

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

April 6, 2015

7:00 P.M.

MINUTES

1. CALL TO ORDER

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

A. ROLL CALL

Present: Commissioners Carr, D'Arcy, Kovac,* Kuckuk, Woehleke, Chairperson Marnane

*Commissioner Kovac arrived after Roll Call

Absent: Commissioner Mallela

Staff: Ellen Clark, Planning Director
Ella Samonsky, Associate Planner
Coleman Frick, Assistant Planner

B. Conflict of Interest

There was no reported conflict of interest.

C. Contact with Applicant(s)

There was no reported contact with applicant(s).

2. PUBLIC COMMENTS

There were no comments from the public.

3. ADOPTION OF CONSENT AGENDA

A. February 2, 2015 Minutes

Commissioner Woehleke requested an amendment to the first sentence of the fourth paragraph on Page 6 of the minutes of the February 2, 2015 meeting, by eliminating most of the sentence and retaining the following:

Commissioner Woehleke commended staff's work.

On the discussion of comments made by the Planning Director as reflected in the third paragraph on Page 6, and in response to Commissioner Kovac, Ms. Clark stated the comments attributed to her were a fair statement and no changes were made.

On motion by Commissioner Carr, seconded by Commissioner Woehleke to approve the minutes of the February 2, 2015 meeting, as amended. The motion carried by the following vote:

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

B. March 16, 2015 Minutes

Commissioner Kuckuk provided redline strikeout revisions to staff for the comments she had made in the fourth paragraph on Page 12 of the minutes of the March 16, 2015 meeting, with the paragraph revised to read:

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 are 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 didn't serve anyone well.

Commissioner Kuckuk offered changes to the sixth paragraph on Page 12, as follows:

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 and that it comes before the deciding body to concur with staff, change staff's direction, and require visual representation of the developer. She suggested the process would work and that it would be in the developer's best interest to move it along.

Commissioner D'Arcy requested a correction to the last sentence in the sixth paragraph on Page 3, as follows:

In the near term, the smaller of the two parcels would not be developed and landscaped.

Commissioner D'Arcy also advised that she had not made the comments attributed to her on the third paragraph from the bottom of Page 6. It was clarified that the statement had been made by Commissioner Carr.

Commissioner Woehleke referred to the second paragraph on Page 12 and requested an amendment to clarify that the Rancho Laguna II project was not a good example where story poles were a good use.

Commissioner Kovac referred to the third sentence in the sixth paragraph on Page 5 attributable to Commissioner Woehleke and requested the following modification:

He [Commissioner Woehleke] 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.

Commissioner Kovac also suggested that a portion of SFR 1.7 under Part 3 at the end of Page 9 was missing in the revision to Condition 27.

On motion by Commissioner Woehleke, seconded by Commissioner Carr to approve the minutes of the March 16, 2015 meeting, as amended. The motion carried by the following vote:

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

4. ADOPTION OF MEETING AGENDA

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

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

5. PUBLIC HEARING

A. Conduct a Public Hearing and Consider Approval of the Precise Development Plan for the Rancho Laguna II Subdivision, a 27-unit Single-Family Residential Development (N-OS-PD/M-OS, ENS)

Associate Planner Ella Samonsky presented the staff report dated April 6, 2015 for the public hearing for the Precise Development Plan (PDP) for the Rancho Laguna II Subdivision, the third and final step in the Planned Development process for the 27-lot Single-Family Residential development. She explained that an Environmental Impact Report (EIR), Conceptual Development Plan (CDP), General Development Plan (GDP), Vesting Tentative Map, Hillside Development Permit, Grading Plan, Tree Removal Permit, and Zoning Text Amendment had previously been approved for the subdivision, along with design review by the Design Review Board (DRB). She added that the PDP was to ensure conformance with the prior CDP and GDP.

Ms. Samonsky explained that at the GDP stage, a general area for trailhead parking had been proposed although the exact design was to be considered by the DRB, which had approved the current design in the plan. Currently, the trailhead parking would be surfaced with gravel and be lined with wood, for four pull-in spaces off the corner near Sonora Road and Fay Hill Drive. After the DRB hearing, the applicant had considered another alternative to widen the right-of-way and place gravel within the shoulder to allow for three parallel parking spaces instead of four spaces, with the intent of reducing the visibility of the parking lot. She noted there were conditions to include that configuration if so determined by the Commission.

