

**TOWN OF MORAGA  
PLANNING COMMISSION MEETING**

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

February 2, 2015

7:00 P.M.

**MINUTES**

**1. CALL TO ORDER**

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

**A. ROLL CALL**

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

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 Woehleke reported that he had been contacted by, and spoke via telephone with, Moraga resident Dave Bruzzone to discuss the Story Pole Policy, Item 6A on the meeting agenda.

**2. PUBLIC COMMENTS**

There were no comments from the public.

**3. ADOPTION OF CONSENT AGENDA**

**A. January 5, 2015 Minutes**

Commissioner Marnane stated that while he had not been present at the January 5, 2015 Commission meeting, or had changes to the minutes, a study group had been quoted in the minutes that suggested Moraga had a growing population of seniors and young people who tended not to have an investment in the Town's schools and shopping centers, which he suggested was incorrect since everyone was interested in what was occurring in the Town.

Chairperson Kuckuk requested an amendment to the last two sentences of the last paragraph on Page 11, as follows:

*She [Chairperson Kuckuk] had concern with the development of additional maps and the guide to interpreting the MOSO guidelines. She suggested a policy should be written cleanly and using consistent definitions with no confusion and ambiguity, and with no guide needed for interpretation.*

On motion by Chairperson Kuckuk, seconded by Commissioner Comprelli to approve the minutes of the January 5, 2015 meeting, as modified. The motion carried by the following vote:

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

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

On motion by Commissioner Woehleke, seconded by Commissioner Levenfeld to adopt the Meeting Agenda, as shown. The motion carried by the following vote:

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

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

##### **A. Consider the Following Requests in Conjunction with a Residential Remodel and Addition at 128 Devin Drive:**

1. Approval of a Variance VAR 03-14 to Moraga Municipal Code (MMC) §8.68.060 to allow a proposed 7 foot 2 inch setback within the 10-foot side yard setback for an 859 square foot residential addition;
2. Approval of a Parking Modification under MMC §8.76.130 to allow a Parking Space of 9 feet by 18 feet and to permit a portion of the required parking area to be located within the front yard setback (MMC §8.76.100.B)
3. Approval of Design Review (DRB 25-14) for Exceptions to the Design Guidelines.

Associate Planner Brian Horn presented the staff report dated February 2, 2015, for consideration of the applications shown above in conjunction with a residential remodel and addition located at 128 Devin Drive:

Mr. Horn recommended that the Planning Commission adopt a resolution approving the Variance, Parking Modification, and Design Review Exceptions to the Design Guidelines, as proposed, and subject to findings and conditions as shown.

Commissioner Marnane verified with staff that the size of the lot was a little more than 20,000 square feet in size, and that staff had been contacted via telephone by one of the neighbors who had asked to see a copy of the staff report for the Design Review Board (DRB) meeting. He also verified that the item had been appropriately noticed to the public when considered by the DRB and for the current Planning Commission hearing.

Planning Director Ellen Clark advised that Page 7 of the staff report had identified the public notification process.

#### PUBLIC HEARING OPENED

Susan Wooten, Applicant/Architect, Oikos Architecture, 4400 Davenport Avenue, Oakland, explained she had no additions to the staff report. She clarified that to stay with the line of the building made sense for the property since there would be no impact to anyone by retaining the alignment. She added that an exception to the guideline permitting a blank wall area without windows exceeding 15 feet in length by six inches made sense given the existing situation. She noted that the area in question was out of the view of the adjacent residence. The garage would be an improvement since no garage currently existed in that it had previously been converted to a family room under a county permit when the residence was constructed and would be re-converted back to a garage. She added that there would be no change in curb cut given the existing driveway.

Dave Bruzzone, Moraga commented that the project looked great.

#### PUBLIC HEARING CLOSED

Commissioners Babcock, Comprelli, Levenfeld and Marnane reported that they could make the required findings to approve the project.

Commissioner Woehleke commended the applicant for maintaining the character of the home with a single-story design, and with the encroachment consistent with the homes built at the time. Having represented the Planning Commission at the time the project had been considered and approved by the DRB, he stated that no neighbors had been present to object to the application.

