

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

November 3, 2014
7:00 P.M.

Teleconference Location (Woehleke)
Double Tree Hotel, Second Floor Lobby near Conference Room
400 Dallas Street, Houston, TX 77002

MINUTES

1. CALL TO ORDER

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

A. ROLL CALL

Present: Commissioners Babcock, Comprelli, Levenfeld, Marnane, Onoda, Woehleke*, Chairperson Kuckuk
* (By Teleconference)

Absent: None

Staff: Ellen Clark, Planning Director
Brian Horn, Associate Planner

B. Conflict of Interest

There was no reported conflict of interest.

C. Contact with Applicant(s)

Commissioner Onoda reported that she had visited the property located at 281 Fernwood Drive under Agenda Item 5A and had walked the premises and spoken with the applicant.

Commissioner Levenfeld reported that she had spoken with the applicant for Via Moraga, Agenda Item 5B.

Commissioner Marnane reported that he had walked the Via Moraga property for Agenda Item 5B, but had not spoken with anyone.

2. PUBLIC COMMENTS

There were no comments from the public.

3. ADOPTION OF CONSENT AGENDA

There was no Consent Agenda.

4. ADOPTION OF MEETING AGENDA

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

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

5. PUBLIC HEARING

A. 281 Fernwood Drive: Consider PC Resolution ___-2014 Approving Permit ZA 1-14 to Construct a Fence Exceeding Three (3) Feet within the Front Yard Setback

Associate Planner Brian Horn presented the staff report dated November 3, 2014, consideration of a resolution approving the construction of a fence exceeding three (3) feet within the front yard setback for property located at 281 Fernwood Drive. Due to the project's consistency with the Zoning Ordinance and General Plan, with minimal impact to surrounding properties, he recommended that the Planning Commission adopt a resolution approving a six (6) foot high fence within the front yard setback of the property located at 281 Fernwood Drive pursuant to the required findings and conditions of approval.

In response to Commissioner Comprelli, Mr. Horn advised that the fence would be wire mesh, with posts and frame consisting of 4 x 4 redwood material.

When asked by Commissioner Levenfeld whether the plant material that had been proposed was native to Moraga and whether the fence would replace the existing fence, Mr. Horn stated he had not reviewed which plans were native to Moraga. The landscape plan had only been included as a reference. He understood the plant material would be drought tolerant. He identified an existing fence on the property and stated there was currently no fence within the front yard setback. He clarified the proposed fence location on the plans.

PUBLIC HEARING OPENED

Charles Huddleston, 1305 Boulevard Way, #209, Walnut Creek, explained that he had created the site plan for the presentation. He stated that the property owner had purchased the property to allow more space for the family and visiting grandchildren. Due to the nature of the property, most of the buildings and the pool were situated on a difference portion of the site. The area where the fence would be located was currently underutilized, unattractive, and devoid of vegetation but offered an opportunity to reclaim that portion of the property and replace it with attractive landscaping. A six-foot

high fence would offer more protection to the family and young grandchildren and would be a deterrent to deer.

Mr. Huddleston understood that there had been some objection to the fence and its appearance, which was why a more attractive fence material had been proposed.

Susan Morrison, Creative Interiors Landscape Designs, Concord, identified the plant material that had been proposed and noted the goal of this portion of the plan was to provide some level of privacy because the fence was permeable. A layering of trees with a combination of deciduous, evergreen, and flowering shrubs had been proposed. She identified the plant material to be planted on the street side of the fence as bushes in a tree shape that would allow views five feet underneath providing shade and some privacy. She also identified existing olive and redwood trees on the property that would be complemented with other tree species, as identified on the landscape plan, to consist of evergreen trees. The use of deciduous tree species complemented those trees and offered height. She noted that the plant material would be a mixture of Mediterranean, Australian, and California native, drought tolerant, and hopefully deer resistant.

Mr. Huddleston and Ms. Morrison both identified the exact location of the proposed wire mesh fence on the drawings. The fence would not be flush with the home but over the edge of the home by approximately five feet, inset approximately two feet from the property line, and eight feet from the street.

David Munson, 280 Fernwood Drive, Moraga, identified his residence as directly across the street from the subject property. He commented that he had owned his property since 1984, and during that time the previous owners of 281 Fernwood Drive had never undertaken any landscaping improvements. The undeveloped portion of the lot had been unattended and undeveloped for the past 30 years allowing trees and bushes to grow. He suggested the new property owner's landscape plans for the property would enhance the subject and surrounding properties, enclose and upgrade an undeveloped area, and provide security and privacy from the trail and from St. Mary's Road.

