TOWN OF MORAGA
PLANNING COMMISSION MEETING

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

August 17, 2015

7:00 P.M.

MINUTES

1. CALL TO ORDER

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

A. ROLL CALL

Present: Commissioners D'Arcy, Kovac, Mallela, Woehleke, Vice Chairperson Kuckuk

Absent: Commissioner Carr, Chairperson Marnane

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

Randy Rasmussen, 251 Birchwood, Moraga, reported that he had spoken with the Planning Director regarding SummerHill Homes' project; had been attentive to the project once started; and reported that the contractor had cut two large roads into the hillside, which he understood had not been authorized. Having spoken with Town staff and urged to contact SummerHill Homes Project Manager, he had been informed an East Bay Municipal Utility District (EBMUD) road could not be used due to concerns with a water main. As a result, a cut had been made to bring dirt to the bottom portion of the site and the contour of the hill would be repaired once the work was complete. He asked that the Planning Commission investigate the situation which he suggested was a major discrepancy from the approved plans.

Planning Director Ellen Clark recommended that the issue be agendized for a future Planning Commission agenda as a follow-up item for discussion, for the Planning Commission meeting of September 8, 2015.

Rich Scarpetti, 920 Camino Ricardo, Moraga, who had been involved with the planning of the Moraga Center Specific Plan (MCSP) and the SummerHill Homes project stated he had also spoken with the staff of both Planning and Public Works Departments regarding concerns with the SummerHill Homes development, and expressed concern with the lack of Town supervision of the project, particularly the Public Works Department. While he recognized the limited staff resources, he expressed concern with dirt in the street, lack of street sweeping, and the fact an outer fence with a wind screen was to have been installed on the property. His and his neighbors' homes had been covered with dirt, air quality was a concern, the street was an eyesore, parking for the workers on-site had impacted the neighborhood, and he urged the off-loading of construction materials to occur on-site. He asked the Town to enforce its regulations. He added that he had videos and photographs to share with the Planning Commission to illustrate what was occurring on the property.

Lynda Deschambault, Moraga, Executive Director, Contra Costa County Climate Leaders, reported that a seminar had been held in June on the use of electric vehicles where the 19 cities in Contra Costa County had been rated for their electric vehicle charging stations, and County versus State requirements/regulations for electric vehicles. All information was available on the Contra Costa Climate Leaders website and on Contra Costa County Supervisor John Gioia's website. She suggested the Town of Moraga would do well to consider the use of electric vehicles. Contra Costa County Climate Leaders had also been asked to provide information on zero percent financing options for city-owned facilities to update electric or water efficiencies.

3. ADOPTION OF CONSENT AGENDA

A. July 20, 2015 Minutes
B. August 3, 2015 Minutes

Commissioner Woehleke requested an amendment to the second to last sentence of the first paragraph on Page 13 of the July 20, 2015 Minutes, as follows:

> *In this case, the fence met the requirements of the MOFD, and even if did not meet the 20-foot width requirement, the property owner had provided a turnaround.*

On motion by Commissioner Woehleke, seconded by Commissioner Mallela to approve the Consent Agenda, with the modification to minutes of the July 20, 2015 meeting, as stated. The motion carried by the following vote:

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

4. ADOPTION OF MEETING AGENDA

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

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

5. PUBLIC HEARING

A. Harvest Court Subdivision Sales Office (Camino Ricardo Subdivision 9321)

Consider Approval of PC Resolution __-2015 for a Conditional Use Permit (UP 07-15) for the Temporary Use of Lots 11, 12, and 13 of the Harvest Court (formerly Camino Ricardo) Subdivision as a Sales Office and Model Home Facility and Associated Signage (PD-3-DUA-ENS)

Associate Planner Ella Samonsky presented the staff report dated August 17, 2015 for consideration of a Conditional Use Permit (UP 07-15) for the temporary use of Lots 11, 12, and 13 of the Harvest Court (formerly Camino Ricardo) Subdivision as a sales office and model home facility and associated signage. Due to the project's consistency with the Zoning Ordinance and General Plan, with minimal impact on surrounding properties, she recommended that the Planning Commission adopt Planning Commission Resolution No. __-2015 approving Conditional Use Permit UP 07-15 pursuant to Section 8.52.040 of the Moraga Municipal Code (MMC) subject to Conditions of Approval included in Attachment A to the staff report.

