



Meeting Date: January 20, 2016

TOWN OF MORAGA

STAFF REPORT

To: Planning Commission

**From: Ellen Clark, Planning Director
Ben Noble, Contract Planner**

Subject: Hillsides and Ridgelines Project: Preferred Policy Options

REQUEST

The Planning Commission is requested to receive a status report on the Hillsides and Ridgeline project and provide comments on Steering Committee recommendations on preferred options to address key project issues, to be forwarded to the Town Council for discussion.

At this January 20, 2015 meeting the Planning Commission will discuss preferred options to address the following six key project issues:

- MOSO Open Space Map
- MOSO Ridgeline Map
- Definition of Development
- Steep Slope Limitations in MOSO Open Space
- High Risk Areas Map
- Remediation of High Risk Areas

The Planning Commission will continue its discussion of the Hillsides and Ridgelines project on February 1, 2016 to provide input on the following remaining issues:

- Viewshed Protection
- Ridgeline Definition and Mapping
- Protecting Ridgelines
- Viewshed Protection
- Hillside Development Permits
- Building Size on Large Lots

Also on February 1, 2016 the Planning Commission will discuss Planning Commission representation on the Hillsides and Ridgelines Steering Committee.

1 **BACKGROUND**

2
3 The Hillsides and Ridgelines project began in late 2013 with the goal of updating and
4 improving the Town’s regulations that apply to hillside and ridgeline areas, including
5 regulations that specifically relate to properties included in the Moraga Open Space
6 Ordinance (MOSO land), and other regulations applicable to protection of hillsides and
7 ridgelines more generally.

8
9 A consultant team, including Ben Noble and PlaceWorks, was retained to provide
10 technical assistance with the project; the Town Council also appointed a Steering
11 Committee including representative of the Town Council, (then) Planning Commission,
12 Design Review Board and Park and (then) Recreation Commission. The scope of the
13 project generally incorporates a similar approach for each project phase, including work
14 with the Steering Committee to develop and make recommendations, public
15 workshop(s) to receive community feedback, and consideration and recommendations
16 from the Planning Commission and Town Council at key milestones and “decision-
17 points.” Materials from the entire project, including public workshops and Steering
18 Committee meetings are available on the project web-site:
19 <http://www.moraga.ca.us/hillsides>.

20
21 The first stage of the project, completed in 2014, included a comprehensive analysis of
22 the Town’s existing hillside and ridgeline work with the Steering Committee, and public
23 outreach to solicit public input on the range of key issues to be addressed through the
24 project. The Planning Commission and Town Council reviewed and recommended the
25 final list of key issues in February and March, 2015.

26
27 Subsequently, in 2015 the staff and the consultant team analyzed and developed a
28 series of options to address the key issues, received public input on the options, and
29 received a recommendation from the Steering Committee on preferred options to
30 address key issues. Below is a summary of recent steps in the process to receive input
31 on options and select preferred options for the project issues.

32
33 **Planning Commission Meeting, September 8, 2015**

34 The Planning Commission most recently discussed the Hillsides and Ridgelines project
35 on September 8, 2015. At this meeting, the Planning Commission received an update
36 on the project status and provided comments on the options to address key issues in
37 advance of the public workshop on September 17, 2015.

38
39 **Public Workshop**

40 On September 17, 2015 the Town hosted a public workshop to receive input on seven
41 of the issues, focusing on those that had the broadest policy implications, and around
42 which there had been the most significant public debate. The workshop was attended
43 by approximately 50 residents, who identified preferred options using an Options
44 Workbook published in advance of the meeting (Attachment A). Working in small
45 groups, participants voted on preferred options with adhesive dots. Overall, most
46 participants expressed strong support for options to limit hillside and ridgeline
47 development and these areas in their natural state. A summary of workshop input is
48 provided as Attachment B.

1 Focus Groups

2 Godbe Research, an independent research firm retained by the Town, conducted four
3 focus groups, two each on October 1, 2015 and October 7, 2015. To the extent
4 possible, the focus groups were recruited to provide a balanced and representative
5 cross-section of Moraga residents. The focus groups tested options associated with four
6 issues: Non-MOSO Ridgeline Definition and Map, Ridgeline Protection, Viewshed
7 Protection, and Building Size on Large Lots. The focus groups on October 1, 2015 and
8 October 7, 2015 involved a more in-depth discussion of options to “protect” ridgelines
9 and viewsheds. Overall, input from the focus groups was similar to that received at
10 public workshop, in that most participants supported options that were more protective
11 of hillsides and ridgelines, and were more consistent in the way that those protective
12 regulations were applied to different properties, including both MOSO and non-MOSO-
13 designated lands. A summary of the focus groups’ results is provided as Attachment C.
14

15 Open Town Hall

16 The Town posted all issues and options as a public survey on Open Town Hall, the
17 Town’s on-line community discussion forum. A total of 42 participants provided input
18 through Open Town Hall, with results summarized in Attachment D (results can also be
19 viewed on-line at: www.moraga.ca.us/opentownhall.) Overall, results of the survey
20 were similar to input from workshops and focus groups
21

22 Steering Committee Meetings to Recommend Preferred Options

23 The Hillsides and Ridgelines Steering Committee met on November 4, November 11,
24 and December 16, 2015 to discuss options to address key project issues. See
25 Attachment E for meeting minutes. At these meetings the Steering Committee made
26 recommendations on a preferred option (or in some cases, where there was not
27 consensus, options) to be provided to the Planning Commission and Town Council.
28 These recommendations are included in the sections below.
29

30 **KEY PROJECT ISSUES: OPTIONS AND RECOMMENDATION**

31
32 The six key project issues for Planning Commission discussion on January 20, 2016 are
33 presented below. The discussion of each issue includes:

- 34 • A summary of the issue
- 35 • Options to address each issue as presented at the public workshop and to the
36 Steering Committee (for some issues there was a single recommended approach
37 rather than different options)
- 38 • Summary of public input on the options or recommended approach
- 39 • Recommendation from the Steering Committee of a preferred option
40

41 Additional information on some of the issues beyond what is presented in this staff
42 report can be found in the Options Workbook prepared for the workshop (Attachment A)
43 and the *Understanding Moraga’s Hillside Regulations* background report available here:

44
45 [http://www.moraga.ca.us/dept/planning/Hillsides/BackgroundReportDraft_Final_TrackC](http://www.moraga.ca.us/dept/planning/Hillsides/BackgroundReportDraft_Final_TrackChanges.pdf)
46 [hanges.pdf](http://www.moraga.ca.us/dept/planning/Hillsides/BackgroundReportDraft_Final_TrackChanges.pdf)
47

1 References to relevant pages numbers in each of these documents is provided in the
2 discussion of each issue below.

3
4 As noted, public input on the issues and options has generally expressed the strongest
5 support for those options that increase protections for open space, hillsides and
6 ridgelines, and maintain Moraga's scenic qualities. In the focus groups, many
7 participants favored making regulations for hillside and ridgeline protection more
8 consistent across the entire Town. The recommended approach presented below aims
9 to support this basic goal while balancing other policy considerations and limitations,
10 such as private property rights, and other General Plan and Town-wide policy goals
11 such as addressing geologic hazards, fiscal sustainability and economic development.

12
13 **MOSO OPEN SPACE MAP**

14 Moraga's official records include several maps that show the boundaries of MOSO
15 Open Space (as defined by the voter-approved MOSO Ordinance), including Exhibit A
16 of the 1986 MOSO Guidelines, the adopted Zoning Map, and General Plan Land Use
17 Map. MOSO Open Space areas are not shown consistently on all of these maps. For
18 example, a portion of the Bollinger property is shown as MOSO Open Space in the
19 Zoning Map but is not MOSO Open Space in the General Plan and MOSO Guidelines
20 map. (See Figure 1).

21
22 **Figure 1: MOSO Open Space Mapping Comparison**



28 Based on Town records, staff and consultants believe discrepancies in MOSO Open
29 Space boundaries are the result of the failure to update the physical Zoning Map
30 consistent with the MOSO Ordinance and Zoning Code amendments adopted in 1998
31 intended to rectify these differences.

1 Options

2 The Town did not prepare multiple options to address this issue. Instead, staff
3 recommended and Steering Committee agreed that Town staff and consultants should
4 prepare a corrected version of the MOSO Open Space map that would be used for the
5 General Plan Land Use Map, the Zoning Map, and MOSO Guidelines Exhibit A.

6
7 Public Input

8 The Town received public input on this issue through Open Town Hall – the issue was
9 not discussed in the workshop or focus groups. Comments generally support the
10 steering Committee recommendation to create a single consistent map of MOSO Open
11 Space that is consistent with the MOSO Initiative.

12
13 Steering Committee Recommendation

14 The Steering Committee recommends revising the Zoning Code Map consistent with
15 the 1998 General Plan and Zoning Code amendments, which would remove the MOSO
16 Open Space designation from the Bollinger property and make a number of other
17 similar mapping changes to achieve consistency with the MOSO Guidelines map.
18 Recognizing the capacity of modern GIS-based software that was not available at the
19 time the MOSO maps were created, the Steering Committee also recommended
20 making some other minor revisions to the mapped MOSO Open Space boundaries, for
21 example to correspond to established property lines, and reflect development patterns
22 as they exist (e.g. established subdivision boundaries), to the extent such changes
23 would remain consistent with the MOSO Initiative and the intent of the voters when the
24 initiative was approved.

25
26 A draft MOSO Open Space map consistent with this recommendation is provided as
27 Attachment F.

28
29 **MOSO RIDGELINE MAP**

30 Different Town maps that show the location of ridgelines in MOSO Open Space are not
31 consistent. In particular, MOSO Guidelines Exhibit B shows the furthest northwest
32 extent of Indian Ridge as a Minor Ridgeline. Maps prepared by the Town based on the
33 definition of Major Ridgelines in the MOSO Initiative shows the full extent of Indian
34 Ridge within Town limits as a Major Ridgeline (See Figure 2).

35
36 Options

37 The following options were identified to address this issue:

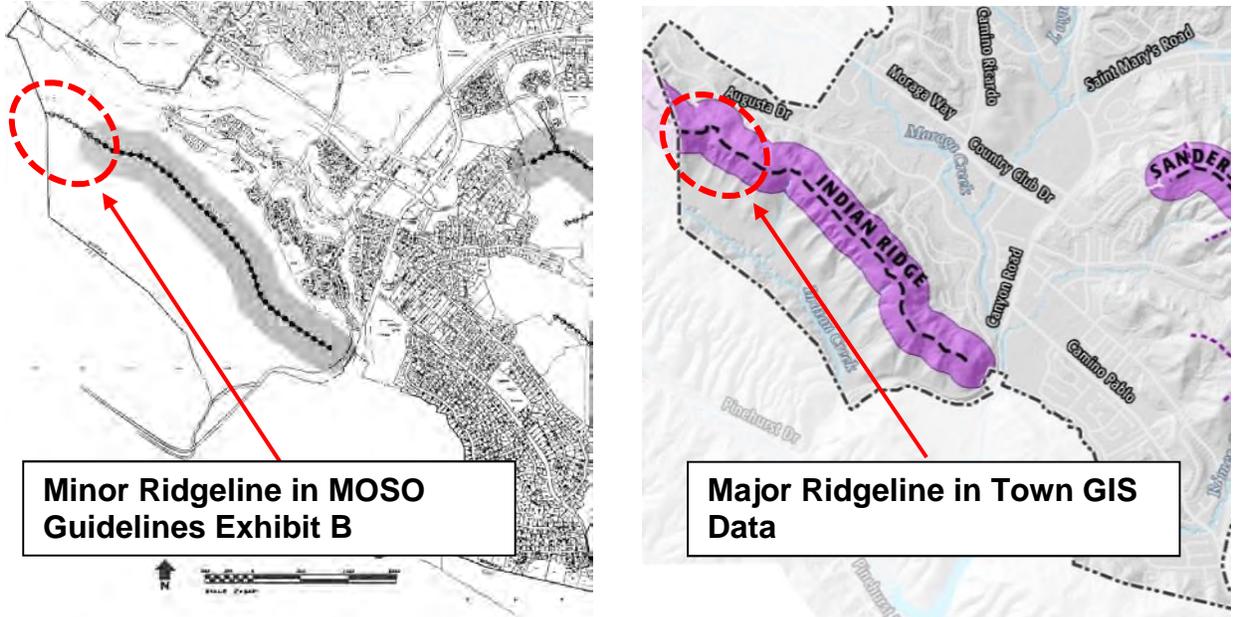
- 38 • **Option A:** Designate the full extent of Indian Ridge as a Major Ridgeline.
- 39 • **Option B:** Designate the northwest portion of Indian Ridge as a Minor Ridgeline.

40
41 Public Input

42 The Town received public input on this issue through Open Town Hall – the issue was
43 not discussed in workshop or focus groups. The Town received three comments on this
44 issue on Open Town Hall without clear statements of a preferred option..

1 **FIGURE 2: INDIAN RIDGE MAPPING COMPARISON**

2



3 Steering Committee Recommendation

4 The Steering Committee recommended Option A: Designate the full extent of Indian
5 Ridge as a Major Ridgeline. The Steering Committee recommended this option as the
6 full extent of the ridgeline meets the definition of a Major Ridgeline as established in the
7 MOSO Initiative

8
9
10 **DEFINITION OF DEVELOPMENT**

11 There are minor differences in the definition of “Development” in the MOSO Guidelines,
12 General Plan, and Municipal Code. This definition is important because in MOSO and
13 elsewhere in Town regulations “development” is prohibited or restricted in certain
14 hillside and other areas.

15
16 Below is a “hybrid” of the definitions of development in the General Plan and MOSO
17 Guidelines, illustrating the differences between the two in highlighted underline
18 ~~strikethrough~~ text. As can be seen, the two documents’ definitions are almost identical,
19 with the minor differences noted not affecting the meaning of the definitions.

20
21 *Development means the placement, discharge or disposal of any material,*
22 *the grading ~~removal~~ removing or of any material, the change in the density*
23 *or intensity of use of ~~the~~ land, the subdivision of land, or the construction*
24 *or erection of a structure. Development does not include (1) work*
25 *necessary to eliminate or prevent a condition which is determined by the*
26 *Town to be a menace to life, limb or property or adversely affects the*
27 *safety, use or stability of a public way or drainage way or channel, ~~or~~ (2)*
28 *establishment of a fire trail approved by the Moraga-Orinda Fire Protection*
29 *District; or (3) a road together with attendant underground utilities, may*
30 *cross a ridge, if the Planning Commission finds that the crossing is*

1 *necessary for the orderly development of the Town and does not*
2 ~~*otherwise*~~ *conflict with the Municipal Code.*

3
4 The Zoning Code does not contain a general definition of development. However,
5 Municipal Code Chapter 8.128 (Ridgeline Protection) includes an identical exception for
6 roads and underground utilities crossing a ridge (see highlighted text, below) as is
7 included in the General Plan and MOSO Guidelines definitions.

8
9 *8.128.020 - Development on ridgelines.*

10 *A. Development shall be prohibited within five hundred (500) feet of the*
11 *centerline of a major ridge (as defined in subsection B of this section)*
12 *located in an area designated on the general plan as "private open space"*
13 *or "public open space-study" and development shall be subject to strict*
14 *design review control in all other ridge areas. A road, together with*
15 *attendant underground utilities may cross a ridge, if the planning*
16 *commission finds that the crossing is necessary for the orderly*
17 *development of the town and does not otherwise conflict with the*
18 *municipal code.*

19
20 Additional information on the definition of development issue can be found on page 32
21 of the final [Understanding Moraga's Hillside Regulations](#) background available on the
22 project website.

23
24 Options

25 The Town did not prepare options to address this issue. Instead, the Steering
26 Committee previously directed Town staff and consultants to maintain the existing
27 definition of development to resolve any inconsistencies in this definition in the General
28 Plan, MOSO Open Space, and other Town documents.

29
30 Public Input

31 The Town received public input on this issue through Open Town Hall – the issue was
32 not discussed in workshop or focus groups. Comments generally support creating a
33 single consistent definition of development similar to the existing definition (See page 8
34 of Attachment D for all Open Town Hall comments on this issue).

35
36 Steering Committee Recommendation

37 The Steering Committee recommended that the Town adopt the following definition of
38 development that would be the same in the General Plan, MOSO Guidelines, and
39 Zoning Ordinance:

40
41 *"Development means the placement, discharge or disposal of any*
42 *material; the grading or removing of any material; the change in the*
43 *density or intensity of use of land; the subdivision of land; or the*
44 *construction or erection of a structure."*

45
46 The Steering Committee further recommended removing from the definition the second
47 clause of the existing definition that lists the three "exceptions" or instances where
48 development may be allowed. These provisions would be added as a policy or policies

1 in the General Plan, and as standards in the appropriate sections of the MOSO
2 Guidelines and Zoning Ordinance. This approach then allows the definition to have
3 more general applicability; and clearly associates the specific limitations related only to
4 certain properties (MOSO lands and hillside and ridgeline areas) to the sections of the
5 Town's regulations that control development in such area.
6

7 As an example of how this would be incorporated, MOSO Guidelines Section III.A
8 (Prohibition of Development) could be revised as follows:
9

10 A. Prohibition of Development.

- 11 1) Development is prohibited in the following areas:
12 a) Property situated within open space land (Exhibit "A") as follows:
13 i) On a slope within open space land where the slope has a grade
14 of 20% or greater (See definition of cell and Exhibit "C");
15 ii) Within 500 feet of a major ridge (Exhibit "B");
16 iii) On a minor ridgeline (Exhibit "B") and
17 b) Property situated on a minor ridgeline immediately adjacent to open
18 space land which meets the slope and elevation criteria of section
19 3.d.(b) of the Open Space Ordinance.
20 2) The Town may grant an exception to Section 1 above for:
21 a) Work necessary to eliminate or prevent a condition which is
22 determined by the Town to be a menace to life, limb or property or
23 adversely affects the safety, use or stability of a public way or
24 drainage way or channel;
25 b) Establishment of a fire trail approved by the Moraga-Orinda Fire
26 Protection District; or
27 c) Roads and attendant underground utilities that cross a ridge if the
28 Planning Commission finds that the crossing is necessary for the
29 orderly development of the Town and does not conflict with the
30 Municipal Code
31

32 The Steering Committee also recommended more precisely defining the circumstances
33 under which the Town may grant exception 2c above. This clarification would be added
34 as a new language in the General Plan and MOSO Guidelines.
35

36 Finally, the Steering Committee recommended adding design standards for any
37 development exempted under (the example) Section 2 above. For example, these
38 design standards would clarify exactly what is meant by "crossing a ridge" and would
39 set limitations to minimize visual impacts from development allowed on or near to
40 ridgelines.
41

42 **STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE**

43 In MOSO Open Space, development is prohibited in areas with an average existing
44 slope of 20 percent or more. There is concern that some applicants circumvent the
45 intent of this limitation by calculating average slope for a very large or irregularly shaped
46 area ("a cell"). The Town also needs to clarify if development is allowed in particularly
47 high-slope areas within a cell if the average slope of the cell as a whole is less than 20
48 percent.

1 Additional information on this issue can be found on page 22 of the final [Understanding](#)
2 [Moraga's Hillside Regulations](#) background available on the project website.

3
4 Options:

5 The following options were identified to address this issue:

6 **Option A:** Create general policy statement for cell boundaries.

7 **Option B:** Create objective standards for cell boundaries.

8 **Option C:** Prohibit development in areas of a cell with a slope of 20 percent or
9 greater when the cell overall has an average slope of less than 20
10 percent.

11 **Option D:** Eliminate use of cell to calculate average slope.

12
13 Additional information on these options can be found on page 11 of the Options
14 Workbook (Attachment A)

15
16 Public Input

17 A majority of workshop participants expressed support to eliminate use of cells to
18 calculate average slope. Comments on Open Town Hall generally support prohibiting
19 development in areas of a cell with a slope of 20 percent or more when average slope in
20 the cell is less than 20 percent. (See page 4 of Attachment D for all Open Town Hall
21 comments on this issue).

22
23 Steering Committee Recommendation

24 The Steering Committee recommends retaining the concept of average slope, but
25 applying it only to a more limited area or areas defined by the development envelope of
26 an individual home. With this approach, homes would be permitted only within a location
27 on a property where the average slope of its development envelope is less than 20
28 percent. This approach would eliminate the cell concept currently in the MOSO
29 Guidelines.

30
31 Exactly what constitutes the development envelope of a home will need to be clearly
32 defined. For example, the development envelope for each home could be defined to
33 include the footprint of the primary structure as well as accessory structures and site
34 improvements made in the immediate vicinity of the primary structure. This would
35 include within the development envelope ancillary uses and areas such as useable yard
36 areas and access around the home, driveways, and accessory buildings such as sheds
37 and garages.

38
39 For subdivisions with two or more homes, average slope would be calculated separately
40 for the development envelope of each home, not for the subdivision as a whole. Figure
41 3 below illustrates how the approach would to an example hillside development project
42 (example is from outside Moraga).

1 Figure 3: Example “Development Envelopes”



Homes are permitted only if the average existing slope of the proposed development envelope of each individual home (shown in dashed red lines) is less than 20 percent

2
3

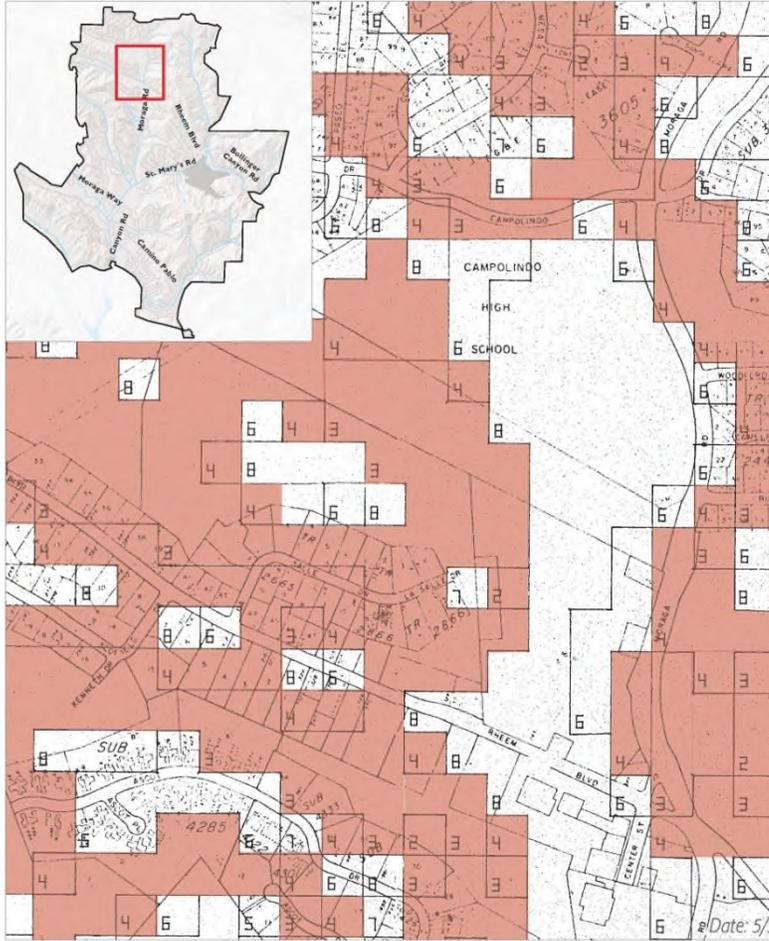
4 During the drafting of regulations, the Town will need to determine rules that apply to
5 improvements located outside of the development envelope of each home, such as
6 streets and utilities to serve the subdivision. It may be necessary to allow these types of
7 improvements in some locations with a slope of 20 percent or greater with conditions to
8 limit their visibility. It may also be necessary to prepare special rules to address estate-
9 style homes with multiple structures and large development envelopes of 20,000 sq. ft.
10 or more. In such cases it may be preferred to require two or more separate
11 development envelopes on a single lot, with each one of these development envelopes
12 individually having an average slope of less than 20 percent.

13

14 **High Risk Areas Map for MOSO Open Space**

15 MOSO Guidelines Exhibit D (Development Capability Map), adopted in 1989,
16 establishes a preliminary determination of high risk areas in MOSO Open Space. This
17 map implements the MOSO Initiative which requires the Town to “identify ‘high risk’
18 areas after taking into account soil stability, history of soil slippage, slope grade,
19 accessibility, and drainage conditions.” Figure 4 below shows a portion of Exhibit D near
20 to Rheem Boulevard and Moraga Road. Areas shaded pink have a preliminary high risk
21 determination.

1 **Figure 4: Preliminary High Risk Determination from the Development Capability**
2 **Map**



3
4
5 As required by the MOSO Initiative, development in these high risk areas is limited to a
6 maximum density of 1 unit per 20 acres. Project applicants may request a final
7 determination of high risk status on a property based on a site-specific geologic study.
8 The findings of these geologic studies frequently differ from the preliminary
9 determination of high risk status in the Development Capability Map. Discrepancies
10 also were found between the Development Capability Map and landslide hazard
11 mapping prepared for the Hillside and Ridgelines project. These discrepancies call into
12 question the accuracy and usefulness of the Development Capability Map and whether
13 it should be replaced or no longer used.

14
15 Additional information on this issue can be found on page 24 of the final *Understanding*
16 *Moraga's Hillside Regulations* background available on the project website.

17
18 Options

19 The following options were identified to address this issue:

- 20 • **Option A:** Continue to use the existing Development Capability Map and
21 acknowledge its limitations.
22 • **Option B:** Develop a new and improved Development Capability Map.

- **Option C:** Discontinue use of the Development Capability Map and eliminate the preliminary risk determination.

Additional information on these options can be found on page 15 of the Options Workbook (Attachment A)

Public Input

A majority of workshop participants and comments on Open Town Hall expressed support for developing new Development Capability Map (See page 5 of Open Town Hall Summary). This issue was not discussed at the workshop or with the focus groups.

Steering Committee Recommendation

The Steering Committee recommends developing a new and improved Development Capability Map to replace MOSO Guidelines Exhibit D. The map would be prepared using the criteria listed in Table 1 below with weighting applied to reflect the relative importance of each criterion. Criteria include those required by the MOSO Initiative, as well as other criteria important to development suitability in hillside areas which will be developed in the next phase of the project.

The existing Development Capability Map establishes a preliminary “risk” determination all land within the Town boundary. As is currently the case, this mapping would be “preliminary” and applicants would be able to submit more detailed, site specific mapping as part of a proposed development project.

The new Development Capability Map would be prepared only for areas that are undeveloped, have development potential, and no existing entitlements. These areas generally correspond to the extent of landslide hazard mapping previously prepared by Cotton Shires. For areas not included in the new Development Capability Map, the MOSO Guidelines will state that high risk status will be determined on a case-by-case basis using criteria and methodology comparable to that used for the Development Capability Map. As with the current MOSO Guidelines, applicants may, at their discretion, provide more detailed, site-specific mapping of high risk areas for consideration by the Town, to support a request for increased project density.

1 **Table 1: New Development Capability Map Criteria**

Criteria	Description	Data Source
MOSO Initiative		
Soil stability	Landslide hazards mapping (shallow unstable areas and deep unstable areas)	Cotton Shires (Geotechnical Consultant)
History of soil slippage	Landslide hazards mapping (shallow unstable areas and deep unstable areas)	Cotton Shires
Slope grade	Slope	Contra Costa County/PlaceWorks (LIDAR)
Accessibility	Intersection with road buffer	Road data from Contra Costa County; PlaceWorks to create buffer
Drainage conditions	Proximity to streams	Contra Costa County
Other Criteria		
Ridgelines	MOSO major and minor ridgelines; Significant Non-MOSO Ridgelines	Town of Moraga, updated by PlaceWorks consistent with direction from Hillsides and Ridgelines project
Flood hazard	100- and 500-year flood zones	FEMA
Vegetation	Vegetative cover	CALVEG and/or USGS Gap Analysis Program landcover data
Visibility from scenic corridor	Hillside visibility from scenic corridors	PlaceWorks
Wildfire hazards	Wildfire hazard areas	CaIFIRE

2

1 **REMEDICATION OF HIGH-RISK AREAS**

2 Geologic hazards on a hillside site, such as landslides, can often be remediated through
3 earthmoving, excavation, and the installation of engineering structures. The MOSO
4 Guidelines allow for remediation to justify reclassification of high risk areas and allow for
5 increased residential density (up to either 1 unit per 10 acres or 1 unit per 5 acres).
6 There is disagreement within the community over whether this practice of allowing
7 increased density in high risk MOSO areas as a result of remediation should continue.

8
9 Additional information on this issue can be found on page 26 of the final *Understanding*
10 *Moraga's Hillside Regulations* background available on the project website.

11
12 Options

13 The following options have been identified to address this issue. (Also reference Page
14 19 of the Options Workbook)

- 15 • **Option A:** Conditionally allow increases to residential density as a result of
16 remediation.
- 17 • **Option B:** Prohibit remediation for the sole purpose of increasing residential
18 density.
- 19 • **Option C:** Prohibit any increase in residential density in high risk areas.

20
21 Additional information on these options can be found on page 11 of the Options
22 Workbook (Attachment A)

23
24 Public Input

25 A majority of workshop participants and comments on Open Town Hall expressed
26 support for prohibiting any increase in residential density in high risk areas (Option C).

27
28 Steering Committee Recommendation

29 The Steering Committee did not recommend a single option to address this issue.
30 Instead, the Steering Committee recommended that the Planning Commission and
31 Town Council consider the following three options:

- 33 • **Option 1 (most restrictive):** Once land is designated as high risk it could not be
34 changed, and once designated as high risk the permitted density would remain at
35 one unit per 20 acres and could not increase for any reason.
- 36 • **Option 2 (somewhat restrictive):** Land designated as high risk could be
37 reclassified as non-high risk as a result of remediation associated with a
38 development project. The land could then be developed a one unit per 5 or 10
39 acres. However, only remediation techniques that are not defined as “Mass
40 Grading”) would be allowed to correct landslides or other similar hazards.
- 41 • **Option 3 (least restrictive):** Same as option 2, except that any remediation
42 technique would be allowed, including Mass Grading.

43
44 The term Mass Grading means large-scale soil removal and recompaction involving the
45 installation of deep keyways and subdrains. Figure 5 below provides an example of
46 mass grading techniques.

1 **Figure 5: Mass Grading Example**



2
3

4 Remediation that does not involve Mass Grading would involve relatively non-invasive
5 subsurface engineering solutions such as extending subsurface drilled piers and tie-
6 backs into bedrock to support unstable soils. Figure 6 below illustrates stitch pier
7 grading, which is a type of non-invasive remediation technique. In this example vertical
8 holes are drilled across unstable ground and steel reinforced concrete piers are
9 constructed in a line perpendicular to the direction of ground movement. Piers may be
10 placed at 6 to 10 feet on center and are extended to a sufficient depth to resist sliding
11 ground forces.

12
13

Figure 6: Non-Invasive Stitch Pier Grading

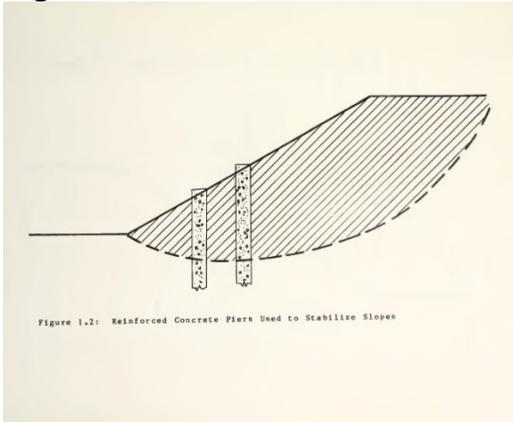


Figure 1.2: Reinforced Concrete Piers Used to Stabilize Slopes

14

1 **NEXT STEPS**

2
3 Following the Planning Commission meetings on January 20, 2016 and February 1,
4 2016, the Town Council will meet on February 10, 2016 to receive recommendations
5 from the Steering Committee and comments from the Planning Commission. The Town
6 Council will select preferred options to address each issue and direct staff and
7 consultants to prepare draft materials consistent with this recommendation.

8
9 Staff and consultants will present draft materials to the Steering Committee in mid-2016
10 and at public workshop shortly thereafter. Public hearings with the Planning
11 Commission and Town Council on draft materials are planned for later in 2016. Town
12 staff aim to complete the Hillsides and Ridgelines project by the end of 2016.

13
14
15 **Attachments**

- 16 A. Hillsides and Ridgelines Options Workbook
- 17 B. Public Workshop Summary
- 18 C. Focus Group Summary
- 19 D. Open Town Hall Survey Summary
- 20 E. Steering Committee Meeting Minutes
- 21 F. Draft Revised MOSO Open Space Map

ATTACHMENT A

HILLSIDES AND RIDGELINES OPTIONS WORKBOOK



OPTIONS WORKBOOK HILLSIDES AND RIDGELINES PROJECT

Town of Moraga
September 2015

Prepared by:



The Hillsides and Ridgelines project is an effort by the Town of Moraga to clarify and improve regulations for hillside and ridgeline development. This workbook presents options for how the Town can address key issues associated with these regulations.

The Town will host a workshop on September 17, 2015 to receive public input on these options. Prior the workshop, please review the contents of this workbook to familiarize yourself with the material. You can find additional detail about existing regulations in the project background report available on the project web page: www.moraga.ca.us/hillsides.

The following issues are presented in this workbook:

1. Non-MOSO Ridgeline Definition And Map
2. Ridgeline Protection
3. Steep Slope Limitations in MOSO Open Space
4. High Risk Areas Map
5. Remediation of High-Risk Areas
6. Viewshed Protection
7. Building Size on Large Lots

There are four additional issues that will not be discussed at the September 17th workshop due to time limitations and the nature of these issues. These additional issues are presented at the end of this workbook. If you would like to provide input on these issues you may submit comments to the Town or participate in the Town's Open Town Hall on-line discussion forum at www.moraga.ca.us/hillsides.

Thank you for your participation in this important process. If you have any questions please contact Ellen Clark, Planning Director, at (925) 888-7041 or eclark@moraga.ca.us.

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ISSUE 1: NON-MOSO RIDGELINE DEFINITION AND MAP

Moraga’s General Plan defines Major and Minor Ridgelines in MOSO Open Space and identifies the location of these ridgelines (see Figure 1). The General Plan does not contain a general ridgeline definition that applies town-wide. Because of this, some believe that Town policies to protect ridgelines from development do not apply to non-MOSO ridgelines, or apply in different ways. Clarifying the meaning of Moraga’s ridgeline protection policies requires establishing a clear town-wide definition of ridgelines and identifying the location of all these ridgelines on a map.

Check your preferred options below:

Option 1-A: Add a general ridgeline definition to the General Plan and Municipal Code.

Amend the General Plan and Municipal Code to add a general ridgeline definition that applies throughout the town. “Ridgeline” could be defined to mean “the upper-most portion of a hill that is at or above 800 feet in elevation, is in an undeveloped area, and which rises to a crest.”

Option 1-B: Add a map of all ridgelines to the General Plan.

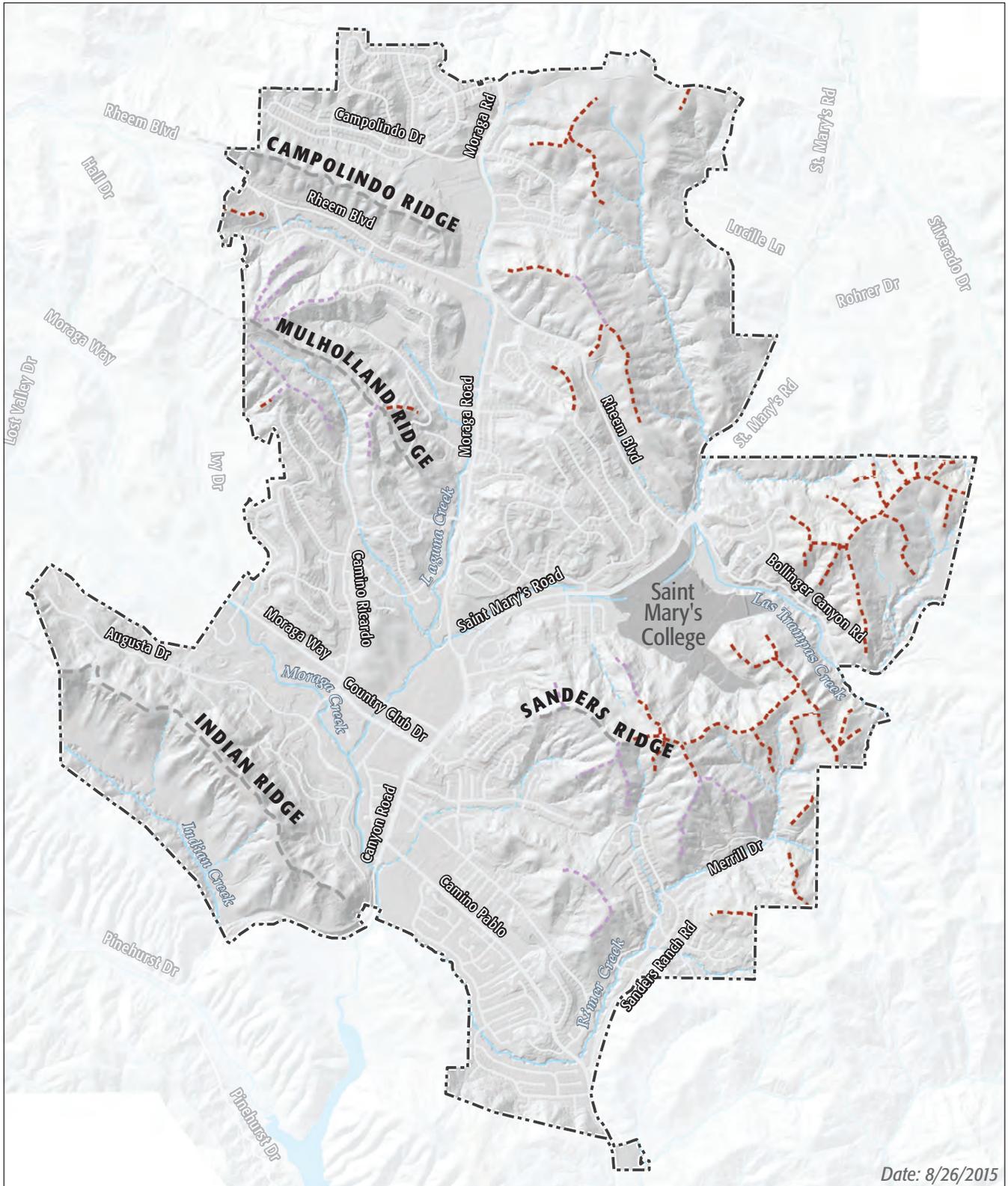
Adopt a map of all ridgelines in Moraga above 800 feet in elevation. The map would show the location of all ridgelines, including ridgelines outside of MOSO Open Space (see Figure 2). The map would show subsets of ridgelines, such as Major and Minor MOSO Ridgelines, for which specific policies and regulations apply.

