

**TOWN OF MORAGA  
PLANNING COMMISSION MEETING**

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

March 16, 2015

7:00 P.M.

**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 Carr, D'Arcy, Kovac, Mallela, Marnane, Woehleke,  
Chairperson Kuckuk

Absent: None

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

**B. Conflict of Interest**

There was no reported conflict of interest.

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

Commissioner Marnane reported that he had contact with the applicant for Item 5 A, and had attended the February 23, 2015 Design Review Board (DRB) meeting at which time he had provided comments on the Minor Subdivision for property located at 1049 Camino Pablo.

**2. PUBLIC COMMENTS**

There were no comments from the public.

**3. ADOPTION OF CONSENT AGENDA**

**A. February 2, 2015 Minutes**

Planning Director Ellen Clark explained that due to the fact there were four new Planning Commissioners, there was no quorum to approve the minutes from the February 2, 2015 meeting. She advised that the Planning Commission may approve the minutes provided Commissioners had listened to the audio tape of the meeting, and

could attest to the fairness and accuracy of the minutes provided. The item would otherwise have to be continued to the next meeting.

Chairperson Kuckuk offered a motion to continue the approval of the minutes of the February 2, 2015 meeting to the next Commission meeting and asked staff to provide a link to the audio recording for the meeting.

On motion by Chairperson Kuckuk, seconded by Commissioner Woehleke to continue the approval of the minutes of the February 2, 2015 meeting to the next meeting of the Planning Commission. The motion carried by the following vote:

Ayes: Carr, D’Arcy, Kovac, Mallela, Marnane, Woehleke, Kuckuk  
Noes: None  
Abstain: None  
Absent: None

**4. ADOPTION OF MEETING AGENDA**

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

Ayes: Carr, D’Arcy, Kovac, Mallela, Marnane, Woehleke, Kuckuk  
Noes: None  
Abstain: None  
Absent: None

**5. PUBLIC HEARING**

**A. Consider Approval of Minor Subdivision to subdivide an existing 1.04- acre residential parcel at 1049 Camino Pablo into two (2) single-family residential lots.**

Associate Planner Ella Samonsky presented the staff report dated March 16, 2015, for consideration of a Minor Subdivision to subdivide an existing vacant 1.04-acre residential parcel at 1049 Camino Pablo into two smaller residential lots. As included in the staff report, due to the project’s consistency with the Zoning Ordinance and General Plan, and with minimal impact on surrounding properties, she recommended that the Planning Commission adopt a resolution to approve Minor Subdivision, MSub 1-14, subject to the Conditions of Approval contained in Attachment A to the staff report.

Commissioner Woehleke commented that the exterior fireplace appeared to be located within the setback. He asked whether the fireplace had been classified as a structure, or considered to be a unique feature, and if not asked if it should be excluded from the setback. He also asked whether the Town restricted the installation of new lawns.

Ms. Samonsky advised that the Town had been classifying outdoor fire pits as accessory structures, which would be permitted in the required setback as long it was under six feet in height.

Ms. Clark added that the project would be required to comply with the State of California's Efficient Water Landscaping Ordinance, which did not preclude the planting of lawns.

Commissioner Kovac clarified with Ms. Samonsky that the water and sewer utilities would be underground easements. He asked the applicant to clarify whether there would be any issues with conflict of undergrounding utilities and drainage pipes within the right-of-way (ROW), and he understood the drawings were preliminary at this point for the architecture with no drainage specific to the conceptual architecture.

In response, Ms. Samonsky concurred that architecture and drainage was conceptual, although she noted that the easements were part of the subdivision and the location of the drainage easements would be part of the subdivision approval. The exact design of the home and storm water requirements for impervious surfaces would have to be finalized with the development of the home. As to the length of the driveway, as opposed to the private road, she clarified that a private road would be either a separate parcel or have an easement over it for shared access to multiple lots. In this case, where the shared easement ended, the driveway on the lot began. Driveways to the individual residences were not being established as part of the subdivision. The private road which would be established with the subdivision, would be required to service multiple homes, and would be required to meet both Public Works and Moraga-Orinda Fire District (MOFD) requirements.