Commissioner Kovac clarified with staff that the six pole-mounted banners would not be illuminated.

Denise Cunningham, SummerHill Homes, 3000 Executive Parkway, Suite 450, San Ramon, thanked staff and the Chair for their efforts throughout the process that had been ongoing for a few years with collaboration between the community and the Town. She reported that SummerHill Homes was close to completion of the grading, which she characterized as a large effort with a great deal of off-haul. She added that SummerHill Homes had worked with, and would continue to work with the neighbors and had received positive comments as well as concerns with the development.

Ms. Cunningham offered a rendering of the temporary sales office building built with an overview of the site, identified the location of the model homes near the entry, and described the importance of the location of the models to separate construction traffic from visitors to the community. She offered an example of the construction phasing; the first, second, and third phases of the homes for sale; and explained that as they moved forward the construction fencing/barricade would be moved up with each phase to separate visitors to the community from construction.

Ms. Cunningham reported that construction fencing would be re-installed but had been removed due to work on retaining walls and drainage facilities. The sales studio would appear to be permanent, would be welcoming to the community, and would serve as the sales office, with parking and pedestrian circulation provided for visitors to the model homes.

Three types of signage had been proposed, including billboard, informational, and banner signs, with the project to pay honor to the site and the community, with the name of the community to be Harvest Court, and through the use of a pear as a logo on the signage.

Ms. Cunningham clarified in response to Commissioner Woehleke that SummerHill Homes planned to open the project in early 2016. The sales office and parking would use the same access as the construction, however the public would not be allowed to drive through the construction zone, and construction fencing would provide that separation as much as possible. There were no plans at this time for a flag man, although there was a Construction Management Plan on file with the Town, and if there was an issue it could be upgraded as necessary. A total of four A-frame signs would likely be proposed.

Dan Hale, Hunt Hale Jones Architects, reported that the trailer would be rolled into a pit, wheels would be underground, there would be a temporary retaining wall, and the trailer would appear as if it sat flush to the ground. It would be an existing trailer with enhanced porch and roof elements and a temporary walk at the front, along with a temporary trellis at the back be painted with fresh paint and new wood trim.

Ms. Cunningham affirmed that the trailer had been used by SummerHill in the past. She clarified in response to Commissioner Mallela that once the model homes had been sold, the pad to be used by the temporary model home sales trailer would be regraded and a home would be built on the lot.

PUBLIC COMMENTS OPENED

Rich Scarpetti, 920 Camino Ricardo, Moraga, questioned where the banners would be placed on Camino Ricardo; the banner height and the potential to distract drivers; the appearance of the trailer from the rear; whether the five parking spaces would also include employee parking for the temporary sales office; the adequacy of the parking for the sales office; whether Lot 13 could be used as a parking lot with one of the model homes used as the sales office; and expressed concern with the potential for traffic impacts between construction activities and the proposed hours of operation for the sales office. He urged consideration of appointment only or a reduction in the hours of operation during the week for the sales office. He otherwise expressed concern with the use of banners given the semi-rural neighborhood, and while a new development, he had not seen the use of banners other than for commercial development. He suggested the other signage that had been proposed would be more than adequate.

PUBLIC COMMENTS CLOSED

Ms. Cunningham acknowledged that oftentimes the garage of a model home was used as a temporary sales office, although that was not being done in this case given the hillside and difficulty in providing Americans with Disabilities Act (ADA) accessibility. The temporary trailer sales office would allow ADA access to be met. The hours of operation for the sales office would be 10:00 A.M. to 5:00 P.M. Tuesdays through Sundays, and 3:00 P.M. to 5:00 P.M. on Mondays, with minimal staff on-site.

Sales office staff would utilize the parking spaces along with visitors, and on busy days parking was available on Willowbrook Lane. Parking would be sufficient for the number of people anticipated.

Ms. Cunningham expressed a preference not to limit the hours of operation or conduct business by appointment only given the business model and the desire to be flexible to allow people to visit the site when able. She also noted that the banners had been tastefully designed in compliance with the Town's code in terms of size and height, with no embellishments other than the pear logo.

Shari Van Dorn, Landscape Architect, clarified for Commissioner D'Arcy that a portable ceramic smoker barbeque element, would be located in the rear yards for staging.

Ms. Cunningham added that there would be a substantial landscaping at the rear of the building with a nice trellis, which area would be visually pleasing on both sides of the trailer.

