

**TOWN OF MORAGA  
PLANNING COMMISSION MEETING**

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

September 18, 2014

7:00 P.M.

**MINUTES**

**1. CALL TO ORDER**

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

**ROLL CALL**

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

Absent: None

Staff: Ellen Clark, Interim Planning Director  
Ella Samonsky, Associate Planner

**B. Conflict of Interest**

There was no reported conflict of interest.

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

Commissioner Onoda reported that she had contacted Denise Cunningham of SummerHill Homes, representing the Camino Ricardo Subdivision Precise Development Plan (PDP), to ask a question regarding the plan; and had met with the applicant for the Moraga Town Center Homes project to review the changes to the plans.

Commissioner Marnane reported that he had met with Charity Wagner of City Ventures regarding the Moraga Town Center Homes project to review the changes to the plans.

Chair Kuckuk reported that she too had met with Charity Wagner of City Ventures to review the changes to the Moraga Town Center Homes plans.

Commissioner Levenfeld reported that she had spoken with Charity Wagner of City Ventures, by telephone, regarding the Moraga Town Center Homes project.

**2. PUBLIC COMMENTS**

Seth Freeman, Moraga, announced that the Planning Commission meeting was being broadcast live on the Internet and the complete video was available online. Interested persons were asked to contact him via email to receive the link to the video.

### 3. ADOPTION OF CONSENT AGENDA

- A. **June 2, 2014 Minutes**
- B. **August 18, 2014 Minutes**

On motion by Commissioner Comprelli, seconded by Commissioner Onoda to move the Consent Agenda to the Public Hearing items on the agenda, as Item 5C. The motion carried by the following vote:

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

### 4. ADOPTION OF MEETING AGENDA

On motion by Chair Kuckuk, seconded by Commissioner Onoda to modify the meeting agenda to move the Consent Agenda to Public Hearings as Item 5C, and to consider Item B prior to Item A. The motion carried by the following vote:

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

### 5. PUBLIC HEARING

- A. **Moraga Town Center Homes Conceptual Development Plan: Consider approval of the Conceptual Development Plan to develop Moraga Town Center Homes, a 36-Unit Attached Single-Family Residential Development; CEQA: Moraga Center Specific Plan Environmental Impact Report (EIR) (SCH #20000031129). STAFF RECOMMENDATION TO CONTINUE ITEM TO OCTOBER 6, 2014**

Associate Planner Ella Samonsky reported that the Design Review Board (DRB) had considered the preliminary design review for the Moraga Town Center Homes, a 36-unit attached single-family residential development project on July 14, 2014. Although public notices had been mailed on September 5, 2014, staff required additional time to meet with the applicant to address some project details. She recommended that the Planning Commission continue the item to a date certain of October 6, 2014.

PUBLIC COMMENTS OPENED

In response to an unidentified member of the audience, Chair Kuckuk explained that the staff recommendation was to continue the item to a date certain of October 6, 2014, and there would be no discussion by the Planning Commission at this time; however, public comments could be accepted at this time.

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

On motion by Commissioner Levenfeld, seconded by Commissioner Woehleke to continue the Moraga Town Center Homes Conceptual Development Plan to a date certain of October 6, 2014. The motion carried by the following vote:

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

After the motion had been taken, responding to an unidentified member of the audience, Interim Planning Director Ellen Clark explained that the item had been continued to a date certain of October 6, 2014, which would allow staff the opportunity to discuss items with the developer, and which would be addressed in the staff report at the time the item returned to the Planning Commission. The item had been included on the agenda and had been noticed as a staff recommendation for a continuance, so that those who attended the meeting or reviewed the agenda would be aware when the item would be heard again.

**B. Camino Ricardo Subdivision Precise Development Plan: Consider Approval of the Precise Development Plan of the Camino Ricardo Subdivision, a 26-Unit Single-Family Residential Subdivision; CEQA: Camino Ricardo Subdivision Project Environmental Impact Report (SCH #2012092019)**

Associate Planner Samonsky presented the staff report dated September 18, 2014, for consideration of the approval of the Precise Development Plan (PDP) for the Camino Ricardo Subdivision, a 26-unit single-family residential subdivision. Due to the proposed PDP's conformance with the approved Conceptual Development Plan (CDP), General Development Plan (GDP), Moraga General Plan, and the Moraga Center Specific Plan (MCSP), she recommended that the Planning Commission adopt a resolution adopting the findings required pursuant to Moraga Municipal Code (MMC) Section 8.48.100 in accordance with the requirements of Section 8.48.120, and approve the PDP, subject to conditions.

Responding to Commissioner Woehleke, Ms. Samonsky clarified that staff had compared the floor area of the residences in the PDP to the conditions of approval for the GDP, which offered a maximum Floor Area Ratio (FAR) for the homes. The largest floor area, including all options had been used to compare to the GDP FAR standards.

All of the homes, with the exception of one, were within or under the maximum allowed FAR.

Ms. Clark reported that all of the homes were consistent within the established setbacks, height limits, and FAR standards, which regulate the bulk of the homes. She acknowledged that most of the homes had increased slightly in size, by between 100 and 300 square feet. (Preliminary and subsequently) Detailed home designs had been approved through the DRB process, including the building square footages. The DRB was of the opinion that the articulation of the homes and their placement would be appropriate.

#### PUBLIC HEARING OPENED

Ferenc Kovacs, Moraga, asked that the wildlife corridors be preserved, which he believed had not been addressed in the Environmental Impact Report (EIR) for the project. He also expressed concern that the size of the homes would take up about half of the square footage of the lots and questioned whether that would be acceptable and whether it was consistent with the Town's Design Guidelines.