Option 1-C: Clarify that “ridgeline” means only MOSO ridgelines.

Determine that the term “ridgeline,” when used in the Town’s regulations, means only designated MOSO ridgelines. Landforms with ridgeline-like properties outside of MOSO Open Space would not be subject to the Town’s ridgeline policies and regulations.

Other Options:

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Date: 8/26/2015

Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

- Town Boundary
- Town-identified MOSO Minor Ridgelines
- Non-MOSO Ridgelines Above 800 feet
- Town-identified MOSO Major Ridgelines
- Major/Permanent Stream
- Minor/Intermittent Stream

FIGURE 2
EXAMPLE RIDGELINE MAP FOR OPTION 1-B



ISSUE 2: RIDGELINE PROTECTION

General Plan Policy CD1.5 calls for the Town to “protect ridgelines from development.” It is unclear how this policy applies to ridgelines outside of MOSO Open Space, if at all.

Check your preferred options below:

- Option 2-A: Allow development on and near non-MOSO ridgelines consistent with improved design guidelines.**

Clarify that development is permitted on and adjacent to non-MOSO ridgelines as shown in Figure 2. Add detail to the Town’s Design Guidelines to ensure that this development is attractively designed, minimizes visual impacts, and mitigates hazards (see Figure 3).

- Option 2-B: Prohibit development on non-MOSO ridgelines. Allow development near non-MOSO ridgelines consistent with new development standards.**

Clarify that development is prohibited on Non-MOSO ridgelines as shown in Figure 2, but allowed near these ridgelines if they comply with new development standards. New standards would be objective and measurable and would primarily address the height, size, and placement of structures located in proximity to ridgelines (see Figure 4).

- Option 2-C: Prohibit development within 250 feet of non-MOSO ridgelines (see Figure 5).**

- Option 2-D: Prohibit development within 500 feet of non-MOSO ridgelines (see Figure 6).**

- Option 2-E: Add an “escape clause” to Options 2-B, 2-C, and 2-D to allow exceptions if regulation would result in an unconstitutional “taking” of property.**

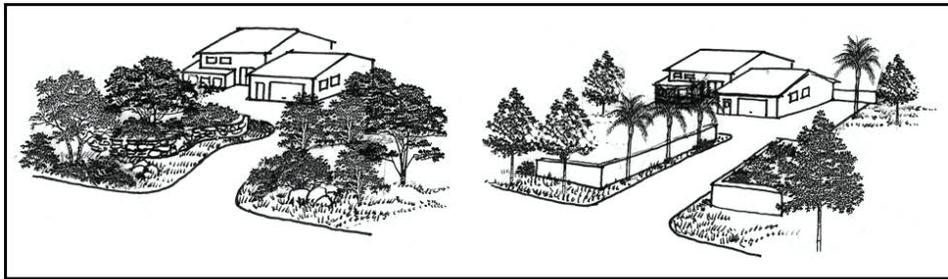
Add language to the Town’s Municipal Code stating that the Town Council may approve exceptions to non-MOSO ridgeline development regulations if the enforcement of these regulations would result in a violation of property rights protected by the U.S. Constitution.

- Other Options:**

FIGURE 3: EXAMPLE DESIGN GUIDELINES TO PROTECT RIDGELINES

Below are examples of design guidelines to help minimize visual impacts from development on or near non-MOSO ridgelines.

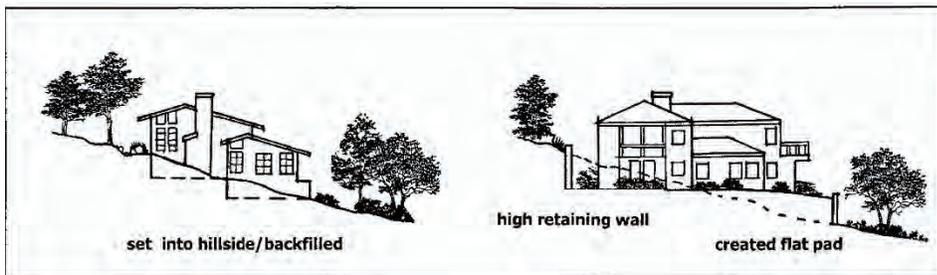
Landscaping. Plants visible from a public street should be clustered informally to blend with the natural vegetation. Trees and shrubs should not be planted in a straight lines to define property lines, driveways, or edges.



Do this

Don't do this

Restoration of Original Topography. After placing development the site should be restored as closely as possible to its original topography.



set into hillside/backfilled

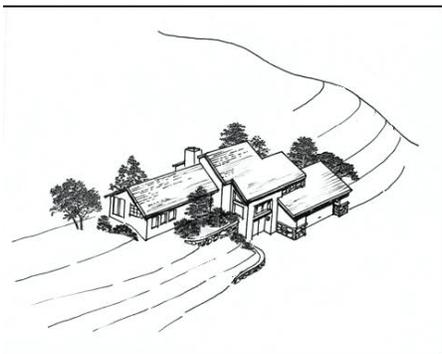
high retaining wall

created flat pad

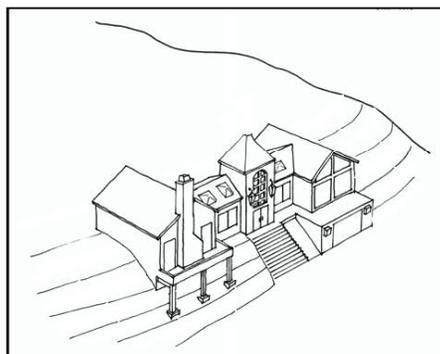
Do this

Don't do this

Prominent Architectural Features. The use of architectural features that increase visual prominence, such as two-story entries, turrets, and large chimneys, should be avoided.



Do this

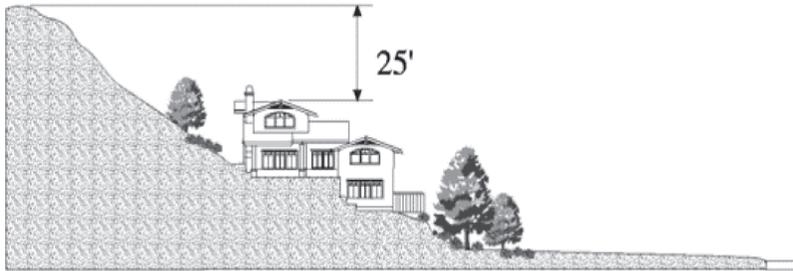


Don't do this

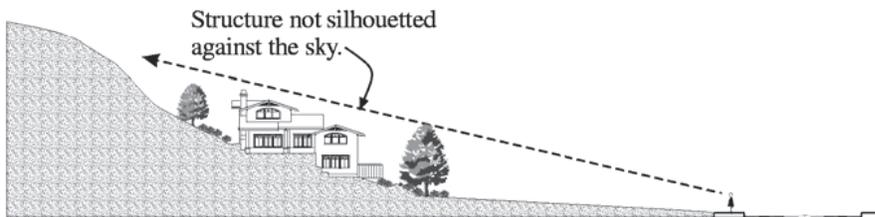
FIGURE 4: EXAMPLE STANDARDS TO PROTECT RIDGELINES

Below are examples of mandatory standards to minimize visual impacts from development near non-MOSO ridgelines.

Placement below Ridgeline. Structures shall be located below the ridgeline so that a vertical separation of at least 25 feet is provided between the top of the structure and the lowest point on the portion of any ridgeline within 100 feet of the proposed structure.

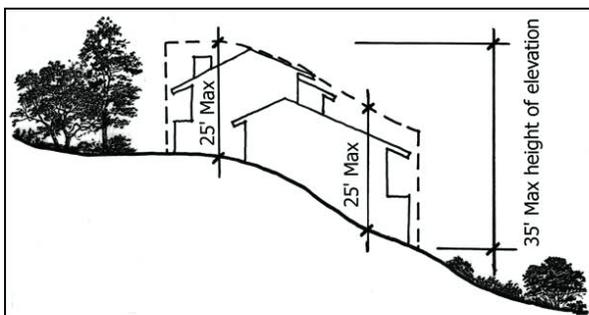


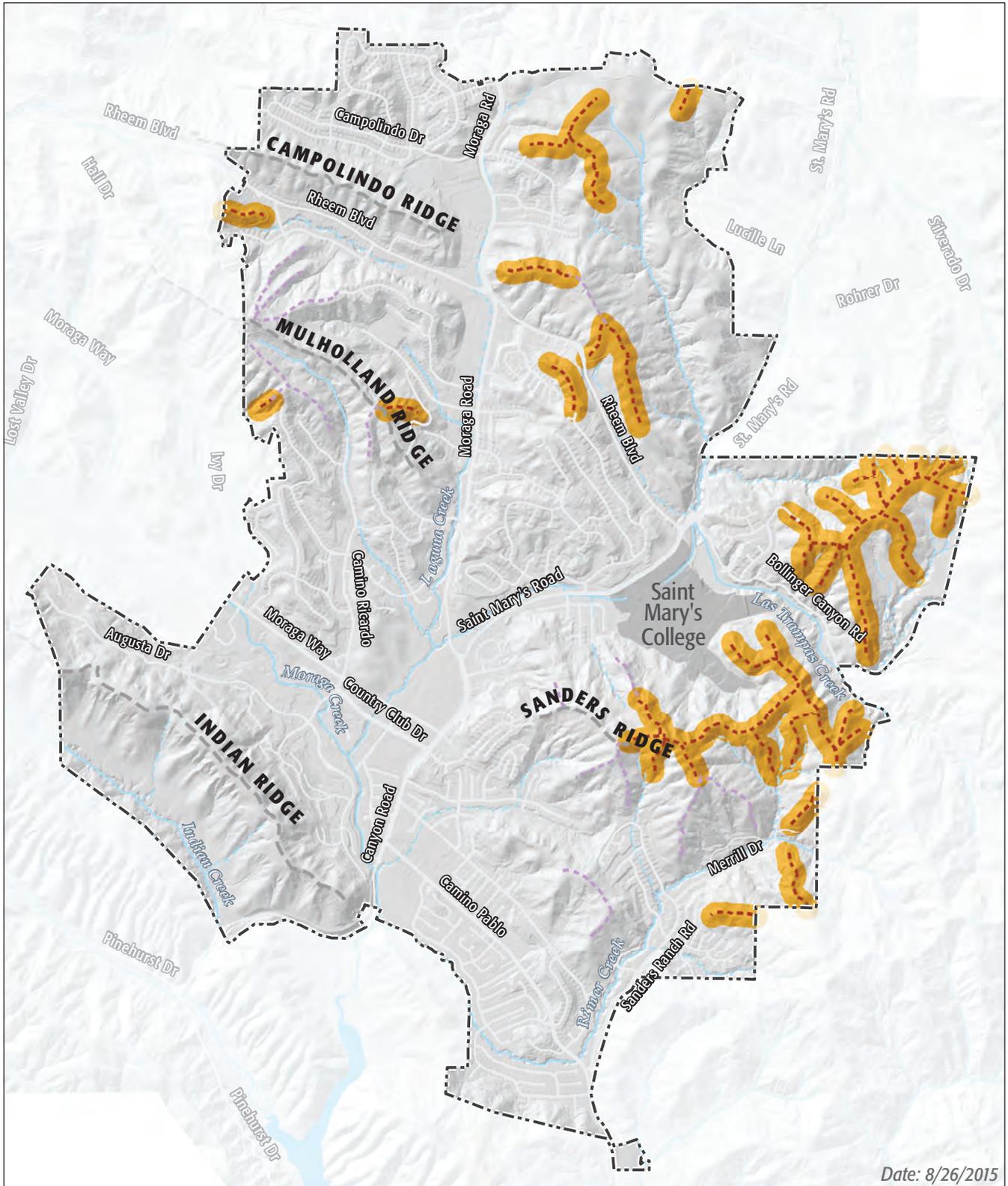
Silhouetting. Structures may not be placed so that they are silhouetted against the sky when viewed from a public street.



THIS

Building Height. Within 100 feet of a ridgeline the maximum allowed height for homes in hillside areas shall be 25 feet. The maximum height of a building's tallest elevation shall not exceed 35 feet measured from the lowest part of the building to the highest part.





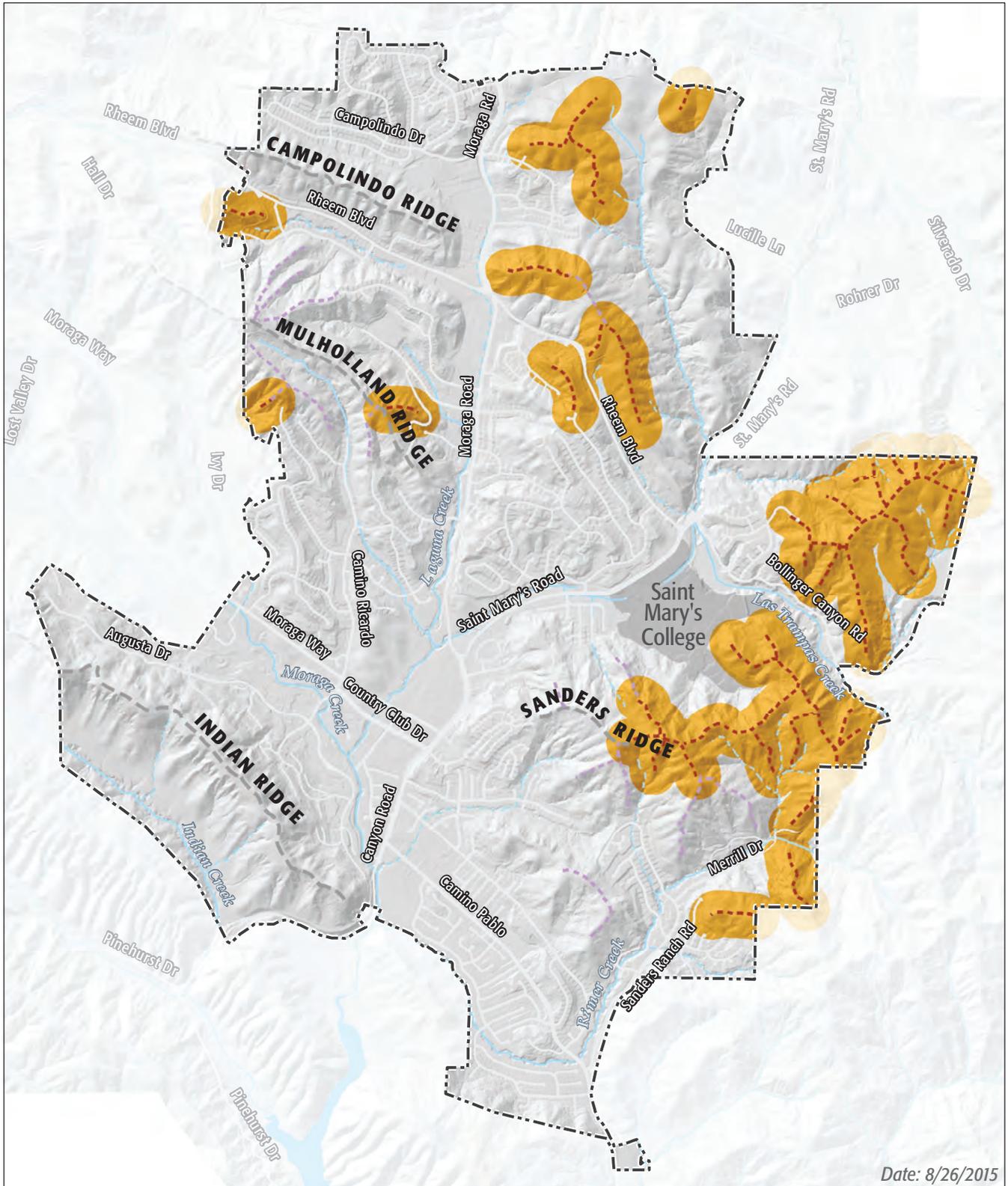
Date: 8/26/2015

Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

- Town Boundary
- Town-identified MOSO Minor Ridgelines
- Town-identified MOSO Major Ridgelines
- Major/Permanent Stream
- Minor/Intermittent Stream
- Non-MOSO Ridgelines Above 800 feet
- 250-foot buffer of non-MOSO ridgelines

FIGURE 5
250-FOOT BUFFER OF NON-MOSO
RIDGELINES FOR OPTION 2-C





Date: 8/26/2015

Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

- Town Boundary
- Town-identified MOSO Minor Ridgelines
- Town-identified MOSO Major Ridgelines
- Major/Permanent Stream
- Minor/Intermittent Stream
- Non-MOSO Ridgelines Above 800 feet
- 500-foot buffer of non-MOSO ridgelines

FIGURE 6
500-FOOT BUFFER OF NON-MOSO
RIDGELINES FOR OPTION 2-D



ISSUE 3: STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE

In MOSO Open Space, development is prohibited in areas with an average existing slope of 20 percent or more. There is concern that some applicants circumvent the intent of this limitation by calculating average slope for a very large or irregularly shaped area (“a cell”). The Town also needs to clarify if development is allowed in particularly high-slope areas in a cell if the average slope is less than 20 percent.

Check your preferred options below:

Option 3-A: Create general policy statement for cell boundaries.

Maintain the use of cells to calculate average slope in MOSO areas, but add a general statement that clarifies the desired shape and location of cells. For example, the Town could add a statement to the MOSO Guidelines which states that a cell shall feature regular boundaries and generally contain the expected area of disturbance.

Option 3-B: Create objective standards for cell boundaries.

Maintain the use of cells to calculate average slope in MOSO areas, but add new requirements for drawing cell boundaries. These requirements would be quantifiable and measurable, so compliance would not be subject to interpretation and debate. Example new cell requirements are shown in Figure 7.

Option 3-C: Prohibit development in areas of a cell with a slope of 20 percent or greater when the cell overall has an average slope of less than 20 percent. (See Figure 8)

Option 3-D: Eliminate use of cell to calculate average slope.

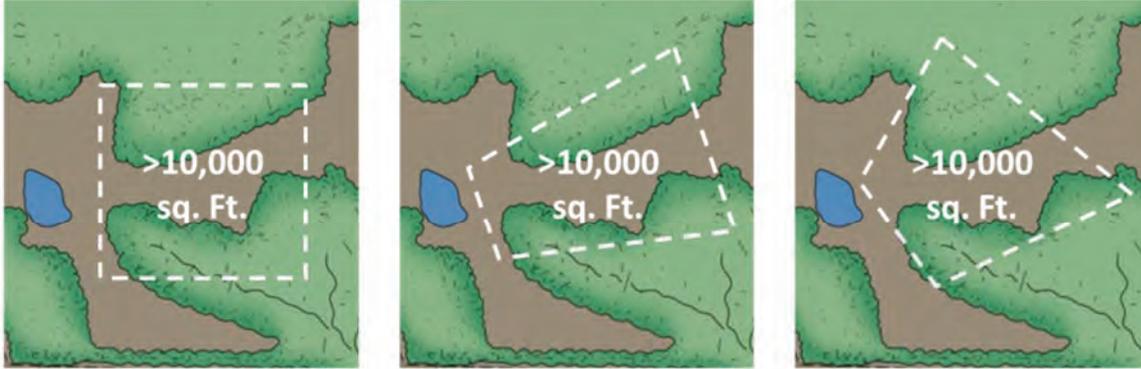
Eliminate the cell concept from MOSO regulations. Instead, require project applicants to prepare a slope category map that shows the location of areas on a property with slopes of 20 percent or more (see Figure 9). In MOSO Open Space, development would be prohibited in all areas with a mapped slope of 20 percent or more, regardless of the average slope of the site or a defined development area. As part of this option, the Town could allow the Town Council to approve exceptions to steep slope restrictions if the enforcement of these regulations would result in a violation of property rights protected by the U.S. Constitution.

Other Options:

FIGURE 7: EXAMPLE NEW CELL REQUIREMENTS

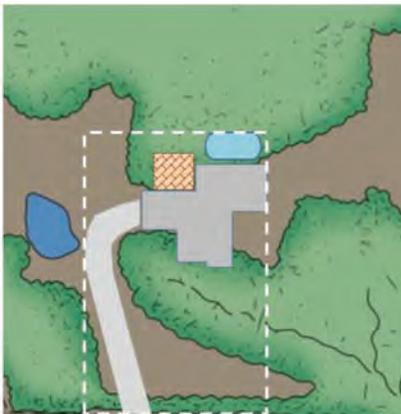
Below are examples of new standards for drawing cell boundaries in MOSO Open Space.

Objective Standard Example 1: A cell is a four-sided polygon of at least 10,000 sq. ft.



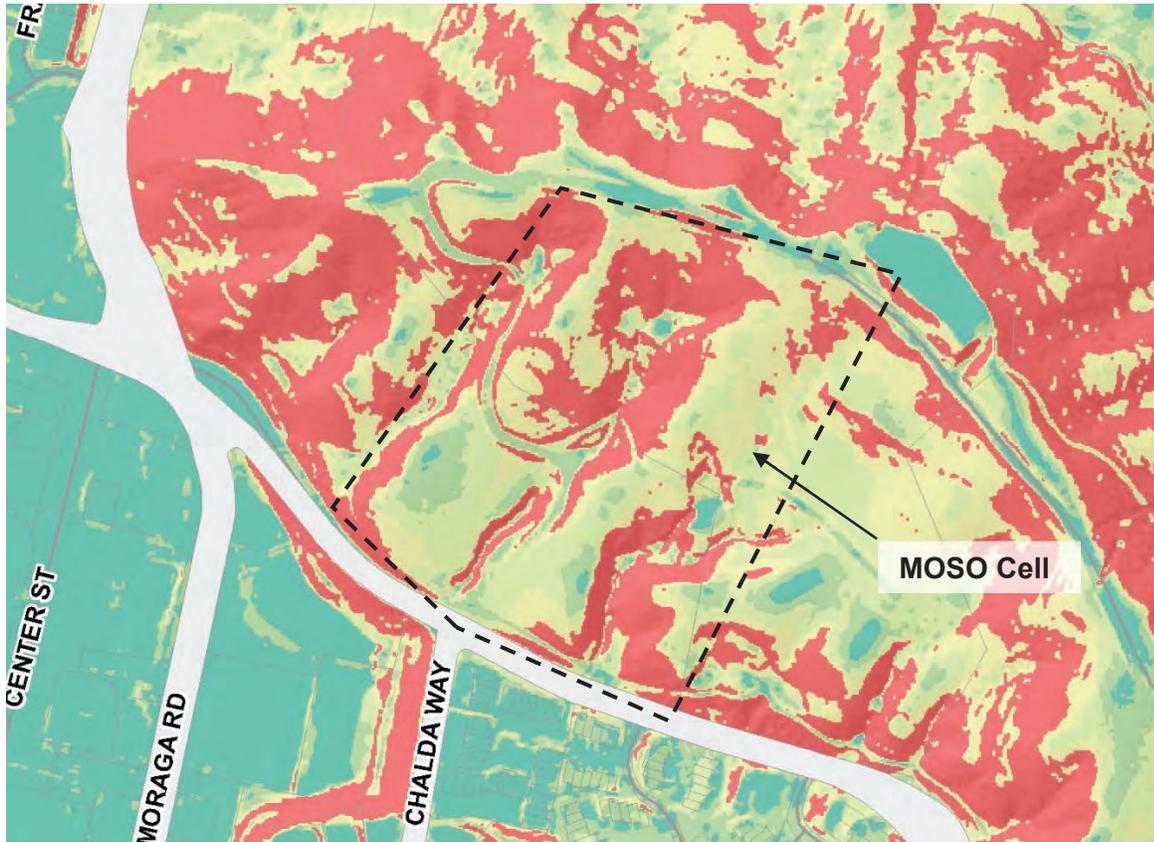
Acceptable cell configurations.

Objective Standard Example 2: A cell is the minimum four-sided polygon containing the area of disturbance.



Creation of minimum cell to contain disturbed area

FIGURE 8: STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE: OPTIONS 3-C



In **Option 3-C**, development is prohibited in areas of a cell with a slope of 20 percent or greater (pink and red on map).

Draft Slope Categories (For Illustration Only)

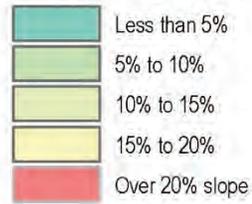
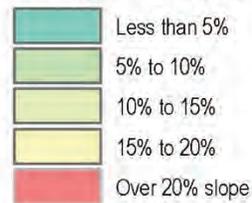


FIGURE 9: STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE: OPTION 3-D



In **Option 3-D**, the concept of average cell slope is eliminated. Instead, development is prohibited anywhere on a property or site in areas with a slope of 20 percent or more. Development is allowed elsewhere on the property if it complies with other regulations (e.g., development prohibited within 500 feet of a major ridgeline)

Draft Slope Categories (For Illustration Only)



ISSUE 4: HIGH RISK AREAS MAP FOR MOSO OPEN SPACE

MOSO Guidelines Exhibit D (Development Capability Map), adopted in 1989, establishes a preliminary determination of high risk areas in MOSO Open Space (see Figure 10). High risk areas are limited to a maximum density of 1 unit per 20 acres. Project applicants may request a final determination of high risk status on a property based on a site-specific geologic study. The findings of these geologic studies frequently differ from the preliminary determination of high risk status in the Development Capability Map. Discrepancies also were found between the Development Capability Map and landslide hazard mapping prepared for the Hillside and Ridgelines project.

Check your preferred options below:

- Option 4-A: Continue to use the existing Development Capability Map and acknowledge its limitations.**

Notes would be added to the Development Capability Map, MOSO Guidelines, and General Plan emphasizing that the high risk determination may not reflect actual conditions on the ground.

- Option 4-B: Develop a new and improved Development Capability Map.**

This new map would be based on landslide hazards mapping already begun for the Hillside and Ridgelines Project and must take into account soil stability, history of soil slippage, slope grade, accessibility, and drainage conditions as required by the MOSO Initiative. See Figures 11A and 11B.

- Option 4-C: Discontinue use of the Development Capability Map and eliminate the preliminary risk determination.**

Add information to the General Plan that generally describes the characteristics of high risk areas consistent with the MOSO Initiative, but do not map these areas. Determine the location of high risk areas as part of a development application based on site-specific geological studies.

- Other Options:**



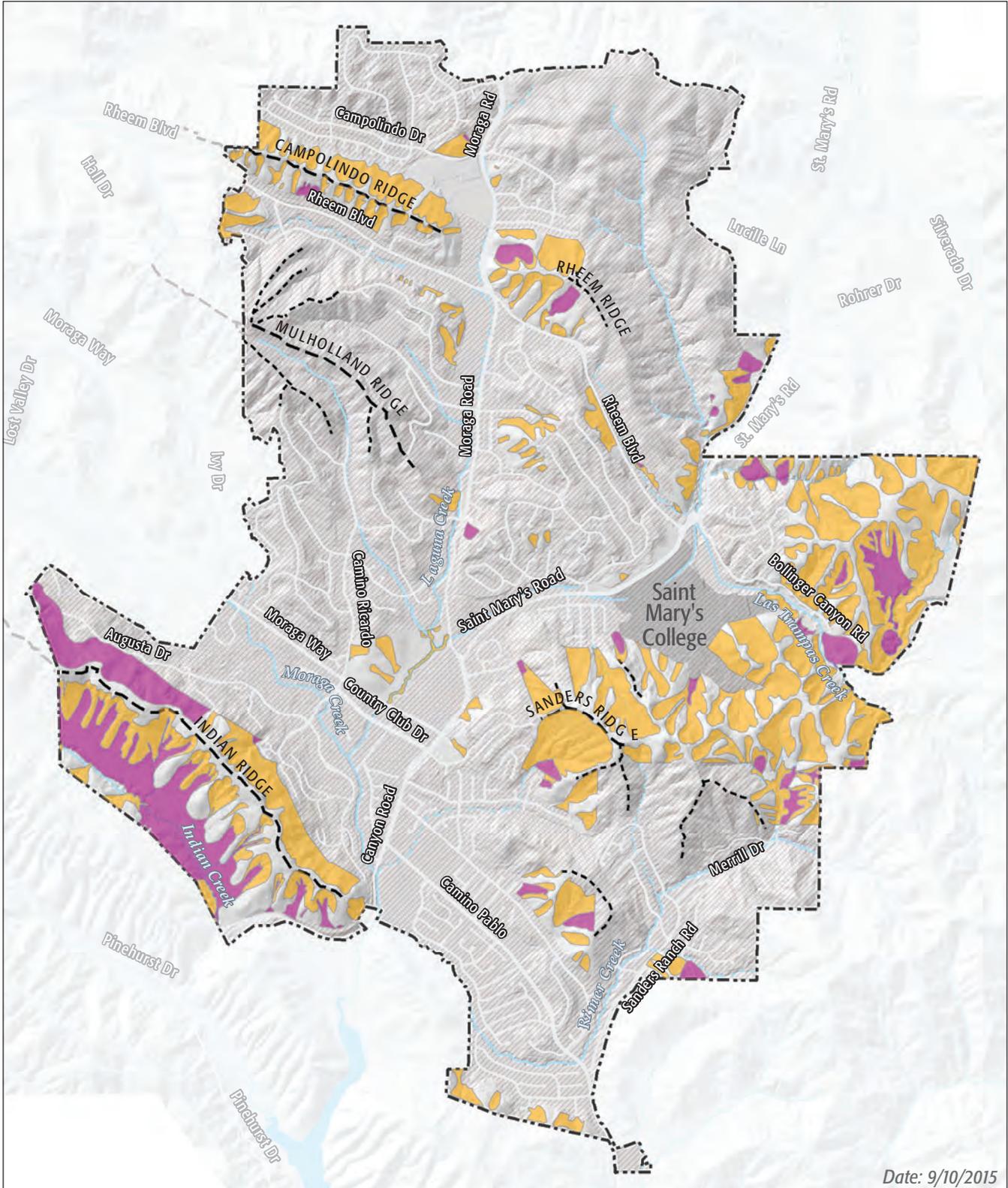
Data Sources: Town of Moraga, 2013; Cotton Shires, 2014; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

1989 Development Capability

 High Risk Areas

FIGURE 10
EXAMPLE 1989 DEVELOPMENT CAPABILITY MAP





Date: 9/10/2015

Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

- Town Boundary
- MOSO Minor Ridgelines
- MOSO Major Ridgelines
- Major/Permanent Stream
- Minor/Intermittent Stream
- Areas not included in landslide mapping
- Areas with Significant Potential for Landsliding**
 - Shallow unstable, unconsolidated material on gentle to steep slopes, commonly less than 10 feet in thickness, subject to shallow landsliding (includes identified shallow landslides and potentially unstable colluvium).
 - Deep unstable, unconsolidated or detached materials on moderate to steep slopes, commonly more than 10 feet in thickness, subject to more significant landsliding (includes identified deep landslides and earth materials susceptible to deep failure).

FIGURE 11A
LANDSLIDE HAZARD MAP

0 0.5 Mi



Date: 9/10/2015

Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

- Town Boundary
- MOSO Minor Ridgelines
- MOSO Major Ridgelines
- Major/Permanent Stream
- Minor/Intermittent Stream

- Areas not included in landslide mapping
- Areas with Significant Potential for Landsliding**
 - Shallow unstable, unconsolidated material on gentle to steep slopes, commonly less than 10 feet in thickness, subject to shallow landsliding (includes identified shallow landslides and potentially unstable colluvium).
 - Deep unstable, unconsolidated or detached materials on moderate to steep slopes, commonly more than 10 feet in thickness, subject to more significant landsliding (includes identified deep landslides and earth materials susceptible to deep failure).

FIGURE 11B
LANDSLIDE HAZARD MAP - COMPARISON ZOOM



ISSUE 5: REMEDIATION OF HIGH-RISK AREAS

Geologic hazards, such as landslides, on a hillside site can often be remediated through earthmoving, excavation, and the installation of engineering structures. The MOSO guidelines allow for remediation to justify reclassification of high risk areas and allow for increased residential density (either 1 unit per 10 acres or 1 unit per 5 acres). There is disagreement within the community over whether this practice of allowing increased density as a result of remediation should continue.

Check your preferred options below:

Option 5-A: Conditionally allow increases to residential density as a result of remediation.

Continue to allow for increases to residential density on a case-by-case basis if the applicant demonstrates that geologic hazards have been effectively abated through remediation measures.

Option 5-B: Prohibit remediation for the sole purpose of increasing residential density.

Allow for increases in residential density in high risk areas only as a by-product of remediation that was necessary to support a physically feasible project at 1 unit per 20 acres. Remediation for the primary purpose of supporting a project at a higher density is not allowed.

Option 5-C: Prohibit any increase in residential density in high risk areas.

The maximum permitted residential density in a high risk area shall always remain at 1 unit per 20 acres regardless of any remediation that occurs as part of a development project on the site.

Other Options:

ISSUE 6: VIEWSHED PROTECTION

Moraga’s General Plan and Zoning Code identify several roadways in Moraga as scenic corridors (see Figure 12). General Plan Policy CD1.3 calls for the Town to “protect” viewsheds along these scenic corridors. It is unclear what “protect” means in the context of proposed projects located in visually prominent hillside areas as viewed from scenic corridors.

Options 6-A, 6-B, and 6-C below would require the Town to identify prominent hillside areas most visible from the Town’s scenic corridors (see Figure 13).

Check your preferred options below:

- Option 6-A: Prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.**

Prohibit all new development in high visibility areas.

- Option 6-B: Strengthen development standards to limit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.**

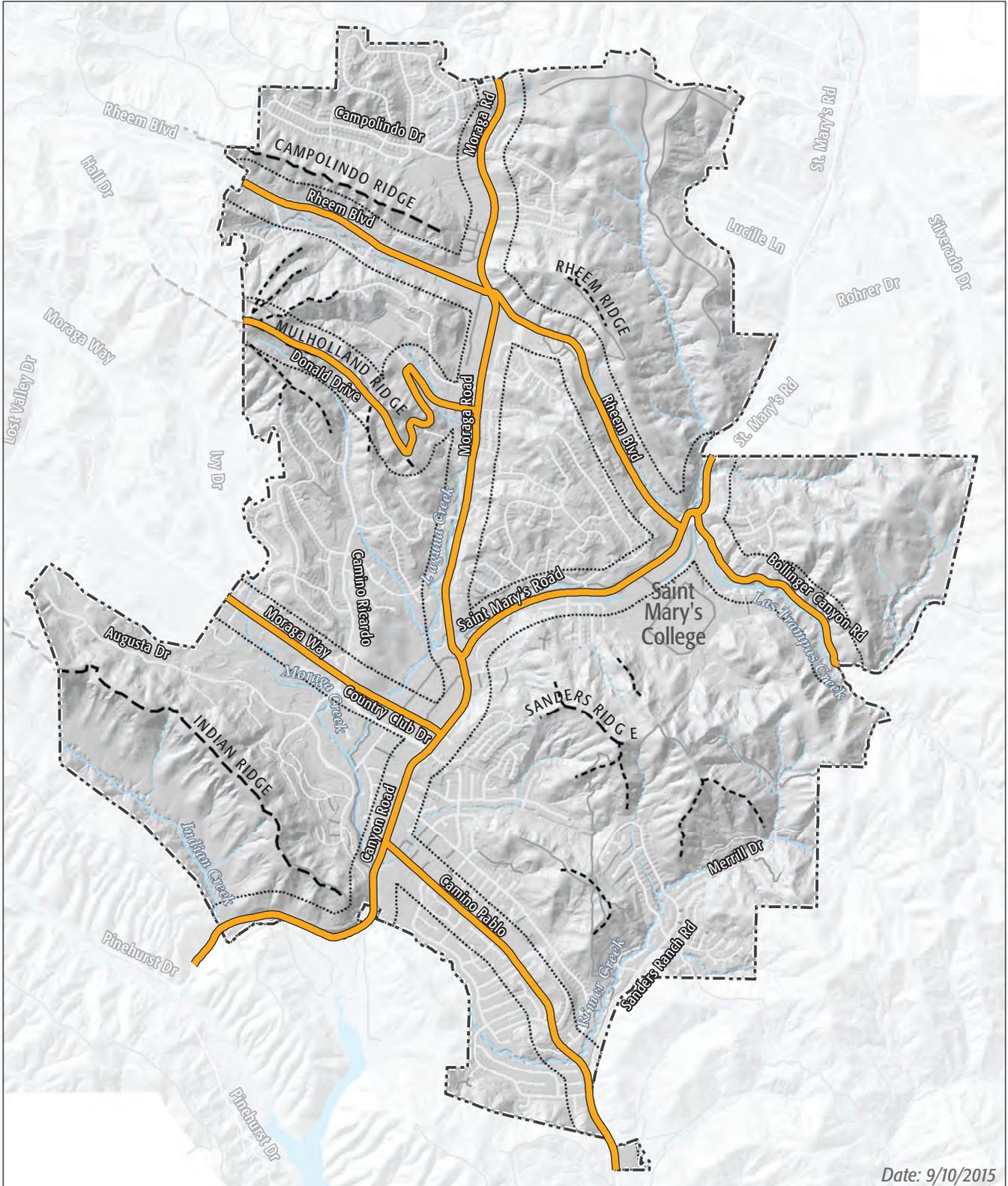
Allow new development in high visibility areas shown only if they comply with new development standards. See Figure 16 for example development standards.

- Option 6-C: Expand and improve design guidelines that apply to visually prominent hillside areas as viewed from the Town’s scenic corridors.**

Prepare new design guidelines to minimize visual impacts from development in visually prominent hillside areas as viewed from the Town’s scenic corridors. See Figure 14 for example design guidelines.