Mr. Munson also commented on the recent effort by Rheem Valley Manor residents to clear weeds and underbrush from the entrance at Stafford Drive. He understood the property owner at 281 Fernwood Drive had offered to provide a water connection for the plants and trees at the Rheem Valley Manor entrance. He strongly supported the approval of the application.

Barbara Simpson, 288 Fernwood Drive, Moraga, acknowledged the lot had been empty although someone had cut down trees and bushes. She had learned from the Planning Department that trees twelve inches in diameter had been removed. She detailed the past history of the property, noted the land had originally been part of the freeway although the East Bay Regional Parks District (EBRPD) had auctioned the land, the home had been constructed, and there had been several different property owners over the years. She understood at the time that the vacant lot all the way to Stafford Drive to the trails belonged to the EBRPD, and she had been surprised to learn that the property was actually part of the subject site.

Ms. Simpson opposed the fence given that the Covenants, Conditions and Restrictions (CC&Rs) for Rheem Valley Manor prohibited fences on properties closer than 25 feet from the curb. In this case, the fence would be right on, or close to, the curb.

Ms. Simpson pointed out that all of the homes in Rheem Valley Manor had fences that were set back from the street. She added that several years ago, a prior owner of 281 Fernwood Drive had installed a rustic split rail fence along the front of the property. At that time, the Town had required the property owner to remove that fence. She questioned whether a variance was being granted in this case, and if there was no variance why the regulations were being ignored. She noted that other properties had erected similarly designed fences which were utilitarian and functional, and suggested the fence as proposed was not appropriate visually along the front of the property since it would be along the entire property and could impact property values.

An unidentified resident of Fernwood Drive, Moraga, suggested the fence was in keeping with the area. She commended the plant material under consideration which would be drought tolerant and deer resistant, and supported the fence and suggested it would enhance the entrance to the neighborhood, with the plant material to soften the appearance of the fence. She disagreed that the fence would affect visibility and stated that the neighborhood CC&Rs no longer existed. She supported the project which would be an improvement to what had otherwise been an unsightly piece of land.

Linda Foley, Moraga, explained that she was currently handling the clean-up effort at Stafford Drive. She reported that all of those involved in the clean-up effort were in support of any improvement to the property although the fence was close to the roadway and could be moved back a bit if needed.

John Glover, Moraga, understood the application before the Planning Commission was for the fence and not the landscaping. He inquired of the timeframe for the installation of the landscaping and the fence in terms of the approval process.

Terry Murphy, Moraga, offered a rebuttal on behalf of the applicant. He suggested that while the application was about the fence, the fence was actually part of the landscape plan. He reiterated that the property owner wanted a fence for her yard in that she wanted a garden and a safe place for her grandchildren to play. To be able to create a usable flat space in the rear, a tall retaining wall would be required because of the slope, and which would be unattractive and visible from the path. He suggested the expense of building such a structure would make it infeasible and he suggested the strict application of the 25-foot setback meant there would only be a small sideyard play area. The plan called for a 10-foot setback from the curb, a row of shrubs, and open space around the back in order to keep deer out of the area while providing safety and privacy for the family. There would be an open fence behind the row of shrubs to allow the shrubs to be established and thrive while maintaining safety and not feeding the deer.

Mr. Murphy suggested the property owner was not requesting a special privilege, as evidenced by photographs he had provided to the Planning Commission. He identified four examples of fences in the neighborhood that had been constructed far closer to the curb than the property owner had proposed.

Mr. Murphy explained that the large pie shape configuration of the lot precluded any reasonable use, and the property owner's application was reasonable and allowed her to have something her neighbors already enjoyed, a safe yard and garden.

Mr. Murphy clarified that the examples he had provided the Planning Commission were views from homes he had viewed while driving down the street with the first photo from the 500 block of Rheem Valley Manor. Another photo had been taken from the 300 block, and the others from the 300 and 200 blocks. All of the fences he had photographed were within five feet of the curb.

PUBLIC HEARING CLOSED

In response to the concerns as to whether there were existing CC&Rs in place, Mr. Horn explained that the Homeowner's Association (HOA) was no longer active and the CC&Rs were not being enforced. Based on his research, the reference to the installation of a prior split rail fence was that the fence had been constructed in the public right-of-way. In that case, the prior property owner had been informed by the Town to remove the fence and relocate it on the subject property.

Ms. Morrison again clarified the location of the fence at approximately nine feet from the curb and two feet back from the right-of-way.

Chairperson Kuckuk reported that Commissioner Woehleke had disconnected the teleconference location at 7:45 P.M.

