments received. The project would return to the Planning Commission at a future meeting for the review and approval of a Tentative Map, General Development Plan (GDP), and Precise Development Plan (PDP) upon Town Council approval of the General Plan and Zoning Amendments, with the final landscaping and architectural plans to be considered by the DRB at a later date.

Mr. Kennings identified input provided by the DRB and the public during its meeting on May 27, 2014. The DRB had recognized that the developer had made an effort to enhance the streetscape but had expressed concern with the absence of a buffer zone between public and private space; recommended reconsideration of the setbacks including a mandated setback for the second story; expressed concern with the two-story massing in front of the street; recommended pushing the buildings back further; expressed concern with the height of the story poles that had been installed while also recognizing that the developer had incorporated input from the DRB including recessed windows and architecture on all four sides. The DRB remained concerned whether the project was appropriate for the subject site since it would be surrounded by commercial within the scenic corridor, and there were questions as to whether 18 residential homes were appropriate for the site while recognizing that the Planning Commission made land use decisions. Further concerns involved the 5:1 parking ratio which made the project over-parked with a recommendation to remove the parking perpendicular [east] to Lots 7, 9, and 18; shift the units onto that perpendicular parking space; and have the road loop back with one entrance offering a superior site design for traffic.

The DRB had also recommended that interruptions of ingress/egress onto the scenic corridor would allow pushing back a portion of the street frontage and extending the buffer zone by pushing the homes back; recommended rather than having a second egress the street design mirror the other side of the street with a true bus stop with pull out, which would be appropriate for the corridor and improve the circulation; for Lots 1

and 13 [Shown as Lot 15 on the conceptual landscape plan] the DRB recommended that those lots mirror the setback of the veterinary office building with the recognition that could result in the loss of units; and concerns expressed that staff had received no input from the existing businesses on the Rheem Boulevard side of the street.

The DRB had not made a recommendation on the project but had recommended that the project move forward to the Planning Commission, with the Planning Commission to review the project and consider the comments from the DRB and the public.

Mr. Kennings advised that the applicant had revised the plans in response to the DRB comments on May 27, 2014 as reflected in the submittal dated June 24, 2014. The setbacks changed from 18 and 24 feet in the February plans to 31 feet to 33 feet; the perpendicular parking had been removed to include two parallel parking spaces; the center lot had been moved farther to the east; and the developer had provided assurance that the homes would be in line with the uses located to the north and south of the project site. The applicant had also provided written information to show the alignment of the homes along Moraga Road, which had not been included in the July 21, 2014 staff report.

Mr. Kennings walked through a number of the conditions of approval as detailed in Attachment E, Draft Conditions of Approval for General Development Plan (GDP) and Tentative Map (for future use); identified the project's compliance with General Plan policies, Design Guidelines, and Scenic Corridor Guidelines; and explained the California Environmental Quality Act (CEQA) findings that no significant and unavoidable impacts had been identified and adoption of a Mitigation Monitoring and Reporting Program (MMRP) would be appropriate.

Mr. Kennings recommended that the Planning Commission adopt the resolutions as shown in Attachments A, B, and C to the July 21, 2014 staff report.

Responding to the Planning Commission, Ms. Brekke-Read reiterated the actions to be considered by the Commission. She reiterated that the project had been reviewed by the DRB, most recently on May 27, 2014, when the DRB had suggested that the project move forward to the Planning Commission to solicit comments and for action on the General Plan Amendment. The Mitigated Negative Declaration (MND) had previously been distributed to the Planning Commission and had not changed since that time.

#### PUBLIC HEARING OPENED

Tom Quaglia, Project Manager, Signature Homes, 4670 Willow Road, Pleasanton, introduced the development team present in the audience. He reported that the project had last been presented to the Planning Commission in December 2013, at which time the Commission had provided direction. In February 2014, the developer had returned with a complete package, and the DRB had provided more recent comment on May 27, 2014. He reiterated the changes to the design since the DRB review including converting the perpendicular parking into green space, larger setbacks, and a 27-foot setback similar to the veterinary office. He identified the location of the bioswale with dense planting, noted that the elevations would be dropped down for a single-story

element along Moraga Road and then set back to the second floor, and all buildings would have 360-degree architecture. He described the design as a complete village within a village concept with a nice streetscape, two story buildings with single-story elements, and the parking would remain at a 4:6 ratio with no pressure on any of the adjacent properties. The green space and recreation area would have a family barbeque area, play structure, and visible lawn in a safe area.