- Option 6-D: Maintain existing policies and regulations.**

- Other Options:**



Date: 9/10/2015

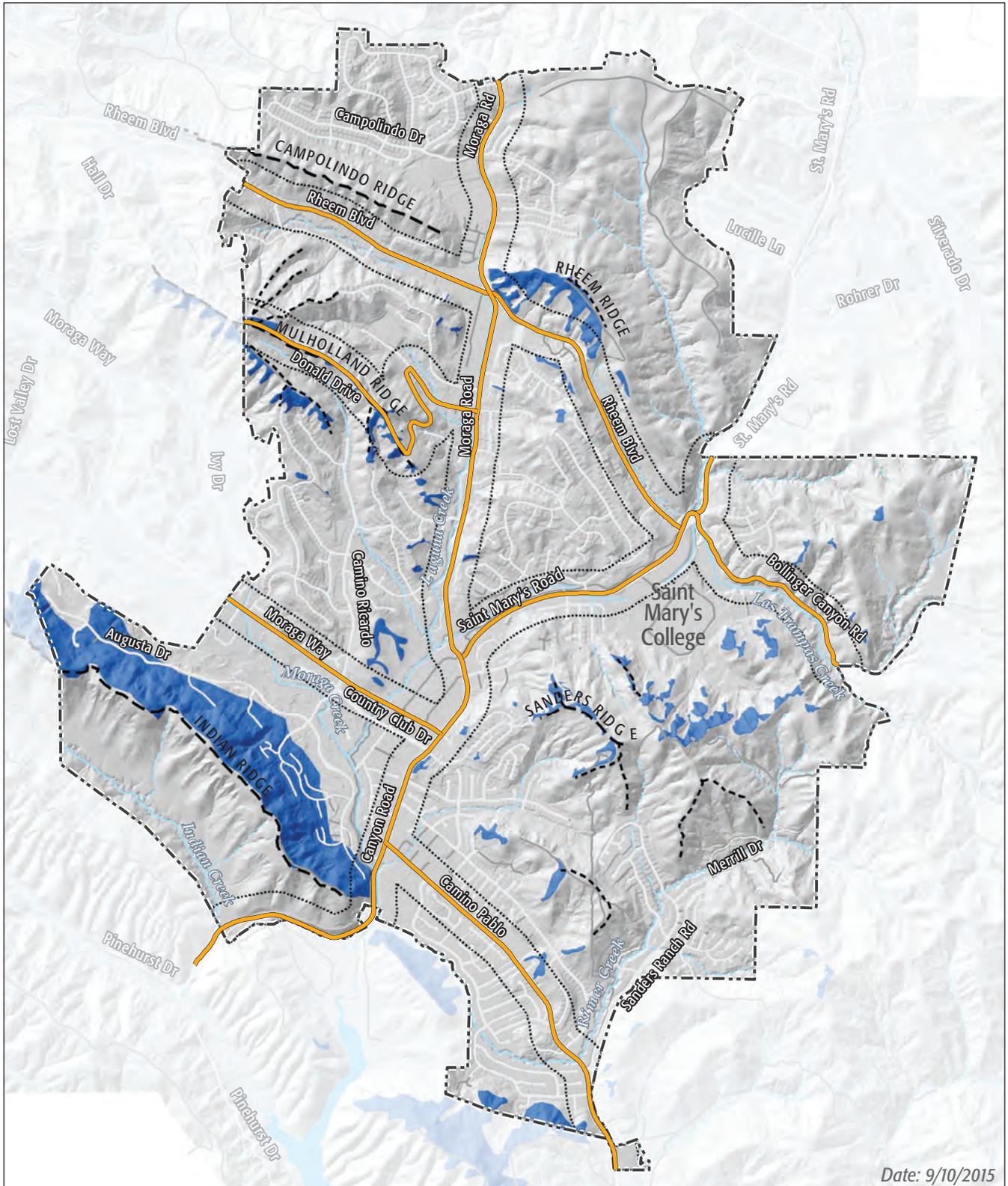
Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

- Town Boundary
- MOSO Minor Ridgelines
- MOSO Major Ridgelines
- Major/Permanent Stream
- Minor/Intermittent Stream
- Town-designated Scenic Corridors
- 500-foot Buffer of Scenic Corridors

FIGURE 12
SCENIC CORRIDORS

0 0.5 1 Miles





Date: 9/10/2015

Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

- Town Boundary
- MOSO Minor Ridgelines
- MOSO Major Ridgelines
- Major/Permanent Stream
- Minor/Intermittent Stream
- Town-designated Scenic Corridors
- 500-foot Buffer of Scenic Corridors
- Example Draft High-Visibility Area

FIGURE 13
SCENIC CORRIDORS AND HILLSIDE VISIBILITY

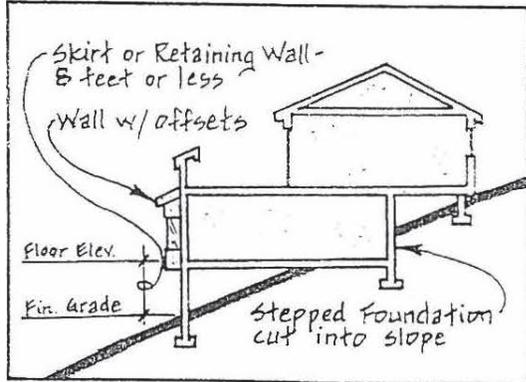
Visibility determined using view-points every 200 feet along Town-designated scenic corridors.



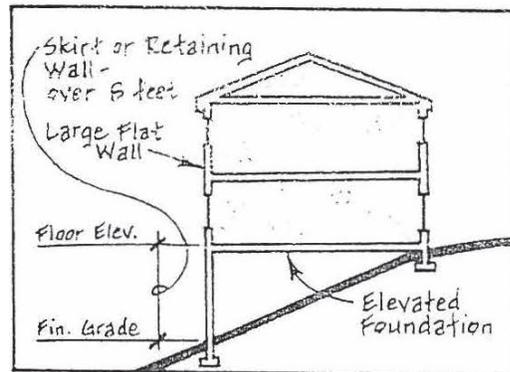
FIGURE 14: EXAMPLE STANDARDS TO PROTECT SCENIC VISTAS

Below are examples of mandatory standards to minimize view impacts from scenic corridors.

Stepped Design. Where existing slope is 15 percent or steeper, dwellings shall exhibit a stepped design that follows the natural terrain and does not stand out vertically from the hillside. The lower or ground floor elevation of a dwelling should not exceed eight feet above the adjacent exterior finish grade.

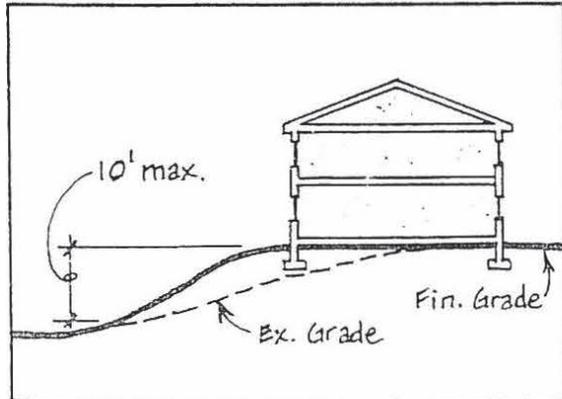


YES



NO

Single-Level Padded Lots. On padded lots the vertical height of any resulting graded slope or combination retaining wall and slope shall not exceed 10 feet.

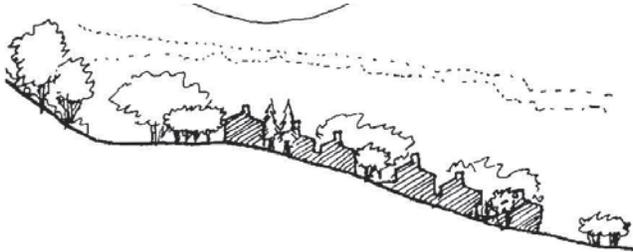


Side Elevation

FIGURE 15: EXAMPLE GUIDELINES TO PROTECT SCENIC VISTAS

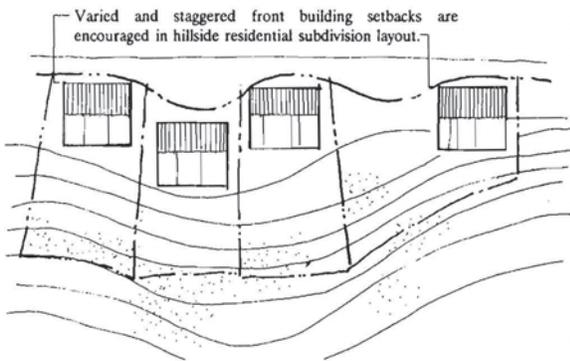
Below are examples of design guidelines to minimize view impacts from scenic corridors.

Height Variation. Buildings should be designed with different floor elevations to achieve height variation and avoid a monotonous wall effect.

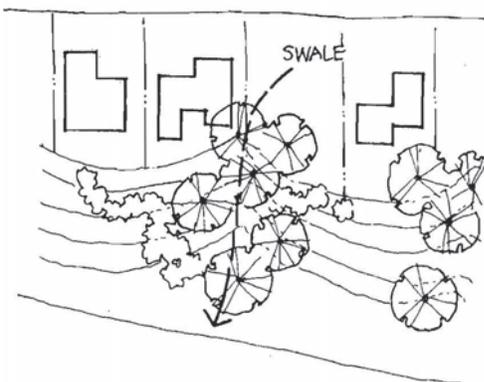


Site units or buildings with different floor elevations to achieve height variation.

Setback Variation. Front building setbacks within subdivisions should be varied and staggered to reflect the natural hillside character and reduce the monotony of repetitive setbacks.



New Trees. Trees should be planted along contour lines in undulating groups to create grove effects which blur the distinctive line of the graded slope. When possible, locate trees in swale areas to more closely reflect natural conditions and gather surface runoff for plant irrigation.



ISSUE 7: BUILDING SIZE ON LARGE LOTS

Floor area ratio (FAR) is a measurement of the size of a building relative to its lot size (see Figure 16). Moraga’s Design Guidelines establish a maximum FAR, which includes living space as well as garages and habitable attic and basement space, for single-family homes up to a maximum lot size of 20,000 sq. ft. The Design Guidelines do not address maximum FAR for lots greater than 20,000 sq. ft., and thus do not limit the size of homes on larger lots in town.

Check your preferred options below:

Option 7-A: Establish a maximum FAR for lots greater than 20,000 square feet.

Amend the Design Guidelines to establish a maximum FAR for lots greater than 20,000 sq. ft. Continue to the existing approach of adjusting the maximum FAR down as lot size increases (See Table 1). For lots greater than 40,000 sq. ft., establish a maximum floor area regardless of the lot size.

Option 7-B: Establish a maximum square-footage for any single-family home regardless of lot size.

Add to the Municipal Code the requirement that no home may exceed a specified floor area (e.g., 5,000 sq. ft.). Maintain the existing FAR limitations in the Design Guidelines for lots 20,000 sq. ft. or less.

Option 7-C: Make no changes to existing regulations.

Other Options:

Figure 16: Floor Area Ratio

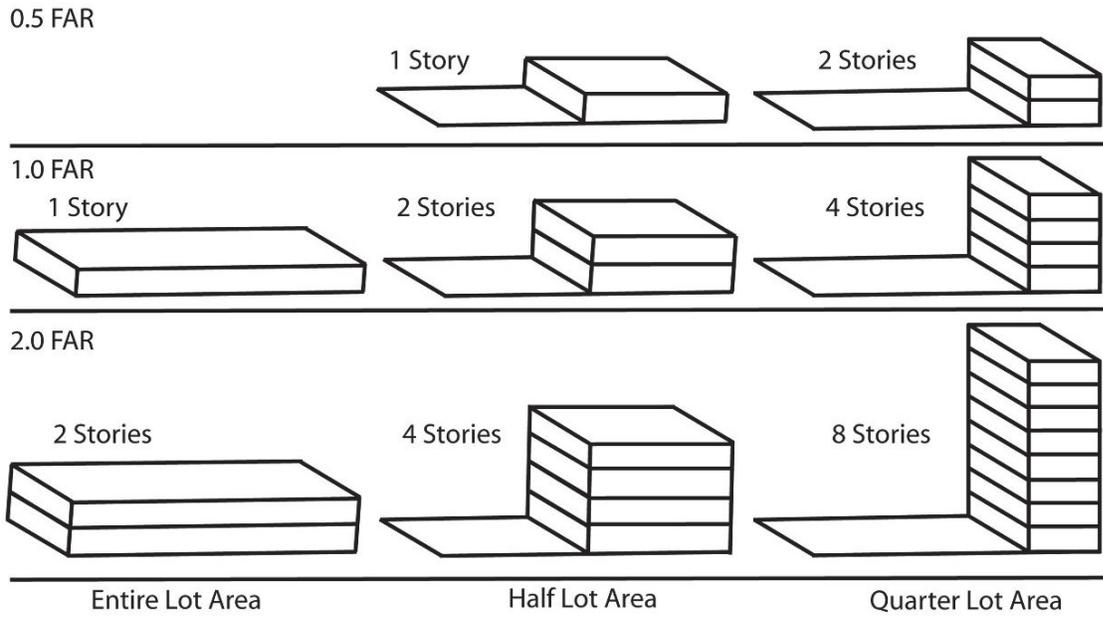


Table 1: Maximum FAR for lots greater than 20,000 sq. ft.

Parcel Area (sq. ft.)	Maximum FAR	Maximum Floor Area (sq. ft.)
20,000	0.230	4,600
22,000	0.227	4,994
24,000	0.224	5,376
26,000	0.221	5,746
28,000	0.218	6,104
30,000	0.215	6,450
32,000	0.212	6,784
34,000	0.209	7,106
36,000	0.206	7,416
38,000	0.203	7,714
40,000	0.200	8,000
Greater than 40,000	N/A	8,000

ADDITIONAL ISSUES

Issues 8 – 11 will not be discussed at the September 17 workshop. If you wish to submit comments on these issues, you may do so in writing or through the Open Town Hall on-line discussion forum. Additional information on these issues can be found in the Issues and Options Memorandum and Steering Committee meeting PowerPoint presentations available on the project website.

ISSUE 8: MOSO OPEN SPACE MAP

Discrepancies exist between different Town maps that show the boundaries of the MOSO Open Space in Moraga. The Steering Committee directed staff to create an updated MOSO Open Space map that accurately reflects the original MOSO boundaries approved by the voters and reconciles differences in the 1986 MOSO Guidelines Exhibit A, the Zoning Map, and the General Plan Land Use Map.

ISSUE 9: MOSO RIDGELINE MAP

MOSO Guidelines Exhibit B identifies the northwest portion of Indian Ridge as a Minor Ridgeline, with the remainder of the ridgeline designated as a Major Ridgeline. Other Town maps show the full extent of Indian Ridge as a Major Ridgeline. The Town needs to resolve this discrepancy.

ISSUE 10: DEFINITION OF DEVELOPMENT

There are minor differences in the definition of “development” in the MOSO Guidelines, General Plan, and Municipal Code. This definition is important because development is prohibited or restricted in hillside areas with certain characteristics. The Steering Committee directed staff to resolve any discrepancies in definitions of “development” but to not make any substantive changes to the types of land uses, structures, alteration of land, or other improvements included in this definition.

ISSUE 11: HILLSIDE DEVELOPMENT PERMITS

A Hillside Development Permit (HDP) is required to “clear, construct upon, or alter” land with a slope of 20 percent or greater. This requirement was established before the MOSO initiative and the adoption of the Grading Ordinance, which also limits or requires special approval of grading activity on steep slopes, including hillsides. There is a need to consider if the Town should modify the Hillside Development Permit requirement given the other regulations and permit requirements that also apply to hillside development projects. The Town also needs to consider if HDPs should continue to be required for minor projects (e.g., retaining walls, small accessory buildings, or additions) on developed single-family lots.

ATTACHMENT B

PUBLIC WORKSHOP SUMMARY

Town of Moraga Hillsides and Ridgelines Project

Workshop #3 Summary

On September 17, 2014 the Town of Moraga hosted the third community workshop for the Hillsides and Ridgelines Project. The purpose of this workshop was to hear public input on options for how the Town can address key issues associated with hillside and ridgeline development; these options are presented in the *Options Workbook* that was published in advance of the meeting.

About 50 residents attended the workshop. The workshop began with a brief presentation of background information about the project by the Town's consultants. After some clarifying questions and answers, participants then engaged in small group discussions about options to address a series of seven issues. For each issue, the Town's consultants presented background information and summarized the options identified in the Workbook, participants asked clarifying questions, and then the small groups discussed the options. At the conclusion of each discussion, each group member affixed a dot on a poster that presented the options from the Workbook to identify their preferred option(s). In some cases, participants suggested additional options that were not presented in the workbook. The results of this exercise are presented in Attachment 1 and summarized below.

Issue 1: Non-MOSO Ridgeline Definition and Map

Issue Description: Moraga's General Plan defines Major and Minor Ridgelines in MOSO Open Space and identifies the location of these ridgelines. The General Plan does not contain a general ridgeline definition that applies town-wide. Because of this, some believe that Town policies to protect ridgelines from development do not apply to non-MOSO ridgelines, or apply in different ways. Clarifying the meaning of Moraga's ridgeline protection policies requires establishing a clear town-wide definition of ridgelines and identifying the location of all these ridgelines on a map.

Small Group Feedback: The vast majority of participants support Options 1-A and 1-B, which are to add a general ridgeline definition to the General Plan and Municipal Code, and to add a map of all ridgelines to the General Plan. In addition, there were some specific suggestions about how to modify the suggested ridgeline definition in Option 1-A, such as including developed areas and including ridgelines below 800 feet in elevation.

Issue 2: Ridgeline Protection

Issue Description: General Plan Policy CD1.5 calls for the Town to "protect ridgelines from development." It is unclear how this policy applies to ridgelines outside of MOSO Open Space, if at all.

Small Group Feedback: The majority of participants support Option 2-D, which is to prohibit development within 500 feet of non-MOSO ridgelines. Some participants also support Option 2-E, adding an "escape clause" to allow for exceptions to avoid unconstitutional "taking" of property, and there were a smattering of votes for Option 2-B, prohibiting development on non-MOSO ridgelines, and Option 2-C, prohibiting development within 250 feet of non-MOSO ridgelines.

Issue 3: Steep Slope Limitations in MOSO Open Space

Issue Description: In MOSO Open Space, development is prohibited in areas with an average existing slope of 20 percent or more. There is concern that some applicants circumvent the intent of this limitation by calculating average slope for a very large or irregularly shaped area (“a cell”). The Town also needs to clarify if development is allowed in particularly high-slope areas in a cell if the average slope is less than 20 percent.

Small Group Feedback: The majority of participants support Option 3-D, which is to eliminate the use of the cell concept to calculate average slope from the MOSO Guidelines. Some participants noted that they do not support the “escape clause” described for this option in the Workbook, in which the Town Council could approve exceptions if the regulation would result in a violation of property rights. A few participants also support Option 3-B, creating objective standards for cell boundaries, and Option 3-C, prohibiting development in areas with a slope of 20 percent or more. There were also some suggestions about how to define cell boundaries, and a few suggestions to not change the existing cell concept in the Guidelines.

Issue 4: High Risk Areas Map for MOSO Open Space

Issue Description: MOSO Guidelines Exhibit D (Development Capability Map), adopted in 1989, establishes a preliminary determination of high risk areas in MOSO Open Space. High risk areas are limited to a maximum density of 1 unit per 20 acres. Project applicants may request a final determination of high risk status on a property based on a site-specific geologic study. The findings of these geologic studies frequently differ from the preliminary determination of high risk status in the Development Capability Map. Discrepancies also were found between the Development Capability Map and landslide hazard mapping prepared for the Hillside and Ridgelines project.

Small Group Feedback: The majority of participants support Option 4-B, which is to develop a new and improved Development Capability Map. A smaller number of participants support Option 4-A, which is to discontinue use of this map and eliminate the preliminary risk determination. There were also suggestions about factors to consider when refining the Development Capability Map and about regular updates to this map.

Issue 5: Remediation of High-Risk Areas

Issue Description: Geologic hazards, such as landslides, on a hillside site can often be remediated through earthmoving, excavation, and the installation of engineering structures. The MOSO Guidelines allow for remediation to justify reclassification of high risk areas and allow for increased residential density (either 1 unit per 10 acres or 1 unit per 5 acres). There is disagreement within the community over whether this practice of allowing increased density as a result of remediation should continue.

Small Group Feedback: The majority of participants support Option 5-C, which is to prohibit any increase in residential density in high risk areas. However, there was also substantial support for Option 5-B, prohibiting remediation for the sole purpose of increasing residential density, and Option 5-A, conditionally allowing increases to residential density as a result of remediation.

Issue 6: Viewshed Protection

Issue Description: Moraga’s General Plan and Zoning Code identify several roadways in Moraga as scenic corridors. General Plan Policy CD1.3 calls for the Town to “protect” viewsheds along these scenic corridors. It is unclear what “protect” means in the context of proposed projects located in visually prominent hillside areas as viewed from scenic corridors.

Small Group Feedback: The majority of participants support Option 6-A, which is to prohibit development in visually prominent hillside areas. Some participants also support Option 6-B, which is to strengthen development standards to limit development in visually prominent areas, and fewer support Options 6-C and 6-D to expand and improve design guidelines and to maintain existing policies and regulations, respectively.

Issue 7: Building Size on Large Lots

Issue Description: Floor area ratio (FAR) is a measurement of the size of a building relative to its lot size. Moraga’s Design Guidelines establish a maximum FAR, which includes living space as well as garages and habitable attic and basement space, for single-family homes up to a maximum lot size of 20,000 sq. ft. The Design Guidelines do not address maximum FAR for lots greater than 20,000 sq. ft., and thus do not limit the size of homes on larger lots in town.

Small Group Feedback: The majority of participants support Option 7-A, which is to establish a maximum FAR for lots greater than 20,000 square feet. There was also substantial support for Option 7-C, making no changes to existing regulations, and for Option 7-B, establishing a maximum square footage for any single-family home regardless of lot size. There were also some suggestions for additional FAR and other development standards within scenic corridors.

Attached:

1. Small Group Dot Exercise Results

BOARD 1

ISSUE 1: NON-MOSO RIDGELINE DEFINITION AND MAP

Number	Options
7	1-A: Add a general ridgeline definition to the General Plan and Municipal Code.
7	1-B: Add a map of all ridgelines to the General Plan.
	1-C: Clarify that “ridgeline” means only MOSO ridgelines.
7	Other Options <ul style="list-style-type: none"> ■ Modify definition from undeveloped areas to all areas over 800 feet.

ISSUE 2: RIDGELINE PROJECTION

Number	Options
	2-A: Allow development on and near non-MOSO ridgelines consistent with improved design guidelines.
1	2-B: Prohibit development on non-MOSO ridgelines. Allow development near non-MOSO ridgelines consistent with new development standards.
	2-C: Prohibit development within 250 feet of non-MOSO ridgelines.
6	2-D: Prohibit development within 500 feet of non-MOSO ridgelines.
	2-E: Add an “escape clause” to Options 2-B, 2-C, and 2-D to allow exceptions if regulation would result in an unconstitutional “taking” of property.
5	Other Options <ul style="list-style-type: none"> ■ All development with silhouetting.

ISSUE 3: STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE

Number	Options
	3-A: Create general policy statement for cell boundaries.
	3-B: Create objective standards for cell boundaries.
	3-C: Prohibit development in areas of a cell with a slope of 20 percent or greater when the cell overall has an average slope of less than 20 percent.
7	3-D: Eliminate use of cell to calculate average slope.
5	Other Options <ul style="list-style-type: none"> ■ Delete Town Council Escape Clause. ■ Except communication facilities built under an existing PGE lattice tower (with review). ■ Steep slope limitation shall also apply to non-MOSO land. ■ But please NO escape clause.

ISSUE 4: HIGH RISK AREAS MAP FOR MOSO OPEN SPACE

Number	Options
	4-A: Continue to use the existing Development Capability Map and acknowledge its limitations.
7	4-B: Develop a new and improved Development Capability Map.
	4-C: Discontinue use of the Development Capability Map and eliminate the preliminary risk determination.
3	Other Options <ul style="list-style-type: none"> ■ Review map every 20 years.

ISSUE 5: REMEDIATION OF HIGH-RISK AREAS

Number	Options
	5-A: Conditionally allow increases to residential density as a result of remediation.
	5-B: Prohibit remediation for the sole purpose of increasing residential density.
7	5-C: Prohibit any increase in residential density in high risk areas.
5	Other Options <ul style="list-style-type: none"> ■ Town should set aside funds for remediation to preserve public infrastructure.

ISSUE 6: VIEWSHED PROTECTION

Number	Options
7	6-A: Prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-B: Strengthen development standards to limit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-C: Expand and improve design guidelines that apply to visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-D: Maintain existing policies and regulations.
5	Other Options <ul style="list-style-type: none"> ■ Except for existing PGE lattice tower with modification.

ISSUE 7: BUILDING SIZE ON LARGE LOTS

Number	Options
3	7-A: Establish a maximum FAR for lots greater than 20,000 square feet.
2	7-B: Establish a maximum square-footage for any single-family home regardless of lot size.
2	7-C: Make no changes to existing regulations.
	Other Options

BOARD 2

ISSUE 1: NON-MOSO RIDGELINE DEFINITION AND MAP

Number	Options
5	1-A: Add a general ridgeline definition to the General Plan and Municipal Code.
5	1-B: Add a map of all ridgelines to the General Plan.
	1-C: Clarify that “ridgeline” means only MOSO ridgelines.
	Other Options

ISSUE 2: RIDGELINE PROJECTION

Number	Options
	2-A: Allow development on and near non-MOSO ridgelines consistent with improved design guidelines.
1	2-B: Prohibit development on non-MOSO ridgelines. Allow development near non-MOSO ridgelines consistent with new development standards.
	2-C: Prohibit development within 250 feet of non-MOSO ridgelines.
4	2-D: Prohibit development within 500 feet of non-MOSO ridgelines.
	2-E: Add an “escape clause” to Options 2-B, 2-C, and 2-D to allow exceptions if regulation would result in an unconstitutional “taking” of property.
	Other Options

ISSUE 3: STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE

Number	Options
	3-A: Create general policy statement for cell boundaries.
	3-B: Create objective standards for cell boundaries.
	3-C: Prohibit development in areas of a cell with a slope of 20 percent or greater when the cell overall has an average slope of less than 20 percent.
5	3-D: Eliminate use of cell to calculate average slope.
	Other Options <ul style="list-style-type: none"> ■ 3-D - Except town council can override ■ Concerned about non-MOSO area

ISSUE 4: HIGH RISK AREAS MAP FOR MOSO OPEN SPACE

Number	Options
	4-A: Continue to use the existing Development Capability Map and acknowledge its limitations.
4	4-B: Develop a new and improved Development Capability Map.
1	4-C: Discontinue use of the Development Capability Map and eliminate the preliminary risk determination.
	Other Options

ISSUE 5: REMEDIATION OF HIGH-RISK AREAS

Number	Options
	5-A: Conditionally allow increases to residential density as a result of remediation.
4	5-B: Prohibit remediation for the sole purpose of increasing residential density.
1	5-C: Prohibit any increase in residential density in high risk areas.
	Other Options

ISSUE 6: VIEWSHED PROTECTION

Number	Options
2	6-A: Prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
3	6-B: Strengthen development standards to limit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-C: Expand and improve design guidelines that apply to visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-D: Maintain existing policies and regulations.
	Other Options

ISSUE 7: BUILDING SIZE ON LARGE LOTS

Number	Options
3	7-A: Establish a maximum FAR for lots greater than 20,000 square feet.
	7-B: Establish a maximum square-footage for any single-family home regardless of lot size.
2	7-C: Make no changes to existing regulations.
	Other Options

BOARD 3

ISSUE 1: NON-MOSO RIDGELINE DEFINITION AND MAP

Number	Options
3	1-A: Add a general ridgeline definition to the General Plan and Municipal Code.
3	1-B: Add a map of all ridgelines to the General Plan.
	1-C: Clarify that “ridgeline” means only MOSO ridgelines.
4	Other Options <input type="checkbox"/> Remove “Undeveloped Area” <input type="checkbox"/> Should apply to everything

ISSUE 2: RIDGELINE PROJECTION

Number	Options
	2-A: Allow development on and near non-MOSO ridgelines consistent with improved design guidelines.
3	2-B: Prohibit development on non-MOSO ridgelines. Allow development near non-MOSO ridgelines consistent with new development standards.
	2-C: Prohibit development within 250 feet of non-MOSO ridgelines.
1	2-D: Prohibit development within 500 feet of non-MOSO ridgelines.
4	2-E: Add an “escape clause” to Options 2-B, 2-C, and 2-D to allow exceptions if regulation would result in an unconstitutional “taking” of property.
1	Other Options <input checked="" type="checkbox"/> I voted for 2B but am concerned about what “New Development Standards” will mean.

ISSUE 3: STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE

Number	Options
	3-A: Create general policy statement for cell boundaries.
2	3-B: Create objective standards for cell boundaries.
	3-C: Prohibit development in areas of a cell with a slope of 20 percent or greater when the cell overall has an average slope of less than 20 percent.
1	3-D: Eliminate use of cell to calculate average slope.
	Other Options

ISSUE 4: HIGH RISK AREAS MAP FOR MOSO OPEN SPACE

Number	Options
	4-A: Continue to use the existing Development Capability Map and acknowledge its limitations.
	4-B: Develop a new and improved Development Capability Map.
	4-C: Discontinue use of the Development Capability Map and eliminate the preliminary risk determination.
	Other Options

ISSUE 5: REMEDIATION OF HIGH-RISK AREAS

Number	Options
3	5-A: Conditionally allow increases to residential density as a result of remediation.
	5-B: Prohibit remediation for the sole purpose of increasing residential density.
	5-C: Prohibit any increase in residential density in high risk areas.
	Other Options

ISSUE 6: VIEWSHED PROTECTION

Number	Options
	6-A: Prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
1	6-B: Strengthen development standards to limit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
2	6-C: Expand and improve design guidelines that apply to visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-D: Maintain existing policies and regulations.
1	Other Options <input checked="" type="checkbox"/> I like Option 6B and 5C to strength and to improve

ISSUE 7: BUILDING SIZE ON LARGE LOTS

Number	Options
	7-A: Establish a maximum FAR for lots greater than 20,000 square feet.
4	7-B: Establish a maximum square-footage for any single-family home regardless of lot size.
	7-C: Make no changes to existing regulations.
	Other Options

BOARD 4

ISSUE 1: NON-MOSO RIDGELINE DEFINITION AND MAP

Number	Options
5	1-A: Add a general ridgeline definition to the General Plan and Municipal Code.
5	1-B: Add a map of all ridgelines to the General Plan.
	1-C: Clarify that “ridgeline” means only MOSO ridgelines.
	Other Options <ul style="list-style-type: none"> ■ Continuation of a crest which is considered a ridgeline above 800’ continues to be a “ridgeline” below 800’-include these on map.

ISSUE 2: RIDGELINE PROJECTION

Number	Options
	2-A: Allow development on and near non-MOSO ridgelines consistent with improved design guidelines.
	2-B: Prohibit development on non-MOSO ridgelines. Allow development near non-MOSO ridgelines consistent with new development standards.
	2-C: Prohibit development within 250 feet of non-MOSO ridgelines.
5	2-D: Prohibit development within 500 feet of non-MOSO ridgelines.
	2-E: Add an “escape clause” to Options 2-B, 2-C, and 2-D to allow exceptions if regulation would result in an unconstitutional “taking” of property.
	Other Options <ul style="list-style-type: none"> ■ Do study to identify any exception (property take) before enacting so all exceptions are documented prior. No changes post-enactment.

ISSUE 3: STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE

Number	Options
	3-A: Create general policy statement for cell boundaries.
	3-B: Create objective standards for cell boundaries.
2	3-C: Prohibit development in areas of a cell with a slope of 20 percent or greater when the cell overall has an average slope of less than 20 percent.
4	3-D: Eliminate use of cell to calculate average slope.
	Other Options <ul style="list-style-type: none"> ■ Remove escape clause from D. ■ Define cells in such a way as to prevent contorted cells. ■ Define cells as a single building lot.

ISSUE 4: HIGH RISK AREAS MAP FOR MOSO OPEN SPACE

Number	Options
	4-A: Continue to use the existing Development Capability Map and acknowledge its limitations.
4	4-B: Develop a new and improved Development Capability Map.
1	4-C: Discontinue use of the Development Capability Map and eliminate the preliminary risk determination.
	Other Options <ul style="list-style-type: none"> ■ Carefully define the requirements for the geo-tech study-boring grid, survey topo requirements, etc.

ISSUE 5: REMEDIATION OF HIGH-RISK AREAS

Number	Options
	5-A: Conditionally allow increases to residential density as a result of remediation.
	5-B: Prohibit remediation for the sole purpose of increasing residential density.
5	5-C: Prohibit any increase in residential density in high risk areas.
	Other Options <ul style="list-style-type: none"> ■ Modify option 5C to one house per 10 acres ----????

ISSUE 6: VIEWSHED PROTECTION

Number	Options
5	6-A: Prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-B: Strengthen development standards to limit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-C: Expand and improve design guidelines that apply to visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-D: Maintain existing policies and regulations.
	Other Options

ISSUE 7: BUILDING SIZE ON LARGE LOTS

Number	Options
2	7-A: Establish a maximum FAR for lots greater than 20,000 square feet.
2	7-B: Establish a maximum square-footage for any single-family home regardless of lot size.
	7-C: Make no changes to existing regulations.
	Other Options

BOARD 5

ISSUE 1: NON-MOSO RIDGELINE DEFINITION AND MAP

Number	Options
1	1-A: Add a general ridgeline definition to the General Plan and Municipal Code.
1	1-B: Add a map of all ridgelines to the General Plan.
1	1-C: Clarify that “ridgeline” means only MOSO ridgelines.
1	Other Options <ul style="list-style-type: none"> ■ Broaden the definition to pick up ridgelines that are below 800’! ■ I like 1B but would like to have a review of the 800 ft. ■ Option: re-evaluate 800 ft elevation-add the map but with above.

ISSUE 2: RIDGELINE PROJECTION

Number	Options
1	2-A: Allow development on and near non-MOSO ridgelines consistent with improved design guidelines.
	2-B: Prohibit development on non-MOSO ridgelines. Allow development near non-MOSO ridgelines consistent with new development standards.
1	2-C: Prohibit development within 250 feet of non-MOSO ridgelines.
2	2-D: Prohibit development within 500 feet of non-MOSO ridgelines.
1	2-E: Add an “escape clause” to Options 2-B, 2-C, and 2-D to allow exceptions if regulation would result in an unconstitutional “taking” of property.
	Other Options

ISSUE 3: STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE

Number	Options
	3-A: Create general policy statement for cell boundaries.
	3-B: Create objective standards for cell boundaries.
	3-C: Prohibit development in areas of a cell with a slope of 20 percent or greater when the cell overall has an average slope of less than 20 percent.
2	3-D: Eliminate use of cell to calculate average slope.
1	Other Options <ul style="list-style-type: none"> ■ Leave the way it is now.

ISSUE 4: HIGH RISK AREAS MAP FOR MOSO OPEN SPACE

Number	Options
	4-A: Continue to use the existing Development Capability Map and acknowledge its limitations.
3	4-B: Develop a new and improved Development Capability Map.
1	4-C: Discontinue use of the Development Capability Map and eliminate the preliminary risk determination.
	Other Options

ISSUE 5: REMEDIATION OF HIGH-RISK AREAS

Number	Options
1	5-A: Conditionally allow increases to residential density as a result of remediation.
1	5-B: Prohibit remediation for the sole purpose of increasing residential density.
3	5-C: Prohibit any increase in residential density in high risk areas.
	Other Options

ISSUE 6: VIEWSHED PROTECTION

Number	Options
1	6-A: Prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
1	6-B: Strengthen development standards to limit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-C: Expand and improve design guidelines that apply to visually prominent hillside areas as viewed from the Town’s scenic corridors.
1	6-D: Maintain existing policies and regulations.
	Other Options

ISSUE 7: BUILDING SIZE ON LARGE LOTS

Number	Options
1	7-A: Establish a maximum FAR for lots greater than 20,000 square feet.
	7-B: Establish a maximum square-footage for any single-family home regardless of lot size.
1	7-C: Make no changes to existing regulations.
	Other Options

BOARD 6

ISSUE 1: NON-MOSO RIDGELINE DEFINITION AND MAP – Board 6

Number	Options
4	1-A: Add a general ridgeline definition to the General Plan and Municipal Code.
4	1-B: Add a map of all ridgelines to the General Plan.
	1-C: Clarify that “ridgeline” means only MOSO ridgelines.
	Other Options

ISSUE 2: RIDGELINE PROJECTION

Number	Options
	2-A: Allow development on and near non-MOSO ridgelines consistent with improved design guidelines.
	2-B: Prohibit development on non-MOSO ridgelines. Allow development near non-MOSO ridgelines consistent with new development standards.
	2-C: Prohibit development within 250 feet of non-MOSO ridgelines.
4	2-D: Prohibit development within 500 feet of non-MOSO ridgelines.
3	2-E: Add an “escape clause” to Options 2-B, 2-C, and 2-D to allow exceptions if regulation would result in an unconstitutional “taking” of property.
	Other Options

ISSUE 3: STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE

Number	Options
	3-A: Create general policy statement for cell boundaries.
1	3-B: Create objective standards for cell boundaries.
	3-C: Prohibit development in areas of a cell with a slope of 20 percent or greater when the cell overall has an average slope of less than 20 percent.
1	3-D: Eliminate use of cell to calculate average slope.
	Other Options

ISSUE 4: HIGH RISK AREAS MAP FOR MOSO OPEN SPACE

Number	Options
	4-A: Continue to use the existing Development Capability Map and acknowledge its limitations.
3	4-B: Develop a new and improved Development Capability Map.
	4-C: Discontinue use of the Development Capability Map and eliminate the preliminary risk determination.
	Other Options

ISSUE 5: REMEDIATION OF HIGH-RISK AREAS

Number	Options
	5-A: Conditionally allow increases to residential density as a result of remediation.
2	5-B: Prohibit remediation for the sole purpose of increasing residential density.
1	5-C: Prohibit any increase in residential density in high risk areas.
	Other Options

ISSUE 6: VIEWSHED PROTECTION

Number	Options
3	6-A: Prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-B: Strengthen development standards to limit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-C: Expand and improve design guidelines that apply to visually prominent hillside areas as viewed from the Town’s scenic corridors.
	6-D: Maintain existing policies and regulations.
	Other Options

ISSUE 7: BUILDING SIZE ON LARGE LOTS

Number	Options
3	7-A: Establish a maximum FAR for lots greater than 20,000 square feet.
	7-B: Establish a maximum square-footage for any single-family home regardless of lot size.
	7-C: Make no changes to existing regulations.
	Other Options

BOARD 7

ISSUE 1: NON-MOSO RIDGELINE DEFINITION AND MAP

Number	Options
3	1-A: Add a general ridgeline definition to the General Plan and Municipal Code.
4	1-B: Add a map of all ridgelines to the General Plan.
	1-C: Clarify that “ridgeline” means only MOSO ridgelines.
1	Other Options <ul style="list-style-type: none"> ■ GP & MOSO-identify important ridgelines

ISSUE 2: RIDGELINE PROJECTION

Number	Options
	2-A: Allow development on and near non-MOSO ridgelines consistent with improved design guidelines.
1	2-B: Prohibit development on non-MOSO ridgelines. Allow development near non-MOSO ridgelines consistent with new development standards.
2	2-C: Prohibit development within 250 feet of non-MOSO ridgelines.
2	2-D: Prohibit development within 500 feet of non-MOSO ridgelines.
	2-E: Add an “escape clause” to Options 2-B, 2-C, and 2-D to allow exceptions if regulation would result in an unconstitutional “taking” of property.
1	Other Options <ul style="list-style-type: none"> ■ And I absolutely would like the landscaping “Do This” incorporated. ■ Enough controls already.