Commissioner Woehleke commented that the Tentative Map also required geotechnical review in terms of flooding, and he clarified with Ms. Samonsky that a soils report had been provided, included ground water, and had been reviewed by the Public Works Department. The property was not located in a flood zone and the Town had conducted a drainage study for this portion of the community.

Commissioner Marnane understood that the water table was approximately five feet below the surface. He asked whether that was normal for Moraga.

Ms. Clark advised that would depend on the location, whether creeks were nearby, and other issues.

Ken Hertel, Hertel Architects, 857 Birdhaven Court, Lafayette, reported that he had been retained by the Cecchins, the property owners, to design the project. He provided an overview of the project, clarified that the property all the way to Camino Pablo was Cecchin property, and the Cecchins had sold one parcel at 1043 Camino Pablo. A house at 1045 Camino Pablo was near completion. The two parcels under consideration were essentially the Cecchin property retained for the family. The subdivision was provisional in that the Cecchins had no intention in the short term of developing the smaller of the two parcels. The Minor Subdivision would allow the Cecchins the ability to downsize onto their own property by building a home on the smaller sized parcel. In the near term, the smaller of the two parcels would not be developed and landscaped.

Mr. Hertel explained that drainage was a major issue on the parcel. As noted on the plans, there was an existing drainage basin serving a pipe running under the subdivision and under the court adjacent to the property, which had been developed, sized, and built in accordance with a drainage study by the Public Works Department. The Project Civil Engineer had worked with Town staff to review and ensure the project was consistent with all requirements of the drainage study, which included an upgrade to C.3 standards, and dedication of a 30-foot easement for the additional retention/detention facility.

Mr. Hertel explained that the parcel was a connecting parcel between significant upstream drainage which came down through a 10-foot easement along the southern boundary of the parcels, which would be an underground line, replacing a derelict, non-functional line. Due to those improvements, he suggested there would be a far superior system than what currently existed.

Mr. Hertel stated that the concept for the larger of the two homes, the pool house, and the garage, the proposed conceptual design was where they were headed, with the style of design and arrangement of the buildings. The precise design of the landscape and pool was yet to be developed. The landscape plan was a placeholder; if the fireplace was over six feet in height it was in the wrong location, and he recognized there could be too much lawn area. He acknowledged the water concerns and noted that a landscape architect was involved in the project and could better clarify the landscape plan.

Mr. Hertel suggested that the smaller of the two lots was consistent with the size of the lots in the adjacent cul-de-sac, within an area of varying-sized parcels given the historic nature of this region of Moraga. He suggested the boundaries were important and noted that the rearmost property line, along the northern edge, 60-foot redwood trees that had grown into a green wall and the structures would be pushed back against that parcel. The rear yard of the smaller parcel would also extend into the rear yard of the larger parcel, essentially one long open space to capture the idea of borrowed landscape between the two parcels. In addition, all utilities would be underground consistent with current standards. The front parcel had also been undergrounded.

Mr. Hertel also responded to concerns with the paving and compliance with MOFD requirements, expressed a preference for pervious pavement, noted the MOFD had allowed a reduction in AC paving with gravel shoulders, although the applicant preferred a gravel driveway with a structural compacted section of gravel to carry the intended load. Pervious paving stone and blocks with larger joints that drained and supported structures would also be considered. He wanted to be able to use something above and beyond AC paving, with the intent for paving that was semi-rural in appearance, and consistent with the shingle style home that had been proposed.

Mr. Hertel acknowledged that the property had a high water table, and spread footings for the rear home might be considered to address the 5 to 6-foot deep water table. He reported that the property was out of the flood zone. The main home would hopefully

be considered by the Design Review Board (DRB) in the near future, with the home to be centered on the parcel, and with much larger setbacks from all neighbors with the exception of one end of the site, which had greater screening. As a result, the project would impose little or no impact to the neighbors.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

When asked, Mr. Hertel explained that if the project were a conventional for-sale project, the parcels would have been more or less equal in size.

