

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

November 17, 2014
7:00 P.M.

MINUTES

1. CALL TO ORDER

Chairperson Kuckuk called the Regular Meeting of the Planning Commission to order at 7:08 P.M.

A. ROLL CALL

Present: Commissioners Babcock, Comprelli, Levenfeld, Marnane, Onoda, Woehleke, Chairperson Kuckuk

Absent: None

Staff: Ellen Clark, Planning Director
Ella Samonsky, Associate Planner
Karen Murphy, Town Attorney

B. Conflict of Interest

There was no reported conflict of interest.

C. Contact with Applicant(s)

Commissioner Levenfeld reported that she had briefly exchanged phone calls with the Public Hearing applicant, Moraga Town Center Homes, and had walked the site in August 2014.

Commissioner Onoda reported that she also had a brief conversation with the applicant for Moraga Town Center Homes, and had a conversation with the applicant in August 2014.

Commissioner Babcock reported that she had met with the applicant for Moraga Town Center Homes on November 13, 2014.

Commissioner Marnane reported that he had contact with the applicant for Moraga Town Center Homes on several occasions over time, but had no communication with the applicant since the last Planning Commission meeting.

Chairperson Kuckuk reported that she had met with the applicant for Moraga Town Center Homes on August 20, 2014, along with Town staff, to review proposed changes after the July 14, 2014 Design Review Board (DRB) meeting.

2. PUBLIC COMMENTS

There were no comments from the public.

3. ADOPTION OF CONSENT AGENDA

- A. **October 21, 2014 Special Meeting Minutes**
- B. **October 21, 2014 Joint PC, DRB and Park & Recreation Minutes**

On motion by Commissioner Woehleke, seconded by Commissioner Marnane to move the Consent Agenda for consideration as Public Hearing Item 5B. The motion carried by the following vote:

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

4. ADOPTION OF MEETING AGENDA

On motion by Commissioner Comprelli, seconded by Commissioner Marnane to adopt the Meeting Agenda, as modified, with the Consent Agenda moved to Agenda Item 5B. The motion carried by the following vote:

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

Commissioner Onoda recused herself from the discussion of the next item for Moraga Town Center Homes. She stepped down from the dais at this time.

5. PUBLIC HEARING

A. Moraga Town Center Homes:

1. Consider PC Resolution __-2014 Recommending the Town Council Amend Moraga Municipal Code (MMC) Chapter 8.48 to add 12-DUA PD Land Use Classification, and Rezone the Project Site to Planned Development (PD) District, under MMC Chapter 8.48 (MCSP, SO, ES/DD);
2. Consider PC Resolution __-2014 Approving a Conceptual Development Plan (CDP) for the Moraga Town Center Homes project

Associate Planner Ella Samonsky presented the staff report dated November 17, 2014, for consideration of a resolution recommending Town Council approval to amend MMC Chapter 8.48 to add a 12-DUA PD Land Use Classification, and rezone the project site to a PD District; and a resolution approving a CDP for the Moraga Town Center Homes project.

Commissioner Babcock inquired of the number of events held annually by Moraga Country Club (MCC) and the required parking for said events.

Ms. Samonsky was uncertain of the number of annual events held by the MCC, although she understood from residents that events were held regularly throughout the year.

Commissioner Levenfeld asked for clarification on the purpose of the landscape berm, and whether it had been intended to screen the homes from view or provide some other purpose.

Ms. Samonsky explained that the landscape berm would be approximately two feet in height, would create a less urban appearance to the landscaping, as recommended in scenic corridor guidelines, and would provide additional screening of the homes. The berm had not been intended to block the views of the homes from the road.

Commissioner Comprelli asked for clarification on the use of the Town's right-of-way (ROW) and expressed concern with the Town giving up land potential for future road widening, to which Ms. Samonsky clarified that there was currently a 20-foot wide gravel and dirt shoulder that was part of the Town's ROW that would remain Town property after improvements were made. She identified the location of Moraga Way, the edge of the pavement, and the property line for the subject development, along with the 20-foot wide shoulder proposed for landscaping. She explained that the landscape buffer would be made of 20 feet of landscaping in the ROW and the additional 11 to 22 feet on the subject property, totaling the combined landscape buffer that was between 31 and 41 feet. She clarified that the Town would not give up ownership of the ROW and the Homeowner's Association (HOA) for the project would be required to maintain all of the landscaping in the ROW.

Commissioner Comprelli questioned if landscaping would be the best use for the Town's ROW. He was not convinced the ROW would not be required for future use by the Town for road widening.

Ms. Samonsky stated the concept of landscaping within the shoulder had come from Town Council direction related to a request to vacate an easement across the property. The easement was created when there were plans for a freeway through Moraga an on-ramp was planned for the site. The Town Council requested enhanced landscaping along Moraga Way as a condition to vacate the easement.

Planning Director Ellen Clark advised that the ROW would remain Town property and be subject to an Encroachment Agreement and Landscape Maintenance Agreement (LMA) with the HOA, which would allow the Town to revert back to roadway use if so determined in the future. Both the Public Works and Engineering Departments had

been involved throughout all phases of the project and were aware of the plans for the ROW.

Town Attorney Karen Murphy affirmed, when asked, that any cost for the replacement or removal of the landscaping within the public ROW would not be borne by the Town, and could be addressed in the LMA and the project's Covenants, Conditions and Restrictions (CC&Rs). She also affirmed that there had been a similar concept with the Sonsara development as related to ROW that had been used by the public.

Commissioner Woehleke referenced Pages 21 and 25 of the staff report and the statements regarding potential options for the project related to potential building setbacks and underground parking that had been determined to be financially unfeasible for the applicant. He understood that the Planning Commission was not to consider the financial viability of a project and expressed concern the statements could show a bias.