Mr. Quaglia reiterated that Signature Homes had provided a complete package, was ready to move forward, had listened to everyone, and the project was exactly as envisioned in the actions of the 2002 General Plan Update. The project also mimicked Carroll Ranch with detached single-family units, consistent density, landscaping, streetscape and green space, and the units would be owner occupied with the disposable income to leak into the shopping center located across the street.

Mr. Quaglia presented comparative aerials to illustrate how the project aligned and compared to the adjacent uses including the driveway cuts, and a sidewalk pedestrian path across the roadway with caution lights. He suggested the staff report had been thorough and he asked that the Planning Commission take action as outlined in the staff report. He added that the developer planned to return to the Planning Commission with the GDP and Tentative Map at a future date in October.

In response to the Planning Commission, Mr. Quaglia identified the traffic flow for the two driveways in/out of the project and the pedestrian crossing based on the recommendations from the staff report and the MND. If a bus stop was required, it would be located on the curb and would not affect the development. He also clarified that the landscaping plan would come to the edge of the sidewalk, and once established would mitigate some of the views of the homes. He reiterated the project would be similar to the landscaping plan used for Carroll Ranch, and he affirmed that the bulb could not be moved out more. He suggested views of parked vehicles in the project would be visible only for the first three or four years until the street trees had matured. He stated that although the DRB had recommended the elimination of one of the two driveways, that could not be accommodated given fire code requirements and since there could not be a street with a dead end.

Roger Poynts, 147 Donald Drive, Moraga, asked for clarification about the proposal to change Chapter 8.76, Off-Street Parking and Loading as part of Public Hearing Item B since that action would affect other uses. He commented that since Moraga was not like other jurisdictions, such as the neighboring communities of Orinda, Lafayette, and Walnut Creek, at least one to one and a half off-street parking spaces were needed per unit for a single-family and multi-family development. He noted the parking constraints for Donald Drive and other streets in the Town and expressed concern action on the next agenda item could impact the Via Moraga Subdivision.

Claire Roth, a resident of Fernwood Drive, Moraga, suggested the project would be unlike anything in Moraga in terms of density, setbacks, mass, and location within the scenic corridor. She asked that all impacts along Moraga Road be mitigated by allowing only single-story homes on lots adjacent to the road, particularly given the designs of the AAAAA-Rent-A-Space Storage and the veterinary office. She also found

that the design of the homes had the expectation of being occupied by families, although the density had little room for recreational space and the size of the pocket park was inadequate for children to play. She referenced a Pulte Home project located in the City of Orinda, which she found to be more similar to the proposed project than the developer's characterization to Carroll Ranch. She asked for clarification of the pedestrian activated crosswalk and expressed concern it could result in traffic impacts. She also questioned why Town staff had recommended Zoning Ordinance and General Plan Amendments for a project with deficiencies and asked the Planning Commission to refrain from adopting the resolutions under consideration until such time as the project had been substantially modified.

#### REBUTTAL:

Mr. Quaglia reiterated that the density that had been proposed was exactly what had been included in the 2002 General Plan, and Carroll Ranch had been used as an example of how the Via Moraga streetscape and sidewalk would work. He pointed out that the existing zoning for the site allowed three stories, and commented from a massing standpoint the project would mimic what was occurring now with larger buildings and with a 50-foot wide home with smaller modules and smaller massings as opposed to the current zoning which allowed building heights of 35 feet and 25-foot setbacks, which could potentially be a zero setback on each side. He clarified that the elevations for Lots 1, 12, and 13 would have porticos to mimic the adjacent mini-storage and would have single-story projections with the two-story back two feet, offering a variation.

When asked, Ms. Brekke-Read explained that the project would not meet the Association of Bay Area Governments (ABAG) Regional Housing Allocation Needs (RHNA) requirements for affordable housing for the Town since the project did not have a density of at least 20 units to the acre. She also clarified the process and noted that the Planning Commission may not take action on the CDP and General Plan Amendment (GPA) until it acted on the California Environmental Quality Act (CEQA) documents.

#### PUBLIC HEARING CLOSED

Commissioner Onoda stated that while she found the project to be beautiful and liked the design of the homes, she found the concept of 10-DUA to be ill-conceived, particularly for a project along the scenic corridor. She suggested that a 6-DUA density would solve many of the issues that she, the DRB, and the public had with the project. If there were 12 units as opposed to 18, there could be four-foot sideyards per home. She suggested the project would not be consistent with the area unless it was apartments or duplexes. Having viewed the Pulte Homes project in the City of Orinda, she liked the communal area in the center of that project. Given that families were expected to occupy the units, parking at the rear may be ill-advised and there was a need for adequate-sized yards for children to play, which may be needed to market the properties in Moraga.