Seth Freeman, Moraga, asked to what extent in the planning and approval process the Planning Commission would consult with the Moraga School District (MSD). He understood that developers paid impact fees but questioned whether a dialogue had occurred with the MSD given that the development would produce two or more children per new home, and given the difficulty in building new classrooms, larger schools, and the financial limitations.

Suzanne Jones, 1285 Bollinger Canyon Road, Moraga, representing Preserve Lamorinda Open Space (PLOS), thanked SummerHill Homes for working with PLOS over the past year. Speaking to Parcel C, she was pleased to see the final layout of the landscaping plan and noted that PLOS had worked closely with the Project Landscape Architect and the plant palette was to consist of native plants, consistent with the Town's native history, and serve as an educational and recreational resource. She thanked the developer, staff, and the Planning Commission for that element of the design, which would illustrate for Moraga residents and school children what the Moraga Valley looked like in the early 1800's.

Ms. Jones was pleased with the pathway through Parcel C, the fact the meadow would be undisturbed and be augmented with native grasses, and that pear trees on the perimeter of the park space would be preserved as part of the landscaping plan, since they served as nurseries for native trees. She added that this year was the 100<sup>th</sup> birthday of the pear trees according to the Moraga Historical Society. She spoke to the western side of the project where native grass plantings and trees had been incorporated into the slopes, (north of Lots 1 through 10 and east of Lots 24 through 26), which conformed to Condition 149 which PLOS had worked out with the applicant ahead of time. The vegetation would give the area a more natural appearance and restore some of the grassland, woodland, and wildlife habitat that would be lost as a result of the home development.

Ms. Jones was also pleased to see that the walking path, grading, and detention basin had been pulled back from the Corliss Tributary in conformance with Mitigation Measure 6.4, which would reduce impacts to the stream. She again thanked SummerHill Homes for its collaboration with PLOS on the project and suggested that Parcel C would be a jewel for the community.

Denise Cunningham, Director of Development, SummerHill Homes, thanked the Planning Commission for its collaboration on the project over the last couple of years, and commended staff for the thorough process. She asked that the Planning Commission consider the approval of the PDP, a process she described again as a collaborative effort with the Town, the Planning Commission, and other community members, resulting in a great plan. She added that the developer had worked tirelessly to be responsive and to address many of the comments.

Ms. Cunningham noted that over 50 percent of the project site would be preserved as permanent open space, with the property zoned for three homes to the acre, which would have allowed 36 homes across the entire property. A clustered approach, which had been encouraged and supported by the MCSP, had been pursued resulting in smaller lot sizes, particularly for the lots to the south. The lots had been designed to be sensitive to the established neighborhoods to the north with the larger lots on the northern side. The smaller lots were on the southern side adjacent to future higher density. Grading had been minimized at every opportunity, the cul-de-sac had been lowered, the fill had been reduced, and two single-story homes had been introduced, resulting in a total of five different floor plans. The riparian buffer along the Corliss Tributary had been increased, the trails and bridges had been improved with full connectivity from Camino Ricardo to Moraga Road, and the over two-acre passive park would be dedicated to the Town of Moraga.

Ms. Cunningham added that some of the pear trees along the perimeter would be preserved and SummerHill Homes had worked with the Town and PLOS to select appropriate native grasses, educational benches and signage, with the active portion of the paved trail placed to the south away from existing homes. A mulch looped trail to the north had also been pulled back from neighbors' homes.

Ms. Cunningham suggested the plans were in conformance with the conditions of approval and asked for the approval of the PDP.

Responding to public comments, Ms. Cunningham explained that through the design development, the developer had both increased and decreased the home sizes to some extent, and although there was not an explicit condition of approval as to how much the home sizes could be increased there was a condition on the lot sizes. The developer intended to keep the change in home sizes within 10 percent of the original size and had agreed to limit the options for the home on Lot 22, which was one of the most pinched lots. The size was constrained and there had been efforts to keep development towards the south. She added that of the five different home plans, two of the plan types had increased in size. There were three different two-story plans, and

two single-story plans; of the three two-story plans, two had increased in size and the other had decreased slightly.

Ms. Cunningham further commented that SummerHill Homes had worked to be respectful of wildlife corridors and the homes were 150 feet or more from the creeks. She clarified the FAR and explained that the two-story homes did not cover half of the lot, as suggested. The two-story homes reached that coverage with the FAR taking into account garages and volume ceilings, and was not a direct correlation to the footprint.

Based on an exhibit of the site, Ms. Cunningham identified the installation of two new bridges with connectivity from Camino Ricardo to Moraga Road, and noted that the entire area would be dedicated to the Town as future open space (passive park with native plants) and there would be no homes in that area.

Responding to comments from the audience, Ms. Clark explained that the EIR had reviewed all aspects of the biological resources on the site, including potential and actual wildlife habitat species and wildlife movement corridors. The wildlife movement corridors would be maintained and there were no significant impacts to those corridors.

Chair Kuckuk added that the park parcel would remain relatively unchanged from the original native plantings with the homes clustered towards the west side of the lot. She reiterated that an EIR had been prepared and approved for the project and the impacts to wildlife corridors had been determined to be less than significant. The EIR had also addressed school impacts.

#### PUBLIC HEARING CLOSED

Commissioner Onoda referenced Town Council Resolution 41-2014, and Condition 27, and asked that the condition be modified to include Parcel C to ensure that any fruit bearing trees that could be located on Parcel C would also be picked or harvested by local organizations.