Chairperson Kuckuk understood that the statements reported the discussion with the applicant and the applicant had chosen to submit a project plan which had not incorporated those options, as detailed on Pages 21 and 25 of the staff report. She stated that the Planning Commission had the right to approve or deny the project as presented.

Ms. Murphy identified the findings that must be made to approve the project as outlined in the staff report. She noted that financial feasibility had not been incorporated within the findings and was not part of the Planning Commission's consideration. The language in the staff report, as reflected on Pages 21 and 25, had outlined why the applicant had not incorporated the options that had been detailed due to financial unfeasibility.

Commissioner Woehleke suggested the statements on Pages 21 and 25 in the staff report could have been worded differently to ensure there was no bias.

Commissioner Levenfeld suggested the statements were similar to others in prior staff reports; the statements did not suggest that the Town was taking a position regarding financial feasibility other than a statement by the applicant to staff.

Commissioner Comprelli pointed out that all issues related to the project would have a financial impact, which would have some impact on the ultimate cost of the units, when constructed, and be passed on to potential homebuyers.

Commissioner Woehleke reiterated his concern with the potential for a bias based on the statements in the staff report. He emphasized that financial feasibility was not the concern of the Planning Commission.

Charity Wagner, Project Manager for City Ventures, Moraga Town Center Homes, thanked staff for the comprehensive staff report. She identified the project site along Moraga Way, over three acres in size, and adjacent to Moraga Way, Country Club Drive, an office complex, and the Moraga-Orinda Fire District (MOFD) Fire Station and Training Facility. The project was located within, and would be consistent with the

MCSP, allowing residential development. The project was substantially in conformance with the MCSP and the Town's Design Guidelines for a viable village concept, at the 12-DUA minimum.

Ms. Wagner described the background of City Ventures and the intent to place housing within the Town's center. The product type would be attached single family with 'Green' features; all electric homes to be natural gas free, with solar panels, high efficiency appliances, pre-wired for electric vehicles, and with the homes placed within walking distance to goods and services.

Ms. Wagner explained that City Ventures had been working on the project a little over two years and she walked through the earlier iterations of the project design. She commented on the number of study sessions with the Planning Commission and the Design Review Board (DRB) in workshops with the public, noting that there had been a lot of support for housing on the subject site, although concerns with the prior iterations.

Ms. Wagner advised that the current iteration for the project involved a 36-unit attached single-family residential development. The project would consist of attached two-story townhomes and duplexes and triplex "cottages," with two-story loft units to be limited to the center most units and not along Moraga Way, a pocket park, and one point of access along Country Club Drive and along Moraga Way. There would be no driveways along Country Club Drive.

Ms. Wagner described how the location of the building on the frontages are pushed and pulled from the property line, based on feedback from the DRB. There would be internal paseos and four townhome buildings, Buildings A through D. All buildings would be two-story along Moraga Way. The 12 three-story homes would be centrally located in the project. The three-story homes would not be visible from the street. She identified Building A as being in line with the MOFD Administrative Building; Building D would be 11 feet back from the property line. The average setback would be 15 feet.

Ms. Wagner explained that the buildings would be more than 11 feet from the road. She identified the area of landscaping between the road and the building at a dimension of 31 feet, 20 feet of which was the Town ROW. She noted the Public Works Director had suggested the public ROW be landscaped by the applicant. The Town had no intent to widen the road, and the developer had no intent to increase the size of the Moraga Way road width, which would remain the same but be improved by adding a bicycle lane on the project frontage and a meandering sidewalk. The ROW would remain Town property but would have to be maintained by the HOA as part of the development.

Ms. Wagner reported that the developer had been in communication with the MOFD for the past three years. The MOFD had been concerned with noise and view impacts. As a result, an eight-foot tall sound wall had been conditioned and incorporated into the design to transition to a six-foot high good neighbor fence. In addition, the limits of grading would be extended to remove an existing artificial slope on the subject property that extended into MOFD property to create a more usable surface. Existing redwoods and other trees would be preserved as part of the project. Dense landscaping had been

proposed to block views of the MOFD property and none of the homes would face MOFD property.

Ms. Wagner walked through the vehicular circulation of the project. There would be a sidewalk along Moraga Way, with pedestrian access through to the guest parking and out to Moraga Country Club. She identified the proposed landscaping for the auto court area, with landscaping between the garages and paseos with landscaping, front porches and walkway in between. Each home would have a two-car garage. There would be 18 on-site guest parking spaces. A total of 72 parking spaces would be required by MCC. The project would provide 18 guest and 90 parking spaces in total. She commented that she had reviewed the parking requirements for Lamorinda and other nearby communities, and based on that information the project would have a higher ratio of parking.

Ms. Wagner added that the Country Club Drive median was 41 feet in width. In response to staff and DRB recommendations, the developer was considering reconfiguring Country Club Drive, requiring a reduction in the area of the median at seven and a half feet. The developer planned to provide a five-foot wide bicycle lane, eight-foot parking lane, and existing four-foot wide sidewalk. Also, as a condition, the developer would landscape within the median to improve its appearance.

Dan Hale, Hunt Hale Jones Architects, identified the primary building footprint for the townhomes along Moraga Way, the single-story elements and/or the single-story projections over the first floor windows breaking the massing of the buildings. He identified wrap-around porches for Buildings A and D to further articulate the buildings from Moraga Way. He also identified views of the cottages from Country Club Drive, stated they were comfortable with additional conditions requiring further articulation while retaining the character of the architecture, which the DRB had endorsed, and offered additional views of the homes and a variety of architecture.