Ms. Samonsky identified another change since the DRB meeting related to the landscape palette and the wetland plan between Rheem Boulevard and the backs of the homes along Fronteras Drive where a series of riparian plants had been recommended. Given a concern that the proposed trees in that planting plan could grow to a height that would obscure views of the upper hillside, a new palette of plants had been proposed that would grow 10 to 12 feet or less in height and would not obscure the upper hillside. If acceptable, she stated that alternate landscape design would be peer reviewed by the Town's consultant.

Based on the proposed PDP's conformance with the approved CDP, GDP, and Moraga General Plan, Ms. Samonsky recommended that the Planning Commission adopt the Resolution adopting findings required by the Moraga Municipal Code (MMC) and approve the PDP subject to conditions.

In response to questions from Commissioner Woehleke, Ms. Samonsky clarified that the alternate parking configuration would minimize the visual impact of the parking lot although there would be a loss of one space, and cars using that parking lot would likely have to turn around to get to the lot; there would be a streetlight at Fay Hill Road and Rheem Boulevard but only reflectors at the top of the hill, as previously approved; and when the project began construction, the work to repair Rheem Boulevard would take approximately six-months.

Commissioner D'Arcy supported the new parking configuration for three parking spaces which she suggested would reduce the grading, reduce the visual impact, and create a lesser impact on the turn by the trailhead.

Commissioner Kovac expressed concern for the gravel proposed for the parking area and questioned whether it could spill over into the roadway creating a safety concern for bicyclists.

Planning Director Ellen Clark verified, when asked, that the main concern related to the two modifications to lot width was that the project remained in substantial conformance with the prior approvals. It was also affirmed that the affected lots were adjacent to open space and there would be no visual impacts or reduction in building separations in this area.

PUBLIC COMMENTS OPENED

Kevin Ebrahimi, Vice President of Development for SummerHill Homes, commended staff for their efforts in the presentation of the project, and highlighted the various

entitlements that had been approved for the project over time. He requested approval of the PDP and highlighted the refinements that had been proposed in response to the DRB related to the addition of a pedestrian path along Sonora Road between the new public trailhead and Los Santos Court, which he pointed out on the map, to provide safe pedestrian access to those areas.

Mr. Ebrahimi also highlighted the potential alternate design for the trailhead parking as a result of interactions with staff, the general neighborhood, and Town Councilmembers, to eliminate a parking area as approved by the DRB and provide enough space for three cars along Sonora Road. He clarified that the project would be designed with a concrete rolled curb accessible by vehicles, with compacted gravel that would be sloped to drain in the opposite direction. He stated that SummerHill would accept either the approved parking design or the alternate parking design, but preferred the alternate design that he characterized as a compromise to those neighbors who did not support any trailhead parking.

Mr. Ebrahimi requested approval of the PDP and noted that the design team was available to address any questions.

In response to Commissioner Woehleke as to the sanitary sewer drainage from the upper level, Ross Avedian, Civil Engineer, P/A Design Resources, Inc., described how the sewer flows from the upper residences would be gravity fed to the existing sewer line within the East Bay Regional Park District (EBRPD) trail, but would not cross the creek. He stated that the plan had been fully developed and fully reviewed by the Central Contra Costa Sanitary District, and had been completed.

With respect to stormwater drainage, Mr. Ebrahimi identified the detention basins associated with the project. He clarified that erosion would not be a problem because the design of the detention basin and infrastructure had been designed by civil and geotechnical engineers, had been peer reviewed, and allowed the water to be released gradually, maintaining pre-development levels, which would eliminate the erosion that had previously been taking place.

Mr. Ebrahimi also clarified why the current location of the trailhead parking had been chosen given that it was the only location that was naturally flat and allowed the parking spaces without additional grading. He also explained that the right of way would be dedicated to the Town would be landscaped and would be the buttress that would support Rheem Boulevard.

Mr. Avedian described the traffic movements associated with the work on Rheem Boulevard where a middle lane would be added to allow left turns onto Fay Hill Road.