Commissioner Woehleke sympathized with the neighbors who had been living with the ongoing project and the site preparation, which could be messy. He was confident that once the roads had been completed those problems would be mitigated. He supported approval of the Conditional Use Permit.

Commissioner Mallela recognized that the project had been ongoing and the application would move the project forward. He had no issues or other comments with respect to the application.

Commissioner D'Arcy acknowledged the concerns with the dirt and dust but had no questions with respect to the application.

Vice Chairperson Kuckuk also had no issues with the approval of the model sales office, which was consistent with prior approvals for development.

On motion by Commissioner Woehleke, seconded by Commissioner Kovac to adopt PC Resolution __-2015 approving UP 07-15, a Conditional Use Permit for the temporary use of Lots 11, 12, and 13 of the Harvest Court Subdivision (SUB 9321) as a sales office and model home facility and associated signage, subject to conditions. The motion carried by the following vote:

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

Vice Chairperson Kuckuk 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. Chapter 8.92 (Animals) Municipal Code Amendment

Study Session to consider and discuss amendments to Chapter 8.92 (Animals) and Section 8.04.020 (Definitions) of Moraga Municipal Code Title 8, Planning and Zoning to Allow for Keeping of Small Farm Animals in Residential Districts

Associate Planner Brian Horn presented the staff report dated August 17, 2015 for a study session to consider and discuss amendments to Chapter 8.92 (Animals) and Section 8.04.020 (Definitions) of Moraga Municipal Code Title 8, Planning and Zoning to Allow for Keeping of Small Farm Animals in Residential Districts. He asked that the Planning Commission discuss and provide direction to staff on the proposed changes and solicit feedback from the public.

PUBLIC COMMENTS OPENED

Wendy Scheck, 338 Birchwood Drive, Moraga, reported she and her husband were beekeepers and had spent a great deal of time researching best practices in working with their bees. One of their hives was tested monthly by a biologist as part of a national study directed by the University of Florida to provide basic research on pesticides and colony collapse disorder. She was pleased the Town Council had directed staff to consider updates to the ordinance, which would enhance local food production, and suggested staff had taken a reasonable step by contacting the Lafayette Planning Department to use its recent ordinance as a template for Moraga; however, rather than use the ordinance as an educational step or promote beekeeping, the ordinance contained quite a few arbitrary parameters which would make becoming a beekeeper more difficult.

Ms. Scheck detailed the criteria important for beekeeping and the placement of hives, which should be taken into consideration for the ideal placement of hives on a site. She offered a printout from the United States Department of Agriculture (USDA) listing what should be done in the event an individual was stung by a bee. She sought a more practical ordinance, recommended consideration of allowing non-aggressive honey bees on all lot sizes along with the registration of an apiary in the Town as a requirement. In addition, that all new beekeepers be asked to contact the local beekeeping association to find an experienced beekeeper to identify appropriate placement and size of an apiary, with ongoing education. As an established beekeeper in Moraga, she expressed the willingness to meet with Town staff to craft a more effective ordinance and be a resource to interested beekeepers in Moraga.

Andy Scheck, 338 Birchwood Drive, Moraga, offered an example of a sample bee hive. He also spoke to the background of beekeeping and the efforts to preserve hives from the impacts of pesticides, diseases, and parasites. He identified the statistics for the lifespan of bee hives, detailed his family's history and efforts in beekeeping with the establishment of a small backyard apiary, expressed concern with the ordinance and its limitation in establishing a sustainable small backyard apiary, and urged an ordinance which would allow beekeepers to provide pollination to their neighbors who would like to grow food in their backyards.

Mr. Scheck also sought an ordinance to educate the public on the minimal risks that bees and their stings have and asked that the bees not be defined as monsters. He urged the Planning Commission to consider an ordinance that was not harsh, would not harm the Town's semi-rural character, but would allow the establishment of small backyard apiaries. Rather than use the City of Lafayette's ordinance as a template, he urged consideration of regulations used by the City of San Francisco, which held bees to be harmless, with minimal risk of stings, and with no ordinance needed. He suggested that every neighborhood should be allowed to have some bee hives and allow bees to pollinate the plants.