In response to the Commission, Ms. Clark advised that the applicant had not discussed a public access easement from the property line to the front of the buildings given that there was a sidewalk and ample ROW on the Moraga Way frontage. The Public Works Department was comfortable with the sidewalk. The landscaped portion of the ROW would be 20 feet in width, which was a generous area, and even if the road were widened slightly there would still be space for a public sidewalk.

PUBLIC HEARING OPENED

Richard Harris, 38 Arroyo Drive, Moraga, opposed the development and while he liked the concept of development on the vacant lot, he did not care for the proposal. He expressed concern with the potential for increased traffic.

Mr. Harris explained that he liked the increased tax base, which would help the community, although he expressed concern with the development's proximity to the MOFD property, the potential for impacts to emergency response times, and the height of the homes which could block views of the scenic corridor. He also suggested the density was too high.

Al Simonson, Moraga, a resident of Moraga Country Club, opposed the development which he found to be too congested, with too many units close together. He suggested the story poles that had been installed were too close to the road, and the homes were too close to Country Club Drive. While the homes appeared to be acceptable along Moraga Way, the homes along Country Club Drive were too close to the sidewalk within. He suggested the setbacks be increased to 15 feet and the homes be provided with front yard lawns. He also suggested that the upper stories be set back further. He otherwise suggested it was not the job of the Planning Commission or the Town Council to ensure the project was financially feasible but to ensure the development was pleasing and acceptable to the community.

Fritz Stoop, 432 Tharp Drive, Moraga, commented that he had been a developer for 40 years, was not anti-development, and while the project represented good design suggested it would be better in another location. He emphasized the importance of the scenic corridor, and found the project to be too big and too close to the road, and in the wrong place.

Dean Okamura, P.O. Box 283, Moraga, a resident of Moraga Country Club Drive, a member of the Moraga Country Club Board of Directors, and the Board Liaison to the City Ventures project, reiterated previously stated concerns with the ingress/egress of the property and impacts to the stoplight at St. Andrews and Moraga Way during frequent MCC summer events. He emphasized the concerns with parking along Country Club Drive with many members of MCC using the space for dog walking and other uses, and where additional traffic would impact Country Club Drive. He asked that the issue be addressed with greater scrutiny. Speaking to the proposed median improvements, he supported improvements that would block sound, dust, and light nuisances from those across the street. He reported that a letter had previously been submitted to the Town on behalf of the MCC Board of Directors outlining those concerns.

Gerry Tanner, 171 Cypress Point Way, Moraga, explained that he had become involved with the project 21 months ago working with the Planning Department. He questioned how many Commissioners had walked Country Club Drive to see the proximity of the proposed residences to the sidewalk. He suggested the problem was not the City Ventures project but a lack of leadership at MCC, which was something that was being addressed. He expressed concern with the many iterations the project had gone through during the process and suggested the project design was still out of character with the Town. He also questioned whether the frontages of the buildings were being measured against the parking lot of the former Mason McDuffie building.

Mr. Tanner shared concerns with the use of the public ROW in the event the Town needed the land in the future, particularly since the HOA would control the land which could lead to potential litigation against the Town. He urged consideration of a project with less density, possibly apartments with smaller units or worker housing, with a total of 37, not 36 units. He characterized the project based on the drawings as an abomination.

John Pearson, 804 Country Club Drive, Moraga, identified his home as directly across the street from the project site. He stated that Country Club Drive has roadways that

were currently substandard. Having measured each home, the minimum distance was 4.9 feet, and the Town would have to issue an encroachment permit for the median to allow the roadway to be constructed. Absent the encroachment permit, he suggested the sidewalk must be moved back to the living room of the cottages. He wanted to see his side of the roadway be widened given the current constraints between vehicular and bicycle traffic and added that the Town had previously removed the turn lane at St. Andrews Drive, with only one lane remaining where parking had been added. He emphasized that parking was a serious concern in the neighborhood. He pointed out that when the Bruzzone property was developed in the future, traffic would not be able to exit Moraga Country Club to reach the City of Orinda.

Dick Olsen, 1861 St. Andrews Drive, Moraga, read into the record prepared comments he provided to the Planning Commission in writing marked "Received November 17, 2014." He detailed his background and experience with Town government during the past 42 years of his residency in Moraga, participation in the MCSP process, and his background and experience serving with the MOFD; described the reason for the incorporation of the Town to ensure that no development that was anything like what was being proposed would ever be approved; and found it ironic that the Town was about to celebrate 40 years of the Town's incorporation and a project that would have a devastating impact on the Town's semi-rural environment would be fast-tracked for approval by the Town's planning bodies.

Mr. Olsen suggested the placement of the development adjacent to an MOFD facility was in violation of Land Use Policy LU1.6, suggested the proposed development was incompatible with the activities of the MOFD facility, and commented that he had shared his concern with the Planning Director and understood Town staff had been provided a letter from MOFD Counsel who had also expressed concern with the proposal's non-compliance.

Mr. Olsen stated that he had provided a letter to the Planning Commission in the last week detailing his concerns with the incompatibility of the project; identified his assertion the project was non-compliant with the General Plan's Scenic Corridor requirements; and suggested the project violated the traffic impact and air pollution control commitments made by the Town Council to the cities of Orinda and Lafayette at the time of the adoption of the MCSP.