Ms. Clark explained that Parcel C would be deeded to, and under the ownership of the Town, with the Town having the ability to have a similar relationship with the local organizations that may harvest the fruit, and therefore did not have to be a condition since it was not a requirement of the applicant.

Commissioner Onoda also asked that Condition 32 be modified with the elimination of the term “deteriorating” from that condition, since she was aware that a lot of fruit had been picked over the years from those trees.

Ms. Clark stated that the condition as written was a factual statement, with some of the existing pear trees in deteriorated condition, having not been pruned or attended to in years. She noted that the trees to be removed from the site had been indicated in the Tree Removal and Replanting Plan. Since some modifications had been made after discussions with PLOS and others, she recommended the inclusion of a condition to

identify an amendment to the Tree Removal and Replanting Plan to reflect the retention of some of the trees on Parcel C.

Commissioner Onoda spoke to Exhibit L5.0, the Tree Assessment Map, which she found did not correspond to information elsewhere showing which tree would be preserved.

Ms. Clark recommended a condition at the time of a motion to correct the plans, including the list of trees to be removed and the diagram. She recommended that a new Condition 14 could be added to the Draft Resolution to address those concerns.

Commissioner Onoda also spoke to Condition 63 and her understanding the Moraga Historical Society and not the Planning Director would name the private streets, to which Ms. Clark affirmed that currently the naming of private streets was being routed through the Moraga Historical Society.

Commissioner Woehleke favored the project and found it had been well designed. He noted surprise that almost every home increased in size, although not greater than 10%. This was inconsistent with the historical experience; however the increases are relatively small.

Ms. Clark explained that the applicant had developed the architectural plans to a very high degree of detail at an early stage of the project to the point of estimating the square footage of all of the homes. In a more typical project, the CDP would have established the maximum envelope of development which would have been larger. Allowance had been made for some design related adjustments given the detail which had been provided early in the process.

Ms. Clark referenced the recommendation to modify Condition 32 of Town Council Resolution 41-2014. She noted that only the Town Council could modify those conditions of approval. The Planning Commission could consider imposing new conditions in the Draft Resolution, and she recommended that Exhibit 1 (Town Council Adopted Conditions) remain as written.

Commissioner Woehleke requested the following amendments to Attachment A, Draft Resolution:

- The first sentence of the NOW, THEREFORE BE IT RESOLVED, clause on Page 3, paragraph 3) to read: *The Precise Development Plan conforms in all aspects to the approved Conceptual Development Plan and General Development Plan, including 26 residential lots with substantial open space buffers, dedication and improvement of a public park/open space area including trails and landscaping with native vegetation and public viewpoint.;* and

- Subsection (c), Development other than single family residential can be properly justified and is consistent with the general plan on Page 4, clarified with staff the heading stated the finding to be made in the CDP, that the Camino Ricardo project was a single-family project with the finding as written in the MMC, and with the following discussion explaining that the project was actually a single-family residential development. While awkward it corresponds to the way findings are listed in the MMC.

Commissioner Levenfeld stated she had no concerns with the development which appeared to be consistent with what had previously been approved by the Planning Commission. She understood that the final plans for the passive park and the landscaping plan were not being considered by the Planning Commission at this time.

Ms. Clark explained that the DRB had reviewed and approved a refined version of the passive park and landscaping plan the Planning Commission had previously reviewed as part of the CDP, with some DRB modifications. At this time, the Town was reviewing the PDP for conformance with the approved park plan, which would not return to the Planning Commission. The approved park plan had also not gone back to the Park and Recreation Commission for input.

Commissioner Marnane supported the staff recommendation although he expressed concern with Conditions 14 through 17 of Town Council Resolution 41-14 Exhibit 1. He was not satisfied the best effort had been made as to the location of the bridge, crosswalk, the definition of the park, and how it would look and cost. He also remained concerned with the details of a future Development Agreement (DA) between the Town and the developer. He suggested there were some things that could have been done better such as the maintenance of the park. Although he was not opposed to the plans, he stated his concerns for the record.

Ms. Clark reported that the DA had been processed and approved by the Town Council. The DA was an agreement between the Town and the developer as to the timing, construction, provision of various amenities on the project site, and the vesting of various development rights. The DA had come before the Planning Commission for a recommendation to the Town Council several months ago.

Chair Kuckuk found the PDP to be consistent with the GDP and the previous approvals, and found that the applicant had done an exceptionally good job clustering the homes and providing a maximum amount of open space. She asked that the fourth WHEREAS clause, as shown on Page 3 of the Draft Resolution, be modified to correct the year of Planning Commission approval to 2014. She also asked for clarification of Public Works Condition 70 with respect to the installation of *No Parking* signs and curb painting given that she found those signs to be less effective than curbs which had been painted red.

Ms. Clark explained that the condition did not preclude the curbs from being painted red. The condition stated that the placement and number of *No Parking* signs would be

as determined by the Public Works Department, and there was an opportunity to minimize the number of *No Parking* signs.

Commissioner Levenfeld suggested that *No Parking* signs in a neighborhood were unsightly. She would have liked to have modified the condition to change the use of the term “shall” to “may” but she recognized that the conditions were a Town Council resolution that could not be changed.

Ms. Clark suggested a new condition could be added to state: *In review of the No Parking signage, seek to minimize the number of No Parking signs.*

Chair Kuckuk further commented that she would have liked to have seen a standard condition of approval that would protect the Town in the event that the developer discontinued work on the initial site improvements and grading, and cited past problems with the Los Encinos development as an example. While that standard condition had not been included, she recognized there was a DA in place which offered a more comprehensive way to deal with those issues.