The intent was that the parcel would be for the Cecchins for years to come who wanted open space around them for their young athletic family. The conceptual architecture for parcel B did not reflect the intended development of the lot, but had been designed to be as large as possible consistent with the allowable Floor Area Ratio (FAR) to show the maximum extent or what could be developed on the parcel. He again detailed the background of the property, which had originally consisted of three parcels and a previously approved lot line adjustment.

Tim Cecchin, 268 Scofield Drive, Moraga, the property owner, also detailed the background of the original parcel and the development of the home on the main parcel, which his family would be moving into when complete. He stated there were no plans to build on Parcel B in the near future.

Mr. Hertel clarified for the Commission that the driveway and sidewalk were on Camino Pablo with a linkage required for the improvements. There were no internal sidewalks as part of the project. All utilities would conform to the 30-inch utility pipe and would be below the pipe.

In response to comments and to provide clarification for new Commissioners, Ms. Samonsky identified the typical process for application submittals; noted the Town did not have a definition for a driveway as it did for roads in that driveways had been loosely used to describe almost any access onto a parcel; all frontage improvements had been completed as part of the project for 1045 Camino Pablo; and with the development of the home at 1045 Camino Pablo, the Public Works Department had set conditions for the improvements, dedication of land along the frontage, sidewalks, and paving. The subject project would extend the private road and build the turnaround.

Mr. Hertel added that there would be guest parking for each parcel.

Commissioner Woehleke suggested the applicant had done a good job, but he would have liked to have seem more for this stage of a project. He suggested an impervious driveway would be more appropriate for the MOFD, and he would like the Planning Commission to discuss two-versus single-story residences. He commented that it was not normal in Moraga to have three, two-story homes adjacent to one another, which

was a Design Guideline, set the tone for the Town, and was intended to ensure architectural variation. Two-story homes also had an impact on privacy, and he noted that a supply of single-story homes would be valuable for the senior population. While he recognized that some exceptions to the rules had been allowed, he saw no reason to allow a two-story home in this case and he suggested that issue should be addressed now as opposed to later in the process.

Commissioner Carr agreed that the two-story issue needed to be discussed now and not later.

Commissioner Marnane reported that the DRB had the same misgiving regarding the two-story homes and were aware of the issues with respect to three adjacent two-story homes. While he suggested there was enough information at this time to approve the Minor Subdivision, he had concerns with how the drainage on the property would be addressed.

Commissioner Carr commented that she had visited the site, and could see that the property was a basin. She understood the issues with respect to hillsides and drainage, and was uncertain it would be a problem in this case. She could approve the Minor Subdivision at this time.

Commissioner Malella stated his main concern with the project was MOFD accessibility, and there appeared to be sufficient design to provide that access. He wanted to see the access be designed to be compatible with the look and feel of the neighborhood.

Commissioner Kovac was pleased with the clarification of public versus private streets.

Chairperson Kuckuk stated that she could make the required findings to approve the Tentative Map. She noted that she had been involved with the approval of the lot line adjustment and was aware of the issues with the water table which had resulted in a modified foundation. Her primary concerns were the private road, the easement, and MOFD protection. She understood that a letter from the MOFD had not been included in the Commission packets but had been available to the DRB. She was confident any issues of the MOFD had been addressed. She also understood in speaking with staff that no parking would be allowed on the private drive and preferred to see a condition that a "No Parking" sign be posted halfway up the private street. She had no significant concerns with the application and recognized there would be other steps in the process.

Chairperson Kuckuk also spoke to Design Review Guideline SFR 1.1 that there be no more than two two-story homes in a row. Having served on the DRB for six years, and in recognition that SFR 1.1 was a guideline, she would leave that issue to the DRB in that there were times when exceptions were made to the Design Guidelines and she was confident that process would be addressed by the DRB. Given that the setback for the flag lot was set back far enough, she found that Design Guideline to be less applicable in that there would be no walled-in effect. She suggested the applicant should be aware that could be an issue. She did not want to see that be a condition of the Tentative Map.