D.K. Reynolds, 359 Donald Drive, Moraga, expressed shock that chickens could be allowed on small lots given the impacts from noise, odor, and potential health and environmental impacts. She understood that residents were currently not following the Town's regulations, and expressed concern that if the ordinance was adopted residents would feel entitled to have chickens or other animals. She questioned how the ordinance would be enforced, how many chickens would be allowed on a property, who would ensure that chicken coops were maintained, and the like. She urged reconsideration of allowing small farm animals in small neighborhoods which could change the existing environment of the Town.

Responding to how the Town would conduct enforcement of the ordinance, Mr. Horn explained it would likely occur through a complaint basis, with the potential for an administrative citation to be issued pursuant to MMC regulations.

Planning Director Ellen Clark and Associate Planner Ella Samonsky affirmed that the Town Council had adopted an Administrative Citation procedure in the last year and any violation of the MMC was subject to the criteria contained in the citation procedures. Enforcement could also be considered through the Town's Nuisance Abatement process. Staff was aware that some residents currently kept chickens and therefore did not comply with the Town's regulations. The enactment of the ordinance would require compliance.

Mr. Horn added that there were some exceptions for small farm animals pursuant to the criteria in the ordinance, although there was no exception for 4H animals in that all small farm animals would be treated equally.

Responding to the Commission, Ms. Samonsky reported that the Town had not issued any citations in the last year for the keeping of small farm animals.

Mr. Horn acknowledged that size, smell, and odors from keeping small farm animals would be difficult to regulate.

Ms. Clark noted that the Town's Noise Ordinance applied a "reasonable" person standard and a similar approach would be taken to odors. She acknowledged that most chickens were enclosed in a coop during the evening and affirmed the Town did not provide animal services; i.e. in response to potential abuse. Animal services enforcement was provided through Contra Costa County.

John Kiefer, 3441 Blackhawk Road, Lafayette, explained that he had assisted the City of Lafayette in its process and had been assisting Associate Planner Horn in moving forward to update the Town's code for the common interest of Moraga residents.

Mr. Kiefer reported that he had offered a chicken workshop since 2010, which had been well attended, where he taught about raising chickens and sustainable chicken coops. He detailed the criteria for a sustainable chicken coop to ensure there was no odor from the animals along with the methods used to prevent rodents and predators from entering the coop.

Patrick Eames, 1152 Larch Avenue, Moraga, reported that his family had visited chicken coops in Davis, California; and had found the chicken coops he had seen to be well maintained, offering an opportunity for a family to do something together.

Cindy Hann, 1171 Larch Avenue, Moraga, explained she had chickens for a long time, and while she understood the concerns with those who were not experienced with small farm animals, she found that most people who owned small farm animals were responsible and did not want the negative impacts to their homes. She found chickens to be a great project for children and adults, and the chicken coops offered an opportunity for eggs to be used by the family and shared with neighbors.

Rob Lucacher, 15 Gloria Court, Moraga, while not the owner of chickens, had become involved in the issue since he lived in a semi-rural community where everything was discussed to adhere to the semi-rural lifestyle. He suggested the ability to have and effectively manage small farm animals was important. He commented that similar issues had been discussed as part of the clean air and sustainability programs, and understood that the problem was not odors and rodents but bringing the activity people wanted to do themselves and with their children into the forefront. He suggested with the right management program, such activities would benefit the community and educate children. He urged compliance with the Climate Action Program (CAP), good management practices, and appropriate controls.

Lynda Deschambault, Moraga, suggested that many people were not present because they were afraid. She noted the fact that she had been cited with a misdemeanor on her record for having two chickens in her rear yard in 2007 in response to a complaint and she too was fearful to speak on the issue at this time given that past complaint. She commented that since 2003, cities such as Oakland and San Francisco had allowed chickens on porches and roofs, and that the Town as Moraga should also allow the keeping of small farm animals. She supported an opportunity to find a way to develop and allow hundreds of people to keep small farm animals. She otherwise recommended that hens be separated from livestock. She commented that the City of Pleasant Hill had considered hens to be similar to dogs and cats, and had reclassified its ordinance to allow hens as domesticated pets. She emphasized that most people were sustainable, smart, and responsible.

In terms of enforcement, Ms. Deschambault referenced a problem with a constantly barking dog in her neighborhood with no ability for enforcement. She suggested the ordinance would allow enforcement through a meaningful way that made sense, and in a sustainable way for those desirous to live a sustainable lifestyle, which involved

numerous health benefits to families. She added that Contra Costa County Climate Leaders had distributed a fact sheet on sustainable living in 2003, which had been updated in 2007, and which was available on-line on its website.