In response to Commissioner Levenfeld, Ms. Clark recalled a prior discussion with respect to adding such a condition to the project although there had been no consensus, and it could have been because there would be a DA in place.

Ms. Samonsky recommended a new Condition 14 to Page 9 of the Draft Resolution under the heading, Planning Special Conditions of Approval, to read:

*The applicant shall update the Tree Assessment Map to reflect the retention of eight existing pear trees on the perimeter of the park open space consistent with the Landscape Plan.*

Ms. Clark recommended a new Condition 15, also to Page 9 of the Draft Resolution under the heading, Planning Special Conditions of Approval, to read:

*Public Works Department shall consider ways to reduce the number of No Parking signs to the extent possible, including additional curb painting.*

On motion by Commissioner Marnane, seconded by Commissioner Woehleke to adopt Resolution No. \_\_\_-14 PC, Approval of a Precise Development Plan for the Camino Ricardo Project (Subdivision 9321), a 26-Unit Single-Family Residential Development, with the addition of Conditions 14 and 15, with the language read into the record by staff. The motion carried by the following vote:

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

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

**C. Adoption of Consent Agenda**

- 1) **June 2, 2014 Minutes**
- 2) **August 18, 2014 Minutes**

Commissioner Comprelli requested a revision to the third paragraph on Page 8 of the June 2, 2014 meeting minutes, to read:

*Sophie Luchacher, Moraga, asked whether a yurt would be considered a secondary living unit, to which Ms. Clark commented that as long as that structure met all criteria approvable by the Building Department, with fully operational bathroom facilities, it could be considered a secondary living unit.*

Commissioner Comprelli also spoke to the comments shown in the last paragraph of Page 9 with respect to Planning Director Brekke-Read's comments that the Chair and delegations would speak on behalf of the Planning Commission and up to three Commissioners could be allowed to speak as private individuals. He suggested it had to be decided if those three Commissioners needed to be identified ahead of time to the Town Council, and to whom, and whether that would be limited to discussions of recent Planning Commission issues. The meeting minutes did not say that and he had raised the issue because it could come up.

Chair Kuckuk noted that the comments in the minutes were to be representative of what had been spoken at the meeting.

Ms. Clark suggested a review of the recording to double check that the minutes were an accurate reflection or if something had been omitted. She noted in response to continued comments on the appropriateness of three Planning Commissioners attending a Town Council meeting that it would be difficult to continue the discussion in the context of the meeting minutes, and possibly the discussion should be agendized for a future meeting.

Chair Kuckuk noted that the minutes could not be changed because the discussion related to something that may not have been discussed, and Ms. Clark suggested the minutes state that it was "Her [Ms. Brekke-Read's] recommendation that only three Commissioners speak."

Commissioner Comprelli suggested that the minutes needed to reflect what was said and he suggested if what was said was unacceptable to the body or needed further discussion by the body it should be brought up in an appropriate opportunity as a future item on the agenda.

Ms. Clark reiterated that the minutes were a record of what been said at the meeting but suggested that staff review the recording of the June 2, 2014 Planning Commission meeting to ensure accuracy.

Chair Kuckuk asked that the minutes be brought back to see if there was an omission; and that the subject be agendized for discussion if the Planning Commission was not satisfied.

Commissioner Comprelli further referred to the motion as shown at the top of Page 11, which was a "new motion" offered by Commissioner Levenfeld; however, the bottom of Page 10 had shown the same motion having been made by Commissioner Woehleke, with no second to the motion. He asked that the motion be clarified.

Ms. Clark expressed the willingness to review that section of the meeting tapes as well to ensure accuracy.

On motion by Commissioner Comprelli, seconded by Commissioner Onoda, to continue the minutes of the June 2, 2014 meeting to October 6, 2014, for the changes as discussed. The motion carried by the following vote:

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

Speaking to the August 18, 2014 minutes, Commissioner Onoda referenced the discussion under the first paragraph on Page 7. She commented that she had asked a question about the differences between the maps for the Housing Element and the MCSP, which discussion had not been included. She also recalled a discussion with the Housing Element Consultant, and the need for 229 fair share units, a surplus of 282 and a carryover of 43, which discussion she would like to see included in the minutes.

Ms. Clark explained that the minute taker had been attempting to shorten the length of the minutes by compressing the staff report and presentation and it was therefore not necessary to reiterate all of the details of the staff report because it was already part of the public record, although the detail referenced by Commissioner Onoda could be added to the minutes. She recommended the addition of a sentence to read: "*Mr. Mintier presented information regarding the Regional Housing Needs Allocation and sites assessment noting that 229 fair share units, a surplus of 282 and a carryover of 43.*"

Commissioner Comprelli referred to the second sentence of the first paragraph on Page 4 and expressed concern with the use of the term "forced," which he did not want included in the minutes even if the Housing Consultant had used that term. A number of suggestions were offered by the commission in place of that term and Ms. Clark had suggested the insertion of the phrase "*may not be able to afford to live in Moraga.*"

Commissioner Woehleke requested the following modifications to the August 18, 2014 meeting minutes:

To Page 4, the last statement under the heading Policy H1.5, Density Range, Page 5-9, to read:

*By consensus, the Planning Commission directed the elimination of Policy H1.5 Density Range.*

To Page 5, the second statement under the heading Policy H5.10 Extremely Low-Income Housing Needs, Page 5-18, to read:

*Commissioner Woehleke expressed concern that many of the statements in the Housing Element were not to satisfy the wants of the General Plan but the needs of the State, with much of the language in the Housing Element very oblique, such as the use of the terms, “support”, “guide,” and “encourage”.*

On motion by Commissioner Woehleke, seconded by Commissioner Comprelli to approve the minutes of the August 18, 2014 meeting, modified as shown. The motion carried by the following vote:

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

## **6. ROUTINE & OTHER MATTERS**

### **A. Consider Recommending the Town Council to Authorize Submittal of the Draft Climate Action Plan to Bay Area Air Quality Management District for Review and Comment**

Ms. Samonsky presented the staff report dated September 18, 2014, and reported the item had been continued from the Planning Commission meeting of August 18, 2014 to allow the Planning Commission the opportunity to review the Draft Climate Action Plan (CAP), which had been prepared by staff with the assistance of Consultants Quantum Energy Services & Technology, Inc. (QuEST).