As to the timing of the application and speaking from the audience, Noris Orsi, 281 Fernwood Drive, Moraga, identified herself as the property owner and expressed a desire to have the fence installed by Christmas.

Ms. Morrison further clarified the intent that the landscaping and fence be installed concurrently.

Planning Director Ellen Clark clarified that the project had not been conditioned in that fashion. It would be up to the applicant's discretion as to the timing of the landscaping. If the Planning Commission were to consider conditioning the project in that way, she urged some flexibility for the planting of the proposed plant material.

Ms. Orsi stated she had already contracted someone to install lawns in December and they were awaiting the outcome of the application.

Commissioner Onoda found the property to be unique, wider than deep, and having viewed the property, she suggested it would benefit the neighborhood when the project was complete and also benefit the homeowner providing safety and privacy for the family. She supported the fence application.

Commissioner Marnane commented that he had been struck by one of the photographs of the property where all of the trees and bushes had been removed.

As someone who walked the trail often, Commissioner Marnane agreed the lot needed work, was currently a blight, but would be better once the project was complete, although he was uncertain why a fence was necessary all along the front of the property. He suggested the fence could be installed along the back and side. He also disagreed that a wire fence would be attractive, suggested it would be unsightly, and disagreed that it would be compatible with the rest of the neighborhood.

Commissioner Marnane recommended a condition that the landscaping be part of the project approval, and that it would be accomplished within one year along with the installation of the fence. He questioned whether the applicant anticipated other uses for the fenced-in area. If not, he recommended a re-evaluation of the fence in the front, a reduction in its length, and its placement at the rear of the property. He also questioned why the trees and bushes had been removed from the property. He understood the landscaping was not yet definite but recommended another condition that the final landscape plans be presented to the Design Review Board (DRB) for review and approval. He described the project as a work in progress and recommended that the fence travel all the way around onto Stafford Drive, but stop after it reached the corner of Stafford Drive, leaving the front open.

Ms. Clark explained that DRB approval may not be required depending on the features of the project.

Commissioner Levenfeld understood the Planning Commission was not being asked to consider a variance application and she requested a clarification from staff.

Ms. Clark clarified that allowable exceptions could be made to the fence height requirement of the Zoning Ordinance by the Zoning Administrator, or if controversial, consideration by the Planning Commission and this application was not technically a variance.

Commissioner Compralli stated he had no problem with the project.

Commissioner Levenfeld found the fence to be attractive and understood its purpose for the property. She characterized the property owner's willingness to share some of the beautiful landscaping with the neighborhood through the absence of a solid fence design as generous, liked the project as designed, suggested it was an attractive project that would benefit the neighborhood, and supported the application.

Commissioner Babcock was excited with the open wire fence material and was pleased with the design that would allow views into the backyard. She liked the concept of welcoming the outdoor in and suggested the fence could be decorated and shaded with landscaping.

Chairperson Kuckuk was sympathetic to the proximity of the trail and people traversing the side yard. She described the project as a beautiful plan and suggested it would benefit the neighborhood as a whole. She also liked the open wire fence allowing views in and not creating a visual barrier although she was troubled that a precedent could be set if the project were approved whereby those on corner lots could request permission

to extend a fence 20 feet forward from a home, two feet into the property line, at a six-foot height.

Chairperson Kuckuk stated she had struggled with the application and had driven around the Town to find a similar lot although she could not find a similar lot in Town. In this case, because of the open fence design, she was willing to support the application.

Commissioner Babcock encouraged the applicant not to use juniper bushes in the landscape plan.

Ms. Morrison clarified that juniper bushes were not under consideration, were a fire hazard, and had not been recommended by the Moraga-Orinda Fire District (MOFD).

Commissioner Marnane did not object to an all-around fence, although he still did not like the fence that well. He reiterated his recommendation for a condition that the landscaping be completed commensurate with the time frame for the fence.

Ms. Clark recommended an additional condition to read: *The landscaping shall be installed one year from the date of the fence installation.*

Commissioner Marnane clarified that he would like to see the fence and landscaping be completed within one year of the approval date.

Ms. Morrison clarified that the landscape plan had not included subtropical plant material that would have to wait for a specific time of year to plant. She suggested the fence would likely be one of the last components to be installed, at least in the front of the property.

Commissioner Onoda recommended the use of California native plants.

Ms. Clark explained that the Town's Design Guidelines included a list of recommended plant palettes which the Town found to be acceptable and which consisted primarily of native or climate appropriate plants, which could be added as a condition of approval.