Commissioner Onoda suggested that any development in the scenic corridor should include a visual simulation and the use of story poles. She also suggested rather than two openings onto Moraga Road, one opening should be considered and since the General Plan called for fewer roads onto Moraga Road, she suggested it would be possible to make that revision. She agreed that one story was preferred along Moraga Road and suggested a two-foot setback was not sufficient. If the project was reduced in size to 12 units there could be a large enough area to accommodate a berm. In addition, the storage facility enjoyed a 45-foot setback while the project at most had a 33-foot setback, which she found to be inadequate along the scenic corridor.

Commissioner Comprelli suggested the property merited development, although he had concerns with the proposed project in that too many parcels/homes were trying to be placed on the property than could be supported with the justification that it was a residential community in a commercial environment, with different rules and considerations to apply. In his opinion, that was not a sound justification. While the developer had done a fantastic job and had been responsive to the comments received over time, he remained concerned with the total number of units.

Commissioner Marnane had no concerns with the MND, CDP, or the modifications to the General Plan and the Zoning Ordinance. He could support the resolutions the Planning Commission was being asked to approve.

Commissioner Levenfeld had difficulty with what could be developed on the property and recognized it was based on what the market could support. The original project for the property had involved a townhome development, and in her opinion, the location near the commercial district merited a higher density development. She liked the design but preferred a single entry, preferred that the site be developed with a higher density development moving people to the center of Town, suggested the project was not entirely incompatible given Carroll Ranch and the development above Rheem Boulevard which was also similar, and while not necessarily opposed to the development, she wished there was more density.

Chair Kuckuk commended the developer for the project architecture which had been well designed, beautiful, and a strength of the project. She favored the two-story look since a single-story home on Moraga Road would be out of character with the commercial district.

Chair Kuckuk's primary concern was that the traffic mitigation measures were not acceptable, specifically the mitigation measures that had been proposed on Pages 86 to 88 of the Initial Study. She suggested that time restrictions and signage were poor mitigation measures for design and she could not support them. She emphasized that during the review process for the project she had been vocal about the appearance of the development, specifically the driveways. She preferred to see more density, which would be more consistent with the commercial district, could live with small lot single-family development and could live with the density, although she struggled with the street scene. She found that the two-story design would be in keeping with the other buildings on the street while a one-story structure would appear out of place. She disliked the two driveways, which would result in views of large wide streets, and the

appearance of single-family residential development in the middle of a commercial district.

Chair Kuckuk requested that the CDP be conditioned with the requirement for a single driveway and a looped road, consistent with the input from the DRB. She also wanted to remove or further study some of the transportation and traffic mitigation measures since many of them may not be necessary if one driveway in the more northerly portion of the site was provided. She could support the project with those modifications and emphasized it was not her desire to have the project look like Carroll Ranch in that while it was fine to reference Carroll Ranch and the sidewalk configuration and the like, it was not what she was looking for on the site.

Mr. Quaglia displayed the conceptual drawings for the street scene and clarified there were no hours restricting turning movements for the project other than mitigation measures to address the shopping center across the street.

Chair Kuckuk reiterated she disliked some of the transportation and traffic mitigation measures which she found to be inadequate. She did not want to see landscaping used to mitigate the views of the streets since she wanted to see the buildings but wanted it to be tied in with the commercial appearance of the area. She sought a one driveway road with no dead-end, which would be configured as one lane in and two out, and was uncertain a reconfiguration of the two driveways to one driveway would result in the loss of a unit.

Commissioner Marnane left the dais at 8:36 P.M. and returned shortly thereafter.

Mr. Quaglia commented that the traffic study was an empirical study, one he found to be wrong. He disagreed that the streets would be too wide and stated that the streets would be 21 feet in width with an eight-foot parking lane on one side. The project would not be like Pulte Homes or other large street developments. He characterized the streets as townhome wide streets.

Commissioner Marnane supported the Chair's recommended revision with the same density and one looped road into the project.

Commissioner Levenfeld expressed concern approving a CDP that some Commissioners would like to see changed. She reiterated her concerns with the project. She recognized that a single looped road into the project could resolve her concerns with the views of parked vehicles, particularly if some of the homes were moved closer to one another to block the views of vehicles.