In response to Commissioner Kovac, Mr. Ebrahimi explained that the description of Type 1 and Type 2 retaining walls had been included in the landscape plans and in the improvement plans; the entry gates were decorative only; and pavers had been added by the DRB in place of stamped concrete.

Commissioner Carr clarified the purpose of the detention basins that were a function of the storm drain system for the community, which would retain water and release it over

time into the existing channel, and a maintenance plan would be required to maintain the system.

PUBLIC HEARING OPENED

Suzanne Jones, Preserve Lamorinda Open Space (PLOS), expressed a preference for the three-space parking lot over the four-space lot and reiterated her opinion that parking did not belong in that area. She referred to the planting plan for the main entry to the project and requested a clarification of that planting.

Michael Carradine, Moraga, referred to the parking area and urged the Commission to provide some handicap spaces in that location, with paving, and suggested for the privacy of the homeowners and the convenience of the public it might be better to have a turnaround in the area. He referred to the map to show the spaces he suggested would help to get the cars off the road and provide a level area and a connection to the pathway in a hard surface for use by the disabled.

An unidentified speaker asked if there would be a sidewalk and a bike path in the plan connected to Rheem Boulevard.

In response to the comments with respect to the landscaping, Mr. Ebrahimi identified the Wetland Mitigation Plan and the Entry Landscaping Plan which would merge together. As to handicap parking, he stated the effort was to limit the grading and the footprint of the parking at that location, and attempting to provide a turnaround, handicap parking, and the three spaces would result in a bigger footprint and more infrastructure, which was inconsistent with the more recent feedback that had been received to date to limit the infrastructure in that location. He noted there were several other locations for access to the trail offsite which provided handicap parking.

Mr. Avedian stated there would be a sidewalk, eight feet wide, paved in front of the project all the way coming to the entrance of the project. He used the map to show where that sidewalk would continue to the crosswalk that would then connect to the existing walk.

PUBLIC HEARING CLOSED

Commissioner Carr verified with staff that given the private development the trailhead parking was not required to be Americans with Disabilities Act (ADA) compliant. She described the project as well organized and put together.

Commissioner Kovac commended everyone involved for a very challenging project and for the applicant's willingness to work with the Town. He otherwise expressed concern that the Town had not protected the obvious minor ridgeline and the cut and fill involved. He suggested there was something disconnected in the process and suggested the process could be made better. With respect to the landscaping, he wanted to make sure there would be appropriate screening of the subdivision and that the landscaping would be maintained.

Ms. Clark verified for Commissioner Kovac that some of his questions, such as utility approvals, landscaping and the like, had been addressed by prior approvals.

Overall, Commissioner Kovac stated that SummerHill Homes had done a great job designing the homes.

Commissioner Kuckuk noted the long history of the project and thanked the DRB for doing a quality job with the landscape plans. She supported the addition of the pathway, and had few concerns with the application given that she had been involved in the process since the GDP. She added that the PDP appeared to be consistent with the prior approvals. With regard to the alternate parking, she was satisfied that the three spaces would be adequate and preferred that design given that there was less impact; and while she had concerns with turning movements, she recognized there was little traffic in that area. As to handicap parking, she stated that had not been considered with a four parking space plan and suggested the trail was not suitable for handicap access at that location. She supported that modification to the plan and the approval of the PDP.

Commissioner Woehleke emphasized the need to make high quality decisions in doing the Town's business and looked forward to the comments from the other Commissioners. He supported the resolution as drafted. Acknowledging the long process, he commended the applicant for the flexibility in addressing the concerns, and noted that 11 out of the 27 homes would be single story, and the homes along Rheem Boulevard would be single story to minimize the visual impact from Rheem Boulevard. With respect to the alternate parking, he preferred the four-space parking design given that the neighborhood deserved privacy.

Commissioner D'Arcy stated it had been rewarding to watch staff and the applicants work together to create a project that worked. She supported the project with the three-space parking lot configuration and recognized the time and effort involved in the review process.

Chairperson Marnane stated that the project had come a long way in a very professional manner. He was delighted with the sidewalk all the way up and around, supported the trail, and clarified that no additional action was required for a three-space parking lot since that was part of the staff recommendation.