ISSUE 3: STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE

Number	Options
	3-A: Create general policy statement for cell boundaries.
1	3-B: Create objective standards for cell boundaries.
	3-C: Prohibit development in areas of a cell with a slope of 20 percent or greater when the cell overall has an average slope of less than 20 percent.
3	3-D: Eliminate use of cell to calculate average slope.
1	Other Options <ul style="list-style-type: none"> ■ Leave guidelines the same.

ISSUE 4: HIGH RISK AREAS MAP FOR MOSO OPEN SPACE

Number	Options
	4-A: Continue to use the existing Development Capability Map and acknowledge its limitations.
1	4-B: Develop a new and improved Development Capability Map.
2	4-C: Discontinue use of the Development Capability Map and eliminate the preliminary risk determination.
	Other Options

ISSUE 5: REMEDIATION OF HIGH-RISK AREAS

Number	Options
2	5-A: Conditionally allow increases to residential density as a result of remediation.
2	5-B: Prohibit remediation for the sole purpose of increasing residential density.
	5-C: Prohibit any increase in residential density in high risk areas.
	Other Options

ISSUE 6: VIEWSHED PROTECTION

Number	Options
1	6-A: Prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
1	6-B: Strengthen development standards to limit development in visually prominent hillside areas as viewed from the Town’s scenic corridors.
2	6-C: Expand and improve design guidelines that apply to visually prominent hillside areas as viewed from the Town’s scenic corridors.
1	6-D: Maintain existing policies and regulations.
	Other Options

ISSUE 7: BUILDING SIZE ON LARGE LOTS

Number	Options
	7-A: Establish a maximum FAR for lots greater than 20,000 square feet.
	7-B: Establish a maximum square-footage for any single-family home regardless of lot size.
5	7-C: Make no changes to existing regulations.
	Other Options

BOARD 8

ISSUE 1: NON-MOSO RIDGELINE DEFINITION AND MAP

Number	Options
6	1-A: Add a general ridgeline definition to the General Plan and Municipal Code.
6	1-B: Add a map of all ridgelines to the General Plan.
	1-C: Clarify that “ridgeline” means only MOSO ridgelines.
	<p>Other Options</p> <ul style="list-style-type: none"> ■ Include 1-A: Strike the language: “is in an undeveloped area”. ■ 1-B: Define “undeveloped area” so that a person’s barn, well, shed, road, etc. doesn’t exempt it from the regs.-what we really mean is non-residential area. ■ 1-B: ridgelines above 700’ in elevation (instead of 800’) ■ 1-B: Many highly visible “lateral” or “spur” ridges are below 800’ but very visually prominent. Need to account for ridgeline visibility as well as elevation. (outside MOSO of course). ■ 1-C: Ridgeline should not be defined by above 800’-any area visible from scenic corridor developed or undeveloped. ■ Ridgelines visible from scenic corridors need extra protection. ■ 800’ is not adequate everywhere –Rancho Laguna II is currently grading below 800’ yet most would agree it’s a ridgeline that should have been protected.

ISSUE 2: RIDGELINE PROJECTION

Number	Options
	2-A: Allow development on and near non-MOSO ridgelines consistent with improved design guidelines.
	2-B: Prohibit development on non-MOSO ridgelines. Allow development near non-MOSO ridgelines consistent with new development standards.
2	2-C: Prohibit development within 250 feet of non-MOSO ridgelines.
3	2-D: Prohibit development within 500 feet of non-MOSO ridgelines.
	2-E: Add an “escape clause” to Options 2-B, 2-C, and 2-D to allow exceptions if regulation would result in an unconstitutional “taking” of property.
	<p>Other Options</p> <ul style="list-style-type: none"> ■ At Rancho Laguna II the developer is required to build the houses along Rheem Blvd. so they don’t silhouette against the sky. They pushed this to the very limit so that some of the rooftops will come right to the limit of the ridge, i.e. there is no ridgeline/hillside visible above the rooftop-see illustration. This doesn’t preserve the view of the ridgeline so any policy would need to ensure that more of the ridgeline and hillside remain visible above the rooftops. ■ 2-D: Add: And visible from scenic corridor.

ISSUE 3: STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE

Number	Options
	3-A: Create general policy statement for cell boundaries.
	3-B: Create objective standards for cell boundaries.
	3-C: Prohibit development in areas of a cell with a slope of 20 percent or greater when the cell overall has an average slope of less than 20 percent.
3	3-D: Eliminate use of cell to calculate average slope.
1	<p>Other Options</p> <ul style="list-style-type: none"> ■ Require that cell areas <u>do not exceed</u> 10,000 square feet. ■ Apply slope restrictions in non-MOSO area open space & study areas. ■ 3-D: Eliminate guideline and manage to language of ordinance.

ISSUE 4: HIGH RISK AREAS MAP FOR MOSO OPEN SPACE

Number	Options
	4-A: Continue to use the existing Development Capability Map and acknowledge its limitations.
5	4-B: Develop a new and improved Development Capability Map.
	4-C: Discontinue use of the Development Capability Map and eliminate the preliminary risk determination.
	<p>Other Options</p> <ul style="list-style-type: none"> ■ 4-B: High risk needs to be applied to non-MOSO.

ISSUE 5: REMEDIATION OF HIGH-RISK AREAS

Number	Options
	5-A: Conditionally allow increases to residential density as a result of remediation.
	5-B: Prohibit remediation for the sole purpose of increasing residential density.
5	5-C: Prohibit any increase in residential density in high risk areas.
	<p>Other Options</p> <ul style="list-style-type: none"> ■ Option 5C is good because why develop any areas that are high risk. There is already too much traffic congestion. ■ Apply the high risk concept outside of MOSO in non MOSO open space.

ISSUE 6: VIEWSHED PROTECTION

Number	Options
4	6-A: Prohibit development in visually prominent hillside areas as viewed from the Town's scenic corridors.
1	6-B: Strengthen development standards to limit development in visually prominent hillside areas as viewed from the Town's scenic corridors.
	6-C: Expand and improve design guidelines that apply to visually prominent hillside areas as viewed from the Town's scenic corridors.
	6-D: Maintain existing policies and regulations.
	Other Options <ul style="list-style-type: none"> ■ 6-A: Add allow structure on existing non-subdivided plot in least prominent section w/standards

ISSUE 7: BUILDING SIZE ON LARGE LOTS

Number	Options
5	7-A: Establish a maximum FAR for lots greater than 20,000 square feet.
	7-B: Establish a maximum square-footage for any single-family home regardless of lot size.
	7-C: Make no changes to existing regulations.
	Other Options <ul style="list-style-type: none"> ■ 7-A: Prohibit within scenic corridor ■ 7-A is good but the maximum permitted building height in a scenic corridor should be more than 2 stories. ■ Option 7-A with stricter FAR size in a scenic corridor. ■ 7-A is fine except: must adopt a 7-B style absolute limit, 4,000-5,000 sq ft, on square footage for homes in scenic corridors.

ATTACHMENT C

FOCUS GROUP SUMMARY



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Town of Moraga **2015 Hillsides and Ridgelines Focus Groups**

October 2015

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Project Overview

The Town of Moraga commissioned Godbe Research to conduct a series of four focus groups of Moraga residents to help evaluate opinions and attitudes related to the Hillsides and Ridgelines Project. The focus groups were also designed to help inform and support a larger public outreach and engagement process being conducted for the Town for the Project.

As part of the focus group process, two groups were conducted on October 1, 2015, which included a discussion guide designed to collect in-depth knowledge on a variety of topics for the Hillsides and Ridgelines Project in a format used in other community engagement processes. However, after a debrief of the first set of focus groups on October 1st, a decision was made to modify the discussion guide to reflect a more general discussion of topics and issues, as well as to be able to better compare some similar issues. Accordantly, a second set of two focus groups was conducted using this modified discussion guide on October 7, 2015.

Copies of the discussion guides for the October 1st and October 7th focus groups have been presented later in this report in *Appendix A: Discussion Guides*, and comparisons between the October 1st and October 7th groups have been presented, where applicable.

Research Objectives

The Hillside and Ridgelines focus groups for the Town of Moraga were designed to explore the following areas (by focus group dates):

October 1, 2015 Groups:

- a) Determining issues of importance to Moraga residents;
- b) Evaluating current awareness of the Moraga Open Space Ordinance or MOSO;
- c) Evaluating definitions and terminology related to hillsides and open space in Moraga not covered by MOSO such as 'ridgelines', 'protect', 'development';
- d) Determining awareness of terminology related to hillsides and open space in non-MOSO areas of Moraga such as 'guidelines' and 'standards';
- e) Assessing support for potential future regulations for hillsides and ridgelines in non-MOSO areas of Moraga (Issue 2);
- f) Evaluating support for potential future regulations to protect viewsheds from the Town's scenic corridors (Issue 6), *and*;
- g) Assessing potential future options for guidelines for floor to area ratio (FAR) for lot sizes greater than 20,000 in the Town (Issue 7).

October 7, 2015 Groups:

- a) Determining issues of importance to Moraga residents;
- b) Evaluating tradeoff for the development of undeveloped land in Moraga, including level of growth, maintaining land as undeveloped, and private property rights;
- c) Evaluating definitions and terminology related to hillsides and open space in Moraga such as 'ridgelines', 'protect', 'development';
- d) Determining awareness of terminology related to hillsides and open space in Moraga such as 'guidelines' and 'standards';
- e) Assessing awareness of the Moraga Open Space Ordinance or MOSO, and support for MOSO related definitions (Issue 1), *and*;
- f) Assessing support for potential future regulations for hillsides, ridgelines, and viewsheds in non-MOSO areas of Moraga (Issues 2 and 6).

For organizational ease, the key findings in the next section are presented in the same order as in the discussion guides as well as by dates of the focus groups (see Appendix A: Discussion Guides).

Methodology Overview

Field Dates	October 1 and 7, 2015
Location	Hacienda de las Flores – Mosaic Room
Participants	Town of Moraga Residents
Sample Size	47 randomly selected participants in 4 groups
Session Length	90 minutes for each focus group

Methodology Note: Before presenting the results of this study, it is important to note that focus groups are a qualitative research technique that allow for a more in-depth exploration of impressions and ideas that arise during the course of discussion. These techniques are excellent methods of exploring participants' opinions on any number of issues. As with any qualitative research study, Godbe Research wishes to emphasize that the small number of respondents do not permit the findings presented here to be reliably generalized (statistically) to the larger population of Town of Moraga residents.

Focus Group Participants



Focus group recruitment is an effort to hear from selected groups in a given population, but is not a scientific random sample of the entire population. As such:

- ✓ The focus group participants were randomly selected by Godbe Research from the voter file in the Town of Moraga.
- ✓ The voter file presents the best list of Moraga residents with known addresses in the Town.
- ✓ While randomly selected from throughout Town, the process was designed to recruit a broad base of Moraga residents in terms of demographics, area of residence, and opinions on the level of current growth.
- ✓ Finally, while not results are not quantifiable, they are reported in the general order of popularity among participants.



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Key Findings: October 1st Groups

Most Important Issue Facing Moraga

Residents in both groups were presented with several 'warm-up' questions to set the tone for the focus groups as well as to foster a discussion of the local issues of importance to residents.

What do you think is the most important issue facing the Town of Moraga today?

- Too much or unsustainable residential growth
- Traffic or roads getting into or out of Town
- Traffic congestion in Town / Transportation infrastructure in Town
- Town Center planning / Retail choices
- Quality of commercial properties
- Lack of diverse activities

Perception of the Current Level of Residential Development

Do you feel that there is currently too much residential development in the Town of Moraga, not enough residential development in the Town of Moraga, or just the right amount of new development in the Town of Moraga?

- Too much – 14
- Right amount – 8
- Not enough – 1

Residents that participated in the focus groups felt that there was ‘too much’ residential development by an almost 2:1 ratio over the next most popular response of ‘right amount’ of residential growth. Only one participant in the October 1st groups felt that there was ‘not enough’ new residential development in Town.

Awareness of the Moraga Open Space Ordinance or MOSO

Before engaging in topics related to the Moraga Open Space Ordinance (MOSO) and non-MOSO undeveloped areas of Moraga, residents were given a brief description of MOSO and then asked if they were previously aware of MOSO.

Before tonight, had anyone heard of the 'Moraga Open Space Ordinance or MOSO'?

- Yes – 15
- No – 8

By almost 2 to 1, residents indicated that they had heard or were aware of MOSO prior to attending the focus group, although many indicated that they had educated themselves on the Town's web site shortly before attending to the focus groups.

Perception of the Term Ridgelines for Non-MOSO Areas

What does the term 'ridgelines' mean to you or what do you think it should mean?

- Top of a hillside / Crest of a hill / Highest part of a hill
- Barriers for development / Undeveloped / Should be protected
- Hills surrounding the Town / Outline of the Town
- Steep areas
- Natural elevation change

More than half of focus group respondents felt that the definition of 'ridgeline' should be defined as 'top of a hillside', 'crest of a hill', or 'highest part of a hill'.

Support for Definition of Ridgelines as Defined in MOSO

After soliciting ‘unaided’ opinions on the term ‘ridgelines’, residents were provided with the MOSO definition of ridgeline and asked if this is a good definition of the term.

One definition of ridgeline could be ‘the uppermost portion of a hill that is at or above 800 feet in elevation, is in an undeveloped area, and which rises to a crest’. This is the definition of ridgeline in MOSO areas. Do you think this is a good definition of ridgeline?

- Yes – 13
- No – 10

While residents were fairly evenly divided in their support for the definition of ‘ridgeline’ as it relates to the MOSO definition, there was consensus among the participants who indicated that it was not a good definition that the 800-foot elevation boundary was not restrictive enough. Residents who indicated support for the MOSO definition tended to cite uniformity in regulations as their rationale for supporting this definition.

Support for MOSO Definition of Ridgelines Town-Wide

After being provided the definition of 'ridgelines' as outlined in MOSO and being asked if it were a good definition, they were then asked if the MOSO definition of 'ridgelines' should apply Town-wide.

Do you think that the MOSO definition of 'ridgelines' should apply Town-wide?

- Yes – 21
- No – 2

While there was not consensus among residents in relation to the MOSO definition of 'ridgelines' as a good definition in general in the previous question, residents overwhelming felt that there should be a consistent definition of 'ridgelines' Town-wide.

Support for Adding a Definition and Map of Ridgelines

Do you feel that the Town should amend its General Plan and Municipal Code to add a yet to be defined definition of 'ridgeline', which could include the MOSO definition or some other definition that would need to be agreed to by the Planning Commission and adopted by the City Council so that the Town would have a clear and consistent definition of the word 'ridgeline' Town-wide?

- Yes – 22
- No – 1

In addition to adding a definition of 'ridgelines', do you feel that the Town should amend its General Plan and Municipal Code to add a yet to be defined map of 'ridgelines', which would be based on the future definition of 'ridgeline' and would need to be agreed to by the Planning Commission and adopted by the City Council?

- Yes – 22
- No – 1

Residents were in overwhelming support of a definition of 'ridgelines' and a map of ridgelines that would apply Town-wide. Moreover, when asked 'why' they indicated support for a definition and map of 'ridgelines', consistency in regulations was the answer provided by most residents.

Familiarity with Guidelines and Standards

Residents were next asked about their familiarity with the terms ‘guidelines’ and ‘standards’ as they relate to residential development in the Town of Moraga. Very few residents were familiar with these terms and the nuanced differences between the terms, which were then discussed and defined prior to moving forward to topics related to the evaluation of ‘guidelines’ and ‘standards’. Respondents were also presented visual aids to help provide examples of each term and to be used in upcoming focus group topics. Below are the definitions of ‘guidelines’ and ‘standards’ provided to residents.

Guidelines are recommendations for design and development, but are not mandatory in all cases and are sometimes open to interpretation. An example of a design guideline is ‘The height of new buildings should be compatible with the height of neighboring structures’.

Standards are objective, not subjective, rules with which new development must always comply. ‘A maximum permitted building height of 35-feet’ is an example of a development standard.

Perception of the Term Protect in Relation to Ridgelines in Town

What does the term 'protect' mean to you as it relates to ridgelines in the Town of Moraga?

- Keep as open space / Unaltered / Protect beauty or character
- No development allowed / Don't build new development
- Beginning of ridgeline
- Not sure

21 of 23 residents answered with a common theme of 'keeping as open space' or 'no development allowed' when asked what the term 'protect' means to them as it related to ridgelines.

Options for Hillside and Ridgeline Development in Non-MOSO Areas

Next, residents were presented with individual options relating to development 'on and adjacent' to non-MOSO ridgelines with improved design guidelines, development 'near but not on' non-MOSO ridgelines with development standards, no development within 250-feet of a non-MOSO ridgeline, and no development within 500-feet of a non-MOSO ridgeline. After a discussion of each individual option, residents were asked to pick the option that they preferred. Options were deliberately presented in order of least to most restrictive for this specific topic.

Now that we've had a chance to discuss each of these options, do you feel that the Town should allow development ON and ADJACENT to Non-MOSO ridgelines with improved design guidelines; allow development NEAR but not ON non-MOSO ridgelines with development standards; not allow any development within 250 feet of a non-MOSO ridgeline, or not allow any development within 500 feet of a non-MOSO ridgeline in the Town of Moraga?

- Development on and adjacent to Non-MOSO ridgelines with guidelines – 1
- Development near but not on non-MOSO ridgelines with standards – 5
- No development within 250-feet of non-MOSO ridgelines – 0
- No development within 500-feet of non-MOSO ridgelines – 15
- No answer (not a response code on sheet) – 2

Options for Hillside and Ridgeline Development in Non-MOSO Areas (cont.)

Almost two-thirds of residents indicated a preference for the most restrictive option of 'no development within 500-feet of a non-MOSO ridgeline, and some felt this option was not restrictive enough on development in Town. The second most popular response was 'development near but not on non-MOSO ridgelines with development standards' . Respondents who indicated a preference for this option felt that objective 'standards' would be the best option for ridgeline protection in non-MOSO areas of Town.

Options for Viewshed Protection in Non-MOSO Areas

The next focus group topic and set of questions had to do with options related to ‘viewshed protection from scenic corridors ‘ in the Town. As part of this set of questions, residents were provided with maps of visually prominent hillsides and the Town’s scenic corridors as previously used for other community engagement for the Hillside and Ridgelines Project. In addition, for the questions related to guidelines and standards for ‘viewshed protection’ residents were also given diagrams of examples of each specific to ‘viewshed protection’ that had also been used previously for community engagement for the Hillside and Ridgelines Project.

Similar to the options discussed previously for ‘ridgeline protection’, residents were then presented with individual options relating to ‘viewshed protection’ in non-MOSO areas of Town. These options included: simply prohibiting development in visually prominent hillside areas as viewed from the Town’s scenic corridors; strengthening development standards to limit but not prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors; developing and improving guidelines to minimize visual impacts but not prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors, or; that existing Town policies and regulations are adequate to protect viewsheds along the Town’s scenic corridors. Options were deliberately presented in order of most to least restrictive for this specific topic.

Options for Viewshed Protection in Non-MOSO Areas (cont.)

Now that we've had a chance to discuss each of these options, do you feel that the Town should prohibit development, strengthen development standards, or expand and improve guidelines to 'protect viewsheds' as they are viewed from the Town's scenic corridors, or do you feel that the Town's existing policies and regulations are adequate to 'protect viewsheds' in the Town of Moraga?

- Prohibit development to protect viewsheds – 17
- Strengthen development standards to protect viewsheds – 3
- Expand and improve guidelines to protect viewsheds – 1
- Existing policies and regulations adequate to protect viewsheds – 1
- No answer (not a response code on sheet) – 1

Even though these options were presented in a different order than the options related to 'ridgeline protection', the most restrictive option was by far the most popular among residents. Almost three-quarters of residents indicated a preference to 'prohibit development in visually prominent hillside areas as viewed from the Town's scenic corridors'. The second most popular response was 'the Town should strengthen its development standards to limit but not prohibit development in visually prominent hillside areas as viewed from the Town's scenic corridors'. Similar to the options for 'ridgeline protection', respondents who indicated a preference for this option felt that objective 'standards' would be the best option for viewshed protection for non-MOSO areas.

Floor to Area Ratio Guidelines

The final topic and set of questions for the October 1st focus groups had to do with options related to the Town's current floor to area (FAR) guidelines and how they should be applied, if at all, to single family homes with lot sizes exceeding 20,000 square feet. To support this topic, residents were provided with a diagram for calculating FAR that had been shown in previous community engagement processes for the Hillsides and Ridgelines Project.

Similar to previous topics with several options, options were presented individually to residents and included: if the Town should amend its existing design guidelines to establish a maximum FAR for lot sizes that are greater than 20,000 square feet; if the Town should establish a maximum allowable square footage for any new single family home regardless of lot size, while keeping the existing FAR limitations in the design guidelines for lots of 20,000 square feet or less, or; if the Town's existing guidelines are adequate for FAR by only having them apply to lots of 20,000 square feet or less. Similar to the previous topic related to 'viewshed protection', options for FAR were presented from the most to least restrictive.

Support for Changes to the Town's Floor to Area Ratio Guidelines (cont.)

Do you feel that the Town should amend its existing design guidelines to establish a maximum FAR on lots greater than 20,000 square feet, establish a maximum square footage for all new single family homes while keeping the existing FAR for homes on lots of 20,000 square feet or less, or do you feel that the Town's existing design guidelines are adequate and you would make no changes?

- Amend guidelines to establish a maximum FAR on lots >20,000 sq. ft. – 14
- Establish maximum square footage for all new single family homes & keep current FAR for lots >20,000 sq. ft. – 7
- Existing Town guidelines adequate for FAR – 2

By a two to one ratio, resident felt that the Town should amend its guidelines to establish a maximum FAR on lots greater than 20,000 square feet. The overwhelming reason for choosing this option was that there should be consistency in FAR regulations for all lots in Moraga, regardless of size.



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Key Findings: October 7th Groups

Most Important Issue Facing Moraga

Similar to the October 1st groups residents were presented with several 'warm-up' questions to set the tone for the focus groups as well as to foster a discussion of the local issues of importance to residents.

What do you think is the most important issue facing the Town of Moraga today?

- Too much housing / Too much growth / Too much development
- Maintaining the small town feel / semi-rural feel of Moraga
- Traffic or roads getting into or out of Town
- Lack of small businesses or shopping opportunities in Town
- Lack of growth or development / Increasing tax base
- Overcrowding of schools
- Lack of youth activities

Perception of the Current Level of Residential Development

Do you feel that there are currently too many homes being built in the Town of Moraga, not enough new homes being built in the Town of Moraga, or just the right amount of new homes being built in the Town of Moraga?

- Too many – 14
- Right amount – 9
- Not enough – 1

More than half of the residents that participated in the focus groups felt that there are currently 'too many' new homes being building in the Town, where slightly more than a third felt that there is currently the 'right amount' of new homes being built. Only one respondent indicated that there are 'not enough' new homes being built in the Town. Ironically, in correlating this question to the previous question on the 'most important issue facing the Town of Moraga today', several respondents who indicated 'lack of growth' or 'lack of shopping opportunities' also said there are 'too many' new homes being built in Moraga.

Balancing Preservation of Land with Property Rights / Regulations for Undeveloped Land

Most undeveloped land in Moraga is privately owned, and is zoned to allow some amount of development. Given this, do you feel that it is important to balance the preservation of undeveloped lands within Moraga with private property rights, to preserve undeveloped lands despite the fact that it might limit property rights, or do you feel that individual property rights are more important than preserving undeveloped lands?

- Balancing undeveloped land with private property rights – 12
- Preserving undeveloped land more important – 11
- Private property rights more important – 1

Do you feel that any regulations to preserve undeveloped land in Moraga should apply to all undeveloped parcels in Town, apply only to parcels on undeveloped hilltops and hillsides in Town, or should only apply to undeveloped land in visually prominent hilltops and hillsides in Town?

- All undeveloped parcels – 11
- Only to parcels on undeveloped hilltops and hillsides – 7
- Only undeveloped land on visually prominent hilltops and hillsides – 6

Balancing Preservation of Land with Property Rights / Regulations for Undeveloped Land (cont.)

While there was no consensus among residents in terms of the importance of ‘balancing the preservation of undeveloped land within Moraga with property rights’ and ‘preserving undeveloped land despite the fact that it might limit private property rights’, it was very clear that both of these options are far more important than ‘private property rights being more important than preserving undeveloped lands’ to the participants of the focus groups.

There was also no correlation between responses to this question and how regulations in the Town of Moraga should apply to undeveloped parcels in Town. However, while there was no correlation between responses to these two questions, almost half of respondents indicated that regulations to preserve undeveloped land in Moraga should apply to ‘all undeveloped parcels’. In comparison, slightly more than a quarter of respondents each indicated that regulations to preserve undeveloped land in Moraga should ‘only apply to parcels on undeveloped hilltops and hillsides’ or should apply ‘only to visually prominent hilltops and hillsides’.

Awareness and Perception of Terms Related to the Hillside and Ridgelines Project

The next topic consisted of a discussion and set of questions related to terminology being used for the Moraga Hillside and Ridgelines Project and for undeveloped lands in Moraga in general. For some of the terms, such as ‘ridgelines’ and ‘protection’, residents were simply asked what the term meant to them personally. For other terms such as ‘development’ and ‘viewshed’, residents were asked what the specific term meant to them personally, then a definition was provided for consistency in discussing future topics.

In general, residents had no trouble with terms such as ‘ridgelines’, ‘protection’ and ‘development’, however, the term ‘viewshed’ did prove confusing to many participants without some sort of reference point for where the ‘viewshed’ is being viewed from. This was true even when provided with the definition of ‘viewshed’ as ‘the distant views of undeveloped hillside and ridgelines in Moraga that are viewed from the Town’s scenic corridors’.

Perception of Guidelines and Standards Related to Residential Development

Next, focus group participants were provided with definitions to the terms ‘guidelines’ and ‘standards’ as well as diagrams with examples for how ‘guidelines’ and ‘standards’ could be applied to residential development in the Town. Below are the definitions of each given to residents of the October 7th focus groups, which are almost identical to the definitions provided to participants of the October 1st groups.

For the purposes of our discussion, guidelines are recommendations for the design of development, but are not mandatory in all cases and sometimes are open to interpretation. An example of a design guideline is ‘The height of new buildings should be compatible with the height of neighboring structures’.

For the purposes of our discussion, standards are objective (not subjective) rules with which new development must always comply. ‘A maximum permitted building height of 35 feet’ is an example of a development standard.

Perception of Guidelines and Standards Related to Residential Development (cont.)

As a follow-up to the discussion of the definitions and examples of 'guidelines' and 'standards', residents were then asked which they felt should apply to residential development in Moraga.

In thinking about these two terms: 'guidelines' and 'standards', which one do you prefer to apply to residential development on ridgelines and hillsides in the Town of Moraga? Is that the more potentially subjective, but also more flexible, 'guidelines' or the more strict and objective 'standards'?

- Guidelines – 0
- Standards – 22
- Both (not asked) – 1
- Neither (not asked) – 1

More than 90% of respondents indicated that they would prefer 'standards' for residential development in the Town of Moraga. Below are the primary reasons for choosing 'standards'.

- Standards are subjective, not objective
- Standards are clear and consistent
- Standards are the same for everyone / Standards are fair
- No avoiding the rules / Cannot change standards
- Standards would be easier to follow

Before engaging in topics related to the Moraga Open Space Ordinance or MOSO and non-MOSO areas of Moraga, residents were given a brief description of MOSO and then asked if they were previously aware of MOSO.

Before tonight, had anyone heard of the 'Moraga Open Space Ordinance or MOSO'?

- Yes – 15
- No – 9

Slightly more than 60% of residents indicated that they had heard or were aware of MOSO prior to coming to the focus group. This is consistent with the October 1st groups where 15 of 23 respondents indicated that they had heard of MOSO and 8 of 23 respondents indicated that they had not heard of MOSO prior to the focus group.

Support for MOSO Definition of 'Ridgeline'

Respondents were then provided with a map of MOSO ridgelines and areas of Town, and asked if they felt that the definition of 'ridgelines' in MOSO was a good definition of 'ridgelines' in general.

Do you think the MOSO definition of 'ridgelines' is a good definition of 'ridgelines'?

- Yes – 18
- No – 6

75% of respondents felt that the MOSO definition of 'ridgelines' was a good definition in general. In addition, of the 6 respondents who said 'no', the rationale for not supporting the MOSO definition of 'ridgeline' had to do with the MOSO definition not being restrictive enough.

Support for MOSO Definition of 'Ridgeline' Town-Wide

After discussing the definition of 'ridgeline' as defined in MOSO in general terms, residents were then provided with an example map of how the definition of 'ridgelines' could apply to non-MOSO areas of Town. Respondents were then asked if the MOSO definition of 'ridgeline' should apply Town-wide.

Based on the example map and the definition of 'ridgelines' we just discussed for MOSO areas of Town, do you think the MOSO definition of 'ridgeline' should apply Town-wide, meaning should it apply to both MOSO and non-MOSO areas of Town?

- Yes – 22
- No – 1
- Not Sure (not asked) – 1

More than 90% of respondents indicated that they felt that definition of 'ridgeline' as defined in MOSO should apply Town-wide. The overwhelming rationale among residents for this opinion was to have consistency and clarity for ridgeline protection throughout Moraga. The one respondent who indicated 'no' felt that the definition of 'ridgelines' should only apply to areas of Town that 'can be seen'.

Ridgeline Protection and Viewshed Protection Options

The next topic and set of questions differed slightly from previous community outreach, where the community outreach looked at the issues of viewshed protection and ridgeline protection as separate topics, based on information obtained from the October 1st groups. In this section, residents were asked if they would: allow development on ridgelines and in scenic viewsheds when well designed; allow development in locations (including ridgelines) that cannot be seen from scenic corridors or major vantage points, or; if developed should simply be prohibited entirely in these areas.

While the Town aims to “protect ridgelines and scenic viewsheds from development”, it’s unclear exactly what this means. Keeping in mind the rights of property owners and the desire to maintain open space, what is the best way to achieve this goal?

- Allow development in these areas but only when well designed – 3
- Allow development only in locations that are not visible from scenic corridors or major public vantage points – 11
- Prohibit development entirely - 9
- Not Sure (not asked) – 1

While there was not a noticeable difference between the second and third option, it is clear that allowing development only in locations not visible from scenic corridors or major vantage points or prohibiting development entirely were much more popular than allowing development when well designed.

Ridgeline Protection and Viewshed Protection Options (cont.)

As a follow-up to the previous question, respondents were then asked if they might support allowing development on non-MOSO ridgelines or in scenic viewsheds subject to guidelines regarding the type and style of the development with an example of a potential guideline presented. Residents were referred back to diagrams showing additional examples of potential design guidelines used in the previous general discussion of guidelines and standards.

Would you support allowing development on non-MOSO ridgelines OR in scenic viewshed areas subject to the types of guidelines we've discussed?

- Yes – 3
- No – 21

Similar to themes echoed in the general discussion of guidelines and standards, respondents felt that guidelines for development on non-MOSO ridgelines and in scenic viewsheds were too arbitrary and subjective.

Ridgeline Protection and Viewshed Protection Options (cont.)

As another follow-up to the question regarding development related to ridgeline and viewshed protection, respondents were then asked if they might support allowing development on non-MOSO ridgelines or in scenic viewsheds subject to quantifiable and measurable standards regarding development in these areas. Similar to the previous question regarding guidelines Residents were presented with an example standard and referred back to diagrams showing examples of other potential standards.

Would you support allowing development near to Non-MOSO ridgelines OR in scenic viewshed areas subject to the types of standards we've discussed?

- Yes – 10
- No – 13
- Not sure (not asked) – 1

While standards were clearly a more popular choice than guidelines, the majority of respondents still did not approve of standards as mechanism for regulating development on non-MOSO ridgelines or in scenic viewsheds. However, for respondents who indicated 'no', this was most often because they did not support development on non-MOSO ridgelines or in scenic viewsheds at any level, whether regulated or not.

Ridgeline Protection and Viewshed Protection Options (cont.)

As another option for regulation of development on non-MOSO ridgelines, residents were asked if development should simply be prohibited within 250-feet of a non-MOSO ridgeline in Town.

For areas near non-MOSO ridgelines, another option would be to prohibit development within 250-feet of the non-MOSO ridgeline. This approach is similar to ridgelines in MOSO areas, where development is prohibited on less prominent ridgelines and within 500 feet of the most prominent ridgelines. Do you support this approach for non-MOSO ridgelines?

- Yes – 3
- No – 21

Almost 90% of residents indicated that they did not support this option. In almost every case, this was because the option was not consistent with MOSO and residents felt that there should be consistency in any regulation of development on ridgelines Town-wide.

Ridgeline Protection and Viewshed Protection Options (cont.)

As a final option for regulation of development on non-MOSO ridgelines, residents were asked if development should simply be prohibited within 500-feet of a non-MOSO ridgeline.

A final option would be to prohibit development within 500 feet of a non-MOSO ridgeline. This approach would treat non-MOSO ridgelines the same as the most prominent MOSO ridgelines. Do you support this approach?

- Yes – 18
- No – 4
- Not sure (not asked) – 2

Almost 90% of residents indicated that this as a preferable option, and most residents indicated the consistency with MOSO as the reason for their support of this option. In addition, 3 of the 4 residents who did not support this option, and both residents who were unsure cited the fact that they did not want any development on non-MOSO ridgelines as the rationale for their response to this question.



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Summary

- Moraga residents are very engaged in their community. Of the 48 residents recruited for the focus group process, 47 attended the groups. This 98% attendance rate is the best of any community for which we've conducted focus groups in the Bay Area.
- It's clear that in an un-aided format (before any project-related information was presented), residents have concerns about residential growth and housing, and the impacts of growth on traffic. These were the most frequently mentioned issues facing the Town of Moraga in both sets of focus groups. This was further corroborated in the first substantial questions in both sets of groups regarding the level of 'residential growth' (October 1st groups) and amount of 'homes being built' (October 7th groups).
- While only tested in the October 7th groups, 'balancing undeveloped land with property rights' or 'preserving undeveloped land exclusive of property rights' were more important than property rights in general to the participants of the focus groups.
- Awareness of the Moraga Open **Space** Ordinance or MOSO is high in general, with residents being aware of MOSO by almost a 2:1 ratio. Having said this, there are several components or pieces of information regarding of MOSO that residents were not aware of, such as why the areas were chosen for MOSO in 1986, how the areas were chosen, and why the 800-foot elevation boundary level was chosen.

Summary (cont.)

- It's clear from the results that residents are very much in support of consistent terminology (including maps) and regulations for all areas of Town (MOSO and non-MOSO).
- Consistency of regulations was also important when we tested floor to area (FAR) ratio options with residents for lots greater than 20,000 square feet, where residents felt that there should be a consistent definition of FAR no matter the lot size by a 2:1 ratio over the next most popular option.
- When tested in either a 'ridgeline protection' or 'viewshed protection' context, residents clearly preferred more objective and quantifiable standards over more subjective and less rigorous guidelines.
- No matter the topic or the order of options presented for a given topic, residents had a general preference for the option that was the most restrictive, and would limit residential development as much as possible.
- While residents were generally supportive of the most restrictive options, there was some openness to additional residential development so long as the development was not visible from the Town's scenic corridors.



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Appendix A: Discussion Guides



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TOWN OF MORAGA

Moraga Hillsides and Ridgelines Project
Focus Group Discussion Guide – October 1st Groups

September 30, 2015

FINAL

www.godberesearch.com

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Pacific Northwest
601 108th Avenue NE, Suite 1900
Bellevue, WA 98004

INTRODUCTIONS (5 MIN)

START: _____

END: _____

Introduce moderator, including that moderator works for an independent research firm.

Why are we here today?

We want to talk specifically about open space, growth, and development-related issues in the Town of Moraga. We are interested in your opinions as residents and we would like to talk about your impressions and your vision for the future.

Explain video recording:

The purpose of the video recording is to help me write a more accurate report from the information that is gathered in tonight's discussion. Your comments are confidential, and these recordings will never be released to a general audience — we promise you won't see yourself on Facebook or YouTube!

Ground Rules:

I'd like to start off with some ground rules for tonight's discussion:

We are interested in the opinions of each individual. Please be honest and open about what you think.

Be respectful of your fellow group members. You may disagree with each other, but please remember that there are no "right" or "wrong" answers. In addition, some of you might have more context during our discussion, so please be respectful of those who may be hearing about these topics for the first time.

Also, please try to speak one at a time. We are recording the discussion tonight so that I can go back and review your comments. It's hard to understand that recording when people are talking over each other, not to mention we want to be respectful of the person speaking.