Ms. Brekke-Read clarified that a condition of approval could be imposed that dictated certain changes to the site plan, and revisions could be made to the plans to fulfill the project conditions of approval. To address Commissioner Levenfeld's concern that the conditions might not make sense to a future Planning Commission, she explained that the condition of approval would have to be clear as to what was being mandated. As another option, the applicant could be directed to re-draw the CDP for planning staff concurrence to ensure that an early record was established. She added that fire code

mandated projects with 25 homes must provide a second means of access. The Via Moraga project would have 18 homes and that requirement would not apply.

Commissioner Levenfeld stated she had read Commissioner Woehleke's correspondence which had been attached to the staff report. She was not opposed to two entrances into the project as long as there was only one entry point on Moraga Road.

Chair Kuckuk suggested that a single entry along Moraga Road would be consistent with the Commercial District with fewer impacts to pedestrians and bicyclists. As the Planning Commission representative to the Livable Moraga Road Project Committee, she was aware that each driveway was a potential point of conflict with pedestrians and bicyclists, and she again favored one single entry along Moraga Road for safety purposes and to meet the requirements of the MOFD. She recognized the Planning Commission had considered the density of the site on many occasions; the project was now at 18 units and she suggested the question now was whether or not to proceed with the application.

Commissioner Onoda suggested that duplexes, apartments, or condominiums made more sense for the property.

Commissioner Marnane offered a motion to adopt Resolution No. 2014-\_\_ Adopting Findings that the Initial Study/Mitigated Negative Declaration for the Via Moraga Project has Met the Requirements of the California Environmental Quality Act (CEQA) and Adopting the Via Moraga Initial Study/Mitigated Negative Declaration; Resolution No. 2014-\_\_ Approving the Conceptual Development Plan, including Conceptual Site Plan, Conceptual Architecture, and Conceptual Landscape Plan, for the Via Moraga Project, an 18-Unit Single Family Residential Subdivision, Subject to Conditions of Approval; and Resolution No. 2014-\_\_ Recommending the Town Council Amend Moraga Municipal Code Section 8.48.040 to Add 10DUA-PD Zoning District (10-PD) and MMC Section 8.48.060 to Modify Planned Development (PD) Standards, Amend the Zoning Map to Zone the Project Site 10-PD, and Amend General Plan Policy LU3.3 to clarify 10DUA as an allowable land use in the Rheem Park Specific Plan Area, subject to the Chair's conditions for a single loop road.

Ms. Brekke-Read explained that the resolutions must be considered in three separate actions. She asked that the motion be retracted at this time, and that the first motion under consideration be the environmental documents.

On the discussion, Chair Kuckuk referenced Page 86 of the Initial Study/MND, and the mitigation measures related to transportation, specifically Mitigation Measure Trans-2, which required signal warrant checks the applicant must perform for a minimum of 15 years. If the applicant was directed to provide a single loop road, the traffic contributions might not warrant that action. She asked that the mitigation measures be revised to be studied at the GDP phase, with a traffic study to determine whether they were valid with the revised Conceptual Site Plan.

Chair Kuckuk declared a recess at 8:54 P.M. to allow staff the ability to research the Chair's recommended revision and to study the procedural impacts. The Planning Commission meeting reconvened at 9:07 P.M. with Commissioners Comprelli, Levenfeld, Marnane, Onoda, and Chair Kuckuk present.

Senior Planner Ellen Clark advised that the staff recommendation would be to retain Mitigation Measure Trans-2, as written, since it was a documented mitigation known to resolve the cumulative impacts to the Rheem Center driveway, although it was possible under CEQA to substitute an alternate mitigation measure that would mitigate any impacts to the same level. Staff recommended that the following language be added to the end of Mitigation Measure Trans-2 to read:

*An alternate mitigation measure to address this impact may be substituted reflecting revisions to the site plan to modify the number of driveway entries if traffic analysis shows the impact would be mitigated to the same level.*

On motion by Commissioner Marnane, seconded by Commissioner Levenfeld to adopt Resolution No. 2014-\_\_ Adopting Findings that the Initial Study/Mitigated Negative Declaration for the Via Moraga Project has Met the Requirements of the California Environmental Quality Act (CEQA) and Adopting the Via Moraga Initial Study/Mitigated Negative Declaration, subject to a revision to Mitigation Measure Trans-2 by adding the following language to the end of the mitigation measure:

*An alternate mitigation measure to address this impact may be substituted reflecting revisions to the site plan to modify the number of driveway entries if traffic analysis shows the impact would be mitigated to the same level.*

The motion carried by the following vote:

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

The following revisions were made to Attachment C, Resolution No. 2014-\_\_ Approving the Conceptual Development Plan, including Conceptual Site Plan, Conceptual Architecture, and Conceptual Landscaping Plan, for the Via Moraga Project, an 18-Unit Single-Family Residential Subdivision, subject to Conditions of Approval; as follows:

- Revise the last sentence of Condition 1 to read: The conceptual development plan approval allows for development of up to 18 single-family homes on individual lots and associated improvements, subject to the following modifications:
  - a) The project shall have a single point of ingress/egress to Moraga Road with an internal looped street. Modified plan shall be submitted to the Planning Director for compliance with this condition; and

- b) Modifications to the site plan may necessitate changes to lot sizes that may be approved as part of the General Development Plan and considered consistent with the Conceptual Development Plan.

Commissioner Marnane offered a motion, seconded by Commissioner Levenfeld to adopt a resolution approving the Conceptual Development Plan, including Conceptual Site Plan, Conceptual Architecture, and Conceptual Landscape Plan, for the Via Moraga Project, an 18-Unit Single-Family Residential Subdivision, subject to Conditions of Approval; and subject to the modifications as outlined by staff.

On the motion, Commissioner Levenfeld stated while she would have liked to have seen a higher density on the project site, she suggested the project had been well thought out, would be an asset to the community, and keeping the units at two stories would be consistent with the project to appear denser.

On motion by Commissioner Marnane, seconded by Commissioner Levenfeld to adopt Resolution No. 2014-\_\_ approving the Conceptual Development Plan, including Conceptual Site Plan, Conceptual Architecture, and Conceptual Landscape Plan, for the Via Moraga Project, an 18-Unit Single-Family Residential Subdivision, subject to Conditions of Approval; and subject to the following modification:

- Revise the last sentence of Condition 1 to read: The conceptual development plan approval allows for development of up to 18 single-family homes on individual lots and associated improvements, subject to the following modifications:
  - a) The project shall have a single point of ingress/egress to Moraga Road with an internal looped street. Modified plan shall be submitted to the Planning Director for compliance with this condition; and
  - b) Modifications to the site plan may necessitate changes to lot sizes that may be approved as part of the General Development Plan and considered consistent with the Conceptual Development Plan.

The motion carried by the following vote:

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

Commissioner Marnane offered a motion, seconded by Commissioner Levenfeld to adopt Resolution No. 2014-\_\_ Recommending the Town Council Amend the Moraga Municipal Code Section 8.48.040 to Add 10DUA-PD Zoning District (10-PD) and MMC Section 8.48.060 to Modify Planned Development (PD) Standards, Amend the Zoning Map to Zone the Project Site 10-PD, and Amend General Plan Policy LU3.3 to clarify 10DUA as an allowable land use in the Rheem Park Specific Plan Area.

On the motion, Commissioner Onoda stated for the record that if approved the motion would allow 10DUA and buildings 45 feet in height as opposed to 35 feet pursuant to the General Plan.

Ms. Brekke-Read clarified for the record that was not accurate in that Commissioner Onoda was looking at the next agenda item and there appeared to be some confusion.

On motion by Commissioner Marnane, seconded by Commissioner Levenfeld to adopt Resolution No. 2014-\_\_ Recommending the Town Council Amend the Moraga Municipal Code Section 8.48.040 to Add 10DUA-PD Zoning District (10-PD) and MMC Section 8.48.060 to Modify Planned Development (PD) Standards, Amend the Zoning Map to Zone the Project Site 10-PD, and Amend General Plan Policy LU3.3 to clarify 10DUA as an allowable land use in the Rheem Park Specific Plan Area. The motion carried by the following vote:

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

Ms. Brekke-Read identified the 10-day appeal process for a decision of the Planning Commission in writing to the Town Clerk subject to an applicable appeal fee.

Chair Kuckuk declared a recess at 9:16 P.M. The Planning Commission meeting reconvened at 9:18 P.M. with Commissioners Comprelli, Levenfeld, Marnane, Onoda, and Chair Kuckuk present.

- B. Consider Resolution \_\_-2014 Recommending the Town Council Adopt an Ordinance Amending Chapter 8.44 (Suburban Office District), Chapter 8.12 (Administrative Procedure), Chapter 8.76 (Off-Street Parking and Loading) and Chapter 8.04 (Definitions) of the Moraga Municipal Code (MMC) Title 8, Planning and Zoning**  
CEQA: Moraga Center Specific Plan Environmental Impact Report (SCH #2000031129) certified by the Town Council on January 27, 2010.