The Draft CAP had been based on the recommendations from the CAP Task Force and strategies that had been received and accepted by the Town Council. The purpose of the Draft CAP was to have long-range strategies to reduce greenhouse gas emissions (GHGs), which could be used to comply with the Bay Area Air Quality Management District (BAAQMD) and the California Environmental Quality Act (CEQA) regulations and streamline the environmental review for new development projects and businesses coming to Moraga. She recommended that the Planning Commission consider recommendations that the Town Council authorize submittal of the Draft Climate Action Plan (CAP) to the BAAQMD for review and comment.

In response to Commissioner Woehleke, Chair Kuckuk acknowledged members of the CAP Task Force present in the audience and that they would be able to provide comments related to the efforts of the Task Force.

## PUBLIC COMMENTS OPENED

Graig Crossley, Moraga, former Chair of the CAP Task Force, which had been sunset, suggested the staff report was been relatively complete. He noted the Task Force, and after 18 months of reviewing the issues, created a list of recommended items to be considered by the Town Council but had not expected that the Town Council would accept every one of the items. The list of recommendations to the Town Council were intended for the public to make informed decisions. He noted that the Task Force had tried to stay away from strategies that would result in direct cost to residents.

Barbara Simpson, Moraga, a former member of the CAP Task Force, agreed with the comments from the previous speaker and commented that the Task Force had not done any work to estimate the cost to residents and the Town of the strategies, which were enormous question marks. She expressed concern sending the Draft CAP to BAAQMD could take everything that had been alluded to in the Draft CAP and try to make it mandatory. She questioned whether sending the document on to the BAAQMD was direction from the Town Council, and she urged caution on the matter.

Suzanne Jones, Moraga, was pleased to see the Draft CAP and thanked all those who had participated in the creation of the document. As a former Physicist and Energy Analyst, she had worked on climate change, global energy, and how to reduce GHGs. She referenced the enormous amount of evidence that climate change was real and found the Draft CAP had an abundance of good policies and recommendations, although she questioned how the target reductions had been calculated and how the assumptions had been made on population growth given the larger number of very large single-family homes that had been approved for construction, particularly given that the GHGs from those homes would be in the same order of the 3,700 metric tons of carbon they were trying to reduce with the Draft CAP. She emphasized the importance of ensuring that calculation had been done properly.

Ms. Jones also commented that the Draft CAP should have more effective requirements on new development while recognizing a desire not to impose onerous new requirements to existing homeowners. Since new development involved a number of requirements to ensure they were good developments, this offered an opportunity to ensure energy efficiency and climate-friendly developments.

Ms. Jones asked that Strategy EE-R.6, as shown on Page 19 of the Draft CAP, include a recommendation that new homes have sufficient roof space to add photovoltaic panels or to add solar hot water, which could be included in the development to ensure a guaranteed GHG and carbon emission reduction. She commented that her home built in 1975 had been retrofit ten years ago with solar panels and her home had been carbon neutral in terms of energy, and was completely electric with no natural gas use.

She suggested that with the latest technology new developments could make that happen as well. She had also recently added solar panels to charge her electric vehicle, and noted that the cost of those materials had been reduced over the years which should not be a hardship for new developers. She suggested it would also be an attractive feature for a new home.

Ms. Simpson clarified that the figures and calculations in the Draft CAP had come from PG&E and the CAP Task Force had made no decisions based on those figures, which was beyond its task. The Task Force had discussed electric charging units in apartment buildings, parking lots, and the like.

Mr. Crossley affirmed Ms. Simpson's comments and noted that the policies and strategy recommendations were not intended to be accepted in total, recognizing people would have problems with some of them, recognizing the costs associated with some of them, and recognizing that if all of the policies and strategies were implemented he was uncertain the Town could bear the additional staff costs.

Genisee James, Contra Costa County Climate Leaders, an environmental non-profit organization that worked within Contra Cost County, and an Environmental Studies Major at Saint Mary's College (SMC), along with being a concerned citizen, applauded the Town and staff for the creation of a Draft CAP, and the CAP Task Force for its work on the Draft CAP. Speaking to the Draft CAP document, she expressed concern with the fact that the efforts had been focused more on outreach and education than on regulation and enforcement. To that end, she offered resources on General Plan Updates, transportation, residential energy efficiency, and CalGreen, which Contra Costa Climate Leaders had involved with workshops to the public. She encouraged the Town to work further on the Draft CAP prior to submittal to the BAAQMD with more focus on enforcement.

Ms. Simpson pointed out that enforcement would require rules for enforcement, which had not been specifically discussed by the CAP Task Force. She understood that in the City of San Francisco, a home must be brought to green building standards before a property could be sold, which the average homeowner and buyer could not afford. She emphasized that enforcement also involved costs, such as staff costs, and that the cost to the Town was increasing. She urged caution, suggested the Town could do small things, and recommended staying away from the County since it could suggest the Town do everything.