Chairperson Kuckuk stated the variance could be granted since there was no special privilege and there were unique characteristics to the property that warranted approval. On motion by Commissioner Levenfeld, seconded by Commissioner Babcock to adopt Resolution next in number to approve: 1) Variance VAR 03-14 to MMC §8.68.060 to allow a proposed 7 foot 2 inch setback within the 10-foot side yard setback for an 859 square foot residential addition; 2) a Parking Modification under MMC §8.76.130 to allow a parking space of 9 feet by 18 feet and to permit a portion of the required parking area to be located within the front yard setback (MMC §8.76.100.B); and 3) Design

Review (DRB 25-14) Exceptions to the Design Guidelines; subject to the findings and conditions as shown. The motion carried by the following vote:

Ayes:	Babcock, Comprelli, Levenfeld, Marnane, 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 Planning Department.

## **6. ROUTINE AND OTHER MATTERS**

### **A. Consider PC Resolution \_\_\_-2015 Approving the Town of Moraga Story Pole Policy**

Ms. Clark presented the staff report dated February 2, 2015. She reported that the item had been continued from the Planning Commission meeting of November 17, 2014, and identified the major changes proposed to the Story Pole Policy including provisions when the Story Pole Policy would be required. She reported that story poles would not be required for single-family additions; the policy for story poles had been revised for residential subdivisions; the term visual simulation had been defined; and a greater emphasis had been placed on project identification signs to provide public notice of a proposed project as outlined in detail in the staff report. She asked that the Planning Commission adopt a resolution establishing a Town of Moraga Story Pole Policy.

In response to Commissioner Woehleke, Ms. Clark explained that the previous Planning Director had recognized the value in the placement of story poles, which heretofore had been an occasional Town requirement for some projects. She cited the recent City Ventures and Via Moraga projects where the installation of story poles had helped the public to understand the visual impacts of the projects. The purpose of the Story Pole Policy was to make the Town's requirements more consistent and clearer to applicants with less need for debate.

Ms. Clark explained that staff had reviewed the policies of neighboring communities in the Lamorinda area to see whether those communities had similar story pole policies. Both Lafayette and Orinda had Story Pole Policies and some of the positive aspects of those policies had been incorporated into the proposed Town of Moraga Story Pole Policy. While she acknowledged that the policy would principally relate to story poles, the policy also covered other aspects and there might be a need to broaden the title to clarify its scope.

Ms. Clark referenced the Town's multistep approval process for subdivisions and concerns when story poles should be required, whether before Design Review, General Development Plan (GDP), or Tentative Map approvals. She suggested that any of those phases of a project would be appropriate to require the installation of story poles. The Town's current policy left the timing for the requirement of story poles open, leaving discretion to staff as to the best time to impose the requirement. Given the differences between projects, it would be difficult to identify a specific time that should be imposed on all projects.

Ms. Clark reported that the Via Moraga project had required the installation of story poles at the time the project had been submitted for Design Review and when the building envelopes had been identified. She acknowledged that concerns had been raised when those story poles had been installed and recognized it was difficult to demonstrate building mass when there was also a change in finished grade, although the story poles had indicated that level.

Ms. Clark also commented that the definition of “proposed project” in the Story Pole Policy would cover commercial buildings; the policy had not differentiated between commercial and residential developments; and the general policy had refined how the guidelines would be applied to single-family homes and subdivisions. As currently written, the policy did not include a hard and fast method by which story poles would be required. During the November 2014 meeting, the Planning Commission had requested additional flexibility to allow staff or the Planning Commission to make that determination.

Ms. Clark noted that visual impacts were one of the more difficult aspects of the Town’s code to interpret. She suggested staff had good judgment in these matters based on its understanding and based on public input on specific projects. Absent any policy or guidelines in place, there was no commonly accepted standard as to what constituted a story pole plan, when and where they would be required, and what circumstances would require their installation and removal. If a project was to require story poles, she suggested a policy should be in place. Story Pole requirements reflected the intent for story poles to be removed no later than 15 days after final action on a project. In the event of an appeal, photographic documentation of the story poles might need to be required to ensure the retention of that information. The intent was that the story poles not remain on site for months on end and become unsightly and dangerous.