Carol Ross, a resident of Walford, Drive, Moraga, reported that she had acquired chickens over six years ago, had spoken to her neighbors, and was unaware of any complaints. Her chickens had garnered interest from family, friends, and neighbors. She added that there was no odor involved when there was a commitment to maintenance, the fresh eggs were fantastic, and she would be pleased if the ordinance was adopted.

Steve Aline, Moraga, was pleased to be able to raise his family with chickens, and to make his family aware where food came from, which was healthy for his family and which he found to be common sense. He was also pleased to have heard from those who had contributed in such sustainable living longer than he had, including the beekeepers, and suggested the ordinance should be informed by those who had that experience.

An unidentified individual spoke to the benefits of small farm animals, including bees, and the health of the entire eco-system important to many other species.

In response to Commissioner Kovac, Mr. Scheck explained the process in the event of bee colonization, or swarm mist, and the contact information for beekeepers who could address the situation.

Commissioner D'Arcy stated that as someone who had been raised half on a farm and half in the city, the ordinance would be a good thing. She suggested it would be good for children, the environment, the cycle of life, and good for children and adults to work together.

Commissioner Mallela understood there had been few complaints with small farm animals in Moraga. He suggested it was not a significant issue and he questioned the number of small farm animals on the identified parcel sizes, whether a maximum square footage was necessary to be identified as outlined in the staff report, and sought more information on where those numbers had originated. He found the issue to be more of ensuring that what residents were doing fit within the Town's ordinance, and ensuring that there was a process to follow.

Commissioner Woehleke commended staff and the Town for addressing the issue, recognized the strong demand and desire to raise chickens and bees in Town, and expressed concern with enforcement and hoped staff would consider all input received. He questioned whether rear yards would become smaller relative to lot and house size, with lot size possibly not the only criteria to be used, but possibly the minimum square footage of a rear yard which could be addressed through the setting of a minimum lot size. If the ordinance was implemented, he suggested it be done for a test period to ensure that everything was working.

Commissioner Kovac suggested that enforcement was an issue and that the language in the ordinance pertaining to Section 8.92.080 Beekeeping should be revised. He did

not agree that someone had to prove he or she could be at risk if stung by a bee. He suggested a lower barrier to demonstrate that one was allergic to bees, with enforcement done more fairly. He suggested the beekeepers in the community could help staff to re-draft the ordinance.

Mr. Kiefer detailed the rationale for how the City of Lafayette had enacted its ordinance, specifically related to beekeeping, which had led to the requirement for a permit for beekeeping and the validity to those who wanted to keep bees.

Mr. Scheck pointed out that beekeepers had the freedom to keep bees the right way. If the bees were unbalanced or distressed, they could become aggressive and dangerous.

Vice Chairperson Kuckuk fully supported the ordinance as consistent with the General Plan. When proceeding, she wanted to ensure that the ordinance was revised in an orderly manner to incorporate the science, to avoid the arbitrary, and to avoid imposing permits for anything that added no value or posed additional risk to the community. She supported restrictions on keeping chickens similar to the restrictions for keeping dogs. She urged staff to consider the comments provided, particularly those related to beekeeping, to avoid the hazards and avoid the creation of an arbitrary system.

Ms. Clark affirmed that staff could reach out to the beekeeping community to consider revisions to the ordinance to ensure that regulations made sense, such as maintaining the health of the hives.

Vice Chairperson Kuckuk declared a recess at 8:52 P.M. The Planning Commission meeting reconvened at 9:00 P.M. with Commissioners D'Arcy, Kovac, Mallela, Woehleke, and Vice Chairperson Kuckuk present.

B. 1015 Country Club Drive

Study Session to consider a Conceptual Development Plan for a 5-unit, Small-Lot, Detached Single-Family Residential Subdivision (SO, ENS)

Ms. Samonsky presented the staff report for a study session for consideration of a Conceptual Development Plan for a 5-unit, Small-Lot, Detached Single-Family Residential Subdivision, to be located at 1015 Country Club Drive. She asked that the Planning Commission discuss the proposed land uses and development standards, provide comments to staff and the applicant, and solicit comments from the public.