Scott Bowhay, Moraga, expressed concern with the fact that there had been a study group which had put forward general recommendations which had somehow become a plan, with said plan to be forwarded to the BAAQMD, which could then return with recommendations and code the Town would be required to enforce, with no discussion at the local level. He expressed concern with the direction of the plan and suggested it represented a blatant attempt to skirt public participation in the process of deciding how the Town would approach the goals.

Terrence Kovick, Moraga, inquired how SMC fit into the Draft CAP given that it was a quarter of the population of Moraga, particularly in the daytime. As a parent of a student at SMC, he commented on the difficulties with parking on the SMC campus.

Ms. Simpson advised that SMC had been represented on the CAP Task Force and the issue with respect to SMC parking and traffic needed to be addressed by SMC.

Commissioner Woehleke understood that the CAP, as currently drafted, included actions for SMC to reduce GHGs.

Alex Babcock, Moraga, asked whether the CAP would be discussed in the future. She suggested the community was very educated as to how to reduce GHGs, and suggested that Moraga was a community that could afford to make changes, and that the CAP was enforceable and be more of a model for other communities in the area.

#### PUBLIC COMMENTS CLOSED

Commissioner Onoda recommended that the conversation on the Draft CAP continue, and agreed the Town could be a model for other communities. She looked forward to future discussions on the topic.

Commissioner Woehleke commended staff on the Draft CAP, recognized it was not an easy document to move forward given the State expectations through the BAAQMD, and was unsure that Moragans wanted to see a CAP in the same light as the State. He understood through Internet research that CAPs had been created in many communities, including the City of Concord, which CAP in that case was available online and had made reference to review by the BAAQMD. He appreciated that QuEST had considered three different strategies to implement the Draft CAP. He expressed concern with a recommendation that the CAP be forwarded to the Town Council for BAAQMD review and comment.

Commissioner Woehleke suggested the Draft CAP could potentially at some point be forwarded to the BAAQMD for advisement, although he was uncertain of the benefit to the Town for streamlining the CEQA review as compared to the cost to the Town for implementing the CAP. He also expressed concern with the Draft CAP being forwarded outside the Town before there was prioritization of the GHG reductions. He pointed out that some of the policies and strategies were not surefire successes; the impacts and potential costs were unknown; and the policies and strategies which had the highest chance of success, cost the least and had the highest impact should be considered.

Commissioner Levenfeld echoed some of the concerns raised by Commissioner Woehleke. She found the Draft CAP to be an aspirational document, although she was uncertain how it would become policy since she was uncertain of the process. She questioned making a recommendation to the Town Council at this time and expressed concern the Planning Commission did not have all of the information to forward the document on to the BAAQMD and make it public policy in Moraga. She noted the lack of solid data on some of the research that had been done and commented that while

some would be easy to implement there was a lack of an enforcement mechanism in the Town. She acknowledged there were some benefits in the Draft CAP although the potential costs could outweigh the benefits of the recommendations, and there could be a mandate that the Town would have to perform all of the policies and strategies if the Draft CAP was forwarded to the BAAQMD.

On the discussion, Ms. Samonsky explained that the Draft CAP was not ready for adoption and was still in development. This was the first review of the document by the Planning Commission, with General Plan consistency yet to be determined. The action being asked of the Planning Commission at this time was to recommend Town Council review and comment on the document, and depending on the decision of the Planning Commission recommend the Draft CAP to the BAAQMD for preliminary review. The BAAQMD may not mandate the Town adopt the Draft CAP in that it was, in fact, informational and an advisory review. Before the Draft CAP could be formally adopted, CEQA evaluation would be required in addition to findings and formal hearings by the Town Council.

Ms. Clark recommended that the Planning Commission forward the Draft CAP to the Town Council with a series of specific comments to reflect concerns where there may be Commission consensus with regard to additional evaluation of cost benefits, efficacy of the measures, concerns with the cost of enforceability and feasibility of the measures, and a concept that the Town supported the idea of reducing GHGs whether or not the Draft CAP was the perfect plan or mechanism to accomplish that goal.

Commissioner Marnane characterized the Draft CAP as a hodgepodge and a document based on a global warming solutions act which he found to be an oxymoron, and while some of the recommendations were laudable, or okay, he found some to be silly. Aware of the workings of both the BAAQMD and the Regional Water Quality Control (RWQCB), if a hodgepodge document was submitted to those agencies he agreed that mandates to the Town could result. He suggested the document was not ready for the Planning Commission, and not ready to be forwarded to the Town Council or to the BAAQMD. He did not want the document forwarded beyond the Planning Commission.

Chair Kuckuk expressed concern with the process, understood the adoption and certification of a CAP was voluntary, and while she recognized the suggestion the Town should set an example for others and agreed with that suggestion, she expressed concern the effort could snowball. She did not support forwarding the document outside the Town. If the Planning Commission was of the opinion a policy or strategy could not be implemented for cost or effectiveness, it should not be on the list for submittal. She also understood the purpose of creating a CAP was to streamline the CEQA process for new businesses and development in Moraga, but was uncertain that warranted the liability or the cost of implementing the CAP which contained unknown costs to the Town.

Mr. Crossley commented that he had been surprised the Town Council had embraced everything the CAP Task Force had recommended, and he encouraged the Planning Commission not to embrace everything on the list.