Explain Discussion Guide:

I have a discussion guide with me that includes the topics that I would like to get through tonight. In order to cover everything, there may be times when I have to cut off the discussion and move on to a new topic.

Finally, each of you has a work sheet in front of you and I will hand out several visual aids during the course of the discussion. Please put your first name on the front page of your worksheet and don't turn pages until I ask you to. Also, not all topics are related to the worksheet, so I'll let you know when we come to a topic that relates to the worksheet.

Participant Introductions:

Let's break the ice a little; I'd like to go around and have you introduce yourselves. Please give just your first name, tell us how long you have lived in Moraga, and what you enjoy doing most in your spare time.

WARM UP – LOCAL ISSUES & PERCEPTION

GROWTH/DEVELOPMENT/CONSERVATION ISSUES (10 MIN)

START: _____

END: _____

1. What do you like best about living in Moraga? Why is that? What do you like least about living in Moraga? Why is that?
2. On the worksheet in front of you, please write down what you think is the most important issue facing the Town of Moraga today? [\[WORKSHEET ITEM A\]](#)
3. Do you feel that there is currently too much residential development in the Town of Moraga, not enough residential development in the Town of Moraga, or just the right amount of new development in the Town of Moraga? [\[WORKSHEET ITEM B\]](#)

ISSUE ONE DISCUSSION (20 MIN)

START: _____

END: _____

Now I'd like to talk about the specific topics and issues for tonight's focus group.

Tonight we will be discussing the Hillside and Ridgelines project, which is an initial step by the Town of Moraga to help clarify and improve regulations for hillside and ridgeline development within the Town of Moraga.

To begin our discussion, the Town of Moraga has ordinance called the Moraga Open Space Ordinance or MOSO, which is an initiative that was passed by voters in the Town in 1986. MOSO limits residential densities in certain areas designated as "Open Space Lands." MOSO also prohibits development in high slope areas and near ridgelines within MOSO Open Space Lands. All Town policies and regulations must be consistent with the MOSO Initiative. Here is a map of the MOSO designated areas in the Town of Moraga [HAND OUT FIGURE 1].

4. Before tonight, had anyone heard of the 'Moraga Open Space Ordinance or MOSO'? Please raise your hand if you had heard/not heard of MOSO. What have you heard?

Areas within the Town of Moraga that are not MOSO Open Space areas, as shown in Figure 1, are referred to as "non-MOSO areas." These areas will be the subject of our first topic of discussion

Moraga's general plan currently does not have a definition of the word "ridgeline" that applies to all areas in town, nor does it have ridgeline maps that apply to non-MOSO areas of the Town. In order to have clear and consistent policies for Moraga's ridgelines (MOSO and non-MOSO area), the Town is seeking to clarify the definition of "ridgeline" and to also potentially identify the locations of "ridgelines" on a map.

5. When I say the word "ridgelines", what does this term mean to you or what do you think it should mean? [WORKSHEET ITEM C]
 - a. One definition of ridgeline could be "the uppermost portion of a hill that is at or above 800 feet in elevation is in an undeveloped area, and which rises to a crest". This is the definition of ridgeline in MOSO areas and could apply to the areas outlined in red on the attached map, which are non-MOSO ridgelines. [HAND OUT FIGURE 2] Do you think this is a good definition of "ridgeline"? Why/Why not? [WORKSHEET ITEM D]

- b. Do you think this definition should apply Town-wide (MOSO and non-MOSO areas of Town)? Why/Why not? [\[WORKSHEET ITEM E\]](#)

Now I'm going to discuss several of general options for including the definition of "ridgelines" in the Town's general plan and Municipal Code for areas outside of MOSO or non-MOSO areas of Town.

6. Do you feel that the Town should amend its general plan and Municipal Code to add a yet to be defined definition of "ridgeline", which could include the MOSO definition we just discussed or some other definition that would need to be agreed to by the Planning Commission and adopted by the City Council so that the Town would have a clear and consistent definition of the word "ridgeline" Town-wide? Why/Why not? [\[WORKSHEET ITEM F\]](#)
 - a. In addition to adding a definition of "ridgelines", do you feel that the Town should amend its general plan and Municipal Code to add a yet to be defined map of ridgelines, which would be based on the future definition of "ridgeline" and would need to be agreed to by the Planning Commission and City Council? Why/Why not? [\[WORKSHEET ITEM G\]](#)
7. Finally, do you think that the Town should have any definition or map of "ridgelines" in non-MOSO areas of Town or should ridgeline policies and regulations apply only to MOSO areas of Town? Why/Why not? [\[WORKSHEET ITEM H\]](#)
8. Now that you've heard each of these options, do you feel that the Town should add a definition of "ridgelines", or a definition and map of "ridgelines" to the Town's general plan and Municipal Code for non-MOSO areas, or do you feel that a definition and/or map of "ridgelines" should only apply to MOSO areas of Moraga? [\[WORKSHEET ITEM I - REFER BACK TO FIGURE 2\]](#) Why is that?

ISSUE TWO DISCUSSION (20 MIN)

START: _____

END: _____

While the Town's general plan currently does not have a formal definition of the word "ridgeline", it does have a policy that calls for the Town to "protect ridgelines from development". Because of this, it is not clear how this policy should be applied to non-MOSO areas of Town, if at all. However, as we previously discussed, the Town is striving to have clear and consistent policies regarding growth and development on hillsides and ridgelines in Moraga, and your opinions on this topic will provide valuable input into this process.

Similar to the last topic and building on the previous definition of "ridgelines", I am going to begin by discussing some terminology specific to ridgeline protection.

9. First, is anyone familiar with the term 'guidelines' as they relate to residential development in the Town of Moraga? What does this term mean to you?

[HAND OUT FIGURE 3] For the purposes of our discussion, "guidelines" are recommendations for the design of development, but are not mandatory in all cases and sometimes are open to interpretation. An example of a design guideline is "The height of new buildings should be compatible with the height of neighboring structures". There are also other several examples in the figure I just handed out. Are there any questions?

10. Now is anyone familiar with the term "standards" as they relate to residential development in the Town of Moraga? What does this term mean to you?

[HAND OUT FIGURE 4] For the purposes of our discussion, "standards" are objective (not subjective) rules with which new development must always comply. "A maximum permitted building height of 35 feet" is an example of a development standard. Again, there are several additional examples are also in the diagram I just handed out. Are there any questions?

Finally, these last two terms we'll discuss for this topic are similar to the “ridgelines” term we discussed earlier, in that they are not defined in the Moraga general plan. Thus, these need to be defined by the Town.

11. When I say the term “protect” as is relates to ridgelines in the Town of Moraga, what does this term mean to you? [\[WORKSHEET ITEM J\]](#)

12. When I say the term “development” or “developed” as is relates residential land in the Town of Moraga, what does this term mean to you? [\[WORKSHEET ITEM K\]](#)

Now we are going to discuss a couple of general options for “ridgeline protection” in non-MOSO areas in the Town of Moraga being considered by the Town.

13. Now that we've discussed the terms “ridgelines”, “development” and “guidelines” do you feel that development should be allowed ON and ADJACENT to non-MOSO ridgelines consistent with yet to be determined improved design guidelines that could include minimizing visual impacts, mitigating potential hazards, and others? Why/Why not? [\[WORKSHEET ITEM L - REFER BACK TO FIGURE 3\]](#)

14. As a more slightly more restrictive option and including the term “standards”, do you feel that development should be allowed NEAR non-MOSO ridgelines but NOT ON non-MOSO ridgelines consistent with new, but yet to be defined development standards that would specifically address height, size, and placement of structures in relation to non-MOSO ridgelines? Why/Why not? [\[WORKSHEET ITEM M - REFER BACK TO FIGURE 4\]](#)

15. [\[HAND OUT FIGURE 5\]](#) As another potential option, do you think that the Town should prohibit any development within 250 feet of a non-MOSO ridgeline, which would mean NO development on non-MOSO ridgelines but would allow development that is more than 250 below a non-MOSO ridgeline as depicted in Figure 5? Why/Why not? [\[WORKSHEET ITEM N\]](#)

16. **[HAND OUT FIGURE 6]** As the final option we will discuss tonight on this specific topic, do you think that the Town should prohibit development within 500 feet of a non-MOSO ridgeline, which would mean NO development on non-MOSO ridgelines but would allow development that is more than 500 below a non-MOSO ridgeline, as depicted in Figure 6? Why/Why not? **[WORKSHEET ITEM O]**
- a. Would you change your opinion on any of these options if the Town would adopt a clause related to non-MOSO ridgelines that would prohibit any unconstitutional taking of property? **[ONLY DISCUSS IF BROUGHT UP BY PARTICIPANTS]**
17. Now that we've had a chance to discuss each of these options, do you feel that the Town should allow development ON and ADJACENT to Non-MOSO ridgelines with improved design guidelines; allow development NEAR but not ON non-MOSO ridgelines with development standards; not allow any development within 250 feet of a non-MOSO ridgeline, or not allow any development within 500 feet of a non-MOSO ridgeline in the Town of Moraga? **[WORKSHEET ITEM P]** Why is that?

ISSUE SIX DISCUSSION (15 MIN)

START: _____

END: _____

The Town of Moraga’s general plan and Zoning Code identify several roadways in Town as scenic corridors. Similar to the Town’s general plan policy for “ridgeline protection” that we previously discussed, the general plan also calls for Moraga to “protect viewsheds” along these scenic corridors, however similar to “ridgelines protection”, the definition of “protect” is unclear in the context of potential development projects located in visually prominent hillside areas that can be seen from the Town’s scenic corridors. [HAND OUT FIGURE 12] The map I’ve just handed out shows the Town’s designated scenic corridors.

Similar to the last topics and building on our previous discussion of the definition of the term “protect”, we are going to discuss a couple of general options for “viewshed protection” in non-MOSO areas in the Town of Moraga being considered by the Town. The options we’ll discuss would require the Town to identify prominent hillside areas most visible from the Town’s scenic corridors similar to the map I’ll hand out now. [HAND OUT FIGURE 13].

18. As the first option we’ll discuss for “viewshed protection” do you feel that the Town should simply prohibit development in visually prominent hillside areas as viewed from the Towns’ scenic corridors? Why/Why not? [WORKSHEET ITEM Q]

19. [HAND OUT FIGURE 14] As a second option and using our previously discussed definition of “standards”, do you feel that the Town should strengthen its development standards to limit but not prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors? Some example standards are in the Figure you just received. Why/Why not? [WORKSHEET ITEM R]

20. [HAND OUT FIGURE 15] As third option and using our previously discussed definition of “guidelines”, do you feel that the Town should develop and improve guidelines to minimize visual impacts but not prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors? Some examples are presented in Figure 15 I just handed out. Why/Why not? [WORKSHEET ITEM S]

21. Finally, do you feel that the Town's existing policies and regulations are adequate to protect viewsheds along the Town's scenic corridors? Why/Why not?

[WORKSHEET ITEM T]

22. Now that we've had a chance to discuss each of these options, do you feel that the Town should prohibit development, strengthen development standards, or expand and improve guidelines to "protect viewsheds" as they are viewed from the Town's scenic corridors, or do you feel that the Town's existing policies and regulations are adequate to "protect viewsheds" in the Town of Moraga? [WORKSHEET ITEM U]
Why is that?

ISSUE SEVEN DISCUSSION (10 MIN)

START: _____

END: _____

This is the last topic for discussion tonight. The Town of Moraga's current design guidelines use a floor to area ratio or FAR, which is a measurement of the size of a building relative to its lot size to determine a maximum FAR (including living space, garages, and habitable attic and basement spaces) for single family homes with lot sizes up to 20,000 square feet. However, these same design guidelines do not address lots greater than 20,000 square feet and thus do not limit the size of homes on these lots.

As we've previously discussed throughout tonight's focus group, the Town is striving to have clear and consistent policies regarding growth and development in Moraga, and now we are going to discuss several options for establishing a maximum FAR for all lots in the Town. In addition, the diagram I'll hand out has some additional information on how FAR is calculated. [\[HAND OUT FIGURE 16\]](#) Are there any questions?

23. As a first option the Town is considering, do you feel that the Town should amend its design guidelines to establish a maximum FAR or floor to area ratio for lots that are greater than 20,000 square feet? Why/Why not? [\[WORKSHEET ITEM V\]](#)
24. As a second option, should the Town establish a maximum allowable square footage for any new single family home regardless of lot size, while keeping the existing FAR limitations in the design guidelines for lots of 20,000 square feet or less? Why/Why not? [\[WORKSHEET ITEM W\]](#)
25. As a final option, do you feel that Town's existing design guidelines are adequate for FAR or floor to area ratio by only having them apply to lots of 20,000 square feet or less? Why/Why not? [\[WORKSHEET ITEM X\]](#)
26. Now that we've had a chance to discuss these three options, do you feel that the Town should amend its existing design guidelines to establish a maximum FAR on lots greater than 20,000 square feet, establish a maximum square footage for all new single family homes while keeping the existing FAR for homes on lots of 20,000 square feet or less, or do you feel that the Town's existing design guidelines are adequate and you would make no changes? [\[WORKSHEET ITEM Y\]](#) Why is that?

SUMMARY AND FINAL COMMENTS

START: _____

END: _____

27. Do you have any final thoughts about any of the issues that we have been discussing tonight?

Thank you very much for participating! Please see me on your way out for your incentive for participating. Thank you for participating!



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TOWN OF MORAGA

Moraga Hillsides and Ridgelines Project
Focus Group Discussion Guide – October 7th Groups

September 7, 2015

FINAL

www.godberesearch.com

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San Mateo, CA 94402

Nevada
59 Damonte Ranch Parkway, Suite B309
Reno, NV 89521

Pacific Northwest
601 108th Avenue NE, Suite 1900
Bellevue, WA 98004

INTRODUCTIONS (5 MIN)

START: _____

END: _____

Introductions

Introduce moderator, including that moderator works for an independent research firm. Introduce Ben and Ellen as subject matter experts who will ask questions I direct to them and provide clarification and context to certain topics and issues.

Why are we here today?

We want to talk specifically about open space, growth, and development-related issues in the Town of Moraga, including the issues of Ridgeline and Hillside protection, current open space ordinances, scenic corridors, and other similar topics and issues. We are interested in your opinions as residents and we would like to talk about your impressions and your vision for the future.

Explain video recording:

The purpose of the video recording is to help me write a more accurate report from the information that is gathered in tonight's discussion. Your comments are confidential, and these recordings will never be released to a general audience — we promise you won't see yourself on Facebook or YouTube!

Ground Rules:

I'd like to start off with some ground rules for tonight's discussion:

We are interested in the opinions of each individual. Please be honest and open about what you think.

Also, please be respectful of your fellow group members. You may disagree with each other, but please remember that there are no "right" or "wrong" answers. In addition, some of you might have more context during our discussion, so please be respectful of those who may be hearing about these topics for the first time.

Finally, please try to speak one at a time. We are recording the discussion tonight so that I can go back and review your comments. It's hard to understand that recording when people are talking over each other, not to mention we want to be respectful of the person speaking.

Explain Discussion Guide:

I have a discussion guide with me that includes the topics that I would like to get through tonight. In order to cover everything, there may be times when I have to cut off the discussion and move on to a new topic.

Finally, each of you has a work sheet in front of you and I will hand out several visual aids during the course of the discussion. Please put your first name on the front page of your worksheet and don't turn pages until I ask you to. Also, not all topics are related to the worksheet, so I'll let you know when we come to a topic that relates to the worksheet.

Participant Introductions:

Let's break the ice a little; I'd like to go around and have you introduce yourselves. Please give just your first name, tell us how long you have lived in Moraga, and what you enjoy doing most in your spare time.

WARM UP – LOCAL ISSUES & PERCEPTION

GROWTH/DEVELOPMENT/CONSERVATION ISSUES (15 MIN)

START: _____

END: _____

1. What do you like best about living in Moraga? Why is that? What do you like least about living in Moraga? Why is that?
2. On the worksheet in front of you, please write down what you think is the most important issue facing the Town of Moraga today? [\[WORKSHEET ITEM A\]](#)
3. Do you feel that there are currently too many new homes being built in the Town of Moraga, not enough new homes being built in the Town of Moraga, or just the right amount of new homes being built in the Town of Moraga? Why is this?
[\[WORKSHEET ITEM B\]](#)
4. How important do you feel it is to maintain current undeveloped land in Moraga as free of development? Is that very important, somewhat important, somewhat unimportant, or not important at all to you personally? Why is this? [\[WORKSHEET ITEM C\]](#)
5. Most undeveloped land in Moraga is privately owned, and is zoned to allow some amount of development. Given this, do you feel that it is important to balance the preservation of undeveloped lands within Moraga with private property rights, to preserve undeveloped lands despite the fact that it might limit property rights, or do you feel that individual property rights are more important than preserving undeveloped lands? Why is this? [\[WORKSHEET ITEM D\]](#)
6. Do you feel that any regulations to preserve undeveloped land in Moraga should apply to all undeveloped parcels in Town, apply only to parcels on undeveloped hilltops and hillsides in Town, or should only apply to undeveloped land in visually prominent hilltops and hillsides in Town? Why is this? [\[WORKSHEET ITEM E\]](#)

TERMINOLOGY DISCUSSION (15 MIN)

START: _____

END: _____

I'd like to start our discussion tonight in talking about some terminology related to undeveloped lands, open space, growth, and other related issues facing the Town of Moraga. For some of these terms, the Town has official definitions in its General Plan or Municipal Code, while for others, these terms have yet to be defined and we need your opinions.

Moraga's General Plan currently does not have a definition of the word "ridgeline" that applies to all areas in town. In order to have clear and consistent policies for Moraga's ridgelines, the Town is seeking to clarify the definition of "ridgeline", which would need to be approved by the Planning Commission and adopted by the Town Council.

7. Knowing this, when I say the word "ridgelines", what does this term mean to you or what do you think it should mean? [\[WORKSHEET ITEM F\]](#)

Great. We'll talk more later about definitions of "ridgelines" that currently apply to certain areas of Town.

While the Town's general plan currently does not have a formal definition of the word "ridgeline", it does have a policy that calls for the Town to "protect ridgelines from development". Accordingly, the Town is also seeking to clarify definition of the terms "protect" and potentially "development" to be able to develop clear and consistent policies for ridgeline protection Town-wide.

8. So, when I say the term "protect" as is relates to ridgelines in the Town of Moraga, what does this term mean to you? [\[WORKSHEET ITEM G\]](#)
9. When I say the term "development" or "developed" as is relates residential land in the Town of Moraga, what does this term mean to you? [\[WORKSHEET ITEM H\]](#)

For the purpose of tonight's discussion, "development" means the construction of one or more new home(s) on a site that is currently vacant. Any questions?

Similar to some of the terms we've just discussed and building on our previous discussion of the term "protect", the Town of Moraga is also seeking to define "viewshed protection" for its General Plan and to have clear and consistent policies Town-wide.

10. Accordingly, when I use the term "viewshed" what does this term mean to you?
[WORKSHEET ITEM I]

[HANDOUT FIGURE 12] For the purpose of tonight's discussion "viewshed" means the distant views of undeveloped hillsides and ridgelines in Moraga that are visible from points along the Town's scenic corridors. The location of the Town's scenic corridors are shown in the Figure I just handed out. Are there any questions?

- a. Given this definition of the term "viewshed", what does "protection of viewsheds" mean to you? [WORKSHEET ITEM J]

The final two terms we will discuss tonight are well defined by the Town, however, there are some nuanced differences we should discuss prior to using these terms in upcoming topics during the focus group.

11. Is anyone familiar with the term "guidelines" as they relate to residential development and development on hillsides and ridgelines in the Town of Moraga? What does this term mean to you?

[HAND OUT FIGURES 3 AND 15] For the purposes of our discussion, "guidelines" are recommendations for the design of development, but are not mandatory in all cases and sometimes are open to interpretation. An example of a design guideline is "The height of new buildings should be compatible with the height of neighboring structures". There are also other several examples in the figures I just handed out. Are there any questions regarding the term "guidelines"?

12. Also, is anyone familiar with the term "standards" as they relate to residential development and development on hillsides and ridgelines in the Town of Moraga? What does this term mean to you?

[HAND OUT FIGURE 4 AND 14] For the purposes of our discussion, "standards" are objective (not subjective) rules with which new development must always comply. "A maximum permitted building height of 35 feet" is an example of a development standard. Again, there are several additional examples are also in the diagrams I just handed out. Are there any questions regarding the term "standards"?

13. Finally, in thinking about these last two terms we discussed: “guidelines” and “standards”, which one do you prefer to apply to residential development on ridgelines and hillsides in the Town of Moraga? Is that the more potentially subjective, but also more flexible, “guidelines” or the more strict and objective “standards”? Why is this? [\[WORKSHEET ITEM K\]](#)

MOSO VS. NON-MOSO UNDEVELOPED LAND/RIDGELINES – ISSUE 1 (15 MIN)

START: _____

END: _____

Building on the definitions we just discussed, tonight we will also be discussing the Moraga Hillsides and Ridgelines project, which is an initial step by the Town of Moraga to help clarify and improve regulations for hillside and ridgeline development within the Town of Moraga.

To begin our discussion, the Town of Moraga has ordinance called the Moraga Open Space Ordinance or MOSO, which is an initiative that was passed by voters in the Town in 1986. MOSO limits residential densities in certain areas designated as “Open Space Lands.” MOSO also prohibits development in high slope areas and within a 500 foot distance of certain higher elevation ridgeline within MOSO Open Space Lands. All Town policies and regulations must be consistent with the MOSO Initiative for areas of Moraga within MOSO. Here is a map of the MOSO designated areas in the Town of Moraga outlined in green [HAND OUT FIGURE 1]. Are there any questions?

14. Before tonight, had anyone heard of the ‘Moraga Open Space Ordinance or MOSO’? What have you heard? [WORKSHEET ITEM L]

While not defined Town-wide, the term “ridgelines” is defined in MOSO or the Moraga Open Space Ordinance. In MOSO the term “ridgelines” is defined as “the uppermost portion of a hill that is at or above 800 feet in elevation is in an undeveloped area, and which rises to a crest”.

It is not completely clear why this specific 800-foot elevation is named in MOSO, but it appears to generally correspond to the elevation of the four major ridgelines that were located within areas previously designated as Open Space in the Town’s General Plan, prior to approval of MOSO.

15. Do you think the MOSO definition of “ridgelines” is a good definition of “ridgelines”? Why is this? [WORKSHEET ITEM M]

[HAND OUT NEW FIGURE] Based on the definition of “ridgelines” we just discussed for MOSO areas of Town, the map I’ve just handed out depicts undeveloped hillsides and ridgelines areas of Moraga that ARE NOT INCLUDED in MOSO or Non-MOSO areas of Town, and on which future development could occur if approved by the Town. Please note that this is just an illustration to provide context for tonight’s discussion of lands that could be potentially be affected by a change in the current rules, similar to the diagrams for “standards” and “guidelines” and is in no way meant to depict the final areas of Town that will be subject to any future regulations or rules.

16. Based on this example map and the definition of “ridgelines” we just discussed for MOSO areas of Town, do you think the MOSO definition of “ridgeline” should apply Town-wide, meaning should it apply to both MOSO and non-MOSO areas of Town? Why is this? **[WORKSHEET ITEM N]**

ISSUE 2 & 6 OPTIONS COMPARRISON (25 MIN)

START: _____

END: _____

Now we are going to discuss a couple of general options for “ridgeline protection” AND “viewshed protection” specifically in non-MOSO areas in the Town of Moraga that are being considered by the Town.

17. As previously mentioned, while the Town aims to “protect ridgelines and scenic viewsheds from development”, it’s unclear exactly what this means. Keeping in mind the rights of property owners and the desire to maintain open space, what is the best way to achieve this goal?

Should the Town: allow development in these areas but only when well designed; allow development only in locations that are not visible from scenic corridors or major public vantage points; or prohibit development entirely? Why is this?

[WORKSHEET ITEM O]

18. Let’s talk about some of these general approaches a little more. [REFER BACK TO FIGURE 3/15] Figures 3 and 15 shows examples of design guidelines. As previously discussed, guidelines are recommendations for the design of development, but are not mandatory in all cases and sometimes are open to interpretation. The figures you have show guidelines for natural-appearing landscaping, restoration of original topography after grading, and limiting prominent architectural features. Design guidelines can address all sorts of aspects of development, including lighting, fences and walls, driveways, streets, drainage, landscaping, grading, size of buildings, placement of buildings on lots, architectural style, color and materials. Given this, would you support allowing development on non-MOSO ridgelines or in scenic viewshed areas subject to these types of guidelines? Why is this? [WORKSHEET ITEM P]

a. What are some of the advantages of using design guidelines?

b. What are some of the disadvantages of using design guidelines?

19. [REFER BACK TO FIGURE 4/14] Another option is to allow development in these areas but subject to new standards. Figures 4 and 14 show examples of development standards. As previously discussed, standards are objective (not subjective) rules with which new development must always comply. The Figures show standards for maintaining the visibility of the crest of a ridge when viewed from the street and minimizing the height of structures. The first example standard in Figure 4 says that the top elevation of a structure near a ridgeline must be 25 feet below the elevation of a nearby ridgeline. Development standards typically apply to aspects of development that are quantifiable and measurable. Given this, would you support allowing development near to Non-MOSO ridgelines or in scenic viewshed areas subject to these types of standards? Why is this? [WORKSHEET ITEM Q]
- a. What are some of the advantages of using design standards?
 - b. What are some of the disadvantages of using design standards?
20. [HANDOUT FIGURE 5] For areas near non-MOSO ridgelines, another option would be to prohibit development within 250-feet of the non-MOSO ridgeline. This approach is similar to ridgelines in MOSO areas, where development is prohibited on less prominent ridgelines and not allowed within 500 feet of the most prominent ridgelines. Do you support this approach for non-MOSO ridgelines? Why is this? [WORKSHEET ITEM R]
- a. How about if this approach was modified to say development is prohibited within 250-feet of a non-MOSO ridgeline but only if visible from a scenic corridor or major public vantage point? In other words, it would be allowed within 250-feet of a non-MOSO ridgeline if it isn't visible from a scenic corridor or major public vantage point. Would you support this approach? Why is this? [WORKSHEET ITEM S]

21. [HANDOUT FIGURE 6] A final option would be to prohibit development within 500 feet of a non-MOSO ridgeline. This approach would treat non-MOSO ridgelines the same as the most prominent MOSO ridgelines. Do you support this approach? Why is this? [WORKSHEET ITEM T]
- a. How about if this approach was modified to say development is prohibited within 500 of a non-MOSO ridgeline but only if visible from a scenic corridor or major public vantage point? In other words, it would be allowed within 500 feet of a non-MOSO ridgeline if it isn't visible from a scenic corridor or major public vantage point. Would you support this approach? Why is this? [WORKSHEET ITEM U]

SUMMARY AND FINAL COMMENTS

START: _____

END: _____

22. Do you have any final thoughts about any of the issues that we have been discussing tonight?

Thank you very much for participating! Please see me on your way out for your incentive for participating. Thank you for participating!



GODBE RESEARCH
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Appendix B: Participant Worksheet

FOCUS GROUP WORKSHEET

October, 1 2015

First Name: _____

A. Please write down what you think is the most important issue facing the Town of Moraga today?

B. Do you feel that there is currently too much residential development in the Town of Moraga, not enough residential development in the Town of Moraga, or just the right amount of new development in the Town of Moraga? Please circle one.

TOO MUCH

RIGHT AMOUNT

NOT ENOUGH

C. What does the term “ridgelines” mean to you or what do you think it should mean?

D. One definition of ridgeline could be “the uppermost portion of a hill that is at or above 800 feet in elevation is in an undeveloped area, and which rises to a crest”. This is the definition of ridgeline in MOSO areas. Do you think this is a good definition of “ridgeline”? Please circle one.

YES

NO

Why/Why not?

E. Do you think that the MOSO definition of “ridgelines” should apply Town-wide? Please circle one.

YES

NO

Why/Why not?

F. Do you feel that the Town should amend its general plan and Municipal Code to add a yet to be defined definition of “ridgeline”, which could include the MOSO definition we already discussed or some other definition that would need to be agreed to by the Planning Commission and adopted by the City Council so that the Town would have a clear and consistent definition of the word “ridgeline” Town-wide? Please circle one.

YES

NO

Why/Why not?

G. In addition to adding a definition of “ridgelines”, do you feel that the Town should amend its general plan and Municipal Code to add a yet to be defined map of ridgelines, which would be based on the future definition of “ridgeline” and would need to be agreed to by the Planning Commission and City Council? Please circle one.

YES

NO

Why/Why not?

H. Finally, do you think that the Town should have any definition or map of “ridgelines” in non-MOSO areas of Town or should ridgeline policies and regulations apply only to MOSO areas of Town? Please circle one.

YES – DEFINITION AND/OR MAP OF RIDGELINES IN NON-MOSO AREAS

NO – RIDGELINE POLICIES AND REGULARIONS ONLY IN MOSO AREAS

Why/Why not?

I. Now that you’ve heard each of these options, do you feel that the Town should add a definition of “ridgelines”, or a definition and map of “ridgelines to the Town’s general plan and Municipal Code for non-MOSO areas, or do you feel that a definition and/or map of “ridgelines” should only apply to MOSO areas of Moraga? Please circle one.

ADD RIDGELINES DEFINITION

ADD RIDGELINES DEFINITION AND MAP

MAP AND/OR DEFINITION SHOULD ONLY APPLY TO MOSO AREAS

Why/Why not?

J. What does the term “protect” mean to you or what do you think it should mean?

K. When I say the term “development” or “developed” as it relates residential land in the Town of Moraga, what does this term mean to you?

L. Now that we’ve discussed the terms “ridgelines”, “development” and “guidelines” do you feel that development should be allowed ON and ADJACENT to non-MOSO ridgelines consistent with yet to be determined improved design guidelines that could include minimizing visual impacts, mitigating potential hazards, and others? Please circle one.

YES

NO

Why/Why not?

M. As a more slightly more strict option and including the term “standards”, do you feel that development should be allowed NEAR non-MOSO ridgelines but NOT ON non-MOSO ridgelines consistent with new, but yet to be defined development standards that would specifically address height, size, and placement of structures in relation to non-MOSO ridgelines? Please circle one.

YES

NO

Why/Why not?

N. As another potential option, do you think that the Town should prohibit any development within 250 feet of a non-MOSO ridgeline, which would mean NO development on non-MOSO ridgelines but would allow development that is more than 250 below a non-MOSO ridgeline? Please circle one.

YES

NO

Why/Why not?

O. As the final option for this specific topic, do you think that the Town should prohibit development within 500 feet of a non-MOSO ridgeline, which would mean NO development on non-MOSO ridgelines but would allow development that is more than 500 below a non-MOSO ridgeline? Please circle one.

YES

NO

Why/Why not?

P. Now that you have seen each of these options, do you feel that the Town should allow development ON and ADJACENT to Non-MOSO ridgelines with improved design guidelines; allow development NEAR but not ON non-MOSO ridgelines with development standards; not allow any development within 250 feet of a non-MOSO ridgeline, or not allow any development within 500 feet of a non-MOSO ridgeline in the Town of Moraga? Please circle one.

DEVELOPMENT ON AND ADJACENT RIDGELINES W/ GUIDELINES

DEVELOPMENT NEAR BUT NOT ON RIDGELINES WITH STANDARDS

NO DEVELOPMENT WITHIN 250-FEET OF NON-MOSO RIDGELINES

NO DEVELOPMENT WITHIN 500-FEET OF NON-MOSO RIDGELINES

Why/Why not?

Q. Do you feel that the Town should simply prohibit development in visually prominent hillside areas as viewed from the Towns' scenic corridors? Please circle one.

YES

NO

Why/Why not?

R. As a second option and using our previously discussed definition of "standards", do you feel that the Town should strengthen its development standards to limit BUT NOT prohibit development in visually prominent hillside areas as viewed from the Town's scenic corridors? Please circle one.

YES

NO

Why/Why not?

S. As third option and using our previously discussed definition of “guidelines”, do you feel that the Town should develop and improve guidelines to minimize visual impacts BUT NOT prohibit development in visually prominent hillside areas as viewed from the Town’s scenic corridors? Please circle one.

YES

NO

Why/Why not?

T. Finally, do you feel that the Town’s existing policies and regulations are adequate to protect viewsheds along the Town’s scenic corridors? Please circle one.

YES

NO

Why/Why not?

U. Now that we've had a chance to discuss each of these options, do you feel that the Town should prohibit development, strengthen development standards, or expand and improve guidelines to "protect viewsheds" as they are viewed from the Town's scenic corridors, or do you feel that the Town's existing policies and regulations are adequate to "protect viewsheds" in the Town of Moraga? Please circle one.

PROHIBIT DEVELOPMENT TO PROTECT VIEWSHEDS

STRENGTHEN DEVELOPMENT STANDARDS TO PROTECT VIEWSHEDS

EXPAND & IMPROVE GUIDELNES TO PROTECT VIEWSHEDS

EXISTING POLICIES & REGULATIONS ADEQUATE TO PROTECT VIEWSHEDS

Why/Why not?

V. As a first option the Town is considering, do you feel that the Town should amend its design guidelines to establish a maximum FAR or floor to area ratio for lots that are greater than 20,000 square feet? Please circle one.

YES

NO

Why/Why not?

W. As a second option, should the Town establish a maximum allowable square footage for any new single family home regardless of lot size, while keeping the exiting FAR limitations in the design guidelines for lots of 20,000 square feet or less? Please circle one.

YES

NO

Why/Why not?

X. As a final option, do you feel that Town's existing design guidelines are adequate for FAR or floor to area ratio by only having them apply to lots of 20,000 square feet or less? Please circle one.

YES

NO

Why/Why not?

Y. Now that we've had a chance to discuss these three options, do you feel that the Town should amend its existing design guidelines to establish a maximum FAR on lots greater than 20,000 square feet, establish a maximum square footage for all new single family homes while keeping the existing FAR for homes on lots of 20,000 square feet or less, or do you feel that the Town's existing design guidelines are adequate and you would make no changes? Please circle one.

AMMEND GUIDELINES TO ESTABLISH MAX FAR ON LOTS >20,000 SQ FT.

ESTABLISH MAX SQ FT FOR ALL NEW SINGLE FAMILY HOMES & KEEP CURRENT FAR FOR LOTS <20,000 SQ FT.

EXISTING GUIDELINES ADEQUATE FOR FAR

Why/Why not?

FOCUS GROUP WORKSHEET

October 7, 2015

First Name: _____

A. Please write down what you think is the most important issue facing the Town of Moraga today?

B. Do you feel that there are currently too many new homes being built in the Town of Moraga, not enough new homes being built in the Town of Moraga, or just the right amount of new homes being built in the Town of Moraga? Please circle one.

TOO MANY

RIGHT AMOUNT

NOT ENOUGH

C. How important do you feel it is to maintain current undeveloped land in Moraga as free of development? Is that very important, somewhat important, somewhat unimportant, or not important at all to you personally? Please circle one.

VERY IMPORTANT

SOMEWHAT IMPORTANT

SOMEWHAT UNIMPORTANT

NOT IMPORANT AT ALL

Why is this?

- D. Do you feel that it is important to balance the preservation of undeveloped land within Moraga with private property rights, to preserve undeveloped land despite the fact that it might limit property rights, or do you feel that individual property rights are more important than preserving undeveloped lands? Please circle one.

BALANCE UNDEVELOPED LAND WITH PRIVATE PROPERTY RIGHTS

PRESERVING UNDEVELOPED LAND MORE IMPORANT

PRIVATE PROPERTY RIGHTS MORE IMPORTANT

Why is this?

- E. Do you feel that any regulations to preserve undeveloped land in Moraga should apply to all undeveloped parcels in Town, apply only to parcels on undeveloped hilltops and hillsides in Town, or should only apply to undeveloped land on visually prominent hilltops and hillsides in Town? Please circle one.

ALL UNDEVELOPED PARCELS

ONLY TO PARCELS ON UNDEVELOPED HILLTOPS AND HILLSIDES

ONLY UNDEVELOPED LAND ON VISUALLY PROMINENT HILLTOPS & HILLSIDES

Why is this?

F. Thinking of the word “ridgelines”, what does this term mean to you or what do you think it should mean?

G. Thinking of the word “protect”, what does this term mean to you or what do you think it should mean?

H. Thinking of the term “development” or “developed” as it relates residential land in the Town of Moraga, what does this term mean to you?

I. Thinking of the term “viewshed”, what does this term mean to you?

J. Based on the definition of “viewshed”, what does the term “protection of viewsheds” mean to you?

K. In thinking about the last two terms we discussed: “guidelines” and “standards”, which one do you prefer to apply to residential development on ridgelines and hillsides in the Town of Moraga? Is that the more potentially subjective, but also more flexible, “guidelines” or the more strict and objective “standards”? Please circle one.

GUIDELINES

STANDARDS

Why is this?

L. Before tonight, had anyone heard of the 'Moraga Open Space Ordinance or MOSO'? Please circle one.

YES

NO

[IF YES] What have you heard?

M. Do you think the MOSO definition of "ridgelines" we just discussed is a good definition of "ridgelines"? Please circle one.

YES

NO

Why is this?

N. Based on the example map and the definition of “ridgelines” we just discussed for MOSO areas of Town, do you think the MOSO definition of “ridgeline” should apply Town-wide, meaning should it apply to both MOSO and non-MOSO areas of Town? Please circle one.

YES

NO

Why is this?

O. As previously mentioned, while the Town aims to “protect ridgelines and scenic viewsheds from development”, it’s unclear exactly what this means. Keeping in mind the rights of property owners and the desire to maintain open space, what is the best way to achieve this goal? Please circle one.

ALLOW DEVELOPMENT IN THESE AREAS BUT ONLY WHEN WELL DESIGNED

ALLOW DEVELOPMENT ONLY IN LOCATIONS THAT ARE NOT VISIBLE FROM SCENIC CORRIDORS OR MAJOR PUBLIC VANTAGE POINTS

PROHIBIT DEVELOPMENT ENTIRELY

Why is this?

P. Would you support allowing development on non-MOSO ridgelines OR in scenic viewshed areas subject to the types of guidelines we’ve discussed? Please circle one.

YES

NO

Why is this?

What are some of the advantages of using guidelines?

What are some of the disadvantages of using guidelines?

Q. Would you support allowing development near to Non-MOSO ridgelines OR in scenic viewshed areas subject to the types of standards we've discussed? Please circle one.

YES

NO

Why is this?