Commissioner Woehleke commented that although the issue would be addressed by the DRB, it would ultimately come back to the Planning Commission. He would like to see the issue be addressed at this time rather than wait until a later date, particularly since two-story homes had been a concern in the community.

Commissioner Carr suggested that if a two-story home was not allowed on Parcel B, the parcel was not large enough to accommodate anything beyond a one-bedroom, single-story residence.

Commissioner Woehleke suggested a single-story home would work but would have to be relatively small in size.

Commissioner Kovac recognized the concerns with a two-story residence, although he understood it could not be addressed as part of this process. He noted his neighborhood had experienced problems with drainage issues, which were to be maintained, but had not been enforced. In this case, he asked who would enforce the drainage requirements in terms of safety and maintenance since it could affect the entire neighborhood.

Ms. Samonsky advised that a Private Road and Drainage Facility Maintenance Agreement, and a Statement of Obligation on the property would have to be recorded for both the road and the drainage facilities on both parcels and on 1045 Camino Pablo. Essentially, the drainage easement would allow 1045 Camino Pablo, neighboring properties, and Parcel A to drain water onto Parcel B, and the easement and facilities would have to be mutually maintained.

Ms. Clark added that if the private property owners did not meet the maintenance agreement obligations it would become a civil matter. She noted that such agreements were not uncommon for subdivisions that shared private facilities.

Commissioner Marnane offered a motion to approve Minor Subdivision (MSub 1-14) to subdivide an existing 1.04-acre residential parcel at 1049 Camino Pablo into two single-family residential lots.

Chairperson Kuckuk recommended a modification to Attachment A, Draft Resolution, with the addition of a new addition under the Conditions of Approval, Private Road and Access, as Condition 10a, to read:

*A sign indicating parking is prohibited shall be posted mid-way on the private drive.*

An additional modification was made to Condition 27, as follows:

*Fire apparatus road shall be all-weather paved roads, of a material approved by the Moraga-Orinda Fire District. Private driveways should use permeable surfacing where appropriate. ~~Gravel is not acceptable as an all-weather road.~~*

Mr. Hertel explained that the Civil Engineer had designed the retention basin and all of the drainage facilities for full paved surfaces. If they were to reduce the amount of paving it would reduce the size of the retention basin.

Commissioner Woehelke expressed concern with the Subdivision Findings, as shown on Page 2 of the Draft Resolution, specifically Paragraph 2, which appeared to give tacit approval of the two-story homes. He noted there were developments in the Town with large setbacks where the rule of no more than two, two-story homes adjacent to each other shall be permitted. He asked that the last sentence of the paragraph be eliminated and replaced with the following language:

*SFR 1.1 is the norm for Moraga and the normal expectation excepting for due cause.*

On the recommend change in language for Paragraph 2 as shown on Page 2 of the resolution, Ms. Clark explained that staff had included the language as shown to make it explicit that the DRB had reviewed a two-story home design but had not approved a two-story home. She recommended that the last sentence of Paragraph 2 be revised to read:

*Future development of the lot would be subject to Design Review Board review and approval, which would include consideration of whether this exception should be permitted.*

Commissioner Woehleke disagreed with staff's modification and reiterated his desire for language to state that a two-story home was not consistent with Design Review Guideline SFR 1.1, and was not the norm in Moraga.

Chairperson Kuckuk suggested a discussion as to whether an exception should be permitted was premature at this time. She suggested the last sentence of Paragraph 2 could be eliminated entirely.

Mr. Hertel advised that there was no intention to build a two-story home on the smaller of the parcels. He had only provided a design to the maximum FAR allowed to prove the viability of the lot.

Mr. Cecchin reiterated that he had no plans to build on Parcel B in the foreseeable future and that the plan only showed that a home could be built. He was not looking for approval of a two-story home.