Chair Kuckuk reiterated her concern with the process and suggested the Planning Commission identify a list of concerns to be brought to the attention of the Town Council. She understood there was no consensus from the Planning Commission at this time to recommend that the Town Council submit the document to the BAAQMD.

Ms. Samonsky suggested the Planning Commission may consider forwarding the document to the Town Council with a comment that additional community work, study, or information should be pursued and that the Town Council not forward the document to the BAAQMD.

Mr. Crossley stated that the question whether the process was worth the cost of implementing the CAP had not been discussed by the CAP Task Force, and agreed that issue should be discussed before the document was sent on to the Town Council.

Commissioner Levenfeld asked that a cost benefit analysis be performed on the recommendations in the Draft CAP before the document was forwarded to the Town Council, although Chair Kuckuk pointed out, as staff had previously advised, that it was premature for that work to be done absent review and comment from the BAAQMD.

Commissioner Levenfeld was uncertain how the Planning Commission could make a recommendation absent a cost benefit analysis.

Commissioner Onoda was uncertain what would be streamlined as part of CEQA.

Ms. Clark reiterated that the purpose of a CAP was to streamline the CEQA process for the analysis of GHGs, although Chair Kuckuk suggested the benefit of streamlining the CEQA process was minor.

Ms. Clark understood the consensus of the Planning Commission was not to forward the Draft CAP to the BAAQMD for the reason that the benefit conferred by having a certified or approved CAP by the BAAQMD was not clear, or worth the implications to the Town.

Commissioner Onoda wanted to see some of the policies and strategies for new development be explored, particularly solar opportunities.

Chair Kuckuk agreed with Commissioner Onoda's comments to explore the policies and strategies for new development.

Commissioner Woehleke suggested if that was the case, it should be looked at comprehensively and not just be imposed on new development by applying a one-size-fits-all approach. He suggested that the Town Council should be aware that it was difficult for the Planning Commission to provide specifics on the recommendations contained in the Draft CAP absent a cost benefit analysis. He recognized that it was ultimately up to the Town Council whether a CAP would be incorporated into the General Plan.

Ms. Clark recommended that the Planning Commission forward the Draft CAP on to the Town Council based on the following recommendations:

- *The Draft CAP not be forwarded to the BAAQMD at this time, or adopted without a better understanding of the costs and benefits of CEQA streamlining;*
- *The Planning Commission recommends there be some additional study of additional measures that could be applied to new residential development; and*
- *The Planning Commission recommends the completion of both the cost benefit analysis of all measures and prioritization based on the relative efficacy, cost, and feasibility of measures.*

The Planning Commission discussed the verbiage of the three recommendations identified by staff at length and had difficulty reaching a consensus on the proposed language, as stated by staff.

Commissioner Onoda understood that the CAP Task Force had been disbanded although she was uncertain the community had been adequately part of the conversation. She suggested that should occur prior to the document being forward to the Town Council. She cited the lack of adequate bus transportation to the Bay Area Rapid Transit (BART) system as an example, and understood that scientists had not been part of the CAP Task Force.

On the discussion, Ms. Clark explained that the item needed a consensus from the Planning Commission although no vote from the Commission on this item was required.

Ms. Simpson explained that scientists worldwide were not in agreement with climate change, the mandate of the CAP Task Force was to come up with some ideas, not to delve into the science of the issue.

At this time, Ms. Clark re-stated the recommendation to forward the Draft CAP to the Town Council based on the following recommendations, as modified:

- *The Draft CAP not be forwarded to the BAAQMD, or adopted, at this time, without a better assessment of the benefits of the CEQA streamlining process;*
- *The Planning Commission recommends the completion of both the cost benefit analysis of the strategies, and prioritization of those strategies based on their relative efficacy, cost, feasibility, and chance of success;*
- *The Planning Commission recommends there be some additional study of additional measures that could be applied to new residential development;*
- *Discussion of implementation and enforcement of measures; and*

- *Discussion of whether there should be additional community outreach, with a recommendation that scientists be involved.*

Commissioner Onoda commended the efforts of the CAP Task Force.

Ms. Simpson pointed out that the creation of a CAP stemmed from AB32 and SB97. She reported the Town had signed the U.S. Mayors' Climate Protection Agreement, in 2007, which had never gone before the public and the Town's obligations related to that agreement were unknown.

Chair Kuckuk identified the consensus of the Planning Commission on the items read into the record by staff to be forwarded as recommendations to the Town Council. She also took the opportunity to express her appreciation to those members of the CAP Task Force, which had sunset, who were present to provide input on the discussion.

## 7. REPORTS

### A. Planning Commission

Commissioner Onoda reported on her attendance at the joint Moraga Town Council, Planning and Park and Recreation Commission, DRB, and Joint Ad Hoc Facilities Planning Subcommittee tour of the City of Pleasant Hill's Recreational Facilities, which had been held on August 26.

Commissioner Woehleke reported that he had attended the September 10 Town Council meeting, at which time he had spoken briefly regarding the Via Moraga development appeal having provided what he considered to be quality data points.

Commissioner Levenfeld suggested the minutes process did not work and she wondered if simply making the voice recording of the meetings available would be an adequate report of minutes. She was concerned that the minutes were being submitted to the Planning Commission four to six months after the meetings had occurred, which raised concerns in the event of an appeal, particularly whether the Town Council had an accurate report on the Planning Commission's discussions.

Ms. Clark noted her understanding that some work needed to be done to come up with a better process to approve minutes, which could be agendized for a future discussion.

Commissioner Levenfeld suggested that the process was broken and she asked staff to find a solution without agendizing a further discussion.