On motion by Commissioner Levenfeld, seconded by Commissioner Marnane to adopt Resolution No. ____-2014, Approving Permit ZA 1-14, to construct a fence exceeding three (3) feet within the front yard setback, subject to the required findings and conditions of approval, and with a new condition to read:

The landscape and fence both shall be installed within one year of approval.

The motion carried by the following vote:

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

Ms. Clark identified the 10-day appeal process in writing to the Planning Department.

Commissioner Onoda recused herself from the discussion of the next agenda item and stepped down from the dais at this time.

- B. Via Moraga:** Consider PC Resolution ____-2014 Approving the General Development Plan and Tentative Subdivision Map for the Via Moraga Project, a 17-lot Single-Family Subdivision located at 489 Moraga Road, Subject to Conditions of Approval. An Initial Study and Mitigated Negative Declaration was adopted for the project on September 10, 2014

Ms. Clark presented the staff report dated November 3, 2014, for consideration of a resolution approving the General Development Plan (GDP) and Tentative Subdivision Map for the Via Moraga Project, a 17-lot single-family subdivision located at 489 Moraga Road. Based on the findings of conformance with the Conceptual Development Plan (CDP), which had not been altered, she suggested the finding could be made to recommend the Planning Commission adopt Resolution ____-2014 approving the General Development Plan and Vesting Tentative Map for the Via Moraga Project, subject to conditions of approval.

Ms. Clark clarified that the Floor Area Ratio (FAR) that had been shown in the staff report at .90 had been based on the total square footage of the two-story homes on the lots and that the previously stated FAR of .75 had been an error. The FAR had not changed from the approved CDP but the Development Standards had been corrected to reflect the actual FAR for the project.

Commissioner Levenfeld inquired of the status of the park parcel, Parcel "F," and asked whether the number of parking spaces on the street had been reduced or were the same as previously presented to the Planning Commission.

Ms. Clark explained that Parcel "F" was the park parcel and stated the applicant could expand on that element of the design. She clarified there was one less parking space than on the plan that had been approved by the Planning Commission. There were ten on-street parking spaces, although the ratio for parking remained the same given that there would be fewer units.

Commissioner Marnane inquired whether the pedestrian crossing would be part of the project, and Ms. Clark affirmed that the applicant would be responsible for the installation of the pedestrian crossing.

PUBLIC HEARING OPENED

Tom Quaglia, Project Manager, Signature Homes, 4670 Willow Road, Pleasanton, explained that the subject application concluded three years of work. The next step would be the detailing of the homes and consideration by the DRB. He clarified that the September 10, 2014 appeal of the Planning Commission's decision to approve the CDP involved an appeal from the developer and an appeal from a Councilmember. Prior to the Town Council's public hearing on the appeal and in working with Town staff, the developer had decided to move forward with a single driveway concept and the reduction of one of the units. As a result, the development had been well received by the Town Council at the time of the appeal hearing.

Mr. Quaglia explained that two of the homes at the front of the development would be 30 feet away from the street and be set farther back than the existing building located to the right. There was also an area in the front with a great deal of relief, with a large mounding area higher than the roadway where the developer had been able to provide a berm to accentuate the planting, and which had met the DRB and Planning Commission's goals to ensure that the project was screened from view.

Mr. Quaglia identified the parcel to the rear, a family recreation area, which offered a great amenity and privacy along with a barbeque and a passive area for play. He described the dense landscaping that had been proposed, the arbors over the doors, open screen/green fencing, and a trellis offering green screen verticality and street trees, with no visible fencing. He emphasized the efforts over the past three years, looked forward to the DRB review of the home plans, and thereafter Planning Commission consideration of the Precise Development Plan (PDP) and the codification of the mid-block crossing.

David Yang, Moraga, who resided behind the development site, expressed concern with the potential traffic impacts associated with the development. While he recognized his comments were being provided late in the process and the traffic may already have been addressed, he expressed concern with potential traffic conflicts with the dual entrance to the shopping center.

Mr. Quaglia explained that the detached single-family development would be the lowest traffic generator that could be proposed for the site, with Retail, Office, and High Density uses resulting in greater traffic counts. With the Planning Commission having chosen the driveway entrance location he suggested there would be no conflict with movement into the Shopping Center driveway. He added the project would generate 150 trips per day, and based on Caltrans and the Town's requirements, approximately 10 percent would be during the peak period. Single-family uses would result in a spread out trip generation as opposed to Retail, Office, or High Density development.