On the discussion, Chairperson Kuckuk recommended that the last sentence of Paragraph 2 be modified, to read:

*The Design Review Board's February 23 action does not constitute an approval of the single-family home designs, and future development of the lot would be subject to Design Review Board review and approval.*

In response to Commissioner Woehleke's recommendation that the statement also include Planning Commission review and approval, Ms. Clark advised that single-family home designs only required DRB review and approval unless appealed to the Planning Commission.

Commissioner Woehleke requested approval of the Minor Subdivision be conditioned that one of the two homes would be single story consistent with Design Review Guideline SFR 1.1.

Chairperson Kuckuk stated she was comfortable with her recommended modification and with the DRB making that decision.

Commissioner Kovac referenced the staff report and clarified with staff that the language in Condition 27 was to be consistent with the language used in the staff report.

Ms. Samonsky recommended a further modification to Condition 27, as follows:

*Fire apparatus road shall be all-weather paved roads, of a material approved by the Moraga-Orinda Fire District. Private driveways shall use permeable pavement or other permeable materials as appropriate. Gravel is not acceptable as an all-weather road.*

Commissioner Marnane modified his initial motion to approve Minor Subdivision (MSub 1-14) to subdivide an existing 1.04-acre residential parcel at 1049 Camino Pablo into two single-family residential lots, subject to the conditions of approval as contained in the resolution, and subject to the following modifications:

- The last sentence of Paragraph 2 of Page 2 of the resolution modified, to read:

*The Design Review Board's February 23 action does not constitute an approval of the single-family home designs, and future development of the lot would be subject to Design Review Board review and approval;*

- Part 3: Conditions of Approval, Private Road and Access, add Condition 10a, to read: *Parking shall be prohibited (and such prohibition suitably signed on the driveway); and*
- Part 3: Conditions of Approval, Moraga-Orinda Fire District, Condition 27, to be revised to read: *Fire apparatus road shall be all-weather paved roads, of a material approved by the Moraga-Orinda Fire District. Private driveways shall use permeable pavement or other permeable materials as appropriate.*

The motion FAILED for lack of a second.

On motion by Commissioner Woehleke, seconded by Commissioner Marnane to adopt Resolution next in number to approve Minor Subdivision (MSub 1-14) to subdivide an

existing 1.04-acre residential parcel at 1049 Camino Pablo into two single-family residential lots, subject to the conditions of approval as contained in Attachment A, and subject to the following modifications:

- Revise Paragraph 2 of Page 2 of the resolution, add the following language after the third sentence of the paragraph to read: *SFR 1.1 Guideline sets a norm for Moraga. It is expected that cause would need to be substantiated and approved to allow the approval of three adjacent two-story homes.*
- Part 3: Conditions of Approval, Private Road and Access, add Condition 10a, to read: *A sign indicating parking is prohibited shall be posted mid-way on the private drive;* and

Part 3: Conditions of Approval, Moraga-Orinda Fire District, revise Condition 27 to read:  
*Fire apparatus road shall be all-weather paved roads, of a material approved by the Moraga-Orinda Fire District.*  
*SFR1.7 Pervious surfacing is encouraged for all driveways. Driveways longer than 50' or wider than 16' should be constructed of pervious materials. See Guideline ID9.2. Multiple-car garages are encouraged to use flared driveways to minimize impervious surface coverage.*

The motion carried by the following vote:

Ayes:	Carr, D'Arcy, Kovac, Mallela, Marnane, Woehleke, Kuckuk
Noes:	None
Abstain:	None
Absent:	None

Chairperson Kuckuk declared a recess at 8:20 P.M. The Planning Commission meeting reconvened at 8:24 P.M. with all Commissioners present.

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

### **A. Consider Planning Commission Resolution \_\_-2015 Approving Guidelines for Visual Representation of Proposed Development Projects**

Ms. Clark presented the staff report dated March 16, 2015, for consideration of a resolution approving guidelines for Visual Representation of Proposed Development Projects. The item had previously been considered by the Planning Commission on November 17, 2014 and February 2, 2015, when the Commission had provided input on the policy and had recommended revisions, which she summarized. She asked that the Commission approve the resolution establishing the Guidelines for Visual Representation of Proposed Development Projects and provide input to staff.