Ms. Clark stated that with the exception of the June 2, 2014 minutes, staff had caught up with the backlog of minutes which had been causing minutes to be months behind. She was confident as they moved forward the process should be better.

Chair Kuckuk emphasized that backlog was a huge issue. She also questioned the accuracy of the minutes leaving her to wonder whether something had been omitted.

Commissioner Levenfeld was pleased that this meeting was being broadcast in a public forum, which would help if the minutes were not always available. She asked if the Town was responsible for the broadcast of the Planning Commission meeting.

Ms. Clark explained that Seth Freeman was responsible for the broadcast voluntarily as a public service. She explained that with the completion of the new Council Chambers at 331 Rheem Boulevard, complete audio visual facilities, with live streaming and webcasting, would be provided which would improve access to the meetings as well as the record of the meeting. She explained that the completeness of the minutes varied, in terms of how close the minutes were to a verbatim record which resulted in longer minutes at greater cost. She noted that Moraga had lengthy and complete detailed minutes while many cities had gone to action minutes with no discussion. Those cities generally had better recordings through video because they were not relying on the minutes to convey the content of the meeting. The Town might reconsider its minute-taking process.

When asked, Mr. Freeman explained that he was recording the meetings to expand transparency, in particular when new development was being considered. He suggested that the Town could do what he was doing at no cost, and suggested there was no excuse not to have all public meetings broadcast.

Commissioner Marnane appreciated Mr. Freeman's efforts, although he questioned whether it was appropriate for someone to place forms before for the Planning Commission to fill out and encourage Commissioners to visit his website. He expressed some discomfort with the matter.

Commissioner Marnane also reported he had met with the representative of the Moraga Town Center Homes development, and had learned that the Town of Moraga was the only community that had required the installation of story poles. He commented that he personally had not benefitted from the installation of story poles.

Ms. Clark explained that staff planned to bring before the DRB and possibly the Planning Commission, if the Commission so desired, a story pole policy establishing the Town's procedural requirements for when and how story poles were to be erected for projects.

The consensus of the Planning Commission was that the DRB make a recommendation to the Planning Commission on the consideration of a story pole policy.

Chair Kuckuk reported that she too had participated in the joint Moraga Town Council, Planning Commission, Park and Recreation Commission, DRB, and Joint Ad Hoc Facilities Planning Subcommittee tour of the City of Pleasant Hill's Recreational Facilities on August 26, which had included participation of representatives from the Moraga School District (MSD) and other groups. She had also attended the September 10 Town Council meeting as the representative of the Planning Commission for the Via Moraga appeal.

Chair Kuckuk briefed the Commission on the discussion of the appeal, with two site plans having been submitted for an 18-lot plan and for a 17-lot plan. The 17-lot site plan had been favored by the Town Council and had been accepted by the applicant. The Town Council had also favored the single driveway concept and had upheld the Planning Commission's action on a 3-2 vote.

Commissioner Onoda also provided a briefing of the deliberations of the Town Council's consideration of the Via Moraga Appeal, which had led to the approval of a 17-lot project.

## **B. Staff**

Ms. Clark announced that a Livable Moraga Road Community Workshop had been scheduled for September 29, 2014 at the Hacienda de las Flores to review the corridor-wide recommendations and options for Segment 3. She also reported that a joint Planning Commission, Park and Recreation Commission, and DRB meeting had been scheduled for October 21, 2014 in the La Sala Room to provide an update on the Livable Moraga Road Project. The project would thereafter be presented to the Town Council in January 2015 for review. She further apprised the Commission of potentially scheduled items for the meeting of October 6, 2014 including the continuance of the City Ventures approval, and possibly a report on the MCSP cumulative traffic study. She expressed the willingness to forward via e-mail the MCSP cumulative traffic report which had been published in 2007, and to post the report on the Town's website.

Commissioner Woehleke asked that the developer City Ventures be asked to provide go-by examples of existing condominium and townhome complexes to identify other projects the developer had constructed or was aware of, that could be used as an example of what City Ventures proposed for the Moraga Town Center Homes project. He asked that said information be provided prior to the meeting of October 6, particularly given concerns that the story poles were not an accurate representation. He also asked of the status of Board/Commission training, and asked that the Town's Boards/Commissions be allowed to provide input on what would be addressed during the training session.

Commissioner Onoda stated she would prefer to see examples of development designed and constructed by City Ventures.

Ms. Clark explained she had spoken with the Town Manager regarding Commission training. She reported on her attendance at a recent Statewide Planning Conference and acknowledged the benefits of such training. She recommended that the training be scheduled for the New Year once a new Planning Commissioner had been seated, and anticipated that a new Planning Commissioner would be seated in November.

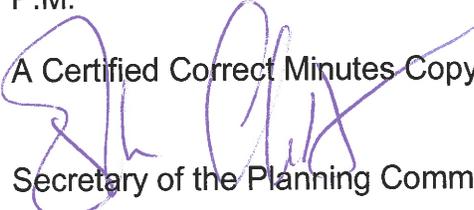
Ms. Clark confirmed a preference by some Commissioners for a Board/Commission training session to be scheduled on a Saturday, with staff to keep the Commission apprised of the schedule. She updated the Commission on the next Hillside and

Ridgelines Subcommittee meeting which had been scheduled for November 19, 2014 at 7:00 P.M., with confirmation to be forwarded to Commissioners.

**8. ADJOURNMENT**

On motion by Commissioner Woehleke, seconded by Commissioner Marnane and carried unanimously to adjourn the Planning Commission meeting at approximately 9:45 P.M.

A Certified Correct Minutes Copy

  
Secretary of the Planning Commission