Ms. Brekke-Read advised that the item would allow for the implementation of the Moraga Center Specific Plan (MCSP) with the impetus being the City Ventures development. The action would ensure that the zoning regulations reflected the MCSP, with staff to return with amendments to the other zoning districts within the MCSP.

Associate Planner Ella Samonsky presented the staff report dated July 21, 2014 for a recommendation to the Town Council to adopt an Ordinance Amending Chapter 8.44 (Suburban Office District), Chapter 8.12 (Administrative Procedure), Chapter 8.76 (Off-Street Parking and Loading) and Chapter 8.04 (Definitions) of the Moraga Municipal Code (MMC) Title 8, Planning and Zoning. She recommended that the Planning Commission adopt the resolution, as presented.

Responding to the Commission, Ms. Samonsky cited Exhibit 2, Draft Additions to MMC 8.04.020, Definitions, and advised that for Medical Offices, Medical Marijuana Dispensaries would be excluded. The Mixed Use regulations for Live/Work Units specified that only the use allowed in the district would be permitted. She stated that agriculture was not permitted.

Ms. Brekke-Read advised that staff would research further whether medical marijuana would be permitted for Live/Work Units.

#### PUBLIC HEARING OPENED

Charity Wagner, City Ventures, explained that the City Ventures project was located within the MCSP, zoned as such, and would be affected by the zoning amendments. She understood it was a State requirement that the zoning be consistent with the Specific Plan, and expressed her appreciation to staff for the presentation and thorough report. She commented that outside of live/work units, allowing art galleries, and definitions, 98 percent of the action being asked of the Planning Commission was to ensure that the Zoning Code and the MCSP were consistent.

#### PUBLIC HEARING CLOSED

In response to the Commission, Ms. Samonsky referenced Table 8.44-1 pursuant to Exhibit 1, Draft MMC Chapter 8.44, Section 8.44.030 Allowed Land Uses and Permit Requirements, and clarified that new construction would require design review unless it was a subdivision or a condominium complex requiring a Tentative Map.

Ms. Brekke-Read explained that the MCSP had identified all of the land uses, the development standards, and a desire to streamline the process. The uses listed as permitted could apply to existing buildings without a discretionary permit. If new construction, Administrative Use Permit approval would be required with some noticing and discretion involved, but had not been proposed for Office and Residential uses. She recognized that Commissioner Levenfeld had concerns the MCSP had infill parcels, although it remained a discretionary process before the DRB to ensure the project met all zoning regulations, findings, and included an appeal process. She further acknowledged concerns with parking since the parcels in the MCSP were not that large, and noted that the DRB would also review the adequacy of parking where a prospective project was required to meet the parking standards.

Commissioner Onoda expressed concern permitting three stories which could be as tall as 45 feet and which was allowed in the MCSP, although the General Plan stipulated that buildings could be no taller than 35 feet. She suggested that nothing more than 35 feet should be allowed in the Suburban Office District.

Ms. Brekke-Read advised that there were no buildings in the Town that were 45 feet in height other than buildings on the Saint Mary's College (SMC) campus. The Moraga Barn was 35 feet in height or less. She clarified that only within the MCSP would three stories be allowed. For the record, she stated that the General Plan no longer

stipulated that the maximum number of stories in all of Moraga would be two stories in that in the MCSP three stories were acceptable.

Commissioner Onoda stated she did not want to further the proposed resolution before the Planning Commission to state that 45 feet and three stories would be acceptable. She expressed concern with the message being sent to the public that three stories would be acceptable in Moraga since many in Town understood that three stories were not permitted.

Ms. Brekke-Read reiterated that the General Plan no longer stipulated that the maximum number of stories in all of Moraga would be two stories, in that three stories were acceptable in the MCSP only. Outside of the MCSP the maximum would still be two stories. She commented that the action before the Planning Commission was a recommendation to the Town Council where there would be another opportunity for public input.

Commissioner Levenfeld understood that the action being considered by the Planning Commission was to ensure conformance to policy that had already been set by the Town Council in terms of the allowable building height.

Chair Kuckuk clarified the action requested of the Commission was to make a recommendation on how to best implement zoning changes for policy already set by Town Council. The item would be forwarded to the Town Council for approval, allowing further opportunity for public comment. She asked that staff make clear on the agenda, when considered by the Town Council, that the item would implement the MCSP and making it clear the action under consideration allowed public comment. In this instance, she found the action being asked of the Planning Commission to be clear and she saw no reason to deviate from the staff recommendation to adopt the resolution.