Commissioner Woehleke clarified with Ms. Clark that the types of housing and development standards identified in the Moraga Center Specific Plan (MCSP) Area did not establish specific characteristics for senior housing and workforce housing in the 12-20-dwelling units per acre (DUA) zone.

Commissioner Woehleke does not agree with ignoring written expectations of the Specific Plan. This is a discrepancy that needs to be addressed.

Ms. Clark acknowledged that in the MCSP as a whole, there was an intent that the housing types produced by the densities in the MCSP would be more conducive to

providing units that were affordable to typical members of the work force in Moraga, with "affordable housing" a specific term. In the absence of a requirement in the MCSP that stated a portion of, or all of the units needed to be below market, she disagreed with Commissioner Woehleke's interpretation related to the MCSP.

Ms. Clark stated her interpretation of the MCSP was that the more compact housing types/units by virtue of their smaller size were generally more affordable. She acknowledged a request that more research be done on the issue of work force and active senior housing.

Commissioner Woehleke also clarified with Ms. Samonsky the rear, front, and sideyard setbacks. The front yard setback would be eight feet from the porch of the unit for Lot 5; the property line would be located in the center of the shared driveway; the setback would be measured from the middle of the driveway; and each unit would have a certain portion of the driveway individually owned as a private street. Staff also acknowledged concerns the Via Moraga project's building separation and setbacks had been referenced in the staff report, although the Planning Commission had asked that it not be used as a precedent for development in Moraga.

Commissioner D'Arcy clarified with Ms. Samonsky that the Mixed Office/Residential District in the MCSP allowed a density of 12 to 20 DUA. If the project were reduced to four units it would be below the allowable 12 to 20 DUA. The parcel to the north was a separate parcel in the MCSP area with a 6-DUA zoning designation. For the subject parcel, Residential was one of the allowed uses although it was not clear whether horizontal or vertical Mixed Office/Residential.

Doyle Heaton, DRG Builders, Inc. Falcon Point Associates, LLC, 3496 Buskirk Avenue, Suite 104, Pleasant Hill, stated he had appeared before the Planning Commission on June 15, 2015 for the first study session, at which time a seven-unit, three-story development had been proposed. The project had now been reduced to five units and two stories, and the project architect was present to make a presentation.

Ed Novak, Project Architect, presented exhibits to illustrate the proposed architecture and articulation for the small lot housing project. Given the limited space, they needed to get as much housing as possible into a compact footprint that would meet the market demands and housing needs in the Town. Simplified structures had been proposed, which were boxy because of the limited footprint, to provide 10-foot minimum building separations, minimum 10 foot setback around the property with the exception of one-story elements on two of the homes, and to provide usable yard space of 10 to 12 feet by 20 to 30 feet. The design was also eco-friendly.

The homes would use less structural material consumption with plane offsets from the first and second floors; the roof areas would be a small compact footprint and would appear large although still small and barely large enough to accommodate solar panels; and the units would be pre-plumbed from the service panel to the roof. The homes would be energy efficient with less leakage, and with better air quality. The side elevations would have one-story elements nested against the two-story wall plates, with a separation of building materials on the same wall plane to offer a visual break from the

two-story wall plane from the back of the homes. Solar opportunities would be provided on the gables if the project moved forward.

The elevations along Country Club Drive would have nested one-story porches along the two-story wall planes to break it up, and the third floor of the three-story buildings would be nested within the roof structure with an eave line off the second floor, to be carried out to the corners of the third floor to allow large dormer elements out of the roof top. At the urging of staff and in order to achieve the 10-foot distances along the side and rear of the property, elements projecting off the two-story walls had not been proposed, although the two-story wall with the window pattern was not an overly large mass at 23 feet in length by 20 feet in height and would not be out of scale with other development in the area.

The property line had been proposed to travel down the center of the drive aisle with the project to have a Homeowner's Association (HOA) to cover the common area landscaping and maintenance of the drive aisle, with everyone to own the land under the drive aisle pursuant to the covenants, conditions, and restrictions (CC&Rs) for the project, and to allow resident and guest access across the drive aisle to access parking spaces. A minimum amount of concrete or asphalt paving across the center section with pavers along the edges had been proposed to generate the queue for pedestrians to the front doors of the units along Country Club Drive. The setback would be 12.5 feet from the property line.