Chairperson Kuckuk commented that any subdivision with five or more homes would require story poles. She liked the inclusion of language that staff would have input at the

first study session whether story poles should be required for a project; and at that point and a future point, the DRB and the Planning Commission could require story poles even if staff had not to provide checks and balances in the guidelines. She was pleased to see that the policy had been changed from a formal story pole policy to visual representation. She cited the Rancho Laguna II project and the visual representation that had been used in that case, which had made it clear where the rooflines of the homes would sit against the ridgeline making it easier to interpret and superior to the use of story poles. She noted the reason for story poles was to notify, alert, and encourage people to comment. Story poles in isolation absent renderings or signage installed at the same time, had caused concern and alarm. She emphasized the importance of having the visual rendering on the sign at the same time the story poles were installed.

Chairperson Kuckuk recognized the item had been considered by the Planning Commission on more than one occasion with recommended changes as a result of those discussions. She found the guidelines to represent a good compilation of past comments.

Commissioner Marnane suggested that staff had done an excellent job making sense out of the Commission's comments since the item had first been discussed. He supported the resolution.

Commissioner Mallela sought a policy to ensure when story poles were installed, when removed, and when damaged by storms or otherwise when appropriately disposed of to avoid becoming an eye sore.

Ms. Clark referenced the draft policy and pointed out the section that would address those concerns.

Commissioner Woehleke commended staff for progressing the item, and wanted to see the guidelines address the full range of graphic representations that might work and might be needed. He wanted to see examples of ridgelines in corridors where story poles might be required. He also asked when story poles should be installed, and he suggested at the conceptual approval stage and not the study stage since the project might not have matured sufficiently for story poles. He would rather set the scene, and see the opportunity for representation for all projects ranging from simple graphics to three dimensional graphic models.

Commissioner Woehleke suggested it would be nice to correlate what had been communicated, when the story poles would be expected, and the inclusion of examples in the guidelines when located in the scenic corridor and close to the road.

Ms. Clark commented that the Town had an array of projects, ranging from multi-step and complex subdivision approvals with review occurring over several years to the smaller subdivision or single-family home, and as a result it was difficult to identify as a standard timing to install story poles. The intent was to identify the range of tools available, and the goal and job of staff or the Planning Commission was to decide and make those decisions based on the character of the project.

Commissioner Woehleke did not want to require story poles too early when the design was immature and where the applicant would have to modify the story poles.

Chairperson Kuckuk pointed out that the guidelines stated that staff could provide input when visual renderings might be required. She liked the guidelines and the discussion of different types of visual renderings and it was clear that the DRB, Planning Commission, or Town Council could redirect staff and take out the requirement at any time, placing the discipline with staff early on to set the tone and commit whether visual renderings were necessary, which enabled a discussion early on with the deciding body.

Commissioner Woehleke referenced the rapidly developing technology for visual representation. He sought flexibility.

Ms. Clark suggested that the guidelines could be modified with Part 2: Other Visual Representation Tools switched with Part 1: Story Poles in the document.

Commissioner Kovac commented that he had not seen any visual representation for the Rancho Laguna II project as he had for other projects, although Chairperson Kuckuk affirmed that the visual representation for that project had been provided during public meetings.

Commissioner Kovac expressed concern with a lack of transparency and consistency with the language used in the guidelines. He particularly opposed the use of the term “may” throughout the document. He urged better public notification to ensure a better participatory process, wanted to see more concrete steps on what would be required versus the use of the term “may,” and recommended that the term be replaced with “shall.”

Chairperson Kuckuk detailed the background of the Planning Commission’s discussion of the story pole policy, the effect of the Town’s three-step approval process for development projects, the fact that the original firmer policy had not worked well, and the need for flexibility. She cited the Via Moraga project, which had installed story poles on more than one occasion to depict more than one plan, and had caused concern and confusion as to what had actually been proposed.