## PUBLIC COMMENTS OPENED

Dave Bruzzone, Moraga, expressed concern that the Story Pole Policy in its current form raised more concerns and questions. He agreed that when story poles should be removed needed to be better clarified; expressed concern there had been no demand to install story poles other than in the past 2-3 years; suggested projects that might require the need for story poles should be evaluated on a case-by-case basis to determine what had triggered the need for additional visual analysis; found story poles to be blunt and un-precise instruments that could exaggerate things out of proportion; and did not see that story poles would be the proper tool to identify visual impacts.

Mr. Bruzzone spoke to his experience building homes in the Lamorinda area and in the City of Lafayette in particular, and based on his experience stated that story poles were not normally required. He suggested there were better and more precise visual analysis tools that could be considered rather than story poles.

Mr. Bruzzone suggested that the Story Pole Policy placed too much emphasis on story poles and there was no need for such a policy. He questioned the actual demonstrated need and the threshold that would be imposed for applicants to determine when story poles would be required. He suggested a case study of existing homes along Country Club Drive where some complaints had been raised about the City Ventures project

would show that those homes would significantly block the ridgelines. He asked that the Story Pole Policy be continued for modification and suggested rather than clarify it created less certainty.

## PUBLIC COMMENTS CLOSED

Ms. Clark explained that if the Town of Moraga were to require story poles for any project it would be beneficial to have a policy outlining the basic requirements. If the goal was flexibility or discretion, there inevitably will be some degree of uncertainty. She did not see that a clear cut threshold could be identified, and she agreed with the need to better define how the Town would deal with visual impacts, which was outside the scope of this project.

Commissioner Woehleke commended staff's work. He agreed that the Town should have a policy of some sort but recommended a policy related to what the expectation would be from applicants in terms of graphically representing their projects.

Commissioner Woehleke suggested that the norm for every building project should be an envelope drawing with conceptual plans to show, at a minimum, the mass or lack of mass, with an exception for small additions. He pointed out that visual analysis technology was rapidly evolving and drawings could be done quickly at the right stage of a project. He remained concerned with the lack of criteria to impose a Story Pole Policy. He suggested the installation of the story poles for the City Ventures and Via Moraga projects had been a good thing, but more of a detriment for the Rancho Laguna II project. In that case, the community had been unaware that story poles had been installed on the other side of the ridge which had raised a great deal of community concern given the massing of the project. He urged that the Town Council, the Planning Commission, and the DRB collectively be able to decide whether a project would require story poles, which could occur early in the conceptual review stage.

Ms. Clark suggested that rather than requiring Town Council approval a story pole requirement could be considered early in the concept review stage by the DRB.

Commissioner Woehleke commented that in addition to single-family and multifamily uses, commercial uses should also be considered in the Story Pole Policy.

Commissioner Marnane suggested the addition of language in the introduction to the policy to read: *When the view of an applicant or the Planning Department has decided that story poles are an effective tool in the approval process this policy shall be in effect and may be reviewed by the Design Review Board for final action.* He supported the applicant and staff determination of when the story poles should be installed.

Commissioner Marnane suggested the policy was a good one, agreed a policy should be in place, and with the additional language stated he could support the Story Pole Policy.

Commissioner Levenfeld suggested the Town should have a policy whereby when necessary some sort of visual simulation displaying the visual impacts of a project should be required, a process she stated had been followed when she had first started

with the Planning Commission. She found it rare when story poles had been requested by the Planning Commission or staff, and that requirement had occurred when it had been determined that the photographs did not offer credibility. She found the use of story poles to be both good and bad, noted that sometimes they had been installed at the behest of the applicant and if the Planning Commission found them to be necessary. She saw no need for a Story Pole Policy specifically, and if required suggested it focus on the visual impacts.