What are some of the advantages of using standards?

What are some of the disadvantages of using standards?

R. For areas near non-MOSO ridgelines, another option would be to prohibit development within 250-feet of the non-MOSO ridgeline. This approach is similar to ridgelines in MOSO areas, where development is prohibited on minor ridgelines and within 500 feet of major ridgelines. Do you support this approach for non-MOSO ridgelines? Please circle one.

YES

NO

Why is this?

S. If this approach was modified to say that development would be prohibited within 250 feet of a non-MOSO ridgeline but only if visible from a scenic corridor or major public vantage point. In other words, it would be allowed within 250 feet of a non-MOSO ridgeline if it isn't visible from a scenic corridor or major public vantage point. Would you support this approach? Please circle one.

YES

NO

Why is this?

T. A final option would be to prohibit development within 500 feet of a non-MOSO ridgeline. This approach would treat non-MOSO ridgelines the same as major MOSO ridgelines. Do you support this approach? Please circle one.

YES

NO

Why is this?

U. If this approach was modified to say development is prohibited within 500 of a non-MOSO ridgeline but only if visible from a scenic corridor or major public vantage point. In other words, it would be allowed within 500 feet of a non-MOSO ridgeline if it isn't visible from a scenic corridor or major public vantage point. Would you support this approach? Please circle one.

YES

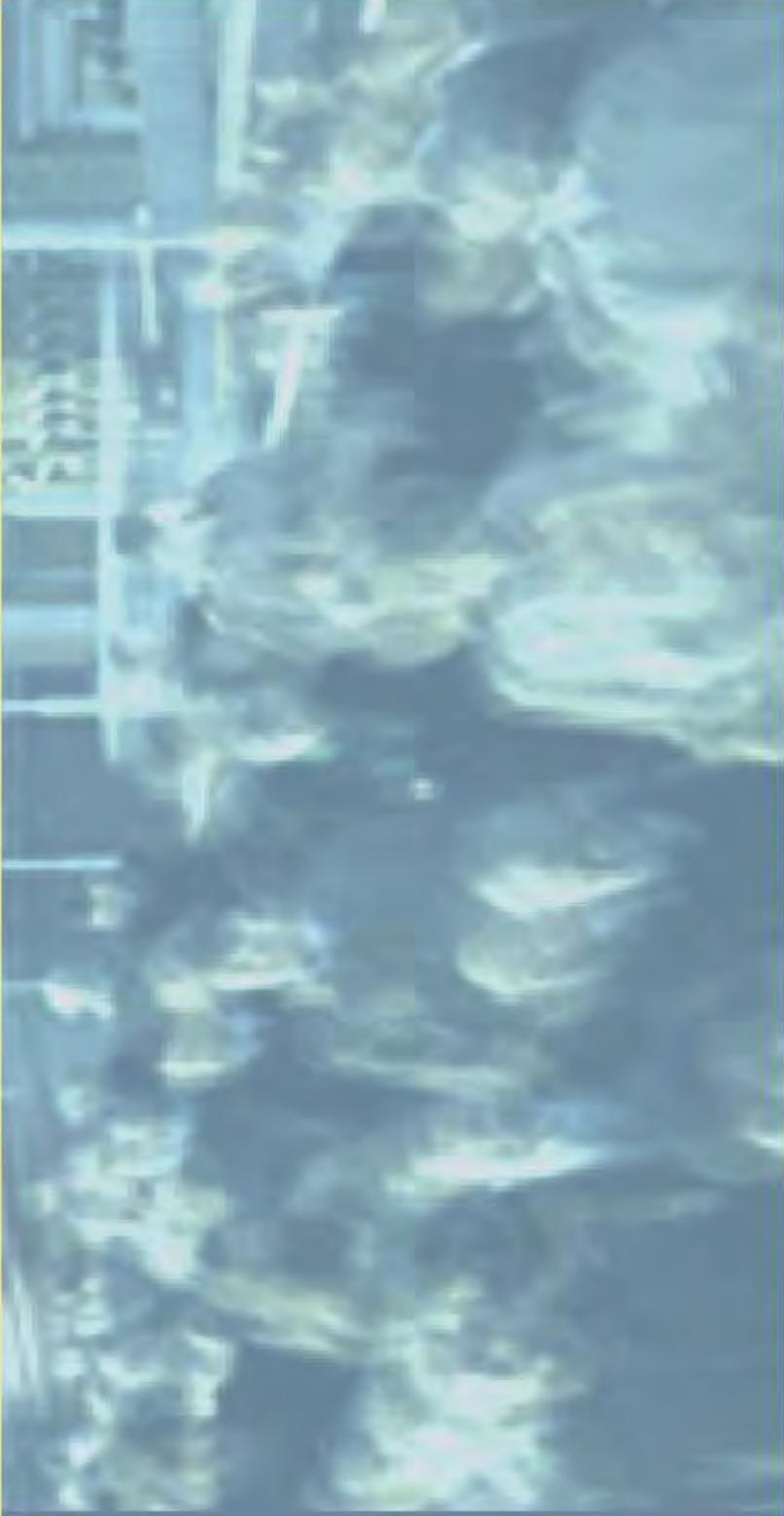
NO

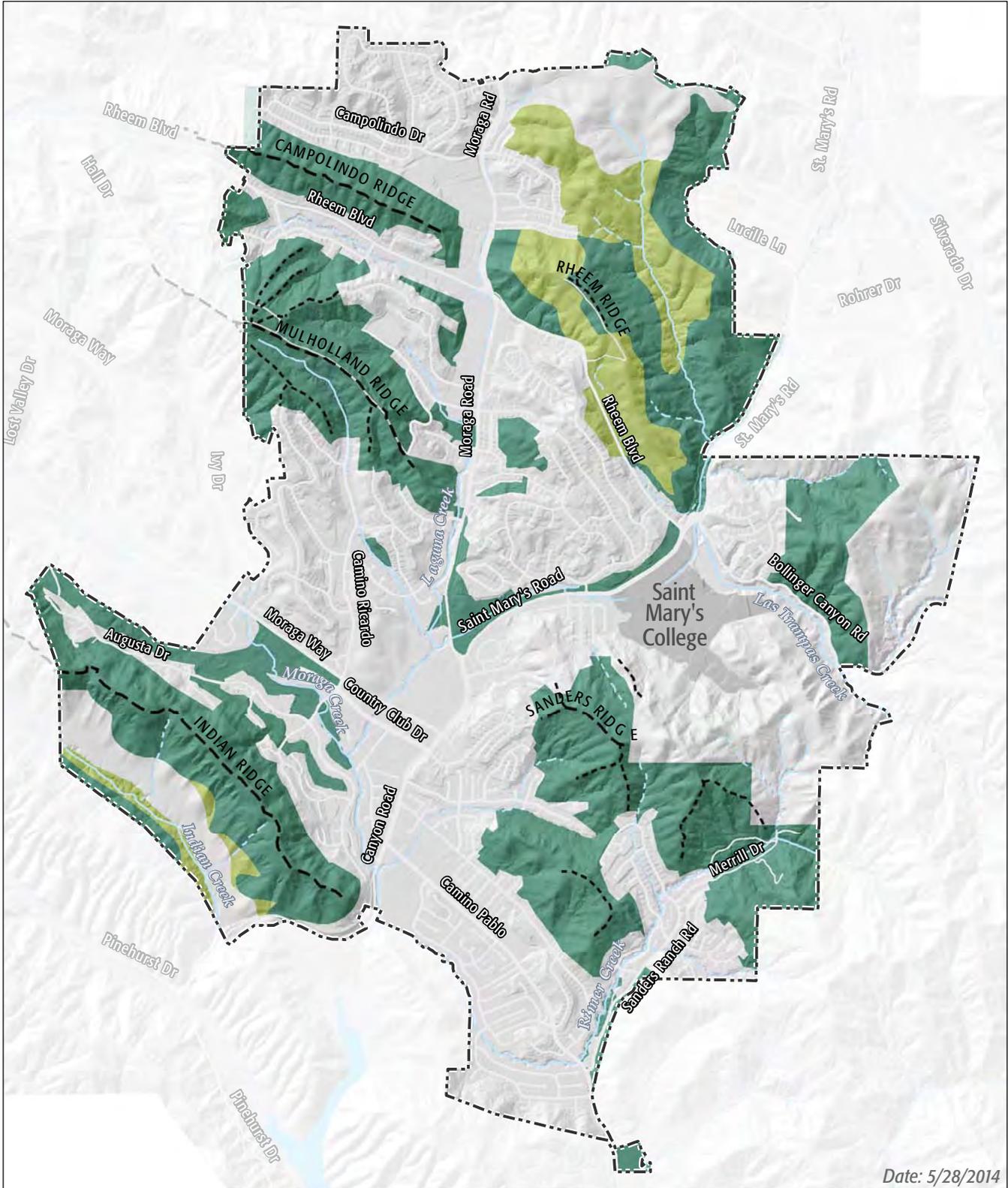
Why is this?



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Appendix C: Focus Group Visuals





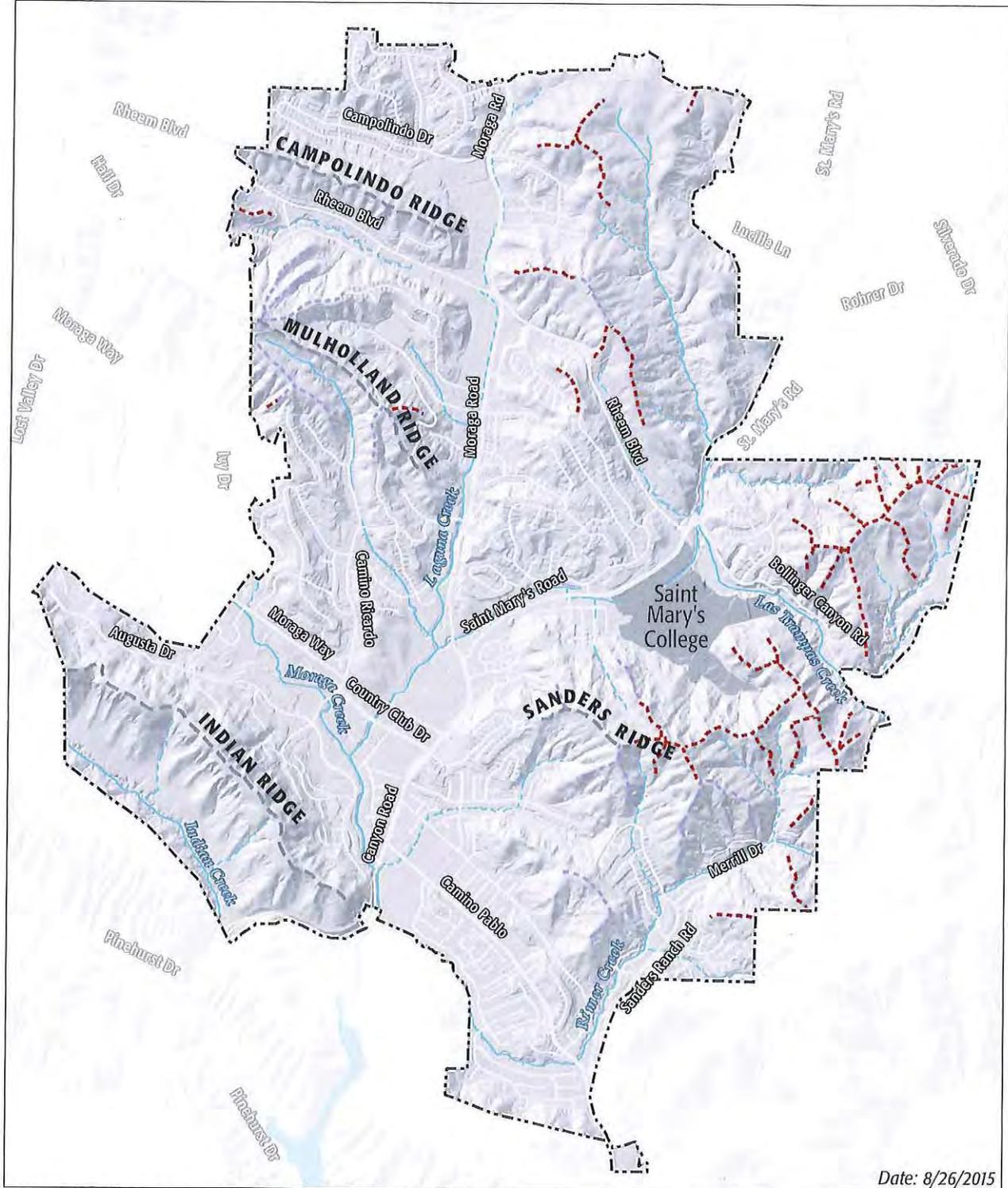
Date: 5/28/2014

Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2013; PlaceWorks, 2014.

-  MOSO Major Ridgelines
 -  MOSO Minor Ridgelines
 -  Major/Permanent Stream
 -  Minor/Intermittent Stream
 -  Town Boundary
-  Open Space Lands
 -  MOSO Open Space Land
 -  Non-MOSO Open Space Land

MAP 2
OPEN SPACE LANDS





Date: 8/26/2015

Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

- Town Boundary
- Non-MOSO Ridgelines Above 800 feet
- Town-identified MOSO Major Ridgelines
- Major/Permanent Stream
- Minor/Intermittent Stream

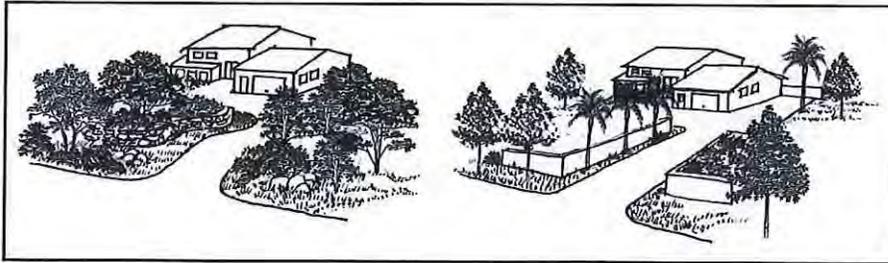
FIGURE 2
EXAMPLE RIDGELINE MAP FOR OPTION 1-B



FIGURE 3: EXAMPLE DESIGN GUIDELINES TO PROTECT RIDGELINES

Below are examples of design guidelines to help minimize visual impacts from development on or near non-MOSO ridgelines.

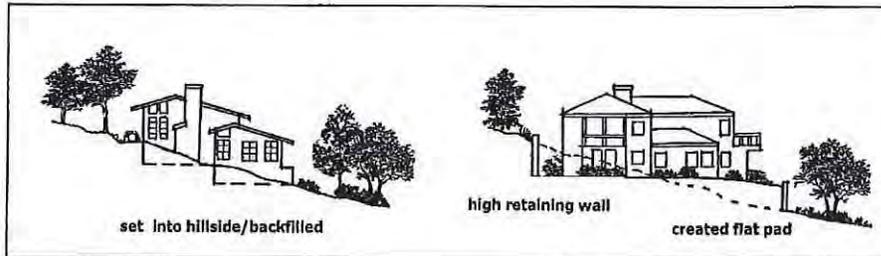
Landscaping. Plants visible from a public street should be clustered informally to blend with the natural vegetation. Trees and shrubs should not be planted in a straight lines to define property lines, driveways, or edges.



Do this

Don't do this

Restoration of Original Topography. After placing development the site should be restored as closely as possible to its original topography.



set into hillside/backfilled

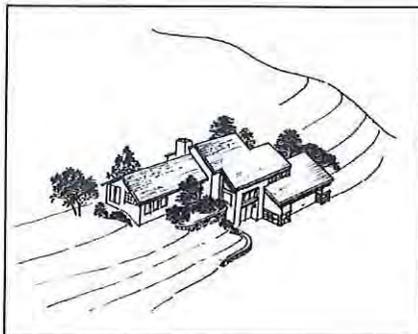
high retaining wall

created flat pad

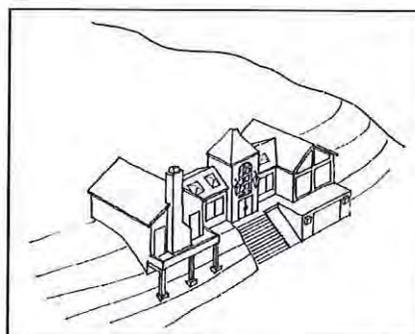
Do this

Don't do this

Prominent Architectural Features. The use of architectural features that increase visual prominence, such as two-story entries, turrets, and large chimneys, should be avoided.



Do this

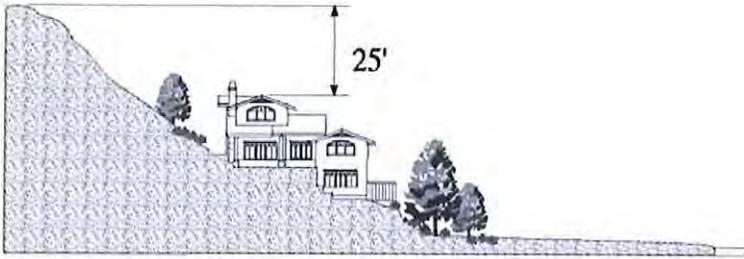


Don't do this

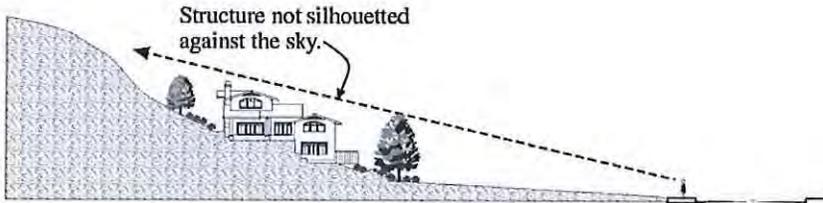
FIGURE 4: EXAMPLE STANDARDS TO PROTECT RIDGELINES

Below are examples of mandatory standards to minimize visual impacts from development near non-MOSO ridgelines.

Placement below Ridgeline. Structures shall be located below the ridgeline so that a vertical separation of at least 25 feet is provided between the top of the structure and the lowest point on the portion of any ridgeline within 100 feet of the proposed structure.

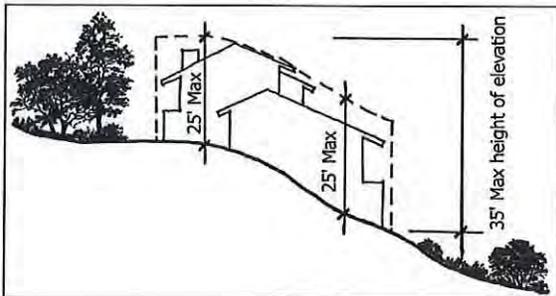


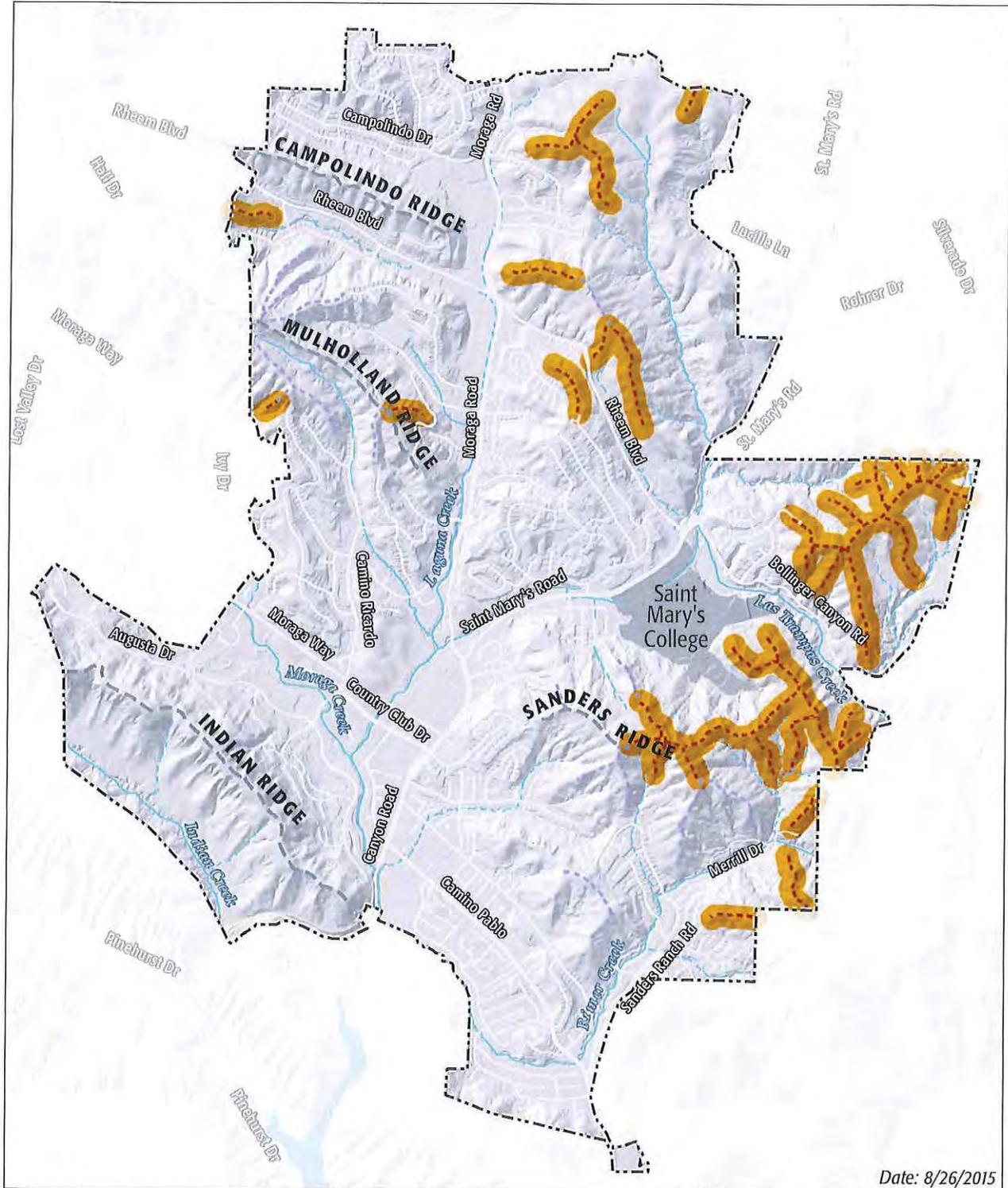
Silhouetting. Structures may not be placed so that they are silhouetted against the sky when viewed from a public street.



THIS

Building Height. Within 100 feet of a ridgeline the maximum allowed height for homes in hillside areas shall be 25 feet. The maximum height of a building's tallest elevation shall not exceed 35 feet measured from the lowest part of the building to the highest part.





Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

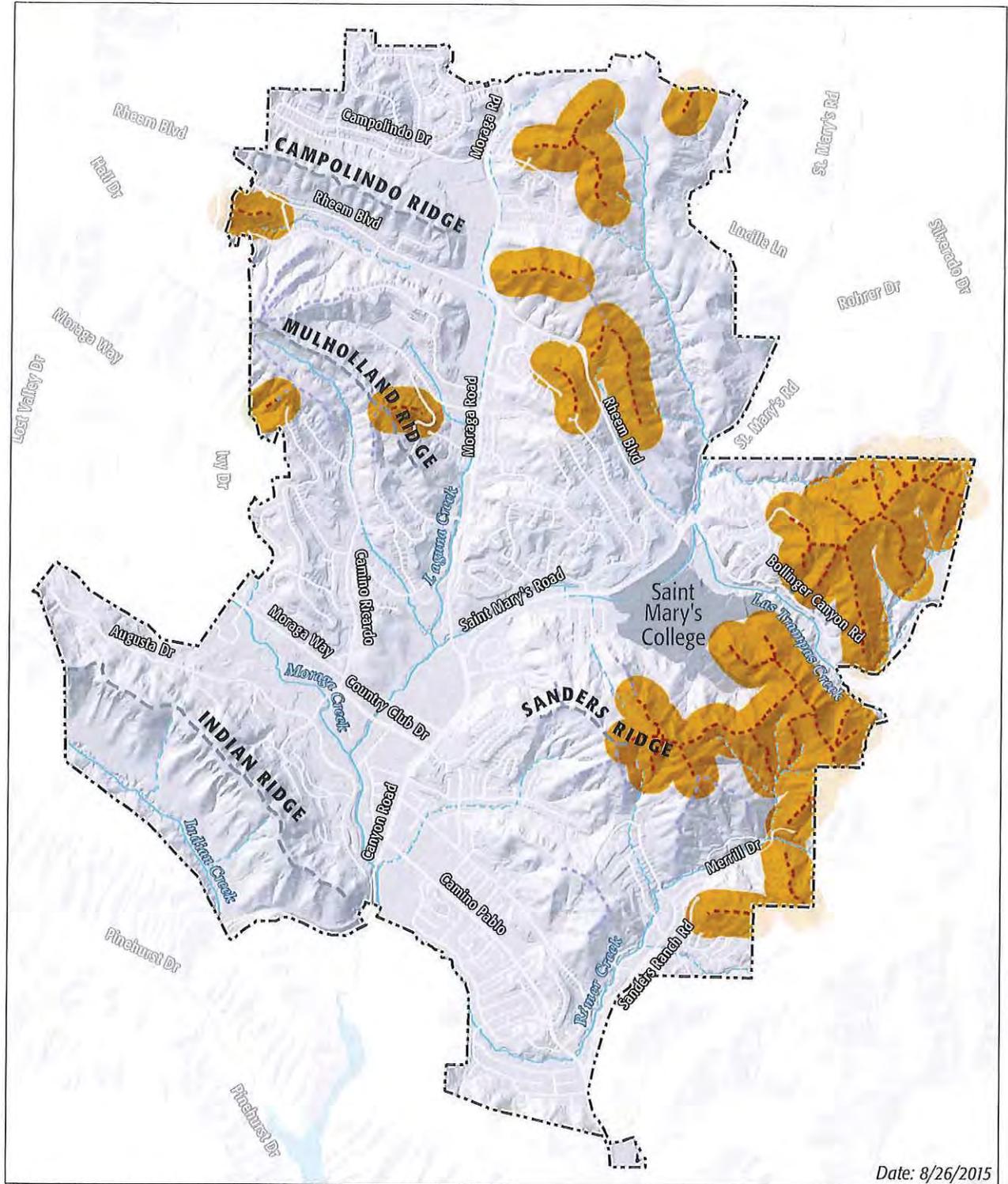
- Town Boundary
- Town-identified MOSO Minor Ridgelines
- Town-identified MOSO Major Ridgelines
- Major/Permanent Stream
- Minor/Intermittent Stream
- Non-MOSO Ridgelines Above 800 feet
- 250-foot buffer of non-MOSO ridgelines

FIGURE 5
250-FOOT BUFFER OF NON-MOSO
RIDGELINES FOR OPTION 2-C

0 0.5 1 Miles



Date: 8/26/2015



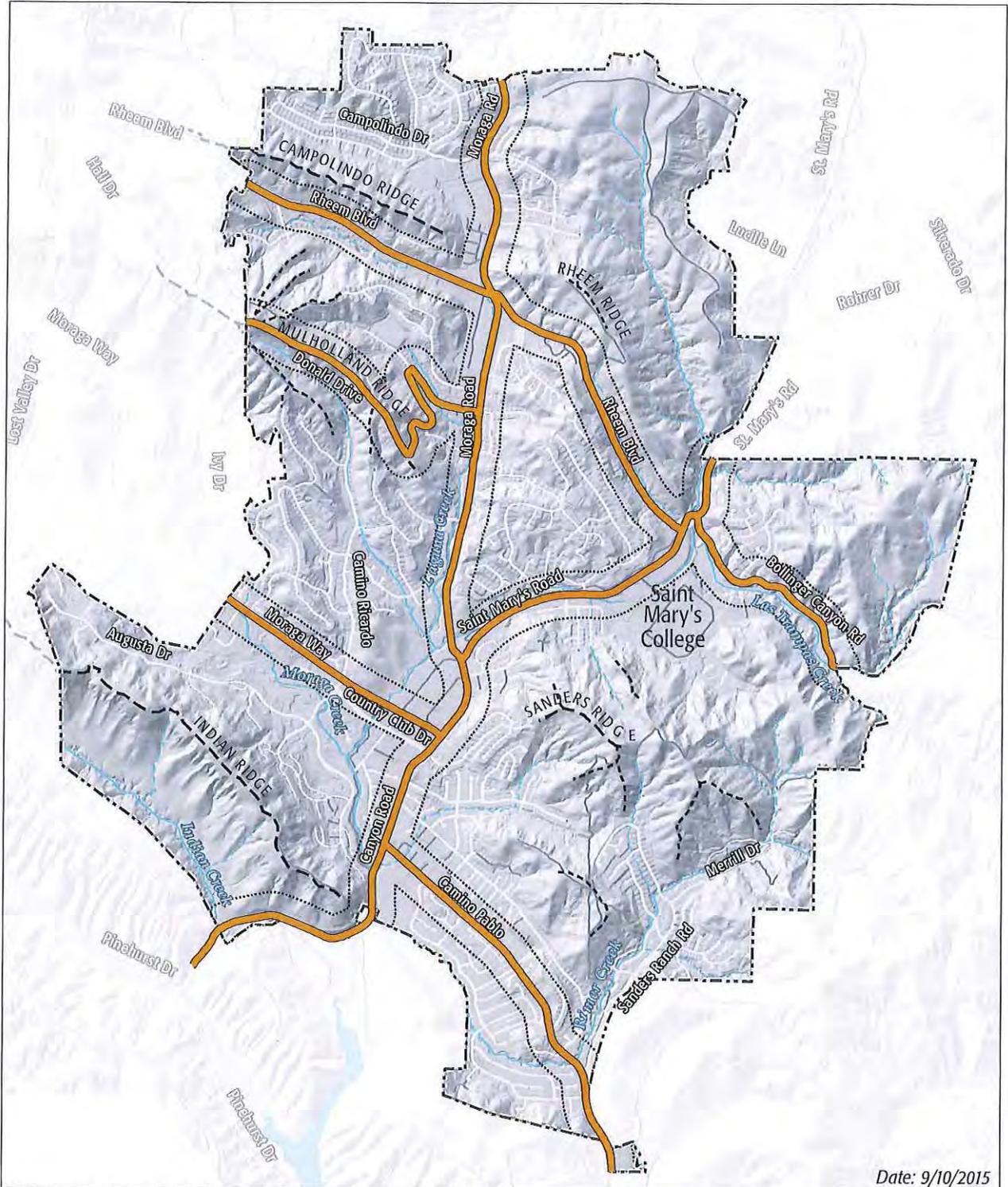
Date: 8/26/2015

Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

- Town Boundary
- Town-identified MOSO Minor Ridgelines
- Town-identified MOSO Major Ridgelines
- Major/Permanent Stream
- Minor/Intermittent Stream
- Non-MOSO Ridgelines Above 800 feet
- 500-foot buffer of non-MOSO ridgelines

FIGURE 6
500-FOOT BUFFER OF NON-MOSO
RIDGELINES FOR OPTION 2-D



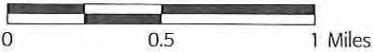


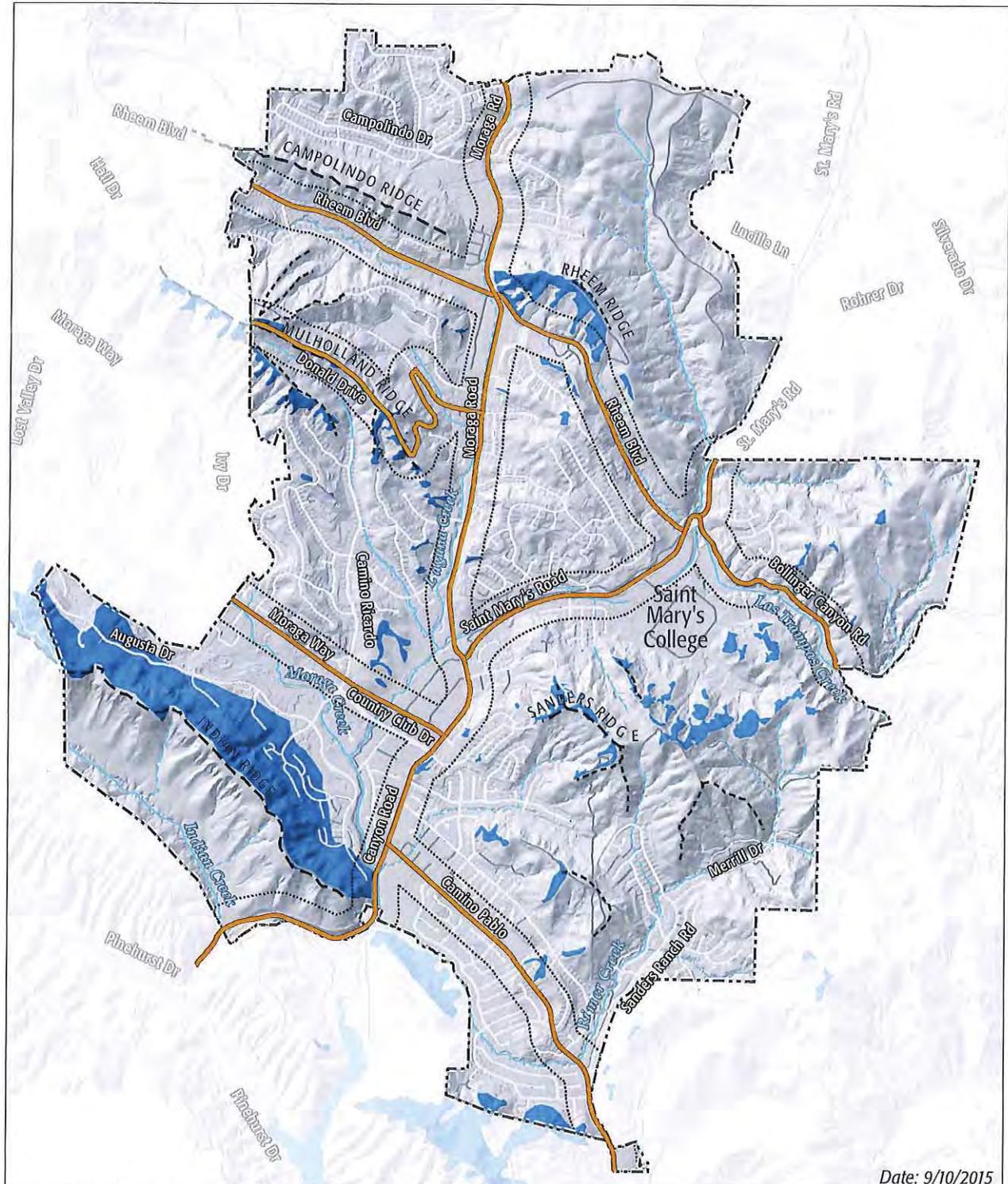
Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

Date: 9/10/2015

FIGURE 12
SCENIC CORRIDORS

-  Town Boundary
-  MOSO Minor Ridgelines
-  MOSO Major Ridgelines
-  Major/Permanent Stream
-  Minor/Intermittent Stream
-  Town-designated Scenic Corridors
-  500-foot Buffer of Scenic Corridors





Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; USGS, 2006, 2013; PlaceWorks, 2014.

Date: 9/10/2015

FIGURE 13
SCENIC CORRIDORS AND HILLSIDE VISIBILITY

Visibility determined using view-points every 200 feet along Town-designated scenic corridors.

-  Town Boundary
-  MOSO Minor Ridgelines
-  MOSO Major Ridgelines
-  Major/Permanent Stream
-  Minor/Intermittent Stream
-  Town-designated Scenic Corridors
-  500-foot Buffer of Scenic Corridors
-  Example Draft High-Visibility Area

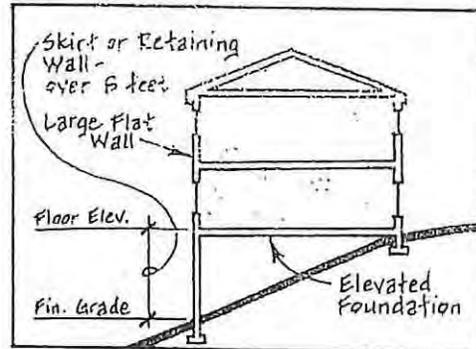
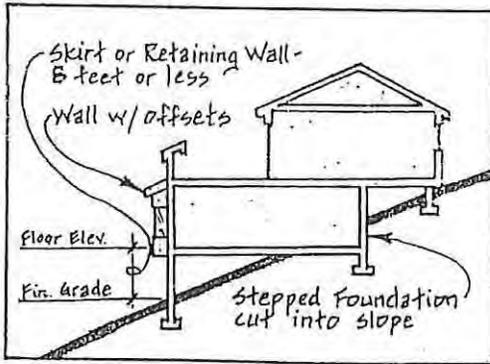
0 0.5 1 Miles



FIGURE 14: EXAMPLE STANDARDS TO PROTECT SCENIC VISTAS

Below are examples of mandatory standards to minimize view impacts from scenic corridors.

Stepped Design. Where existing slope is 15 percent or steeper, dwellings shall exhibit a stepped design that follows the natural terrain and does not stand out vertically from the hillside. The lower or ground floor elevation of a dwelling should not exceed eight feet above the adjacent exterior finish grade.



Single-Level Padded Lots. On padded lots the vertical height of any resulting graded slope or combination retaining wall and slope shall not exceed 10 feet.