Commissioner Woehleke commented that the Via Moraga and Town Center projects were perfect examples where visual representation had been appropriate and Rancho Laguna II was not a good example.

Ms. Clark explained that the story poles for the City Ventures’ Conceptual Development Plan (CDP) had been installed prior to the CDP approval. In that case, they were able to model the homes and the story poles had been useful although she acknowledged the story poles had caused some alarm in the community.

Chairperson Kuckuk found that story poles tend to accentuate, make things seem even taller, and are at a finished grade, where changes to grade are difficult for people to visualize. Lot lines and landscaping were also not visible with story poles. She commented that the story poles for the Town Center project had been installed prior to any visual representation which had alarmed the community. She stated the goal to notify, to alert, but alarm doesn't serve anyone in the community.

Commissioner Kovac suggested the earlier story poles were installed the quicker people would be used to them. He emphasized the importance of their installation prior to the first public meeting.

Chairperson Kuckuk stated that the first public meeting is often a Study Session and that there can be multiple study sessions before anything comes forward for approval. It's really a discussion – are we going in the right direction? She expressed concern installing story poles too early, there's not enough information for an accurate representation. She suggested that before any decision point of a project, visual representation should be provided. It comes before the deciding body to concur with staff, change staff's direction and require of the developer. She suggested the process would work and it would be in the developer's best interests to move it along.

Commissioner Kovac commented that he had read correspondence on the issue, and understood the public sought clarity. He too sought more stringent guidelines and while he did not have the entire history or background on this topic, he did not see that the guidelines offered any teeth.

Based on the comments, Chairperson Kuckuk understood that the Commission was uncomfortable approving the item at this time. The issue had last been discussed on February 2, 2015, as reflected in the yet-to-be-approved meeting minutes. She encouraged Commissioners to listen to the audiotape of the February 2 meeting, and staff to include copies of the minutes from the previous meetings when the item had been discussed by both the DRB and the Planning Commission, to allow new Commissioners all the knowledge of the discussion.

Ms. Clark suggested examples of alternative visual representations could also be provided for the Commission information.

Commissioner Marnane liked the idea of putting the big picture first; did not agree with a change to the guidelines and a replacement of the term "may" with "shall" in that all decisions could return to the Planning Commission; and was happy with the process and the way it had been laid out in that sense.

Commissioner Mallela liked the language which allowed the DRB, Planning Commission, or Town Council the ability to require the installation of story poles, and which provided flexibility at the same time.

Ms. Clark expressed the willingness to verify the appropriateness of the terms “may” or “shall,” and clarified, when asked, that the term “may” meant discretionary or some degree of flexibility while “shall” was a mandate.

Chairperson Kuckuk stated that the direction to staff was to return to the Planning Commission with another draft of the Visual Representation of Proposed Development Projects to tie in with the approval of the minutes of the February 2, 2015 meeting, and allow new Commissioners the opportunity to listen to the audiotape from that meeting.

As a lawyer, Commissioner Carr stated she preferred anything that was a requirement to use the term “shall.” The term “may” could be used for anything allowing a decision to be made.

## **B. Consider Nomination and Selection of Planning Commission Chair and Vice-Chair**

Commissioner Woehleke nominated Tom Marnane as the Chair of the Planning Commission. Chairperson Kuckuk seconded the nomination. There were no other nominations and the nominations were closed. **Tom Marnane** was unanimously selected as the Chair of the Planning Commission.

Commissioner Marnane nominated Christine Kuckuk as the Vice-Chair of the Planning Commission. Commissioner Woehleke seconded the nomination. There were no other nominations and the nominations were closed. **Christine Kuckuk** was unanimously selected as the Vice-Chair of the Planning Commission.

## **7. REPORTS**

### **A. Planning Commission**

Chairperson Kuckuk welcomed the new Commissioners and asked them to provide some detail on their backgrounds.