Commissioner Levenfeld also found the use of story poles have potential to create blight. She cited the story poles that had been installed by the fire station which she found to be unsightly, and which in her opinion had caused a disservice to the project. She appreciated the improvements made to the policy since the Commission had last reviewed it in 2014, although she remained concerned with the need for a Story Pole Policy. If considered and if the intent was to set a standard, she suggested it should set a standard that was acceptable and include other visual simulation methods.

Ms. Clark recommended that the policy could be retitled to read *Guidelines or Requirements for Story Poles and other Visual Demonstration*.

Commissioner Levenfeld suggested the installation of story poles should not be mandatory. In her opinion, a strong applicant with a good project would be willing to do whatever was required to address visual impacts, and she could not recall an applicant, when asked, being unwilling to install story poles. If the Planning Commission's consensus was to require a Story Pole Policy, she would not oppose it although she reiterated the difficulty of identifying the circumstances requiring story poles.

On the discussion of allowing staff the authority to determine whether story pole placement would be required and the concern for the establishment of criteria for the placement of story poles, Ms. Clark advised of provisions in the MMC where any doubt as to the requirement for the placement of story poles could be forwarded to the Planning Commission or DRB for direction.

Commissioner Levenfeld reiterated her opinion that the process utilized in the past had worked and while she understood the reason for standards she still not see the need for a Story Pole Policy.

Ms. Clark noted the policy presented was similar to the process that had been followed in the past, and when in doubt the matter would be referred to the appropriate body.

Commissioner Babcock suggested that additional language could be added to the introduction to the policy to acknowledge the concerns that the policy would apply under extreme circumstances. She urged flexibility while also providing certainty. She opposed a requirement for Planning Commission or Town Council approval which would require the preparation of a staff report prior to the submittal of information on the full application.

Commissioner Babcock suggested the policy should be retitled to *Visual Impact Assessment Policy*, and recommended that story poles be required if located within the MCSP Area or in the visual corridor.

Chairperson Kuckuk stated she had never favored story poles in isolation and was pleased with the additional language that would require project identification signage along with the story poles. She recommended that the project identification signs include renderings and visual simulations as well as other specifics to identify size. She noted that when the Commission had last discussed the Story Pole Policy, the Commission had clearly requested flexibility and although that would provide less certainty, she had concern with anything that could be construed as arbitrary in all cases. Based on the comments from the Planning Director, she recognized it was difficult to nail down the specifics of when story poles would be required versus how to present them.

Chairperson Kuckuk suggested that the Story Pole Policy was not a policy document but visual simulation guidelines in that one of the methods for visual simulation was the use of story poles. She noted that the Rancho Laguna II project review had included a three-dimensional visual simulation which had been very helpful with views of the ridgelines, and which had provided meaningful information that had been clear and easier to interpret than story poles. While she understood that three-dimensional visual simulations did not notify the community, she supported the flexibility contained in the document regarding when story poles would be required.

Chairperson Kuckuk re-opened PUBLIC COMMENT at this time.

Mr. Bruzzone agreed with many of the comments although he remained concerned with the potential for opening a Pandora's Box. He emphasized the cost of story poles, stated that three-dimensional simulations were even costlier, and expressed concern allowing staff too much discretionary power. He suggested the policy was not ready for any action, and reiterated his concern that story poles could become a mandatory requirement which could take things out of context. He urged more meetings on the topic.

Chairperson Kuckuk closed PUBLIC COMMENT.

Each Commissioner reiterated his and her comments and recommendations related to the proposed Story Pole Policy. Commissioner Woehleke suggested that guidelines were fine and could be broadened; Commissioner Marnane suggested that story poles would be used in the community regardless, and if so guidelines should be in place; Commissioner Levenfeld viewed the document as a guideline and stated with any policy a statement should be included to stipulate that an applicant had an obligation to provide adequate visual simulation on the potential visual impacts of a project; Commissioner Comprilli agreed with Commissioner Levenfeld's comments; and Chairperson Kuckuk asked staff whether it would be beneficial to return with a refined Draft Story Pole Policy.