Chair Kuckuk offered a motion to adopt Resolution \_\_-2014 Recommending the Town Council Adopt an Ordinance Amending Chapter 8.44 (Suburban Office District), Chapter 8.12 (Administrative Procedure), Chapter 8.76 (Off-Street Parking and Loading), and Chapter 8.04 (Definitions) of the Moraga Municipal Code (MMC) Title 8, Planning and Zoning. Commissioner Marnane seconded the motion.

On the motion, Commissioner Levenfeld supported the motion but sought assurance that the sale of medical marijuana would not be allowed in the live/work units.

Ms. Brekke-Read recommended a revision to Exhibit 1, Draft MMC Chapter 8.44, Section 8.44.040 Specific Use Regulations, A, Live/Work Units 1, Limitations on use, to include the statement "Live/Work Units shall not include medicinal marijuana dispensary."

Chair Kuckuk modified her motion to include the additional statement proposed by staff. As the second to the motion, Commissioner Marnane accepted the modification.

Ms. Brekke-Read also commented that one of the struggles developers faced related to density, with the MCSP and Housing Element providing a density range of 12 to 20

DUA. There had been issues as to how far they could go with the density, and a finding must be made if the density was lower than stated in the Housing Element. As a result, she recommended a further modification to Exhibit 1, Draft MMC Chapter 8.44, Section 8.44.060 Master Development Plan, D a) to read: *Standards may be modified for residential district transition zone, residential or public open space, personal storage, floor area ratio, lot coverage, creek setback, minimum density and building separation standards.*

There was no consensus to accept the staff recommended revision to subsection D a) of Section 8.44.060, with Ms. Brekke-Read suggesting it could be a modification that the Town Council may entertain, to be noted in a future staff report to the Town Council.

On motion by Chair Kuckuk, seconded by Commissioner Marnane, to adopt Resolution \_\_\_-2014 Recommending the Town Council Adopt an Ordinance Amending Chapter 8.44 (Suburban Office District), Chapter 8.12 (Administrative Procedure), Chapter 8.76 (Off-Street Parking and Loading), and Chapter 8.04 (Definitions) of the Moraga Municipal Code (MMC) Title 8, Planning and Zoning, with modification to Exhibit 1, Draft MMC Chapter 8.44, Section 8.44.040 Specific Use Regulations A, Live/Work Units 1, Limitations on use, to include the statement, "Live/Work Units shall not include medicinal marijuana dispensary." The motion carried by the following vote:

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

## 6. ROUTINE & OTHER MATTERS

### A. Report on Long-Range Development: Projections and Impacts

Commissioner Marnane left the dais at 10:10 P.M. and returned shortly thereafter.

Ms. Clark presented a report on the long-range development projections and impacts with a summary of the General Plan build-out projections of 660 units; a summary of the MCSP with coordinated planning and required consistency with the General Plan, which also allowed for different types of development units and higher density units with housing in proximity to transit and services but with fewer impacts than similar single-family units; and stated that both the General Plan and the MCSP had included Environmental Impact Reports (EIRs) which had evaluated long-range and cumulative growth of development and which had included a traffic analysis. She also detailed a summary of planned development which did not include the full build-out projections but which summarized approximately 180 projects and the stage of development approval including approximately 260 units that had been approved and/or were close to completion to exercise development rights.

Responding to the Commission, Ms. Clark stated for the larger projects such as the Bollinger Valley development, the CEQA document would review sub-regional impacts and two roads into Lafayette and Orinda, which would require regional transportation

review to ensure compliance with regional transportation policies, some of which would limit traffic volumes and impacts to certain intersections near Highway 24.

Ms. Brekke-Read reported that the MCSP had been reviewed by Orinda and Lafayette. She explained that as part of the Countywide Transportation Plan (CTP), each Regional Transportation Planning Committee (RTPC) had its own Action Plan. In the case of the Southwest Area Transportation Committee (SWAT), the Lamorinda cities had its own Action Plan which identified roads where impacts affected more than one city, such as Moraga Road, Moraga Way, Reliez Valley Road, and St. Mary's Road which had been identified as intra-jurisdictional routes. A meeting was planned in Lafayette in late September to discuss that issue.

In response to Commissioner Onoda regarding the conversation she had with the Superintendent of the Moraga School District (MSD), who is in the process of preparing an inventory of the MSD's capacity, over the years MSD had indicated that it was not at capacity, with concerns that some citizens had been unable to enroll their children in local schools, Ms. Clark acknowledged that the MSD faced its own challenges trying to predict demographic trends. She reported the MSD was in the process of updating its five-year plan to identify facility needs.