Barbara Simpson, Moraga, asked whether each of the residences would have a garage for two vehicles, to which Mr. Quaglia stated that each home would have a two-car garage and a two-car driveway apron. There would be ten parking stalls within the project. Guest parking would be permitted within the development with no parking along Moraga Road.

Mr. Quaglia advised that the FAR was actually .96, not .90 as shown in the staff report.

PUBLIC HEARING CLOSED

Ms. Clark referenced Page 9 of the November 3 staff report and identified the Table of Development Standards, which was unchanged from what had been approved for the CDP, with the exception of the FAR. The correct numbers had been shown in the Table on Page 11 of 20 of the staff report, showing the maximum for every lot at an FAR of .90, with the exception of Lot 8. As shown in the footnote on Page 11, Lot 8 was more constrained and had been allowed a slightly higher FAR. She clarified that the actual lot and home sizes had not been changed from the approved CDP.

Commissioner Marnane characterized the project as excellent and recommended approval subject to the proposed conditions.

Commissioner Comprelli also recommended approval of the project. He found that it had been well thought out, and was well presented with no deficiencies.

Commissioners Levenfeld and Babcock also supported the project.

Chairperson Kuckuk echoed the comments and recognized the time spent on the proposal which had gone through many iterations. She was pleased with the current proposal and was prepared to support approval of the GDP and the Vesting Tentative Map.

On motion by Commissioner Marnane, seconded by Commissioner Comprelli to adopt Resolution No. ____-14 PC, Approval of a General Development Plan and the Tentative Map, for the Via Moraga Project, a 17-unit single-family residential development located at 489 Moraga Road, subject to the conditions of approval. The motion carried by the following vote:

Ayes:	Babcock, Comprelli, Levenfeld, Marnane, Kuckuk
Noes:	None
Abstain:	None
Absent:	Onoda (recused), Woehleke

Commissioner Onoda returned to the dais at this time.

6. ROUTINE AND OTHER MATTERS

There were no Routine and Other Matters.

7. REPORTS

A. Planning Commission

Chairperson Kuckuk reported that she had attended the October 22 Town Council meeting as a representative of the Planning Commission to discuss the Commission's deliberations on the Climate Action Plan (CAP). The Town Council had decided to accept the CAP and retain it as a report, to be monitored and reviewed annually for incorporation into the annual work plan.

B. Staff

Ms. Clark reported that the next meeting of the Planning Commission had been scheduled for November 17. Tentatively scheduled items included a Draft Story Pole Policy and the City Ventures project. She added that the Hillside and Ridgelines Steering Committee would meet on November 19 to provide direction to the Town Council on the scope of the next phase of the project, with a report scheduled to be presented to the Planning Commission during its December 1 meeting. She clarified

with Commissioners present their availability for the December 1 meeting to ensure a quorum at that time.

Ms. Clark also reported that the DRB had discussed the landscaping and home designs for the Rancho Laguna II Subdivision on October 27, with a recommendation to include a pedestrian path on "E" Street, the upper street closest to the ridgeline. The DRB was of the opinion that a pedestrian path connecting back to the trailhead and trail system for the residents would benefit the project. A condition had been added to the project to look into including that path if found to be consistent with the conditions of approval, which would not modify the grading or create any new visual impacts. There had also been an option to bring that condition back to the Planning Commission for the Commission to consider in the PDP stage.

The Planning Commission recommended a different venue from the current meeting location for the November 17 meeting given the number of people anticipated to be present for the City Ventures project.

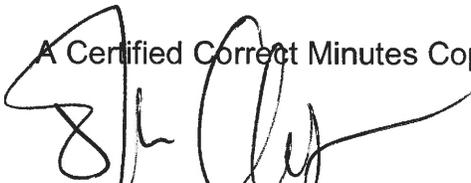
Commissioner Comprelli reported on his attendance during the October 27 DRB meeting which had involved a contentious discussion on the Rancho Laguna II project.

Ms. Clark reiterated the discussion of the DRB during its October 27 meeting regarding the addition of a condition to include a pedestrian path on "E" Street. The condition had been crafted to allow the Public Works and Planning Directors to make the determination that the condition would not result in any significant impacts, with the option to bring the matter to the Planning Commission. She emphasized that staff would review any modification proposed by the developer to ensure compliance with the existing conditions of approval. In consultation with the Town Attorney, if staff determined the matter should be brought back to the Planning Commission, the Town Attorney had recommended it be brought back formally as part of the PDP consideration.

8. ADJOURNMENT

On motion by Commissioner Marnane, seconded by Commissioner Onoda and carried unanimously to adjourn the Planning Commission meeting at approximately 8:50 P.M.

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Secretary of the Planning Commission