Steve Huxley, 1112 Larch Avenue, Moraga, found the development to be a good project, acknowledged the developer had presented a good design, but agreed the project did not belong where proposed. He also found the project to be in violation of the General Plan, suggested the developer was aware the project violated the intent of the General Plan and the semi-rural character of the community, and stated the only way to disguise the project was with the berm as opposed to fewer units and proper setbacks. He suggested if the intent was to match the development across the street; the project should have the same setbacks and be further set back from the street. While he understood that would make the project financially unfeasible, he suggested the developer wanted as many units as possible given the potential resale costs. He urged the Planning Commission to abide by the General Plan.

Clayton Winegas, Moraga, expressed concern that the Town may need the ROW for widening the road in the future, which could impact the units along Moraga Way. He questioned the ability of emergency vehicles to access Country Club Drive in the event of an emergency given the closeness of the proposed homes to the street, particularly during annual MCC summer events when vehicles parked along the roadway. He also understood the MOFD conducted day and nighttime training exercises and questioned whether the nighttime operations would have to cease as a result of the development.

Bill Booth, 67 Carr Drive, Moraga, stated he owned property in the MCC but did not reside on the property. He referenced the staff analyses and iterations the project had gone through since its inception, liked the fact the smaller units along Country Club Drive faced the street as opposed to the existing homes which did not face the street resulting in a wall of garage doors, and liked an environment that encouraged people to walk out the front door and walk to the Town Center which he suggested would have some appeal. He agreed the median must be repaired but suggested the two rows of trees, one down the median and one down the Country Club Drive side, could shield the views of the units from the existing Country Club Drive residences. He was not opposed to the proposed unit size, found the project to be attractive, stated the applicant had presented something solid, and looked forward to a village that had more density.

Yank Eppinger, 126 Hazelwood Place, Moraga, supported the project. He commented that he had analyzed the Town's population from 1970 to 2013, and found there had been a 12 percent increase in 40 years. From 1990, there had been only a .9 percent increase. He liked the refinements to the project by the applicant and the DRB which created a nice development and which could bring more young people to Moraga, recognized that Moraga was a cul-de-sac community and that any new development would attract more traffic, but suggested that was the price to be paid to live in the community.

Scott Bowhay, 1671 Camino Pablo, Moraga, disagreed with the Public Works Department decision to allow the public ROW to be used for the development. Having read the MCSP, he found no provisions to suggest a reduction in the total number of units would result in any price points, or that any special exception could be provided to the developer for making such a revision. He described the project as a great big mass which did not fit in with anything else around it. He pointed out the existing office buildings were set back from the road and were two, not three stories. He suggested the project was not a good one with small yards that were inadequate for families, possibly setting an unacceptable tone for the entire area. He found the project to be highly inappropriate, suggested the project would be more suited to cities such as Dublin, Lafayette, or elsewhere, but stated the project did not fit in within the scenic corridor.

Stephen Healy, MOFD Fire Chief, reported there had been a great deal of correspondence between the MOFD and City Ventures. Town staff had also been involved and had been wonderful with the best interests of the Town in mind. The MOFD Board had also been thoughtful on its approach to the project. The MOFD Board had taken no position either for or against the project, and were only interested in the

impacts to the MOFD site. The MOFD wanted to be good neighbors irrespective of whether the project was approved or not.

Ferenc Kovac, 23 Woodside Drive, Moraga, expressed concern with the potential safety hazards and conflicts between vehicular and bicycle traffic, particularly with vehicles parked on both sides of the streets. He pointed out the three-story cottages had no yards and would likely be occupied by families with children, adding to the concerns with safety along the roadway.

Carol Harrison, 774 Country Club Drive, Moraga, expressed concern with the two resolutions under consideration by the Planning Commission, and opposed the approval of both actions; a rezoning of the property and approval of the CDP.

Wes Spewak, 8 Glen Eagle, Moraga, a resident of Moraga since 1968 and the owner of two properties in MCC, emphasized that parking in the area was horrendous. He commented that the cul-de-sac he lived in had families with two-car garages, and every residence had two or more vehicles. Based on that figure, there would be an excess of vehicles associated with the 36-unit development and there would be no place to park. He was uncertain why the property had been zoned the way it had, understood the development would move forward in whatever form approved without legal action, and urged the Planning Commission to listen to the public and be aware of the issues.

Charles Coane, 38 Sea Pines, Moraga, was not opposed to the project itself, liked more people coming into the Town and the increase to the tax base, but found the project to be too close to Moraga Way, Country Club Drive, existing office buildings, and the MOFD training facility. He encouraged consideration of a more appropriate location in Moraga, understood the units would have no driveways with parking either in the garage or elsewhere, and asked whether the guest parking spaces would be monitored. He emphasized the inadequacy of the parking for the project.

Denise Coane, 38 Sea Pines, Moraga, commented that she had followed the process for the past 13 months, and had spoken with staff and the developer. She suggested the developer was trying too hard, with too many issues that remained unresolved even after four revisions to the plans. While she characterized the renderings as gorgeous and beautiful, she reported she had visited a City Ventures project located in Carlsbad and offered the Commission information on that development. She encouraged the Planning Commission to raise the bar for development standards in the area.

An unidentified resident of Moraga, who stated she would not identify herself by name, asked for a common turn lane on Moraga Way as opposed to Country Club Drive given concerns with respect to safety and the speed of traffic. She pointed out that the park area had been located on a blind curve, suggested the project was in violation of many policies within the Town's General Plan and the MCSP, and the MCSP contradicted and violated the General Plan. She noted that written information from City Ventures had acknowledged the project was not consistent with the semi-rural nature of the Town, suggested the setbacks should exceed those for the office uses, and suggested residents were not opposed to development but wanted development that was appropriate.

William Carman, Alta Mesa Court, Moraga, a member of the Livable Moraga Road Project Committee, a former member of the Traffic Safety Advisory Committee (TSAC), and a current member of the Park & Recreation Commission, spoke specifically to the plans for a meandering path in front of the project.