Commissioner Kovac asked who would be responsible if the remediation for Rheem Boulevard failed, to which Ms. Clark explained that the Town would ultimately be responsible by accepting the improvements and endorsing the improvement plans, and would have to concur that the improvements had been built to appropriate and acceptable standards. She stated that the Public Works Department and its peer reviewer had looked at the plans with those issues in mind.

Ms. Clark also verified that the conditions involved with the agreement related to the remediation of Rheem Boulevard were being worked out with the applicant and the Town Attorney, and was not an item before the Planning Commission at this time. She also clarified the conditions related to the formation of the Geologic Hazardous Abatement District (GHAD) related to the project, and explained that the improvement plans had not yet been approved.

Ms. Clark added that 262 conditions had been imposed on the project, many triggers were tied to those conditions, and not all conditions would be resolved with the approval of the PDP in that some would not be resolved until the construction phase.

Commissioner Woehleke corrected a typo on Page 12 of the Resolution for No. 3 for the planting *plan*.

Commissioner Kovac commented that he was uncomfortable approving the PDP given the number of questions and concerns he had.

Motion by Commissioner Carr, seconded by Commissioner Kuckuk to adopt the Resolution next in number to approve the Precise Development Plan for the Rancho Laguna II Subdivision, a 27-unit Single-Family Residential development, subject to the findings and conditions as shown. The motion carried by the following vote:

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

Chairperson Marnane identified the 10 calendar day appeal process of a decision of the Planning Commission in writing to the Planning Department.

A five-minute recess was taken at this time after which the Commission reconvened with Commissioners Carr, D'Arcy, Kovac, Kuckuk, Woehleke, and Chairperson Marnane present.

6. ROUTINE AND OTHER MATTERS

A. Review Annual Planning and General Plan Implementation Report and Provide Input on Planning Department 2015-16 Work Program Priorities

Assistant Planner Coleman Frick advised that the report represented a summary of the Town's accomplishments over the 2014 calendar year to highlight what had been achieved by the Town in terms of staff efforts as well as those from the Town Council, Planning Commission, and Design Review Board. He highlighted certain items pertaining to the Planning Department although he clarified that the report was for the entire Town, and was a component of the General Plan itself as well as elements mandated by State law pertaining to the Housing Element.

The primary document was a summary of the implementation items as outlined in the General Plan. The accomplishments highlighted included the Moraga Climate Action Plan which had been accepted by the Town Council; the receipt of two grants: Transportation Development Act (TDA) and Metropolitan Transportation Commission (MTC) grants that pertained to transportation planning implementation items; and extensive public outreach for the Livable Moraga Road project and the Hillside and Ridgelines project, both ongoing that continue to be goals of the Planning Department; along with comprehensive revisions to the Town's signs and outdoor advertising. This was an auspicious year given the Town's 40th Anniversary.

Mr. Frick advised that significant progress had also been made on major development projects such as Rancho Laguna II. Challenges related to the fact that the General Plan was 12 years old and certain updates had to be done. He added that the focus of some of the accomplishments in terms of the update of the Sign Ordinance as well as the Administrative Citations and Nuisance Abatement would be continued into 2015. A few goals related to the hillside and ridgelines regulations update, the implementation of the Moraga Center Specific Plan (MCSP), and processes and procedures for Planned Developments.

In terms of the 2015-16 Work Program, Mr. Frick reported that priorities included updating those regulations for processing the development applications; amending the Zoning Code; implementing certain aspects of the Climate Action Plan; developing regulations for wineries in residential zones; developing a scope of work and seeking funds to prepare zoning amendments for the Rheem Park Specific Plan area; and continuation of the ongoing projects such as Hillsides and Ridgelines, Livable Moraga Road, and an update of the Pedestrian and Bicycle Master Plan and Wayfinding Plan.

Commissioner Woehleke requested a look back of some recent applications to identify the processes that were followed. He referred to the Via Moraga project that was considered by the Town Council on appeal and suggested a rushed decision had been called for based on timing. He urged a reconsideration of how the Town's processes were executed, as a priority, the training of new members of the Commission and DRB to allow high quality decisions.

Ms. Clark stated that training had been scheduled for the last week in April or the first week in May. She added that staff would look to both the Planning Commission and the DRB to understand what would make the process work better for Commissioners/ Members.