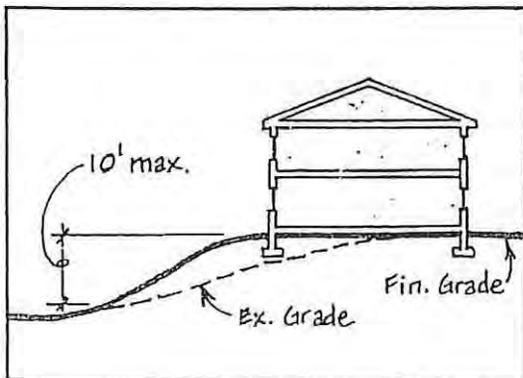
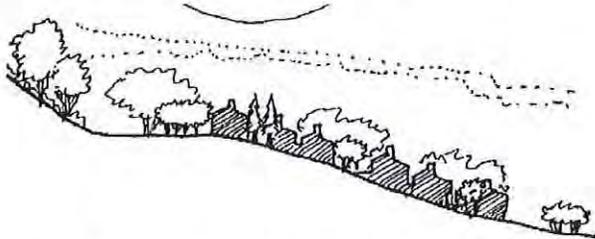


FIGURE 15: EXAMPLE GUIDELINES TO PROTECT SCENIC VISTAS

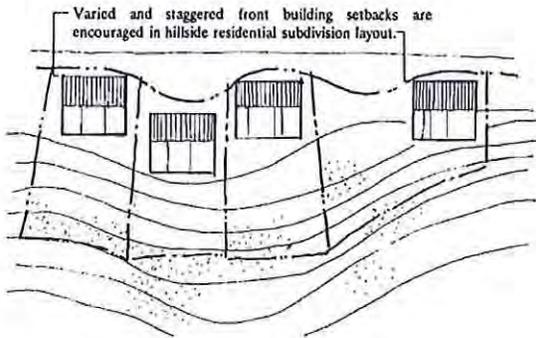
Below are examples of design guidelines to minimize view impacts from scenic corridors.

Height Variation. Buildings should be designed with different floor elevations to achieve height variation and avoid a monotonous wall effect.



Site units or buildings with different floor elevations to achieve height variation.

Setback Variation. Front building setbacks within subdivisions should be varied and staggered to reflect the natural hillside character and reduce the monotony of repetitive setbacks.



New Trees. Trees should be planted along contour lines in undulating groups to create grove effects which blur the distinctive line of the graded slope. When possible, locate trees in swale areas to more closely reflect natural conditions and gather surface runoff for plant irrigation.

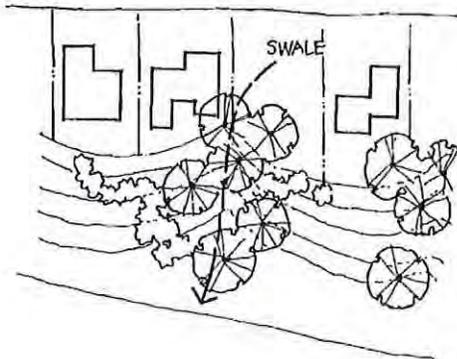


Figure 16: Floor Area Ratio

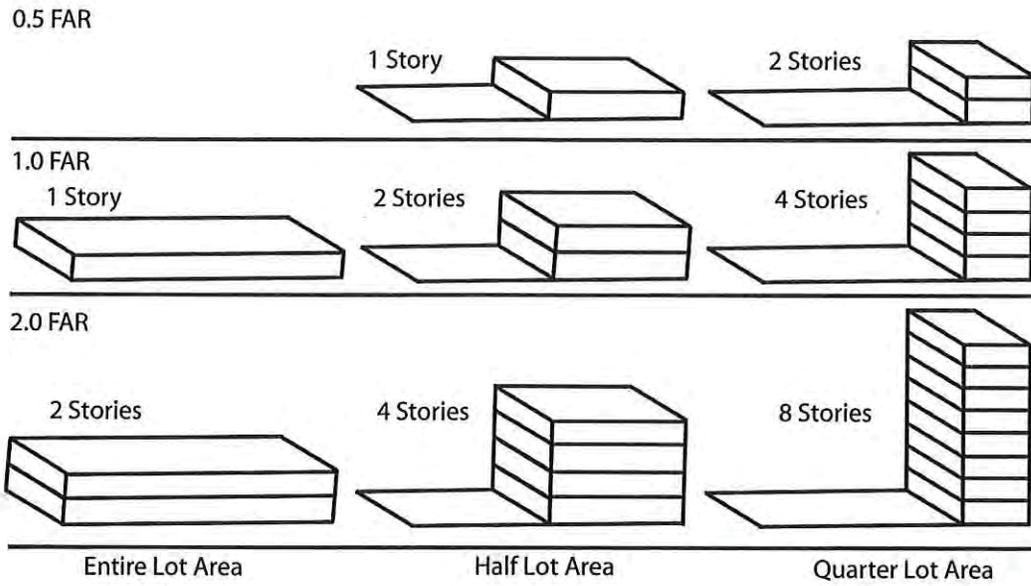


Table 1: Maximum FAR for lots greater than 20,000 sq. ft.

Parcel Area (sq. ft.)	Maximum FAR	Maximum Floor Area (sq. ft.)
20,000	0.230	4,600
22,000	0.227	4,994
24,000	0.224	5,376
26,000	0.221	5,746
28,000	0.218	6,104
30,000	0.215	6,450
32,000	0.212	6,784
34,000	0.209	7,106
36,000	0.206	7,416
38,000	0.203	7,714
40,000	0.200	8,000
Greater than 40,000	N/A	8,000



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ATTACHMENT D

OPEN TOWN HALL SURVEY SUMMARY

HILLSIDES AND RIDGELINES PROJECT ISSUES AND OPTIONS SURVEY

The Town of Moraga conducted a public survey of options to address key issues for the Hillside and Ridgeline project. This survey allowed residents to provide input on the same options discussed at the September 17, 2015 public workshop. The survey also included four additional issues (Issues 8-11) that weren't discussed at the workshop. Survey questions asked residents to select preferred options for the following issues:

1. Non-MOSO Ridgeline Definition And Map
2. Ridgeline Protection
3. Steep Slope Limitations in MOSO Open Space
4. High Risk Areas Map
5. Remediation of High-Risk Areas
6. Viewshed Protection
7. Building Size on Large Lots
8. MOSO Open Space Map
9. MOSO Ridgeline Map
10. Definition of Development
11. Hillside Development Permits

The Town initiated the survey on September 18, 2015 and invited residents to participate through email announcements, links on the Town's website, posts on Nextdoor.com, and announcements on Moraga Citizen's Network. A total of 133 people viewed the survey and 42 residents participated in the survey.

Below are survey results, which identify the number of participants who selected each option and include additional comments submitted for each issue. Results can also be viewed online at http://www.moraga.ca.us/opentownhall#peak_democracy.

ISSUE 1: RIDGELINE DEFINITION AND MAP

Survey Results:

		%	Count
Option 1-A: Add a general ridgeline definition to the General Plan and Municipal Code.		44.4%	12
Option 1-B: Add a map of all ridgelines to the General Plan.		74.1%	20
Option 1-C: Clarify that "ridgeline" means only MOSO ridgelines.		18.5%	5

Comments:

- We need to expand Ridgeland protection to Ridgeland below 800 feet. Rancho Laguna should never have been approved.
- I believe the first two options are intended to further restrict development of single family residences which should occur before any high density development
- MOSO ridgelines seem to me to be too few, but the option 1-b map has too many. Adopt a definition that's not overly restrictive of development.
- i favor a slightly lower elevation, say 700 or 750 feet, as an 800 foot threshold would not have protected Rheem Ridge.
- I think we definitely need a map to designate all the areas we MUST protect to include both major and minor ridges, slopes and hillsides. We also need language strong enough to stand up to the extensive legal scrutiny and challenges that will no doubt be brought by the opposition.
- I was not involved in the MOSO stuff. But as someone who has lived in Moraga for 16+ years, I think Ridgelines should be all above 800 feet - anything we can see from our current homes, our current roads. The land we appreciate and don't want to see bulldozed or built on.
- Open Space outside of MOSO should DEFINITELY be protected if at all possible.
- The definition of protect doesn't mean prohibit. I think that is a clear misunderstanding on both sides of that dialogue. Please clarify the definition so as to clear the conversation of misinformation.
- Add an exemption to allow the implementation of wireless 911 service to existing PG&E transmission towers on the slopes and ridgeline.
- When previously asked, the majority of Moraga citizens have voted for open space and protected ridge lines. Town staff and officials should treat that view as the default, and push back against the drumbeat of "development."

ISSUE 2: RIDGELINE PROTECTION

Survey Results:

		%	Count
Option 2-A: Allow development on and near non-MOSO ridgelines consistent with improved design guidelines.		18.5%	5
Option 2-B: Prohibit development on non-MOSO ridgelines. Allow development near non-MOSO ridgelines consistent with new development standards.		25.9%	7
Option 2-C: Prohibit development within 250 feet of non-MOSO ridgelines (see Figure 5).		7.4%	2
Option 2-D: Prohibit development within 500 feet of non-MOSO ridgelines (see Figure 6).		63.0%	17
Option 2-E: Add an "escape clause" to Options 2-B, 2-C, and 2-D to allow exceptions if regulation would result in an unconstitutional "taking" of property.		14.8%	4

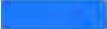
Comments:

- Why is Moraga worried about "taking"?
- This is an under hand mechanism to further restrict the development of single family homes
- Define ridgelines in a consistent way, and avoid violating property rights, using the 2-e escape clause.
- I don't believe municipal regulations constitute the "taking "of property. These lands were originally Rancho's and when sold became subject to city laws and codes as populations have increased.and the need for processes and guidelines became necessary to protect the environment and prevent uncontrolled growth and sprawl.
- I do not want to look at houses on any ridgeline. I do not massive amounts of dirt moved to allow for building. Not sure any of this is allowable legally - but seems wrong to do what is happening on Camino Ricardo. Ugly retaining walls, and views of all of it from different parts of town. This should not be allowed.
- Add an exemption to allow the implementation of wireless 911 service to existing PG&E transmission towers on the slopes and ridgeline.

- I would advocate preserving all open space on all undeveloped land in Moraga, regardless of if it is a ridgeline.
- The escape clause option is unnecessary and will give citizens a false impression: any regulatory action that arguably constitutes a taking can be challenged by the landowner; the Town doesn't need an "escape clause" in its laws to state the obvious. The downside to adopting such a clause is that it may be poorly drafted and provide a landowner with more ways to bring actions against the Town.
- Completely redundant
- Do you really need an "escape clause" if something is a violation under the US constitution? Wouldn't that already be allowed, by law?

ISSUE 3: STEEP SLOPE LIMITATIONS IN MOSO OPEN SPACE

Survey Results:

		%	Count
Option 3-A: Create general policy statement for cell boundaries.		12.0%	3
Option 3-B: Create objective standards for cell boundaries.		20.0%	5
Option 3-C: Prohibit development in areas of a cell with a slope of 20 percent or greater when the cell overall has an average slope of less than 20 percent. (See Figure 8)		28.0%	7
Option 3-D: Eliminate use of cell to calculate average slope.		52.0%	13

Comments:

- There should be no development in MOSO open space. The slope calculation just provides a loophole.
- Add an exemption to allow the implementation of wireless 911 service to existing PG&E transmission towers on the slopes and ridgeline.

ISSUE 4: HIGH RISK AREA MAP FOR MOSO OPEN SPACE

Survey Results:

		%	Count
Option 4-A: Continue to use the existing Development Capability Map and acknowledge its limitations.		8.3%	2
Option 4-B: Develop a new and improved Development Capability Map.		62.5%	15
Option 4-C: Discontinue use of the Development Capability Map and eliminate the preliminary risk determination.		33.3%	8

Comments:

- See comment on Issue 3. Geotechnical engineers can always devise a solution in these risk areas . If the developer is willing to pay for the solution, then the risk is abated. This should not be the criterion for planning development.
- Detailed engineering studies should prevail
- Add an exemption to allow the implementation of wireless 911 service to existing PG&E transmission towers on the slopes and ridgeline.
- Risk factors are always subject to change, as engineering capabilities shift, and more information becomes available. I see it as a waste of resources to try to be too precise at any fixed point in time.

ISSUE 5: REMEDIATION OF HIGH-RISK AREAS

Survey Results:

		%	Count
Option 5-A: Conditionally allow increases to residential density as a result of remediation.		33.3%	9
Option 5-B: Prohibit remediation for the sole purpose of increasing residential density.		18.5%	5
Option 5-C: Prohibit any increase in residential density in high risk areas.		55.6%	15

Comments:

- Is this remediation allowing higher density more of Moraga's "Not In My Neighborhood" abhorrent behavior? The world, especially the Bay Area needs higher density housing as a greener solution to home building. There is plenty of space out here for more people to live.
- The current system has worked well - there is no need to change
- The town's residents passed appropriate (and extremely reasonable) land use ordinances and these need to be respected and upheld. Developers have been well aware of these statutes for decades.
- Add an exemption to allow the implementation of wireless 911 service to existing PG&E transmission towers on the slopes and ridgeline

ISSUE 6: VIEWSHED PROTECTION

Survey Results:

		%	Count
Option 6-A: Prohibit development in visually prominent hillside areas as viewed from the Town's scenic corridors.		70.4%	19
Option 6-B: Strengthen development standards to limit development in visually prominent hillside areas as viewed from the Town's scenic corridors.		14.8%	4
Option 6-C: Expand and improve design guidelines that apply to visually prominent hillside areas as viewed from the Town's scenic corridors.		18.5%	5
Option 6-D: Maintain existing policies and regulations.		7.4%	2

Comments:

- Add an exemption to allow the implementation of wireless 911 service to existing PG&E transmission towers on the slopes and ridgeline.
- This is an example of a regulation that is ambiguous and is used to make a point. Clearer regulations would be helpful.

ISSUE 7: BUILDING SIZE ON LARGE LOTS

Survey Results

		%	Count
Option 7-A: Establish a maximum FAR for lots greater than 20,000 square feet.		53.8%	14
Option 7-B: Establish a maximum square-footage for any single-family home regardless of lot size.		30.8%	8
Option 7-C: Make no changes to existing regulations.		23.1%	6

Comments:

- It is not clear how this applies to multi-unit developments, like townhomes. Needs clarification.
- Why on earth is this needed
- The Huge home with 100 windows permitted on the South side of Rheem Boulevard (close to the street) between Rheem center and Glorietta is an abomination and totally out of character for the neighborhood. This type of development should not have been permitted.
- Add an exemption to allow the implementation of wireless 911 service to existing PG&E transmission towers on the slopes and ridgeline.

ISSUE 8: MOSO OPEN SPACE

Comments (no options for issue):

- I disagree with staff recommendations. The most restrictive designation should be used to create one map.
- In the second paragraph above the "(link here) doesn't link to anything.
- Make the zoning changes to be consistent with reality and the general plan. Don't use this as a backdoor way to further limit development.
- Seems to me voters were loud and clear with our previous votes for MOSO boundaries. The only goal as I see it should be to reflect these boundaries on maps as they were meant to be at the time past initiatives were adopted.
- Why were the town maps not completed in accordance with the 1986 MOSO guidelines? Let's be sure to maintain the protections that were intended to stay in place.
- Bollinger should be allowed to be developed per the agreement made 2 decades ago or more ... Taking is at issue here.
- Add an exemption to allow the implementation of wireless 911 service to existing PG&E transmission towers on the slopes and ridgeline.

- Fix GP and guidelines to align with MOSO zoning - that was the intent of the ordinance - it was not intended to be misinterpreted and twisted.
- The Zoning map seems the best to retain as it allows more public comment on a wider area of Moraga. I assume it t keeps Bollinger property as MOSO?
- MOSO boundaries must be drawn in accordance with the 1986 ordinance.
- Draw the MOSO boundaries as required by the ordinance that was passed in 1986. Failure to do so could also result in a declaratory judgment action asking a court to say that the Town failed to properly implement the 1986 law.
- Agreed.
- Staff is correct that guidelines/maps should be consistent. I have no opinion about how best to accomplish the objective, as I don't have the history on the issue.

ISSUE 9: MOSO RIDGELINE MAP

Comments (no options for issue):

- Keep it as is
- Add an exemption to allow the implementation of wireless 911 service to existing PG&E transmission towers on the slopes and ridgeline.
- This question seems pretty detail oriented for a public survey

ISSUE 10: DEFINITION OF DEVELOPMENT

Comments (no options for issue):

- Agree
- I think development should be clearly defined and should include any "agricultural" stuff e.g., a big house with a vineyard is actually a big house, not agricultural..
- This appears to be another restrictive requirement that is not needed
- The definition of development should not change.
- development = new construction and grading for the purposes of new residential or commercial buildings
- okay
- Add an exemption to allow the implementation of wireless 911 service to existing PG&E transmission towers on the slopes and ridgeline.
- MOSO is clear on what development is - why muddy up the waters with deviations?
- If the definitions have minor differences that don't conflict, then they are fine to keep as is.
- It would be helpful if all 3 definitions were included here, for comparison purposes, and to explain how different people read the definitions differently. I found only the first two and the definition in the MOSO Guidelines looks ok.

ISSUE 11: HILLSIDE DEVELOPMENT PERMIT

Survey Results:

		%	Count
Option 11-A: Eliminate the Hillside Development Permit (HDP).		4.2%	1
Option 11-B: Exempt developed single-family lots from the HDP requirement.		29.2%	7
Option 11-C: Exempt projects requiring other discretionary permits from the HDP requirement.		16.7%	4
Option 11-D: Maintain the HDP requirement as it is today.		54.2%	13

Comments:

- Less red tape, maintain control over erosion and other issues that affect others beyond the property owner.
- Add an exemption to allow the implementation of wireless 911 service to existing PG&E transmission towers on the slopes and ridgeline.

ATTACHMENT E

STEERING COMMITTEE MEETING MINUTES

**TOWN OF MORAGA
Hillsides and Ridgelines Steering Committee**

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

November 4, 2015

7:00 P.M.

MINUTES

1. CALL TO ORDER

David Early, PlaceWorks, called the Hillsides and Ridgelines Steering Committee meeting to order at 7:00 P.M.

ROLL CALL

Present: Town Councilmembers Metcalf and Trotter
Frank Comprelli (former Planning Commissioner)
Stacia Levenfeld (former Planning Commissioner)
Park and Recreation Commissioner Lucacher

Absent: Design Review Board Member Glover

Consultants: David Early, PlaceWorks
Ben Noble, PlaceWorks

Staff: Ellen Clark, Planning Director

It was noted for the record that Teresa Onoda, a member of the Town Council, was present as a private citizen and not as a member of the Town Council.

2. PUBLIC COMMENTS

There were no comments from the public.

3. ADOPTION OF MEETING AGENDA

Action: M/S/U (Levenfeld/Comprelli) to adopt the meeting agenda, as shown.

4. DISCUSSION AND RECOMMENDATION OF PREFERRED OPTIONS

Ben Noble, PlaceWorks, advised that the discussion was to solicit the Steering Committee's recommendations for the preferred options to address the issues, with half expected to be covered at this meeting and the other half to be considered at the meeting scheduled for November 12, 2015.

Mr. Early clarified that this was not the last time the issues would be discussed. General direction was being sought at this time after which the actual language would

be prepared, to then return to the Hillsides and Ridgelines Steering Committee for review.

Mr. Noble reiterated the format of the meeting when the options that had been presented to the public would be presented to the Steering Committee along with a summary of the input received, a recommendation as to how to address the issue, after which the Committee would discuss the options and identify a preferred option and recommendation that would be forwarded to the Town Council for its consideration. He noted that two of the items; the Non-MOSO Ridgeline Definition and Map and Ridgeline Protection issue would be discussed as a single item given that the issues were so closely related.

Mr. Noble noted that in May and June 2015, the Steering Committee had met to help develop the options and to address the key issues. Based on that input, the options had been revised during the summer and public input on the options had been solicited. A workshop had been held on September 17 to receive feedback on the options, focus groups had been conducted in October, and an online survey of options had been shared with the public through Open Town Hall. The phase to select preferred options was now in process, with Steering Committee meetings today and on November 12 to receive recommendations on the preferred option, to then be submitted to the Planning Commission to receive its recommendations, and ultimately to the Town Council in January 2016 when the recommendations from the Steering Committee and the Planning Commission would be presented as to how best to address the options.

Mr. Noble stated that amendments to the Town's regulations, General Plan, Design Guidelines, and potentially others would be drafted, to then return to the Steering Committee and then move on the Planning Commission, the Town Council, and the public for review and comment.

Councilmember Metcalf questioned whether the amount of material involved could be considered by the Planning Commission in one meeting.

Ms. Clark suggested that the recommendations would have to be distilled down to cogent recommendations, and it might take more than one Planning Commission meeting to complete.

Mr. Early noted his understanding that the Steering Committee had been appointed to do the heavy work and hopefully the Planning Commission and the Town Council would need less time to deliberate on the recommendations.

Ms. Clark explained that the Planning Commission had been provided an update to the process prior to the public workshop, which should help.

Mr. Noble reported that approximately 50 residents had attended the public workshop on September 17. In advance of the workshop an options workbook had been prepared to present the options in a succinct manner. He noted that some issues had not been discussed at the workshop in an effort to focus the discussion on the most important issues; the Moraga Open Space Ordinance (MOSO) Open Space Map, MOSO Ridgeline Map, Definition of Development, and Hillside Development Permit issues. The

public had been allowed to provide input on those issues on the online survey. After the presentation participants in small groups had discussed the issues and options and had voted on their preferred option. The summary of the workshop had been included in a packet presented as information. The overall theme supported the preservation of open space with limited development, maintaining ridgelines and hillsides in their natural state.

Mr. Noble stated that four focus groups had also been conducted to look at the options, which had been done after the workshop as part of an effort to test whether the input received at the workshop was representative of public opinion at large and representing the full spectrum of public opinion in the community. He noted that a self-selected group had attended the workshop and PlaceWorks wanted to talk about the issues with residents who might not have participated in the process in the past; those who were more demographically representative of the community overall. Residents had been screened by age, gender, how long people had been residents in the community, and whether they had an opinion on growth and development in Moraga in recent years to get a perspective of land development in Moraga.

Godbe Research had conducted the focus groups and had also conducted the selection of participants to achieve a representative sample of Moraga residents. The focus groups were held on October 1 and October 7, and the subjects had focused on the nuances of hillside and ridgeline protection and had approached the discussion of protecting ridgelines and protecting scenic viewsheds as an integrated discussion with more of an in-depth discussion of the various options to protect ridgelines and viewsheds in light of competing Town objectives.

Councilmember Metcalf asked if Godbe Research would be explaining the distribution of age, gender, time lived in Town, voting preferences, whether the participants voted or not, and asked if that would be identified to ensure that there was an unbiased sample.

Ms. Clark explained that she had asked Godbe Research the same question and had been told that the 50 or so people in the focus groups comprised half male and female, with an average age of 51, and one of the screening questions was how people felt about growth. When asked on the phone, 22 people had indicated that they thought there was the right amount in town, 15 said too much, six said not enough, and four did not have a response, which was the opposite of what had been expressed in the workshop. When it came to the focus groups, the opinions were different when the people got into the discussions. She suggested that what needed to be done—to get a balanced group—had been done.

In response to Councilmember Metcalf as to how PlaceWorks had been involved in the design of the questions, Mr. Noble stated they had been involved in reviewing the questions and working with Godbe Research and Ms. Clark to understand the issues and come up with questions that would work with the focus group.

Ms. Clark explained how the questions had been created, refined, and adjusted to make sure that people understood the concern of balancing property rights and protecting the values of the community. She clarified the results were not a quantitative barometer of public opinion, but a balanced group of Moraga residents talking about the issues.

Ms. Clark noted that the report had presented numerically what had been heard but that the comments did not represent the entire viewpoints of all citizens of Moraga.

Mr. Early clarified that the focus groups had been randomly selected from the voter rolls and had been screened to make sure there was a mix of people who thought there was the right amount of growth, too much growth, and not enough growth. He believed that the focus groups were unbiased and that the focus group was the right tool to use as opposed to a survey given that the issues were so complicated, and to allow more reasoned responses.

Commissioner Lucacher asked if the focus groups could be demonstrated to be unbiased by professional standards, to which Mr. Early affirmed that was the professional standard of how to conduct a focus group.

Ms. Clark described that process as an indicator, not an answer.

Councilmember Metcalf wanted to make sure that the demographics had been disclosed; the distribution, the tenure in the City, how participants had been selected, and the like.

In terms of public opinion, Mr. Noble explained that the online survey done through Open Town Hall had been a survey that enabled residents to provide input on the same options that had been discussed at the public workshop, plus the four issues that had not been discussed at the public workshop. He reported that 133 individuals had viewed the online survey and 42 residents had participated in the survey.

As to whether those who had taken the survey were qualified to do so as residents of the Town, Mr. Early stated that anyone could go online to take the survey although everyone had been asked to give their address and that information could be verified. It was his understanding that all were Moraga residents and none were St. Mary's College (SMC) students, although he would provide the information to clarify that assertion. He added that the information was available online and a geographic distribution of the correspondents could be provided to the Steering Committee from that information. Any user of the site could get that information.

Mr. Noble reported that the results from the online survey and Open Town Hall were similar to the results of the public workshop.

Mr. Noble presented a summary of the Non-MOSO Ridgeline Definition and Map and Ridgeline Protection issues; noted that the General Plan did not contain a general ridgeline definition that applied Town-wide; and the General Plan glossary contained a definition of Major Ridgeline and a definition of Minor Ridgeline, which had raised questions as to whether the Town's policies to protect ridgelines applied only to MOSO ridgelines as defined in the General Plan, or whether they also applied to non-MOSO ridgelines in different ways. There was a need to clarify what constituted a ridgeline, and the location of those ridgelines to better understand what protection of ridgelines really meant.

Mr. Noble stated that with input from the Steering Committee, three options had been identified to address the issue. He explained that Option 1A and Option 1B went together. Option 1A, to add a general ridgeline definition to the General Plan and the Moraga Municipal Code (MMC) Town-wide; and Option 1B, to map all ridgelines including the non-MOSO ridgelines based on that general definition. Option C, to clarify that the term ridgeline, when used in the General Plan and other town policies and regulations, really only meant the MOSO major ridgelines and the MOSO minor ridgelines.

Mr. Noble presented a suggested definition of ridgelines that was consistent with the language used to define ridgelines in the MOSO Guidelines as well as in the General Plan as it applied to major and minor ridgelines. He presented an example of a map that had been shown to the public identifying locations on non-MOSO ridgelines based on the definition, “ridgelines of the uppermost portion of the hill at or above 800 feet of elevation is in an undeveloped area that rises to a crest.”

When asked, Mr. Noble stated that 800 feet was the elevation used in MOSO and MOSO Guidelines to identify the major and minor ridgelines.

Ms. Clark understood it was about where prominent ridgelines in Moraga were located that also coincided with the open space areas that had become the basis of the MOSO lands, and they all happened to be at 800 feet.

Councilmember Trotter noted comments from some that the 800-foot measurement should be revisited.

Councilmember Metcalf stated that the 800-foot elevation had been enshrined in MOSO that had been approved by the voters. He asked if the Town Council could change what was in MOSO or whether it required a vote of the people.

Mr. Early stated that MOSO could be left as is, but following what they had heard in the various forums was to add definitions that were still outside of MOSO that would apply under 800 feet, which could happen with a vote of the Town Council not requiring another vote of the people. He stated that no one had indicated a desire to raise the elevation above 800 feet and clarified that could not be done without a vote of the people. He added, when asked, that in non-MOSO areas that elevation could be raised above 800 feet, although that had not been recommended.

Mr. Noble presented a summary of the input received on the issue from the workshop, from the focus groups, and from the online survey where there was near unanimous support for the creation of a general ridgeline definition Town-wide with a map to show the location of the ridgelines. Some other comments from the workshop relevant to the issue was that in the definition of ridgeline language “in an undeveloped area” should be removed.

Councilmember Trotter asked where the undeveloped area had come from; he was told by Mr. Noble it was there and not added, and it was to identify existing undeveloped ridgelines that should be protected and where development should not be allowed. As

such, there were concerns with the undeveloped areas as opposed to the developed areas.

Mr. Noble suggested there might be some isolated areas above 800 feet that had been developed and similar to a ridgeline and the question was whether to designate it as a ridgeline.

Councilmember Trotter suggested that those areas should be called out in the mapping.

Mr. Noble noted a lot of discussion in the workshop and focus groups about the 800-foot threshold along with the discussion of including the continuing crest if below 800 feet where that designation as a ridgeline should be continued. He noted general comments about 800 feet being too high along with comments about visibility, not just elevation, which had come out of the focus groups. As a result, not just elevation but visibility and prominence and the aesthetic qualities of the land form were important considerations when deciding what ridgelines needed to be protected.

Mr. Noble recommended the establishment of a general ridgeline definition to be applied Town-wide in the General Plan, the MMC, the Design Guidelines, and other town policy documents. He also recommended a definition of special classes of ridgelines that would be regulated in particular ways. He referred to a proposed general definition of ridgeline as “A long narrow elevation of land that forms the uppermost portion of the hill and rises to a crest.” In terms of the special types of ridgelines, there were Major and Minor MOSO ridgelines and the definition and mapping of these MOSO ridgelines was not recommended to be changed because it had been established in the MOSO Initiative. There were two different types of ridgelines that needed to be defined; “A significant non-MOSO ridgeline” and “Other ridgeline.”

Mr. Noble presented the definition of significant non-MOSO ridgeline as “The portion of any ridgeline outside of MOSO lands which forms the skyline visible from the scenic corridor and is either above 800 feet or the continuation of a ridgeline that is above 800 feet.” Other ridgeline was defined as “All other ridgelines that are not a major MOSO ridgeline, a minor MOSO ridgeline, or a significant non-MOSO ridgeline.” He stated that every ridgeline in the Town was a certain type and each type could be regulated in different ways.

Mr. Early clarified that all ridgelines in MOSO areas should have been mapped as a major ridgeline or a minor ridgeline and no other ridgelines inside MOSO lands needed to be defined.

Councilmember Trotter suggested that visibility from any public street should also be included in the definition of ridgeline, “which forms the skyline visible from a scenic corridor or a public street.”

Commissioner Lucacher asked if a pleasant view should also be incorporated, although Mr. Early commented that was a problematic definition in that it was not quantifiable or objective. He suggested the scenic corridors identified by the General Plan were the widely available pleasant views.

In further response to Commissioner Lucacher, Mr. Early suggested an even broader definition beyond public streets would be public place, such as public streets, parks, and trails, among others. He sought information in general as to how broad the description was desired to be.

Commissioner Lucacher recommended understanding what was possible and then selecting what was best.

Councilmember Metcalf suggested that part of understanding what was possible was understanding the consequences. He did not want to run afoul of takings issues and suggested that a very broad definition could be problematic. He noted that the Town Council would have to discuss those issues in great detail.

Mr. Early suggested they were a long ways away from having a takings issue. He suggested the amount of land actually on the ridgelines and adjacent to it where development would be limited was relatively minor compared with all the undeveloped land in Moraga, and there was not a taking as long as there was some economic use of the property. He commented that the historical use of the property as ranch land and raising cattle was an economic use of the property.

Mr. Noble stated in terms of mapping and regulations was a very defensible position. He also noted that if a regulation was implementing a public objective that was clearly established within the General Plan, it was looked upon favorably by the courts. He commented that part of the reason for defining a significant non-MOSO ridgeline as being a ridgeline where the skyline is visible from the scenic corridor is because the General Plan emphasized the importance of scenic corridors as being an important aspect of the community identity that needed to be protected.

Mr. Noble presented a map to show the Town's boundaries and elevation classes within the Town; 700 to 750, 750 to 800, and above 800 elevation. He presented a slide to show the mapping of the MOSO major and minor ridgelines and the starting point for identifying the significant non-MOSO ridgelines, which were "the ridgelines where the ridgeline formed the skyline visible from the scenic corridor either above 800 feet, or the continuation of a ridgeline above 800 feet." Referring again to the focus groups, he referenced the argument that if a house was situated on a non-MOSO ridgeline and no one could see it from a public corridor there was no reason why it should be prohibited. PlaceWorks saw that approach as balancing some competing interests and defining the significant non-MOSO ridgelines as "only those ridgelines where the skyline was visible from the scenic corridor." He explained how the areas not visible from the scenic corridor would be removed from the map of significant non-MOSO ridgelines, and commented that some areas that dipped below 800 feet might be added to the map.

Mr. Noble offered examples of some of the areas involved. With respect to the elevations below 800 feet where the crest continued from a point above 800 feet to below 800 feet, he questioned whether or not that continuation of the crest should be designated as a significant non-MOSO ridgeline. He identified the Rancho Laguna II project, currently under construction, as an example of a significant non-MOSO ridgeline, which was an example where on a case-by-case basis they would look at the

ridgeline that started above 800 feet and dipped below 800 feet and make a determination of where that ridgeline line should end.

Mr. Early clarified that analysis would be done between now and the next time the draft was returned to the Steering Committee as part of the final mapping.

When asked, Mr. Early clarified that the data was being prepared using GIS coordinates, and Ms. Clark commented that it was a pretty spatially accurate representation of the crests of those spaces on topographical information overlaid with the Google Earth application.

Mr. Noble presented a series of photographs of the painted rock property on Moraga Road showing a portion to the right as a minor MOSO ridgeline, which he noted at some point would end and had no official designation. He recommended that ridgeline be designated as a significant non-MOSO ridgeline because it was a ridgeline above 800 feet in a non-MOSO area where the skyline was visible from the scenic corridor. He also referred to spur ridges coming off the main ridgeline, which he suggested be classified as other ridgeline because the skyline was not visible behind it from the scenic corridor, where different types of regulations would apply.

Mr. Early stated that some of those ridges might be over 800 foot elevation, although they were not silhouetted against the sky from any scenic corridor. When asked, he clarified that a consistent methodology was being proposed.

Mr. Noble quickly summarized the public input which had requested protection and strong support for the most restrictive of the options in terms of prohibiting development on and near non-MOSO ridgelines. He added that the option of prohibiting development within 500 feet of a non-MOSO ridgeline was the option that had received the most support from all input.

Mr. Noble offered recommendations for the strong desire to limit the amount of development in Moraga and preserve the natural scenic qualities of undeveloped hillside and ridgeline areas. To that end, he recommended a fundamental reconsideration of Policy CD1.5 “protect ridgelines from development,” and suggested the phrase protect hillsides from development was imprecise and there needed to be some revisions to Policy CD1.5 with alternative language that was more precise in terms of the Town’s policies related to ridgeline protection.

Mr. Noble offered ideas to make it clear that the Town’s policies applied to all ridgelines throughout the Town and not just MOSO ridgelines; to state that protecting ridgelines was not just about prohibiting development on or adjacent to ridgelines but about appropriate design of development in nearby hillside areas; to make it clear that the basic goal was to retain the existing character of natural ridgeline landforms uninterrupted by man-made features, which meant that maintaining visible and undeveloped ridgelines free from development was important; and that the Town require visual separation between the structures and the ridgelines where the skyline was visible from the scenic corridor.

When asked, Ms. Clark clarified that trees and vegetation planted as a result of development could be part of the natural landscape silhouetted against the sky, although she suggested that unnatural landscaping, such as a palm tree, would not be allowed in that case.

Councilmember Trotter clarified the suggestion related to the visual separation between structures and the ridgelines where the skyline was visible from the scenic corridor, and suggested a meaningful visual separation between the development view shed and the top of the ridge would not be allowed.

As to the recommendation on visual separation, Mr. Noble referred to a vision plane and a vertical separation setback.

Councilmember Metcalf commented that his home had views of the Rancho Laguna II project, and noted the ridgeline in that case was not what it used to be. He did not want development up so close to the ridgeline that there would be those kinds of alterations.

Ms. Levenfeld sought a discussion of ultimate landscape plans and how they would affect the overall environment of a project, including the silhouetting.

Mr. Noble presented the four types of ridgelines; major ridgelines, minor ridgelines, significant non-MOSO ridgelines, and other ridgelines, and stated that no changes had been recommended for the standards having to do with where development was permitted. He noted that the existing rule for a major MOSO ridgeline was that you could not develop on the ridgeline and you needed a 500-foot buffer from the centerline of the ridgeline. There could be no development on a minor MOSO ridgeline, although there could be development near a minor MOSO ridgeline if complying with other MOSO requirements and the Town's Design Guidelines.

Mr. Early asked if those standards were sufficient. He responded to a question about development on the crest of a minor ridgeline where someone could not develop near a ridgeline unless the standard for visual separation had been met.

Ms. Jones, a public member in attendance, suggested that would give a developer an incentive to cut down into the ridgeline to lower the pad, and suggested in the case of Rancho Laguna II a shelf had been cut into the ridgeline to lower the pad.

Mr. Noble stated there were two ways the visual separation was most often handled in a hillside setting; a vision plane or a vertical setback concept. The vision plane was where a structure could not project outside a plane sloping downward 15 degrees from the horizontal. Another method required some length of separation from the crest to the height of the structure no matter where the structure was located, in the diagram shown it was 25 feet. He noted that both methods might be used and the measurements would have to be clarified. He verified, when asked, that the two approaches could be combined with the most restrictive applying.

When asked, Mr. Early stated that 15 degrees and 25 feet had been identified since those measurements had been used in other jurisdictions, although there had been no determination as to whether those two measurements would be appropriate in Moraga.

He clarified that the Steering Committee was asking PlaceWorks to identify visual separation and figure out what combination of vision plane and placement below the ridgeline should be used, and the specific measurements that would apply.

Councilmember Trotter suggested that perhaps an upward angle as opposed to a downward angle should be considered.

Mr. Noble presented a list of what Policy CD1.5 required for hillside development, although he noted what that would mean on specific projects was ambiguous and the Town's hillside development standards and guidelines would be significantly improved by clarifying what it would mean to conform to the site's natural setting; and how the Planning Commission, the Design Review Board, and the Town Council would know that a project complied with that statement. Given the need for more specificity, he recommended an expansion and enhancement of the Town's Design Guidelines as related to hillside development, to build from the existing document, and include new mandatory standards for hillside development.

Mr. Noble suggested the standards would sometimes be entirely objective, and sometimes the standards would establish a mandatory outcome but allow some variation in the methods to achieve the outcome. He suggested the standards needed to be illustrated with diagrams and photographs. He provided a list of the full range of subdivision design, site, and building design issues that needed to be addressed with the full and expanded design standards and guidelines, and offered examples where more specific design standards would be helpful.

Councilmember Trotter referenced and supported the focus on Policy CD1.5 but asked if PlaceWorks had looked at other provisions in the General Plan to see how well they would integrate or did not integrate into what PlaceWorks had been doing to ensure a consistent vision throughout.

Ms. Clark stated that a lot of the language was in the Design Guidelines and the MMC and all those things needed to be brought into alignment.

Mr. Early welcomed input from the members of the Steering Committee, but commented that it was PlaceWorks job to identify what would need to be changed. He verified that the scope of work with PlaceWorks allowed it to get into the detail of writing the full set of needed revisions to the existing Design Guidelines.