Mr. Carman supported a straight path as opposed to a meandering path in front of the project from the MOFD Fire Station to the front of the office building, to include accessible bicycle lanes. He commented that the existing narrow bridge appeared in need of replacement, and if so, could hamper the MOFD from responding to emergencies to the subject area. As a result, the road may need to be widened if the bridge had to be replaced, which could occur in the next ten years or after the Canyon Bridge had been replaced.

Chairperson Kuckuk declared a recess at 9:08 P.M. The Planning Commission meeting reconvened at 9:10 P.M. with all Commissioners initially shown as present or recused.

REBUTTAL:

Ms. Wagner explained that the project was compliant with the Town's General Plan, Scenic Guidelines, and the MCSP, and the MCSP was compliant with the General Plan, an inherent requirement. The staff report had identified the General Plan policies in which the project was compliant. As to the use of the ROW, she reiterated the project setbacks from the property line at 11 and 22 feet exclusive of the ROW. The request for landscaping and placement of a meandering sidewalk in the ROW had come from early Town direction from the Town's Public Works and Planning Directors. The improvements would be maintained in perpetuity as part of the project. If that was something the Planning Commission did not want, the area could remain gravel, with a dirt shoulder. She suggested the improvements would be a benefit to the scenic corridor. The idea of making changes to the median had also come from the Town as to how to make the project better. The applicant had been asked to make improvements to the ROW that would require a permit, ongoing compliance, and maintenance from the project into the ROW.

Ms. Wagner commented that she wasn't aware if the same issue applied to the Sonsara project as to whether the sidewalk in that development was in the Town's ROW. The intent was for the meandering path and berm to pick up on some of the qualities that people had stated they liked along Moraga Way.

Ms. Wagner advised that City Ventures had prepared an acoustical analysis for the project which had included the MOFD training operations. City Ventures had no intention to limit MOFD operations. The MOFD would provide a video that would be made available to potential homeowners. There would also be deed restrictions and homeowners would be made aware of the MOFD training facility and its day and evening operations. The deed restrictions would apply to current and future property owners.

Ms. Wagner added that a traffic analysis had also been prepared as part of the project. During the morning, it had been anticipated that 19 vehicles would enter and exit the site in the A.M. peak hours from 7:00 to 9:00 A.M., with 16 vehicles in the evening for a

total of 210 trips per day. Additionally, Page 27 of the staff report had addressed the Environmental Impact Report (EIR) that had been prepared as part of the MCSP, which had anticipated more homes on the site. The EIR had studied an additional 150 trips beyond what the project would yield.

Ms. Wagner further explained at the time the story poles had been installed they had included contact information. City Ventures had received telephone calls inquiring about details of the project, with significant interest from people interested in purchasing homes.

Phil Kerr, President, City Ventures Northern California, advised that he had been working closely with Ms. Wagner, staff, and the public on the project for the past three years. City Ventures was very committed to the project and to the Town. He spoke to his background in development and experience in many communities on how to grow well. He emphasized that the MCSP had set the framework and guidelines for development. City Ventures had worked very hard to comply with the MCSP, and had worked with the community to bring all pieces together for a project that was compatible within the community. He recognized the challenges with the development and appreciated the ability of the Planning Commission to review the project in that perspective.

PUBLIC HEARING CLOSED

MOFD Fire Chief Healy responded to some of the concerns and inquiries made during public comment. He was uncertain whether parking was legal on Country Club Drive in both directions and would look into that. He was also uncertain of the width of the road. He reported that the MOFD fire engines were a little under eight feet in width, and he was unaware of any concerns with the ability of emergency vehicles to access the road with vehicles parked on both sides of the road, if legally parked. He added that the MOFD conducted night training exercises a minimum of two times a year.

Responding to the Commission in order to provide clarify as to the consistency between the General Plan and the MCSP, Ms. Murphy advised that the General Plan offered the general guidelines for the entire Town for the various land uses. The MCSP, which had been approved by the Town Council in 2010, included a finding that the document was deemed consistent with the General Plan, which document set forth more specific guidelines for the MCSP Area. She added that when the General Plan and the MCSP had been adopted, the zoning then intended to be made to conform to the General Plan and MCSP. The proposed rezoning recommended as part of the action before the Planning Commission would ensure that the zoning conformed to the MCSP.

Ms. Clark described the process for the adoption of a Specific Plan, either through an ordinance or by resolution. Adoption by resolution established policy and land use guidance. The MCSP had been adopted by resolution and as a result did not constitute by itself the zoning for the site, requiring the necessity to take action to change the zoning. The site was currently zoned Suburban Office and the zoning change to PD District would allow the zoning to conform to the MCSP designation for the site allowing single-family residential development.

Ms. Murphy stated that the application before the Planning Commission was an application to develop the site consistent with the MCSP.

Commissioner Woehleke commented on the 35-foot landscaping area along Moraga Way to shield the project from view but suggested that some of it could be eliminated in the future. He asked staff how to address and mitigate that concern.

Ms. Clark identified the project's setback requirement and the proposed 31 to 42 foot wide landscape buffer, a scenic corridor standard which for this project comprised a portion of the Town's ROW. The Scenic Corridor Guidelines included standards for what the buffer should be, which ranged from 15 feet for commercial buildings and multifamily to 20 feet for single-family development. Staff was of the opinion the project met the buffer requirements, and although an attached single-family product, it had characteristics of multifamily development and was not as large scale as an office or apartment building. For those reasons, in staff's analysis the 15-foot average setback from the property line would be adequate.