Commissioner Kovac detailed his experience as an Electronics Engineer and commented on his volunteerism and desire to give back to the community; Commissioner Mallela, head of Finance for First Republic Bank, had served on the Park and Recreation Commission for the past six years, served on many Ad Hoc Committees over the years, loved helping the Town, and hoped to continue that work; Commissioner D’Arcy worked with the Academy of Art University, Fine Art Department, liked the Town, the focus of development, and efforts to maintain the Town’s character and accommodate the population; Chairperson Kuckuk, a former member of the DRB prior to her tenure on the Planning Commission had served on beautification committees before that time; Commissioner Marnane, a Naval Architect and member of the Moraga Citizens’ Network, and Moraga/Rossmoor Chorus, welcomed all of the new Commissioners; Commissioner Carr detailed her education and background in environmental law, experience working with Google’s internal Planning Commission, and desire to give back to the community; and Commissioner Woehleke reported he

had retired from Chevron and had served on the Moraga DRB and Planning Commission from 1989 to the early 2000's, and had come back to the Planning Commission eighteen months ago.

Commissioner Marnane also reported that he had attended the March 11 Town Council meeting and commented on Saint Mary's College (SMC) Appeal. He encouraged Planning Commissioners to read the Town Clerk's notes and latest Town Council meeting minutes which had items of interest to the Planning Commission.

Commissioner Marnane also asked that staff provide copies of the Housing Element to new Commissioners. In addition, he had attended the February 23 DRB meeting and apprised the Commission of the discussions at that time.

#### **B. Staff**

Ms. Clark reported that the Town Council had heard an appeal from SMC on March 11 for the Intramural Field Lights hours of operation, and had upheld the appeal with the lights to stay on until 10:00 P.M., subject to modifications of SMC's lighting plan to also be peer reviewed, with a 12-month review after installation, and with the item to return to the Town Council for final approval in April. The Town Council provided direction to staff on the next phase of the Hillside and Ridgeline Project with the consultant to return with a detailed scope of work and additional public process, and with an amendment to the Charter of the Steering Committee to allow existing members to remain on the Committee to ensure continuity unless they chose not to continue.

Commissioner Marnane reported that he had been asked by SMC to continue to participate in the light process, which he would continue to do, and expressed the willingness to provide any reports back to the Planning Commission.

Ms. Clark added that the Town Council also provided direction to staff on the potential Carr Ranch Annexation to develop the property with 13 single-family homes, and with the Local Area Formation Commission (LAFCO) to approve annexation based on recommendations from the Town of Moraga. During the March 25 meeting, the Town Council would consider a preliminary new use permit and fee waiver for the use of the former Moraga Tennis and Swim Club, to be used as a day camp, which would require a Zoning Text Amendment.

Ms. Clark expected that a Precise Development Plan (PDP) for the Rancho Laguna II project would be considered by the Planning Commission in the next few months.

Commissioner Woehleke reported that he would be unable to attend the May 15 Library Liaison Meeting.

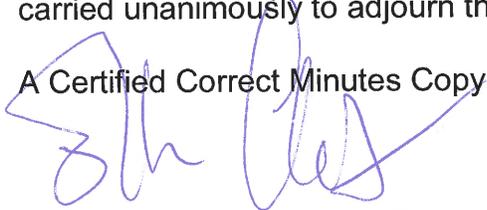
Ms. Clark advised that staff would attend the meeting, and while Commissioner Woehleke could ask another Commissioner to attend in his absence, attendance was not critical.

Commissioner Marnane expressed the willingness to attend the May 15 Library Liaison meeting, if needed.

**8. ADJOURNMENT**

On motion by Commissioner Marnane, seconded by Commissioner Woehleke and carried unanimously to adjourn the Planning Commission meeting at 9:30 P.M.

A Certified Correct Minutes Copy

A handwritten signature in blue ink, appearing to be "John Doe", written over the text "A Certified Correct Minutes Copy".

Secretary of the Planning Commission