Mr. Novak commented that if the Planning Commission was ready to allow the project to move forward, the developer was prepared to create three dimensional models and renderings to show how the project scale would blend into the community. He suggested the existing vegetation and trees along the southeastern border would tower over the proposed homes to create a barrier separation between commercial development and the homes. He sought input from the Planning Commission.

PUBLIC COMMENTS OPENED

Larry Pines, owner of commercial property located at 1036 Country Club Drive, Moraga, questioned the densities being allowed in the MCSP area. He suggested the project was very dense, imposingly tall, angular, and aesthetically jarring. He questioned whether the project would blend in with the adjacent veterinary building and the north and south neighbors. He expressed concern for the density and its effect on the semi-rural environment, commented on the changes in the community over the years, the approval of recent high density projects, suggested the project was too tall, and urged the Planning Commission to be the protector of the quality of life in the community.

Dan Riker, Moraga, echoed Mr. Pines' comments, and while he understood the property could be developed commercially, he understood it would not work financially for commercial development. He too found that the homes would be too tall, the parking would be inadequate, and existing traffic could be further impacted resulting in safety concerns.

PUBLIC COMMENTS CLOSED

Commissioner D'Arcy opposed the density and height and the fact the project, as proposed, would not fit into the neighborhood which contained one-story offices. Given that the land was flat, Commissioner D'Arcy suggested the homes would stick out. She also opposed the boxy appearance and questioned the project's energy efficiency.

Commissioner Kovac understood the intent of the MCSP to provide work force and senior housing, which had been the driving force in the approval of the MCSP, but with no real delivery mechanism placing staff, the Town Council, and the Planning Commission in a difficult position. He suggested the direction was not clear between the MCSP and the General Plan, and cited the designation of Suburban Office in the MCSP and his understanding there had been an Office development project submitted in the past which had not moved forward. He also cited the definition of Mixed Office/Residential zoning in the MCSP, which the project did not appear to meet. He clarified with staff there was a rendering to show the views from Country Club Drive and to show the front of the two units that would face Country Club Drive.

Commissioner Kovac clarified that no three stories would face Country Club Drive and the south views would face the veterinary building. He questioned where solar panels could be installed given the rooflines, although the architect noted that solar panels would have to be placed on the dormers of the three-story elements.

Commissioner Kovac also expressed concern with the side circulation, sidewalks, and where there would be interaction between vehicles and pedestrians.

Ms. Samonsky identified the shared pedestrian and vehicle entrance to be used by site residents and visitors.

Commissioner Kovac expressed concern with the lack of a sense of community, which had been called for in the MCSP, although the MCSP had not defined how that could be achieved. He questioned how the project would contribute to the sidewalk, landscaping, and pedestrian orientation activities pursuant to the MCSP guidelines. He also understood the veterinary office also conducted surgeries, with boarding at the facility, and suggested the nighttime noises from the veterinary office could be an issue for new homeowners. While he recognized the realities of the zoning, he suggested those realities conflicted with the interpretation of the MCSP.

Commissioner Mallela understood a 45-foot maximum height was allowed in the MCSP for Mixed Office/Residential, and clarified with staff that the MCSP had not differentiated between Commercial versus Residential development. The project proposed a 35-foot maximum height. He also referenced the staff report and the discussion of the project within the scenic corridor and again clarified with staff that the 6-DUA referred to most of the Town's multifamily zoning districts, with most of those zoning districts developed at two stories, ranging from 24 to 30 feet in height.

Commissioner Kovac suggested a topographic rendering of the project would be beneficial in the future.

Commissioner Woehleke expressed concern this was the second time the Planning Commission had been asked to provide input in a study session format.

Ms. Clark explained that the applicant was seeking direction from the Planning Commission as the decision making body on a project; whether the Planning Commission could support the project acknowledging the concerns with respect to density, height, and massing. She referenced the Via Moraga Subdivision where it had been difficult to pin down what was an acceptable project in the eyes of the Planning Commission, and explained in this case the applicant had proposed a detached, single-family residential project consistent with the MCSP Area.

Commissioner Woehleke suggested the Planning Commission was taking a shotgun approach with the application. He recognized the hurdles involved and the desire for the applicant to solicit input from the Planning Commission. He commented that he had visited the developer's website and he asked the applicant to expand on his experience and background.