Ms. Clark acknowledged the landscape in the ROW added to the buffering effect. The berm was part of the screening provided by the landscaping vegetation. Overall, the buffer plus the setback exceeded the requirements of the scenic corridor standards by 10 to 15 feet.

Commissioner Woehleke was not particularly happy with a 15-foot buffer based on the fact the structure was 28 to 30 feet in height, with the same equal distance shielding it. He pointed out that the Via Moraga project had a 35-foot buffer.

Ms. Clark advised that there had been an analysis of the long-term effects along Moraga Way. Public Works and Engineering Departments had closely reviewed the plan. She suggested those Departments did not raise concerns with the buffer and planned landscaping because the Town had no plans for that property. There was sufficient capacity on Moraga Way now and in the future, with no plans to widen the roadway. She suggested the likelihood of the landscaping buffer being eliminated in the future was slim.

Chairperson Kuckuk pointed out that the Via Moraga project was not part of the MCSP Area. The MCSP did not require setbacks for the Mixed Office Residential designation. She was pleased to see a large buffer even with landscaping in the ROW which she found to be an improvement over a gravel patch.

Commissioner Comprelli spoke to the park component which he suggested was not a park but leftover land, and which colored his perception of the project.

Ms. Samonsky acknowledged that the park area was small and was not intended as a public park. The Park & Recreation Commission found the park to be too small as a public park and it was intended for use by the project's residents. She noted that the area could be retitled as common space rather than a park.

Mr. Kerr explained that the term pocket park had come from the Town Council which had requested a pathway along the creek, and which had asked for a pocket park in the

subject area, which had turned into a common area. He noted the Landscape Architect was present to address any details of the project landscaping, including the park area. The pocket park was intended for the use of the project residents.

Commissioner Comprelli suggested that if the pocket park had been intended for the use of the residents of the project it should have been placed in an area of the project that was not in the back end of the site, as opposed to a central location where all residents would have ready access. He found the location of the pocket park to have degraded the concept of the park.

Commissioner Levenfeld recalled that the location of the pocket park had been discussed two years ago, and had been placed where located since it had been recommended to be placed adjacent to the creek.

Commissioner Woehleke recognized that the project was not popular. He understood the logic of the MCSP and recognized the Town Council had approved the density in the MCSP. He did not like the impacts to the scenic corridor viewed from Moraga Way, found the architecture to be acceptable, liked the paseos between the townhomes, and the setback of the third story elements, but found the statement that the development would be suitable for older couples downsizing to be incongruous in that the units would be two story. He remained concerned with the ROW and the importance of a 35-foot buffer. He otherwise could not find a compelling reason to deny the project.

Commissioner Comprelli explained that he could not make all of the findings to approve the project. While he liked the project and recognized the applicant had been responsive over the years, he found that the project was not elegant enough. He remained concerned with the pocket park, and he found the density too high. While the MCSP included a range of allowable densities and the project was at the lower end, he found the MCSP range of densities to be a guideline and not a requirement. He suggested the property could be developed but with less density than what had been proposed. He also sought more constructive thought for the pocket park. He suggested the project could be approved at some point in time but the way it had been designed at this time was not something he could support.

Commissioner Levenfeld commented that she could make the findings to approve the project. She suggested the project was good, had improved from the initial iterations, and had addressed the mitigations that had been brought forth by the community. She recognized the property was located in an area with a poor parking situation, and there were limitations associated with the site. As the first project in the MCSP at the proposed density within the realm of allowable development, she suggested it was a pretty good project although she struggled with the four-foot setbacks at the rear of the project which she found to be too narrow. She understood that the purpose of the MCSP was for development which did not depend on vehicles and have people feel closer together. She expressed a desire to discuss the request from the MCC Board, pursuant to its correspondence, at the time the Commission discussed the project conditions of approval.

Commissioner Marnane stated that he too could make the findings to approve the project. He suggested the project was compliant with all Town plans, and he found the

project to be attractive. He appreciated the concerns regarding the proximity of the project to the MOFD, although if there was a concern the Town would have been informed of such by the MOFD. He was familiar with Fire Department operations having operated shipyards and terminals. He was confident the MOFD would not bother anyone. He also appreciated the efforts of the Public Works and Planning Departments for the project, suggested it was time for growth in the Town, noted there were many places with blocked views, and characterized the project as a bright light. He supported the project and planned to vote for approval of the two resolutions.

Commissioner Babcock reported she could also make all of the findings to move the project forward. As a young professional, such development would allow her to grow in the community and build a family. She spoke to the type of developments occurring in the Bay Area, primarily consisting of high-rise, high-density developments, which were modern, sterile, and harsh. She found the project to be consistent with the character of Moraga, and suggested it would allow young professionals to patronize local businesses and create a vibrant community.

Chairperson Kuckuk concurred that she also could make the findings to approve the project. She found the project to be compatible with the MCSP and clarified that the MCSP was an approved document, and had been deemed to be consistent with the General Plan. As such, the Planning Commission must abide with that approval when making its decision.

Chairperson Kuckuk stated the applicant had done a tremendous job incorporating the comments and concerns of the community while still meeting the requirements of the MCSP. She noted the project had developed into duplexes that were more compatible with the homes across the street on Country Club Drive, and which transitioned to townhomes and slightly higher density toward Moraga Road. The units would also have use of a third story that amounted to a loft space that was centrally located, and less visually noticeable from the scenic corridor, along with pedestrian orientation. The project would also result in a total building height that was seven feet below what was allowed in the MCSP, and three feet four inches higher than other two-story developments allowed in the Town.