Ms. Clark explained that the purpose of the document was to provide staff and the Town's decision makers the proper tools to evaluate a project, whether story poles, three-dimensional models, other tools, or a combination thereof. She suggested that some prefacing language to clarify the intent would also be beneficial.

Ms. Clark recommended that another draft be prepared and that staff be allowed to make the determination based on its review of a project whether story poles or other form of visual simulation should be required. If the applicant had strong objection to the request, that objection could be brought to the Planning Commission for consideration. Permitting staff such discretion early on would allow an applicant to either agree or disagree.

Commissioner Woehleke recommended that staff be allowed to make the determination of whether story poles would be required, but that the guidelines be written in such a way where staff would fully inform the appropriate governing Town body and the reason why story poles would be required, which would allow further discussions, if necessary.

Ms. Clark commented that such a recommendation would cause some difficulty in terms of practicality and timing, and could result in delays of public hearings or public notices. She advised that staff would take the comments under consideration and return with another draft of the Town of Moraga Story Pole Policy, which might also be retitled.

**B. Consider Approval of Tentative Planning Commission Meeting Schedule for 2015 Calendar Year**

The Planning Commission acknowledged receipt of the Tentative Planning Commission Meeting Schedule for the 2015 Calendar Year, as shown, and had no further comments or modifications.

On motion by Commissioner Babcock, seconded by Commissioner Comprelli to approve the Planning Commission Meeting Schedule for 2015 Calendar Year, as shown. The motion carried by the following vote:

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

**7. REPORTS**

**A. Planning Commission**

Commissioner Woehleke reported that he had attended the DRB meeting on January 12, when the DRB had approved the residential remodel and addition located at 128 Devin Drive, a grading permit for the Via Moraga project, and the 2015 DRB meeting schedule.

Commissioner Levenfeld reported that having served for the past eight years, this would be her last meeting with the Planning Commission. She thanked everyone she had served with during her tenure.

Ms. Clark advised that she would verify the expiration dates for the terms of Commissioners Babcock and Levenfeld. She understood that Commissioner Levenfeld might have one more meeting.

Commissioner Babcock reported that this would be her last meeting with the Planning Commission as well since she would be moving to the City of Lafayette and would be applying to serve on the Lafayette Planning Commission.

## **B. Staff**

Ms. Clark reported that the deadline for applications for Commission appointments had closed and five applications for the five vacancies had been submitted. Interviews for the vacancies on Town Committees/Commissions/Boards would be scheduled soon. She also reported that the Town Council had considered an appeal of the City Ventures project on January 28, had continued the appeal after extensive public comment, and the applicant had been instructed to work with staff to address issues of concern.

Chairperson Kuckuk reported that she had also attended the January 28 Town Council meeting, had represented the Planning Commission on the appeal, and had briefed the Council on the discussions.

Ms. Clark added that during the January 28 meeting, the Town Council had also approved the Housing Element to be forwarded to the State Department of Housing and Community Development (HCD) for certification; and had postponed study sessions for the potential annexation of the Carr Ranch property and the Hillside and Ridgelines Project. The Town Council agenda scheduled for February 11 included the second reading of the Historic Preservation Ordinance; implementation strategies for the Climate Action Plan (CAP); scope of work for the Bicycle/Pedestrian Master Plan; and setting a hearing date for the formation of a Moraga Geologic Hazard Abatement District (GHAD).

Ms. Clark also reported that there were few projects scheduled for Planning Commission review at this time. She understood that the Saint Mary's College (SMC) Board planned to adopt its Strategic Plan soon which would offer direction for the preparation of SMC's Master Plan, and which should be presented to the Planning Commission in some form in the next six months. The SMC Parking Plan and mitigation for the Alioto Center would also be presented to the Planning Commission in the near future.

## **8. ADJOURNMENT**

On motion by Commissioner Comprelli, seconded by Commissioner Levenfeld and carried unanimously to adjourn the Planning Commission meeting at approximately 8:55 P.M.

A Certified Correct Minutes Copy



Secretary of the Planning Commission