Commissioner Kovac suggested with respect to process that the quality of the work as opposed to the quantity of the work should be the goal, and noted that citizen participation was one of the goals and there was a need to ensure involvement in the process.

Commissioner Woehleke stated that he was generally pleased with the quality of staff work provided.

Commissioner Kuckuk commented that nothing stood out for her as an area of concern; it was consistent with the Town Council Goals, and she had no modification to what had been provided.

Commissioner Carr had nothing to add to what had been presented.

Commissioner D'Arcy referred to the neighborhood chat groups that had to do with transparency or involvement of the public and explained that one comment she had found had to do with the City Ventures project that had to do with story poles, which she suggested was the biggest information tool about what was going on in the Town. She sought some modification to better engage the public and suggested that most people did not pay attention until they saw the story poles.

Ms. Clark explained that was a frequent problem in local government in the lengthy process of review and the Town had made a best effort by sending notices to people in a radius of projects, identified projects in newsletters, and published agendas, and there would inevitably be people who did not know what was happening until fairly late in the process. She noted the possibility of using some of the new forms of social media, but observed that not all allowed staff to see public commentary. She suggested there were other forms that could be used to change the way the Town did business and be responsive to the fact that everyone was busy and not everyone had time to navigate through the Town website to find staff reports and the like.

Commissioner Woehleke suggested that anyone who became aware of misconceptions and concerns in the Town might be able to bring that information to staff's attention and notify the Commission of the concerns.

Chairperson Marnane spoke to the need to continue to streamline planning processes by clarifying and simplifying procedures for everything the Commission did; and review, update, and clarify Town regulations and procedures for processing subdivision developments. He suggested the Commission had made some progress and had been successful in moving more things to the Planning Department so that the process could be streamlined.

Ms. Clark stated that the changes made to the Design Review process had allowed many more projects with de minimus impacts to be reviewed administratively over the counter. Notices were still going out to neighbors and oftentimes additional conditions were added after comment, and that process was reducing the amount of time and money spent by applicants for approval of small matters.

Chairperson Marnane wanted to see that priority continued. He emphasized that the Town needed business and there had to be some way to fill empty storefronts.

Ms. Clark advised that property taxes and sales taxes were the two main economic contributors to the Town.

Commissioner Kovac noted that most people shopped online. He verified that the Town received one percent from on-line businesses.

Motion by Commissioner D'Arcy, seconded by Commissioner Woehleke to forward the Annual Planning and General Plan Implementation Report to the Town Council. The motion carried by the following vote:

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

7. REPORTS

A. Planning Commission

Chairperson Marnane noted the comments he had gotten about the parking in and around the Rheem Shopping Center, 24-Hour Health, Chef Chao and the like and referred to a potential new housing development next to the Rheem Theatre. As such, he requested that staff agendaize the general issue of parking in and around the Rheem Shopping Center for discussion.

Ms. Clark stated that staff would provide the current parking regulations, how parking demand was calculated, the various agreements in place with respect to shared parking, and how parking could be addressed.

Chairperson Marnane also emphasized the need for training and suggested that the training include The Brown Act. He took this opportunity to remind Commissioners to identify themselves for the benefit of the minute taker.

Commissioner Kovac commented that after listening to the recordings of some of the Planning Commission meetings, he had found a lot of background noise in the recordings.

Ms. Clark concurred that there was significant background noise on the recordings and the minute-taker appreciated the care taken to avoid rustling papers and the like given the difficulty in being able to hear the proceedings.

Commissioner Woehleke stated that the League of California Cities produced a good brochure on The Brown Act.

Ms. Clark explained that The Brown Act would be a good topic for discussion by the Commission at another meeting.

B. Staff

Ms. Clark reported that the continued public hearing for the City Ventures appeal would be considered by the Town Council at its April 8 meeting, along with contract amendments for the Development Impact Fee Study; and completion of the Hillside and Ridgeline Steering Committee process, noting that former Commissioners Comprelli and Levenfeld would continue to serve on that Committee to represent the Planning Commission. She added that the Saint Mary's College (SMC) lighting appeal had been continued to a Town Council meeting in May.

8. ADJOURNMENT

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

A Certified Correct Minutes Copy

Secretary of the Planning Commission