Chairperson Kuckuk explained she did not particularly like the use of story poles since the development they represented was difficult for many to visualize. She liked other visual representations. She found that the story poles had caused alarm in the community but recognized that it allowed greater public awareness and input from the community, something that had improved the project. She expressed her appreciation to all residents present who had shared their comments.

The Planning Commission walked through Attachment A, Draft Resolution Approving the Conceptual Development Plan, and made the following modifications to the conditions of approval:

- Page 9, Part 3: Approval of Conceptual Development Plan, Planning Special Conditions of Approval, Condition 17, revise the first sentence to read: *An approximately 10,450 square foot private “pocket park” shall be provided within the area adjacent to Laguna Creek, and shall provide publicly accessible open*

space and associated amenities for use by the residents, including a picnic table, seating and BBQ, trail and other facilities determined by the Planning Director to offer an equivalent or better level of amenity to residents of the subdivision;

- The Commission, staff, and the Town Attorney discussed the intent and purpose of Condition 13 at length, but made no revision to the condition;
- Staff responded to a request for a condition for the payment of a traffic mitigation fee through the project HOA with staff advising the applicant would be required to pay regional and local traffic mitigation fees. Mr. Kerr stated that City Ventures would pay \$167,000 in traffic mitigation fees to the Town of Moraga. Staff added that a study was underway which would review different transit options for the Lamorinda area and which would include the cost for such services. Staff also explained the limited process as to how fees were collected for certain programs either through a California Environmental Quality Act (CEQA) mitigation measure or if the Town had an adopted program for improvements which could include a shuttle service, although it was noted that the Town did not have an adopted program for improvements at this time and could not collect fees for a shuttle service. Staff further identified the Town's Capital Improvement Program (CIP) which established various capital and other projects to which impact fees would be allocated;
- Page 8, revise Condition 9 to read: *The final plans for reconfiguration of Country Club Drive shall include a 14-foot travel lane, a five-foot bike lane, and parking lane. This final design and landscaping for Country Club Drive shall be consistent with Public Works standards and subject to review and approval by the Planning Commission with the General Development Plan; and*
- Page 11, revise Condition 20 to read: *The applicant shall include a disclosure in the CC&Rs notifying residents of the adjacent fire station and potential temporary light, noise, and visual impacts from training exercises. The applicant shall record a deed restriction outlining (MOFD) station operations and training activities in a form approved by the Town.*

On motion by Commissioner Marnane, seconded by Commissioner Woehleke to adopt PC Resolution __-2014 Recommending the Town Council Amend Moraga Municipal Code Chapter 8.48.040 to Add 12-DUA-PD Zoning District (12-PD) and Amend the Zoning Map to Zone the Project Site (APNs 257-180-082-6 and 257-190-057-6) 12-PD. The motion carried by the following vote:

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

On motion by Commissioner Levenfeld, seconded by Commissioner Marnane to adopt

PC Resolution _-2014 Approval of a Conceptual Development Plan, for the Town Center Homes Project, a 36-Unit Multi-Family Residential Development, subject to the following modifications:

- Condition 9, further revised to read: *The final plans for reconfiguration of Country Club Drive shall include a 14-foot travel lane, a five-foot bike lane, sidewalk, and parking lane. This final design and landscaping for Country Club Drive shall be consistent with Public Works standards and subject to review and approval by the Planning Commission with the General Development Plan;*
- Condition 17 revised to read: *An approximately 10,450 square foot private "pocket park" shall be provided within the area adjacent to Laguna Creek, and shall provide publicly accessible open space and associated amenities for use by the residents, including a picnic table, seating and BBQ, trail and other facilities determined by the Planning Director to offer an equivalent or better level of amenity to residents of the subdivision; and*
- Condition 20 further revised to read: *The applicant shall include a disclosure in the CC&Rs notifying residents of the adjacent fire station and potential temporary light, noise, and visual impacts from training exercises. The applicant shall record against the property a notice and disclosure of MOFD training and operational exercises in a form approved by the Town.*

The motion carried by the following vote:

Ayes: Babcock, Levenfeld, Marnane, Woehleke, Kuckuk
Noes: Comprilli
Abstain: None
Absent: Onoda [recused]

Ms. Clark identified the 10-day appeal process of a decision of the Planning Commission in writing to the Planning Department.

Chairperson Kuckuk declared a recess at 10:25 P.M. The Planning Commission meeting reconvened at 10:30 P.M. with all Commissioners present.

**B. October 21, 2014 Special Meeting Minutes
October 21, 2014 Joint PC, DRB, and Park & Recreation Minutes**

Commissioner Onoda requested an amendment to the first paragraph on Page 7 of the minutes of the October 21, 2014 special meeting, as follows:

Commissioner Onoda reported on her attendance at the October 17, 2014 Liaison Meeting and stated that those comments would be emailed to Commissioners.

Commissioner Woehleke requested an amendment to the second, third, and fourth sentences of the fifth paragraph on Page 7, as follows:

He [Commissioner Woehleke] emphasized the need for the Planning Commission to have rules in writing on the Brown Act, and noted that the League of California Cities (LCC) had a guide on applications of the Brown Act, in which he would abide. Where the Town has requirements beyond that addressed by the LCC guide, that the Town provide written substantiation. He briefed the Commission on the information contained in the LCC guide and referenced the Commission's discussion during the September 18 meeting regarding the preparation of meeting minutes.

On motion by Commissioner Babcock, seconded by Commissioner Marnane to approve the minutes of the October 21, 2014 special meeting, as modified. The motion carried by the following vote:

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

Chairperson Kuckuk requested an amendment to the first sentence of the second paragraph on Page 15, as follows:

Planning Commission Chairperson Kuckuk referenced Segment 3 and clarified there were utility poles within six to twelve inches of the pavement.