Mr. Heaton stated he was a developer with a building partner, and planned to build the project with his building partner. His offices were headquartered in the City of Pleasant Hill. He described some of the developments for which he had been involved, which included a project near the downtown Walnut Creek Bay Area Rapid Transit (BART) station.

Commissioner Woehleke sought examples of other projects built by the developer that represented the quality and layout that had been proposed for the subject development, particularly those in the area the Planning Commission could visit. He saw no opportunity for viewscapes with the proposed design, which he suggested was a characteristic of quality of design. While recognizing the difficultly with the site, he questioned the lack of amenities to be provided to high-end buyers.

Mr. Heaton explained that interior upgrades would be provided and back yard amenities had been proposed to include barbeques.

Commissioner Woehleke also questioned how a sense of community would be provided for the project. He suggested a variation in height should be considered with no more than two, two-story homes located adjacent to one another. He understood the homes would be marketed towards empty nesters, although accessibility would have to be addressed. He also understood the units would not have elevators. Given the criteria in the MCSP, he asked staff when active senior and workforce housing would be envisioned.

Commissioner Woehleke suggested the project was inconsistent with anything else in Moraga, and while he did not suggest he could not support the project, he needed a good reason to do so. He also questioned the zero setback on the drive aisle and expressed a preference for an attached multifamily configuration given the setback requirements.

Vice Chairperson Kuckuk recognized the difficult site with a MCSP designation of Mixed Office/Residential. She suggested it was essential to obtain clarification from staff and

the Town Attorney regarding the categorization versus designation of work force or senior housing. Based on her reading of the MCSP, she saw it as a categorization or a description and not a designation of requirement although it was imperative to obtain clarification on that issue.

Based on her calculation for the density of the lot, Vice Chairperson Kuckuk had calculated a total or four residential units based on 4.4 units, which she had rounded down. She remained concerned with the height of the units versus stories and suggested that anything in the rear of the property would loom over the lot located to the north. Based on the site plan, she questioned why the parking had not been situated at the rear to push it away from the edge, and she wanted to see what else could be done to mitigate that issue. She also expressed concern with the intersection of Moraga Road/Moraga Way where the back side of the lot was largely visible and upslope, with a long view of the scenic corridor.

Vice Chairperson Kuckuk disliked the fact the property was not pedestrian friendly with no sense of community. She referenced the construction of a unit built prior to the Town's incorporation located at the corner of Moraga Road/Moraga Way, and stated she did not want to see that unit be a precedent for development in Moraga. While she did not oppose residential development, she expressed a preference for multiple units as opposed to one large office building. Although the MCSP had spoken of senior and work force housing, there was a desire in the community for single-level living units, which did not mean one would not take an elevator to a second floor. She also expressed concern with residential nestled between two office buildings when the community had stated over and over it wanted level housing and wanted to downsize.

Mr. Heaton thanked the Planning Commission for its time.

7. REPORTS

A. Planning Commission

There were no reports.

B. Staff

Ms. Clark reported that the Planning Commission would next meet on Tuesday, September 8, 2015, for a Special Meeting, with upcoming agenda items to include a return of the Amendment to Chapter 8.92 (Animals) of the MMC; a study session on a project proposed for the Carr Ranch property, with staff to confirm the details for Planning Commissioners touring of the site; and a presentation and update of the Hillsides and Ridgelines Steering Subcommittee options.

Commissioner Woehleke expressed concern with the proposal for 1015 Country Club Drive given the different messages from the Planning Commission, and the fact the applicant would likely return with another iteration for a project the Planning Commission may or may not support. He sought a better way and suggested the process was unfair to the applicant. He suggested there should be an expectation that the project should be either active senior or work force housing.

Commissioner D'Arcy asked whether the Planning Commission had the right to tell a developer how to develop his or her land, to which Ms. Clark explained that the land use regulations of the Town, the MCSP, the General Plan, and the Zoning Ordinance expressed the will of the community on appropriate development in the Town.

Ms. Clark added that the Town Council and the Planning Commission could not dictate acceptance of a project application although there was latitude to guide a project to meet the Town's policy objectives through the discretionary review process.

Ms. Clark reported that the Design Review Board (DRB) meeting scheduled for Monday, August 24 had been canceled.

8. ADJOURNMENT

On motion by Commissioner D'Arcy, seconded by Commissioner Woehleke and carried unanimously to adjourn the Planning Commission meeting at approximately 10:27 P.M.

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Secretary of the Planning Commission