Commissioner Marnane stepped away from the dais at 10:03 P.M. and returned within minutes. (The Chair made an announcement each time he left the dais but did not state when he returned).

Commissioner Levenfeld thanked staff for the presentation on information she had requested. She remained concerned that whenever new projects had been proposed in the Town the environmental documents had included the same boiler plate letter from the MSD as to the potential impacts to the MSD.

Ms. Brekke-Read clarified that State law limited what could be asked of developers and developers could only be required to make a payment of a certain amount of square footage per structure. She explained that the Town was in communication with the MSD with respect to any new development.

#### **B. Livable Moraga Road Update**

Ms. Brekke-Read reported that the next Livable Moraga Road Town Advisory Committee (TAC) meeting had been scheduled for July 29, 2014 and that alternatives were being prepared to be considered by the TAC. A joint Planning, Park and Recreation, and DRB meeting was anticipated in the near future to discuss the alternatives to allow a recommendation to the Town Council.

#### **C. Hillsides and Ridgelines Update**

Ms. Clark reported that the next Hillsides and Ridgelines Steering Committee meeting had been scheduled for the second or third week in August, date to be determined, with recommendations to be thereafter forwarded to the Planning Commission and the Town Council in the fall.

D. March 3, 2014 Minutes

Chair Kuckuk requested the following amendments to the March 3, 2014 Minutes. To the first paragraph on Page 11:

*Commissioner Kuckuk recognized that a connection to the rear of Sanders Ranch was not essential or desired by homeowners, and that no one was willing to fund the improvement. She suggested the Commission should rely on the experts [MOFD] as to what was needed. She asked whether the MOFD had provided an input on the need for an EVA.*

To the first paragraph on Page 12:

*Commissioner Kuckuk supported retaining an easement for an EVA with a right to install at a future date, and suggested there was no need for additional grading and the disruption to habitat at this time, with no compelling reason to place the trail as a fire trail enabling emergency vehicles to access the area. She suggested the Town would lose the opportunity to have the applicant pay for that improvement, and recommended retaining the easement for access if it became necessary in the future.*

And to the third sentence of the third paragraph on Page 20

*She [Commissioner Kuckuk] cited signage for Bank of America, which had raised a number of concerns as part of its DRB review due to the fact the signs were not easily readable due to trees obscuring signs, although the applicant had been desirous to have internal illumination.*

While no further changes were made to the March 3 minutes, Commissioner Comprelli expressed concern with the statements from Ms. Brekke-Read, as shown in the second paragraph of Page 19, related to the adoption of a Nuisance Abatement Ordinance, and where the Town Council had continued the Administrative Citation Ordinance to a meeting in September.

On motion by Chair Kuckuk, seconded by Commissioner Comprelli to approve the minutes of the March 3, 2014 meeting, as amended. The motion carried by the following vote:

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

7. **REPORTS**

A. Planning Commission

Commissioner Onoda reported that she had attended the DRB meeting on July 14, 2014 when the DRB had considered and approved a gazebo, an addition/remodel on Hammond Place, and the City Ventures Moraga Town Center Homes project which had been approved by a 3-1 vote, with Boardmember Glover abstaining due to concerns with views along the scenic corridor.

B. Staff

Ms. Brekke-Read reported that the Planning Commission had been provided with an invitation to tour the City of Pleasant Hill Recreation Center, which would be noticed as a meeting in the event of a quorum.

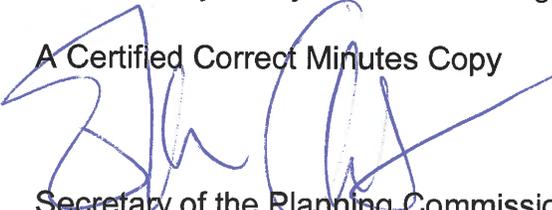
Ms. Clark also reported that a Draft Housing Element would be presented to the Planning Commission during a meeting in August, with a recommendation to forward the draft to the State Department of Housing and Community Development (HCD).

Ms. Brekke-Read advised that the Planning Commission would have a full workload and as a result recommended an additional meeting in August along with the next meeting scheduled for August 18. She otherwise acknowledged, when asked, that the State mandated transitional housing could accommodate the influx of immigrant children to the United States.

**8. ADJOURNMENT**

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

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Secretary of the Planning Commission