To the fourth and fifth sentences of the third paragraph of Page 13:

She [Chairperson Kuckuk] also pointed out that the right-of-way in Town varied from 80 to 105 feet in width with the current pavement width at 65 feet. To gain 15 feet in the riparian corridor would be difficult, and she commented that if she had to give anything up it would be the parking since continuous parking on both sides of the roadway would not be necessary.

Chairperson Kuckuk asked that staff re-listen to the comments made by Ravi Singh as shown on Page 13 of the minutes.

Staff recommended revisions to the first sentence of the second paragraph, and to the last sentence of the first paragraph on Page 13 as follows:

Mr. Singh suggested a decrease in travel lanes could result in a decrease in the speed of traffic which was already a concern.

He [Mr. Singh] understood the Livable Moraga Road Project was intended to ensure safety, although many parents were concerned with the safety of their children on that stretch of road.

Ms. Clark stated staff would also re-listen to the comments made by Mr. Singh on Page 13 to ensure their accuracy. Given that the October 21 joint meeting also included the Park & Recreation Commission and the DRB, those bodies would also be asked to approve the minutes with any modifications. The October 21, 2014 Joint Planning, Park

& Recreation and DRB October 21, 2014 meeting minutes would be brought back in redline strikeout format.

Commissioner Onoda requested an amendment to the first sentence of the seventh paragraph on Page 5 of the October 21, 2014 Joint Planning, Park & Recreation, and DRB minutes, as follows:

Planning Commissioner Onoda presented photos with views across the Open Space area, with goats which were visible from the next ridge over.

6. ROUTINE AND OTHER MATTERS

A. Consider PC Resolution __-2014 Approving the Town of Moraga Story Pole Policy

Ms. Clark presented the staff report dated November 17, 2014, for consideration of a resolution approving the Town of Moraga Story Pole Policy. She recommended that the Planning Commission adopt PC Resolution __-2014 establishing a Town of Moraga Story Pole Policy, subject to Planning Commission input.

Chairperson Kuckuk reiterated that she disliked story poles and noted that while story poles had done a good job identifying visual impacts, they tended to alarm people since they did not have the ability to completely gather more information. She liked the fact that the Draft Story Pole Policy would require the installation of signage at the same time as the story poles, and she questioned whether there would be any restrictions to the content of the signage.

Ms. Clark advised that there would be no restriction on the content of signage for the story poles.

PUBLIC COMMENTS OPENED

Dave Bruzzone, Moraga, stated he too disliked story poles. Based on his experience, story poles alarmed people and took things out of context. He expressed concern with any requirement for story poles, suggested the Draft Story Pole Policy would require story poles for every application whether residential or commercial development, and suggested much of the information in the staff report was inaccurate. He noted the City of Lafayette did not require the placement of story poles for every home but required some story poles for certain acutely visible ridgelines or hillsides, as addressed in that jurisdiction's regulations for hillsides and ridgelines. He pointed out that building mass and height had already been addressed and considered policy-wise in the MCSP. As such, he questioned the requirement for the placement of story poles in that area.

Mr. Bruzzone was not opposed to showing visual simulations although the Draft Story Pole Policy offered no certainty. He noted the placement of story poles was not an easy matter and expressed concern with the potential safety hazards. He recommended the Draft Story Pole Policy be modified to not be required for all new buildings. He pointed out that most recent examples of story poles had been located in the MCSP Area, and he could see the requirement of story poles on properties near the scenic corridor. He

asked that the Planning Commission not approve the Draft Story Pole at this time, particularly given what he characterized as inaccuracies in the staff report. He recommended exceptions to the Draft Story Pole Policy, as an example, if a structure was not located adjacent to a neighbor.

Given the lateness of the hour and the need for a motion to continue the meeting beyond 11:30 P.M., Chairperson Kuckuk offered a motion to continue consideration of a resolution approving a Town of Moraga Story Pole Policy to the next Commission meeting. She welcomed any further comments from Commissioners.

There was no motion or second to continue the meeting beyond 11:30 P.M. There was no second to the motion to continue the item at this time.

Commissioner Levenfeld disliked the Draft Story Pole Policy. As a Planning Commissioner for the past eight years, she supported the current policy where story poles had been requested and installed, when needed. She agreed that story poles had caused alarm and were not always interpreted correctly. She suggested the story poles that had been installed for the Moraga Town Center Homes project had actually been a disservice to the project since the massing could not be identified. She also referenced prior applications which had involved additions to homes where story poles had been installed, and which had caused issues. She suggested story poles be required in the event of a controversy, but not be required for all expansions to a residence. She suggested story poles should be an exception and not a rule.

Chairperson Kuckuk asked for a motion to continue the meeting beyond 11:30 P.M.

There was no motion to continue the meeting beyond 11:30 P.M.

On motion by Chairperson Kuckuk, seconded by Commissioner Woehleke to continue consideration of PC Resolution __-2014 Approving the Town of Moraga Story Pole Policy, to a date certain of December 15, 2014. The motion carried by the following vote:

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

7. REPORTS

A. Planning Commission

There were no reports.

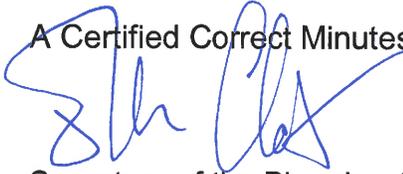
B. Staff

There were no reports.

8. **ADJOURNMENT**

On motion by Chairperson Kuckuk, seconded by Commissioner Babcock and carried unanimously to adjourn the Planning Commission meeting at approximately 11:30 P.M.

A Certified Correct Minutes Copy



Secretary of the Planning Commission