Mr. Noble summarized the ridgeline definition and the ridgeline protection issue to create a general ridgeline definition and definitions for four types of ridgelines, with a process to identify exactly where the significant non-MOSO ridgelines were located based on the definition. There was also a need to clarify the basic intent of Policy CD1.5; look at the General Plan overall and make sure that all the policies in the General Plan and the Design Guidelines were consistent with that clarified intent; establish new visual separation standards for significant non-MOSO ridgelines which could potentially be applied to minor ridgelines to provide that visual separation; and prepare the enhanced Design Guidelines and standards for the hillside and ridgeline areas.

Mr. Early highlighted the items the Steering Committee had identified in the discussion: Get enough separation and figure out what that would be; make sure that non-natural looking landscaping was precluded from being silhouetted; look inside MOSO areas and make sure they included silhouetting as well; avoid gaming the system noting the example of cutting a pad that allowed a house right below the ridgeline while making huge alterations to the landscape; review other General Plan policies for consistency and recommend changes; and whether to define the ridgelines as viewed from only scenic corridors, or also from public streets, or from all public places.

PUBLIC COMMENT

Dave Bruzzone noted his understanding that there would be a wholesale rewrite of a number of Town policies and he expressed concern that Moraga was changing the rules. He referred to the Bollinger Valley Project submitted in 2002, which had gone through an Environmental Impact Report (EIR) process and stated the final EIR should be released soon, all the major town policies had been addressed in that project, and now the policies and regulations would be changed again. He stated that project could be created with minor visual impacts to the community. He expressed concern that key issues were being bounced off lay people who had no idea of the complexity of the issues and expressed concern for the Town when there was a small group of people with an ideological bend that objected to any future development and who wanted to enact controls to achieve that. He did not find the process to be productive.

Suzanne Jones referred to the painted rock property and asked what would happen to the spur ridges on the south side that were probably under 800 feet elevation, and asked if there would be anything to prevent banks of houses from being developed along the crest of the lateral ridges. She asked PlaceWorks to look at that area and apply the recommendations to see what would happen with that corridor. She also asked about the question of viewshed protection and referred to Canyon Road and the entrance to Indian Valley where there was a visually prominent ridgeline that was below 800 feet and whether there would be protections from housing on the crest of that ridgeline.

Mr. Early stated that was something they had not considered regulating and he put that question on the list of items to return to the Steering Committee for guidance.

Ms. Clark stated that visual impacts had been discussed at length and the Town had other regulations about steep slopes and grading that would also apply to many of the hillside/ridgeline properties.

Mr. Early verified with the Steering Committee its concurrence with the summary recommendations and the additional issues he had identified. Noting that an 800-foot elevation was to be discussed as to whether or not it should be modified, he recommended adding that issue as another item to study and return with a recommendation to retain it, raise it, or lower it.

Councilmember Trotter asked that it be mapped down to the 700-foot level. He commented that there was probably no need to consider a higher number.

Councilmember Metcalf suggested there would have to be a compelling need to change the threshold from an 800-foot elevation.

Commissioner Lucacher suggested the correct number to identify the integrated whole of the goals and objectives should be the number used.

On the discussion, **Councilmember Trotter** referred to the definition of a significant non-MOSO ridgeline, and Mr. Early verified that a significant non-MOSO ridgeline could go below 800 feet.

Councilmember Trotter asked who would define what significant meant.

Mr. Early stated that PlaceWorks would choose a number, analyze the results, and make a recommendation. He also suggested that the lateral ridgelines should be studied, and whether or not to expand the definitions to capture them. He sought guidance on the sense of the threshold in terms of where visibility would be measured from; scenic corridors, public streets, trails, or parks.

Suzanne Jones commented that every EIR generated in the last 16 years had looked at viewpoints from not just scenic corridors but from public streets as well. She stated there were places such as the Lafayette/Moraga Trail where there were trees separating the corridor from where people walked and trails and parks where people were engaged in the activity of taking in the scenery, and she therefore suggested that parks, trails, and sidewalks on public streets should be given significant consideration.

Mr. Bruzzone stated that the threshold had been the scenic corridor and the question of adding all public streets and public places was an extreme expansion of different perspectives. He questioned how to gauge the actual impact to the community and stated the major thoroughfares in and out of the community was how it had been analyzed.

Councilmember Metcalf wanted an opinion from the City Attorney on that issue.

Mr. Early verified that the Steering Committee wanted the view corridor expanded into some public streets, parks, and trails given the comments provided, and that the Town Attorney be asked for an opinion to avoid a takings issue.

Ms. Jones referred to trails and whether they were Moraga trails or East Bay Regional Park District (EBRPD) trails, suggested it was a valid point to say that people had moved to the area given the beauty of the area and to use the trails. She could see that as an expansion of what had been done in the past.

Mr. Early clarified that references were to public trails.

Commissioner Lucacher suggested that wildlife corridors and natural areas also be considered, although **Councilmember Trotter** suggested that wildlife corridors were not applicable in this case.

Mr. Early advised that the Steering Committee would meet again on November 12, with another meeting scheduled for December 16.

The following items on the agenda were not addressed and would be considered at the meeting scheduled for November 12.

- Viewshed Protection
- Building Size on Large Lots
- MOSO Ridgeline Map
- Hillside Development Permit

5. ADJOURNMENT

The meeting adjourned at approximately 9:05 P.M.

**TOWN OF MORAGA
Hillsides and Ridgelines Steering Committee**

La Sala Building
Hacienda de las Flores
2100 Donald Drive
Moraga, CA 94556

November 12, 2015

7:00 P.M.

MINUTES

1. CALL TO ORDER

David Early, PlaceWorks, called the Hillsides and Ridgelines Steering Committee meeting to order at 7:00 P.M.

ROLL CALL

Present: Town Councilmembers Metcalf and Trotter
Stacia Levenfeld (former Planning Commissioner)
Design Review Board Member Glover
Rob Lucacher (former Park and Recreation Commissioner)

Absent: Frank Comprelli (former Planning Commissioner)

Consultants: David Early, PlaceWorks
Ben Noble, PlaceWorks

Staff: Ellen Clark, Planning Director

2. PUBLIC COMMENTS

There were no comments from the public.

3. ADOPTION OF MEETING AGENDA

Action: M/S/U (Metcalf/Glover) to adopt the meeting agenda, as shown.

4. APPROVAL OF HILLSIDES AND RIDGELINES STEERING COMMITTEE MEETING MINUTES

- June 30, 2015
- November 4, 2015

Action: M/S/U (Metcalf/Trotter) to approve the minutes of the June 30, 2015 and November 4, 2015 minutes, as submitted.

5. RECOMMENDATION OF PREFERRED OPTIONS

- Viewshed Protection

Ben Noble, PlaceWorks, stated with respect to Viewshed Protection that both the General Plan and the Zoning Ordinance identified several roadways as scenic corridors, and the General Plan called on the Town to protect viewsheds along the scenic corridors. Given that there had been issues of what 'protect' meant in the context of proposed projects located in visually prominent hillside areas as viewed from scenic corridors, three options had been considered and had been shared with the public. Option 1 would prohibit development in visually prominent hillside areas as viewed from the Town's scenic corridors; Option 2 would strengthen development standards to limit development in visually prominent hillside areas as viewed from the Town's scenic corridors; and Option 3 would expand and improve the Town's Design Guidelines that applied to visually prominent hillside areas as viewed from the Town's scenic corridors.

Mr. Noble presented a map to identify where some of the high visibility areas from scenic corridors were located throughout the Town. He reported there had been strong but no unanimous support from the public for the most restrictive of all the options. Of those who did not prefer that option, there was a preference that if development was allowed in high visibility areas there be mandatory standards to limit development in those areas as opposed to advisory guidelines that would not be mandatory.

Mr. Noble advised that PlaceWorks' recommendation was closely related to the recommendation on the Protect Ridgelines from Development issue where significant non-MOSO ridgelines could be identified with a separation standard between the ridgeline and the development below, and strengthening the Town's existing Design Guidelines to incorporate mandatory standards that would go further to ensure quality design within a hillside setting. Those steps would address the Protect Ridgelines from Development issue and no additional standards or restrictions would be needed.

Councilmember Metcalf expressed concern that the Town could go too far and be overly protective because so many people wanted to be conservative. He asked if PlaceWorks had looked at the number of ridgelines in Town that could be declared as significant non-MOSO [Moraga Open Space Ordinance] ridgelines.

Mr. Early advised that a map had been prepared to identify the significant non-MOSO ridgelines above 800 feet with examples of areas that fell below 800 feet that could be studied. A comment from the public had indicated there may be some secondary ridgelines that should also be considered as potential non-MOSO ridgelines along Rheem Boulevard. The Steering Committee had agreed to consider augmenting the map with lateral ridgelines although that had yet to be done, and while the map had included some lateral ridgelines, they had not been included along Rheem Boulevard.

Boardmember Glover commented that the DRB had considered an application at its last meeting where structures actually blocked the ridgeline from the scenic corridor.

Councilmember Metcalf commented that rather than blocking the ridgelines, some structures interrupted the ridgeline.

Mr. Early had interpreted the Steering Committee's guidance to develop regulations to prevent even an interruption of the view of the continuous ridgeline. When prepared, those proposed regulations would be submitted to the Planning Commission and then to the Town Council, and with concurrence the proposal would be prepared and the details provided.

Councilmember Metcalf suggested the process might be going overboard a bit. Rather than prohibiting development, he sought sensible development and suggested that no interruption of the ridgeline at all would be Draconian.

Mr. Early clarified that in the next round of discussions, PlaceWorks could identify the areas that could be developed, even under the regulations, at which point the Steering Committee could determine whether the proposed regulations were too stringent.

Councilmember Trotter clarified the concept had to do with development in hillside and ridgeline areas and had nothing to do with development in the Moraga Center Specific Plan (MCSP) area, which was subject to other regulations.

Councilmember Metcalf agreed and noted that development in the MCSP had not been considered within the hillside and ridgeline area.

Stacia Levenfeld asked if the viewshed was only the ability to see a ridgeline from the scenic corridor.

Mr. Early clarified for the minutes that no one was questioning development in the MCSP area, which remained in place, and the proposed regulations would be written to avoid impeding the ability to develop under the MCSP. As to whether prohibiting the interruption of views along the ridgeline might be too stringent, he suggested retaining the direction offered and PlaceWorks would prepare an analysis of what it would allow and preclude. The Steering Committee could then determine whether to make it less restrictive.

Rob Lucacher sought a clear graphic to identify the analysis within the context of what the Steering Committee had agreed to do.

Boardmember Glover urged some clarification of those issues given that the DRB had been passing judgment on those issues at each DRB meeting.

Mr. Early stated with respect to Viewshed Protection that PlaceWorks had already been directed to put restrictions in place around the new ridgelines, which would probably be enough and no additional protection from the viewshed from the scenic corridors onto the ridgelines was needed. He recommended doing nothing more and relying on what had been directed by the Steering Committee at its last meeting on November 4, 2015.

Ms. Levenfeld requested clarification of the viewshed that was intended to be protected, reported by Mr. Noble that viewshed was defined as hillside areas that were visible from the scenic corridor. He commented that viewshed was imprecisely defined.

Mr. Early explained that the map showed what PlaceWorks identified as visually prominent hillside areas, and suggested that it only be regulated with a prohibition of interruptions along the ridgeline with design guidelines and design standards farther down the hill.

Mr. Early suggested a clear policy would be created that interruption of the view to the ridge would not be acceptable, below that would be acceptable although those numbers had yet to be defined, and design guidelines and standards would then identify what development could be approved in those areas. The policy guidance would allow development in the lower areas but that development would have to be well designed following guidelines and standards, as well as other requirements such as the Hillside Development Permit (HDP) requirement that should be integrated into the process. He suggested that would narrow the argument.

Ms. Levenfeld verified with Mr. Early the intent that both the view of the hill face as well as the ridgeline from the scenic corridor would be protected, along with the foreground view.

Ms. Clark suggested that might need to be integrated back into the scenic corridor guidelines to be consistent.

Mr. Noble added that would be with the direction to look at all public places in the context of ridgeline protection although in the context of viewshed there was a stronger connection with that policy.

Mr. Early clarified PlaceWorks' charge as how to regulate or not the hillsides and up to the ridges but not the flat areas, not the Commons, and not the MCSP area and the lower flatter parts of town.

David Bruzzone expressed concern the discussion related to the enactment of a new regulatory scheme to restrict development on areas other than ridgelines and hillsides, although Mr. Early clarified that they were only looking to the viewshed with respect to the ridgelines and hillsides and not to the flat or lower areas of Town.

Mr. Early asked if there was a need for a definition of flat and a hillside. The Steering Committee agreed that there was a need for a guideline for what was and what was not a hillside.

Ms. Levenfeld asked for a definition of the viewshed that was trying to be protected.

Councilmember Trotter emphasized this was not intended to eliminate HDP standards and requirements.

From the audience, Suzanne Jones suggested that to be consistent with the input from the public, standards and not guidelines should be identified.

Mr. Early explained that standards would be used as much as possible although moving more into design issues it became less desirable to create strict standards to allow flexibility but strong enough standards to avoid bad designs.

Councilmember Metcalf suggested it was clear that the public supported more regulation although there was little appreciation for what that would mean. He urged proceeding with something that was reasonable.

- Building Size on Large Lots

Mr. Noble explained that the Town's Design Guidelines established a maximum floor area ratio (FAR) for single-family homes up to a maximum lot size of 20,000 square feet. Once beyond 20,000 square feet, the Design Guidelines were silent on maximum floor area for homes on lots that were larger than 20,000 square feet. Three options had been created to address the issue. Option 1 would continue what had already been established in the Design Guidelines and extend that beyond 20,000 square feet and establish a maximum FAR for lots greater than 20,000 square feet; Option 2 would establish a maximum square footage for any single-family home regardless of lot size; and Option 3 would make no changes to the existing regulations where it would essentially be silent on the maximum FAR for a single-family home on a lot greater than 20,000 square feet.

Mr. Noble stated there had been majority support for the first option. A number of members of the public had pointed out several examples of homes that appeared to be too large, and the focus group desired a consistent application of regulations in the Town regardless of the lot size. He explained that some of the existing large homes in Moraga were greater than 6,000 square feet in size. For the most part, the FAR was generally quite low, well below any of the maximums that would be required under the recommendation, with one exception, the home at 49 Merrill Circle with an FAR of .20. Because the large homes were primarily on large lots, the FAR was lower than the maximum that might be required.

Mr. Noble recommended specifying a maximum FAR for lots greater than 20,000 square feet using a formula similarly used for lots of 20,000 square feet or less. He noted that as the parcel got bigger the maximum FAR got a bit lower, which was the same approach to areas less than 20,000 square feet. Once hitting a parcel size of an acre or more under the cap, there would be a cap of a maximum FAR of 7,000 square feet no matter how large the lot.

Boardmember Glover noted that FAR referred to the full size of the lot versus the portion of a lot where construction could actually occur. He asked why there was a comparison to the full size of the lot when the full lot might not be buildable.

Councilmember Trotter explained that the concept had been well accepted and had a standard meaning.

Mr. Noble suggested it was a way to control the intensity of development so that the size of the structure was appropriate for the size of the lot, and it didn't matter if portions of the lot were undevelopable.

Mr. Early noted that there were height limits as well and even though the rest of the lot might be unbuildable, it was there and would create distance between the house on the lot and other homes around it.

Councilmember Trotter suggested there were FAR regulatory schemes in other jurisdictions that included some distinctions between level lots and sloped lots in terms of FAR.

Mr. Early agreed there were places where allowed FAR was lessened by virtue of slope although it was always measured on the whole lot.

Councilmember Metcalf commented that the purpose of the Steering Committee was to consider hillsides and ridgelines and he questioned what building size on large lots had to do with hillsides and ridgelines.

Ms. Jones commented that she had first requested consideration of building size on large lots and the item had arisen with the Rancho Laguna II project which would build large houses in the scenic corridor, and there was a concern about the scale of those homes in the context of that space in the scenic corridor. She suggested the guidelines had failed and the proposal would cap the size, although the underlying concern was that the houses in the open space areas in the scenic corridor would end up being 6,000 square feet in size.

Ms. Clark clarified that the item had been proposed at a Council meeting and it had been decided to include it in the Steering Committee's review process.

Councilmember Metcalf reiterated his opinion that the item had nothing to do with the intent of the Steering Committee.

Mr. Early explained that the Council had approved the inclusion of the item as an agenda item but had not approved a regulation for it. In the review process, the Council could decide to regulate or not.

When asked as to where the 7,000 square foot cap had originated, Mr. Early referred to the maximum FAR table and the pattern of numbers, both increases in parcel area and decreases in allowed FAR, and had moved it down to one acre which resulted in approximately 7,000 square feet. Given that there had been only one house in Moraga that had been built with a larger FAR than 7,000 square feet, PlaceWorks had thought that was an appropriate place to stop and cap everything at 7,000 square feet, although he clarified that could be changed.

Councilmember Metcalf asked if the 7,000 square foot limit could be challenged and how that limit could be defended.

Mr. Early suggested a finding could be made that the Town Council had evaluated the issue and believed the 7,000 square foot limit was a reasonable regulation that could be accommodated within the health, welfare, and beautification of the Town.

Ms. Levenfeld understood the concern for an out-of-scale house when near the center of Town, although she expressed concern clearly defining everything and not considering projects on a case-by-case basis. She too expressed concern that defining it too strictly could imply that developers could build 7,000 square foot homes by right. She questioned whether there wouldn't be a way to create a system from the center of Town out where larger houses might be more appropriate.

Boardmember Glover noted the discussion of guidelines and commented that there were very few projects submitted to the DRB that did not require a variance.

Councilmember Trotter referred to what had been approved at Rancho Laguna II and suggested it was appropriate to make recommendations with respect to an FAR analysis that went beyond 20,000 square feet, and it was appropriate given the Council direction to consider some additional regulation that went beyond less than a half-acre size lot. He also agreed that those kinds of maximum floor areas for larger lots would withstand any kind of judicial challenge because the size of house permitted was enormous and there would be no taking. He suggested the fact that something had been done to have an FAR scheme in the past decade which had stopped at 20,000 square feet did not mean it was not appropriate to evaluate it to see if some of the numbers made sense.

Ms. Jones suggested in context with the Hillsides and Ridgelines project, the process was trying to implement meaningful FAR limits on homes that would go in ridgeline, hillside, and open space areas, and the regulations could apply to homes in those three areas if they were visible from public places. She suggested, however, that would do nothing to prevent the large house at 229 Rheem Boulevard or the Rancho Laguna II development.

Councilmember Metcalf agreed and suggested there was supposed to have been a graduation of scale and no one had looked at the houses next to 229 Rheem Boulevard, which was a failure of regulation and had nothing to do with hillsides and ridgelines.

Ms. Jones stated with respect to guidelines versus standards that there would have to be a standard to make the size of a home work, and if within a visible ridgeline, hillside, or open space area it was within the Steering Committee's scope and could be addressed.

Mr. Bruzzone verified that the existing FAR was mandatory. He noted if someone came in with an extremely visible project that imposed big impacts was one thing but what had been proposed had been based on square footage and had nothing to do with the

house next door or a remote valley, and the process would preclude the development of a larger house that had no impacts at all. He suggested it was not a major issue and the proposed new rules would be applied to the newly designated ridgelines that would be applied to the Bollinger Valley and maybe Indian Valley properties, which did not have the scenic impacts that had to be mitigated, and be applied not to MOSO but to the new ridgelines which would be designated in those areas, a major concern to him.

Councilmember Trotter asked whether Orinda or Lafayette had an FAR regulatory scheme.

Mr. Lucacher asked about the rationale of why FAR's had been enacted, and whether it was that certain sized homes were no longer sustainable.

Mr. Early stated that information could be provided at the December meeting. Noting that Ms. Jones had recommended additions to the item, he asked if those additions: "to limit this to only the hillside ridgeline areas, and only to limit it from those areas visible from a public space," should be included in the process.

Mr. Bruzzone clarified that Lafayette and Orinda had FAR regulations but his question was the suitability of including that element in the Steering Committee process and coming up with arbitrary numbers that had yet to be vetted or discussed.

Ms. Clark noted it was a continuation of the FAR table, and Mr. Bruzzone suggested it had stopped at 20,000 square feet for a reason.

Councilmember Metcalf commented that most of the lots larger than half an acre that were buildable were few and far between and in the open space areas, and there had not been a rational way to go beyond a half acre in size.

Councilmember Trotter stated that when the Precise Development Plan (PDP) for Palos Colorados had been approved, there had been a maximum size on homes and lots of 5,500 square feet.

Ms. Levenfeld expressed support for extending the FAR for hillside and ridgeline areas, the scenic corridor, and those areas visible from a public space, although she was not comfortable applying them to all open space.

Councilmember Metcalf understood the intent but suggested there were other ways to regulate.

Boardmember Glover suggested the proposed changes were unnecessary.

Mr. Lucacher stated he could accept the proposal as presented by PlaceWorks with no further limitations. He wanted to understand and have the benefit of the underlying rationale for why it had been included in the process and the purpose it was intended to serve.

Councilmember Trotter agreed but suggested that PlaceWorks look at it based on Ms. Jones's proviso but noted that others believed there should be broader application which could be brought forward to the Planning Commission or a future Town Council.

Mr. Early clarified the opinions that two members of the Steering Committee did not support any changes from what had been presented, two thought it could be done as presented, one supported Ms. Jones' proposed provision, and one included a review of that provision just to move the item forward. He noted that the public was evenly split.

- MOSO Ridgeline Map

Councilmember Trotter advised that the item had previously been discussed at length, no further discussion was necessary, and he supported PlaceWorks recommendation of Option 2A, designating the full extent of Indian Ridge as a Major Ridgeline.

Mr. Bruzzone did not support that recommendation given that the original Town Council had designated it the way it had, and had a better grasp of all the issues that MOSO represented at that time, particularly since some of the MOSO authors and strong proponents had been on the Town Council at that time, which should be clearly stated in the record.

Councilmember Metcalf suggested a mistake that had been made years ago was now being corrected.

- Hillside Development Permit

Mr. Noble stated the Town had a requirement that to clear, construct upon, or alter land with a slope of 20 percent or greater required a Hillside Development Permit (HDP). The requirement had been established prior to the MOSO Initiative and prior to the Grading Ordinance, and there had been concern that the HDP requirement was unnecessary and duplicative with other permit requirements. He stated the Town should consider whether the HDP requirement was necessary given the other permit requirements and whether the Town should continue the HDP requirement for minor projects on single-family lots such as residential additions or small accessory structures.

The issue had not been specifically discussed at the workshop although it had been included in the on-line survey for the open town hall to solicit input. Those who participated in the survey supported maintaining the HDP requirement, although some did support the exemption of single-family lots and other discretionary permits from needing the HDP.

Option 1 would eliminate the HDP requirement; Option 2 would exempt developed single-family lots from the HDP requirements; Option 3 would exempt projects requiring other discretionary permits from the HDP requirement; and Option 4 would maintain the HDP requirement as it is today. The recommendation was to eliminate the HDP.

Ms. Jones requested that if eliminated for large developments, the existing permit requirements and regulations that made it obsolete or duplicative be very clear and explicit to make sure there was nothing in the HDP that would disappear. She also asked what it would do when a homeowner graded a pad for a structure on a slope steeper than 40 percent, such as for a water tank.

Ms. Clark suggested had someone requested a permit for such a situation a grading permit would have been required; a grading permit was required to move 50 cubic yards on anything of 20 percent slope or greater. Staff had recommended the change given that the resolution substantially predated the MOSO Ordinance and the Grading Permit Ordinance, and while it had been amended since that time, it was in the slope density category used to regulate density in the same way that MOSO regulated density. For an applicant, Ms. Clark stated it added a lot of cost and a lot of process for very little value added to the review or the discretion.

Councilmember Trotter questioned whether the HDP provided any additional protections to the Town, and whether definitively the permit did or did not add any protections to address neighborhood concerns or other concerns. He asked whether an elimination or consideration of an elimination was warranted to make the HDP unnecessary.

Ms. Clark suggested that the HDP did not add a lot of additional protections to the Town that was not covered by the California Environmental Quality Act (CEQA), the Grading Permit, Design Review, the MOSO Ordinance, the Planned Development process, and all other associated permits.

Councilmember Metcalf characterized the HDP as abusive and asked if there had ever been a case where an HDP had been absolutely necessary.

Ms. Clark stated she was hard pressed to think of an example where the HDP was the only permit required with no other trigger in the Zoning Ordinance that would have required some discretionary review of a project involving a hillside development property.

Mr. Noble agreed that the findings of the HDP had been covered well by the Design Review findings and CEQA Guidelines.

Councilmember Trotter emphasized the process for regulations that would regulate hillside development and would only consider the elimination of the HDP if replaced by other equivalently protected hillside regulations and standards.

Mr. Early did not think it would be replaced with a new regulation but that the regulations already in place made the HDP redundant. The question of redundancy had been answered and only one case had been found where an HDP had been the only permit issued and it was a very limited, very special case. He stated that the findings to be made for the HDP had been incumbent in the other regulations referenced. He affirmed that the Steering Committee conditionally accepted the recommendation to eliminate

the HDP provided its reasonableness to do so given the redundancy in the findings necessary for the HDP vis-à-vis the other regulations.

Ms. Jones asked that the permit and the findings be reviewed point by point to show that the HDP was unnecessary. She asked if there could be other infrequent yet significant situations that might not be regulated any other way.

Ms. Levenfeld stated if there was a reason to retain the HDP it would be good to know. She supported the elimination of the HDP if the case could be made to do so, and if not to exempt projects requiring other discretionary permits from the HDP requirement.

Mr. Early stated they would make the case for the elimination of the HDP, and if not to fall back to exempt projects requiring other discretionary permits from the HDP requirement.

- Definition of Development

Mr. Noble advised that the definition of development was important. It had been defined in the MOSO Guidelines and in the General Plan, and had previously been discussed to make substantive changes. The direction of the Steering Committee was not to go in that direction but to look at the definition of development in the various documents and make sure that the definitions were consistent with one another.

Mr. Noble presented the definition of development in the General Plan as compared to the MOSO Guidelines, noted the differences, and stated the definitions were almost identical, although there were minor differences that did not affect the meaning of the definitions. He added that the Moraga Municipal Code (MMC) did not include a basic definition of development.

Mr. Noble stated that the first part of the definition indicated that development meant certain things, such as any kind of construction, alteration of the land, change in use or intensity, while the second part included things not included in the definition of development.

Mr. Noble recommended that the definition of development be the same in the MOSO Guidelines and the General Plan, and recommended a definition in the Zoning Ordinance. He recommended that the glossary identify what development means, what the definition of development is, with the exception of the rules where development would be allowed and where it would not be allowed, and if there were exceptions to those rules that they not be embedded in the definition and be located in the body of the General Plan in either a policy or outside the definition itself. He recommended that the definition of development be in the glossary of the General Plan, the MOSO Guidelines, and the Zoning Ordinance, and the statements about what development did not include be taken out of the glossary and be added in the appropriate locations in the General Plan, the MOSO Guidelines, and in the MMC.

Mr. Noble added that there was a need to clarify the exception about work necessary to protect the public safety, which would be discussed at the December meeting in terms of remediation of hazards within MOSO Open Space, and the need to clarify what was meant by crossing a ridge and setting limitations to minimize impact from development in areas that would otherwise be prohibited.

Mr. Early clarified that the rewrite would take into account the necessary fine-tuning of the exceptions.

Ms. Clark clarified with respect to the fine-tuning that there had been no unanimous agreement on the question related to Rancho Laguna as to whether curbside parking areas, sidewalks and trails were part of a road that was allowed.

Mr. Bruzzone stated with respect to MOSO that the current definition in the General Plan had come from the MOSO Guidelines. He had a problem with the original MOSO Guidelines because the Town Council had made a mistake in defining what development was, and had developed an overly expansive definition of development when MOSO had been enacted to prohibit development, which was the building of houses on ridgelines. He did not support the overly expansive definition of development as being inappropriate.

Councilmember Trotter suggested that the generic definition of development was pretty standard in most jurisdictions.

Mr. Early agreed that most jurisdictions would include things other than building construction in development.

Ms. Jones referred to the initial definition of development and suggested the definition might have been in the 1979 General Plan at the time of the adoption of the MOSO Guidelines.

Ms. Clark advised that she would verify whether that was the case.

Mr. Bruzzone commented that when MOSO indicates it will prohibit development and the MOSO Guidelines state that, it was an overly restrictive interpretation being applied to MOSO lands, which was how they understood it and how it should be applied.

Mr. Early asked the Steering Committee if it agreed with the recommendation, as rewritten, slightly modified, and clarified, using policy to talk about where exceptions will be made to allow development, along with other clarifications. All would be returned to the Steering Committee when the details had been prepared. Development was defined as: "Development means the placement, discharge or disposal of any material; the grading or removing of any material; the change in the density or intensity of use of land; the subdivision of land; or the construction or erection of a structure."

In response to Councilmember Metcalf, Mr. Early clarified that remediation and high risk areas would be discussed by the Steering Committee at its December 16, 2015

meeting. He added that the exact definition of when development could be allowed for public safety reasons could not be written until the Steering Committee had offered its guidance.

Councilmember Trotter suggested that the generic definition of development was fine although the policies would require further discussion and guidance with other policies in the General Plan and the Zoning Ordinance.

The Steering Committee supported the recommendation.

- MOSO Open Space Map

Mr. Noble stated that PlaceWorks had been directed to look at the MOSO boundaries and correct the discrepancies between the various maps. What was left was the boundary clean-up in that there were a number of places where the 1986 Appendix A Map did not match up with the property lines. He offered examples of the area around Sanders Ranch which was the most problematic, and Lisa Drive which had not been included in MOSO because the lots had already been developed and zoned 2DUA (dwelling units per acre). He pointed out where the MOSO boundary, which corresponded to the property lines and which corresponded to the Zoning Ordinance, would be retained.

Councilmember Trotter recommended approval of the modified MOSO Open Space Map.

When asked, Mr. Bruzzone stated if the lots were okay the way they were and not impacted by MOSO that would be acceptable to him.

6. ADJOURNMENT

The meeting adjourned at approximately 8:45 P.M. to the next meeting on Wednesday, December 16, 2015.

**TOWN OF MORAGA
Hillsides and Ridgelines Steering Committee**

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

December 16, 2015

7:00 P.M.

MINUTES

1. CALL TO ORDER

David Early, PlaceWorks, called the Hillsides and Ridgelines Steering Committee meeting to order at 7:00 P.M.

ROLL CALL

Present: Town Councilmembers Metcalf and Trotter
Frank Comprelli (former Planning Commissioner)
Design Review Board Member Glover
Park and Recreation Commissioner Lucacher

Absent: Stacia Levenfeld (former Planning Commissioner)

Consultants: David Early, PlaceWorks
Ben Noble, PlaceWorks

Staff: Ellen Clark, Planning Director

2. PUBLIC COMMENTS

There were no comments from the public.

3. ADOPTION OF MEETING AGENDA

Action: M/S/U (Trotter/Glover) to adopt the meeting agenda, as shown.

4. APPROVAL OF HILLSIDES AND RIDGELINES STEERING COMMITTEE MEETING MINUTES

- November 12, 2015

Park and Recreation Commissioner Lucacher asked if the Town at some future point could discuss building size on large lots and compatibility issues. He wanted the Town Council to consider a size limit for houses in the Town, and wanted to make sure that issue would be discussed at some point.

Mr. Early referenced the staff report which had indicated that the Steering Committee had not reached a consensus on that issue.

Mr. Early explained that a size limit for houses in the Town was the only issue where there had not been consensus from the Steering Committee. As a result, the issue would move forward to the Planning Commission and the Town Council with the comments from the Steering Committee since one Committee member supported the specification of a maximum area for all houses in the Town regardless of size, three more liked the approach but only applied in the hillside area, and two supported no change to the regulations.

Action: M/S/U (Metcalf/Glover) to approve the minutes of the November 12, 2015 minutes, as submitted.

5. RECOMMENDATION OF PREFERRED OPTIONS

Ben Noble, PlaceWorks, advised that a professional certified engineering geologist from Cotton Shires, the sub consultant working with PlaceWorks, was available to respond to the more technical issues of the remaining discussion of preferred options. He explained that the three remaining issues related to steep slope limitations in MOSO [Moraga Open Space Ordinance] Open Space, the High Risk Areas Map for MOSO Open Space, and remediation of high risk areas. All others had been addressed. The goal was to receive recommendations from the Steering Committee on the preferred options for the three issues, to be passed on to the Town Council in February 2016.

- Steep Slope Limitations in MOSO Open Space

Mr. Noble stated that development was prohibited within MOSO Open Space areas with an existing slope of 20 percent or more. The MOSO Guidelines had introduced the concept of average slope. The MOSO Initiative itself was silent on that issue. When asked, he identified the language in the MOSO Initiative as prohibiting development on slopes of 20 percent or greater; the MOSO Guidelines had introduced the concept of a cell; and the cell was an area no less than 10,000 square feet where the average grade must be less than 20 percent in order for development to be allowed in that area. A cell could be all or a portion of a property.

A discussion developed on whether a cell could cross property lines. While it was noted it would not make sense for a cell to span ownerships, it was suggested that a single owner of more than one parcel could draw a cell that could cross a property line as long as the property was within the owner's control. It was clarified there was nothing in the regulation that would prohibit that practice.

Mr. Noble stated there had been a concern that some applicants had created irregular cell boundaries in order to achieve an average existing slope of less than 20 percent and be able to develop within MOSO Open Space. Concerns had also been expressed for how to treat specific areas within a cell with an average slope overall of less than 20 percent that might include steeper slopes of greater than 20 percent, which was the issue and a question in need of clarification.

Mr. Early suggested the discussion should determine whether the concept of a cell was the appropriate way to address the issue.

To address that concern, Mr. Noble stated that four options had been drafted as discussed at the public workshops as well as the open town hall survey. The options had assumed that the cell concept would be maintained. The first option would create a general policy statement for cell boundaries that would live within the MOSO Guidelines, such as the cell should be a regular shape that generally surrounds the area of disturbance and it would be up to Town staff and the decision makers to decide if the cell, as drawn by the applicant, was consistent with that general policy statement. The second option would be more prescriptive and would create an objective standard for cell boundaries, such as a polygon of no more than four sides that contains the area of disturbance. The third option would keep the cell concept but would get at the issue of whether or not within a cell of an average slope of less than 20 percent development should be allowed in a portion of the cell that had a higher/steeper slope of greater than 20 percent, and in those areas within the cell development would be prohibited in all cases. The fourth option would eliminate the use of the cell entirely to calculate average slope, which while within the MOSO Guidelines was not a concept in the MOSO Initiative, and any portion of a development site with a slope of 20 percent or greater development is prohibited, not taking into consideration an average slope of a development site, or cell.

Mr. Noble reported that at the workshop and through the open town hall there was majority support, although not unanimous, to eliminate the use of the cell to calculate average slope, and general majority support for the idea that within any portion of a development site within a slope of 20 percent or more development should be prohibited.

Mr. Noble advised that PlaceWorks had come to the conclusion that the Town would be best served to consider a range of factors on a development site, not just slope, in terms of deciding the preferred location for new development. For that reason, the first part of the recommendation would be to maintain the concept of average slope which was not in the MOSO Initiative but was in the MOSO Guidelines, to be used to comply with the MOSO requirement to prohibit development on slopes of 20 percent or greater. The main idea in the first part of the recommendation, which he noted was somewhat controversial and different from the majority of the opinion received from the public, was that retaining the average slope served the Town best in order to provide the flexibility to consider a range of factors given the concern that if development was always prohibited within a slope of 20 percent or more could force development in areas less geographically stable, or in areas with an issue of visibility, sensitive habitat, or other factors of importance.

Mr. Noble explained the question then was if the Town were to retain the concept of average slope what would be the area used to calculate that average slope. To address that question, he recommended the elimination of the concept of a cell, as currently defined in the MOSO Guidelines, and instead having an applicant calculate average slope for the area of grading disturbance contained within the boundaries of the grading plan. If the existing average slope was 20 percent or greater within that area, development would be prohibited.

A discussion developed on how that would work in a number of different scenarios. Mr. Early explained that the basic concepts, once approved, would be expanded with actual rules.

Councilmember Metcalf expressed concern for, and wanted to, avoid unintended consequences.

Mr. Noble stated that PlaceWorks approach had been to establish three categories of slope with different rules that would apply to each. An applicant would be required to develop a slope category map of the development site based on minimum two-foot contours. He offered an example for the Painted Rock property and explained that depending on the slope category different rules would apply. In the 20 to 25 percent category, it was recommended that development be prohibited in those areas unless the Planning Commission could make certain findings, such as minimizing risk from geologic hazards, minimizing the amount of grading, conforming to the site's natural setting, retaining the character of existing landforms, preserving significant native vegetation, or minimizing visual impacts. With a steeper 25 to 35 percent slope, the Town Council would have to make certain findings with more stringent limitations. With slopes greater than 35 percent, all development would be prohibited except in unique circumstances where grading might be required for landslide repair, slope stabilization or other circumstances necessary to abate a serious and immediate public hazard.

Councilmember Trotter suggested the problem would be that the language of the MOSO Initiative prohibited development on slopes greater than 20 percent or more. As a result, the PlaceWorks recommendation would be contrary to the express language passed by the voters in the MOSO Initiative, which would require approval by the voters. While he agreed with the general consensus that doing slope calculations on an area-wide basis was prone to abuse and should not be allowed, he provided the history of why the average slope concept had been devised and explained the first time the guidelines had been applied was to the Palos Colorados project. He suggested the recommended proposal would move away from a fairly straightforward approach to the issue. With respect to allowing slope stabilization, while he agreed it was probably necessary he suggested it should not be used as a way to get around the prohibition in MOSO for development on slopes greater than 20 percent.

Commissioner Lucacher supported appropriate measures to ensure that developers could not game the system.

In response to Councilmember Metcalf, Mr. Early stated that even though MOSO stated there would be no development on slopes greater than 20 percent, there had been a precedent with the creation of a system of cells, and once the cell had been created, there was an average slope within the cell, and the Town had ended up allowing grading and development in areas with slopes greater than 20 percent because of averaging. Because it had been done in the past, PlaceWorks suggested there were justifiable reasons to do it in that it was important to maintain a system that allowed some flexibility while still meeting the letter of the law reading an average of 20 percent.

Councilmember Trotter suggested the cells provided direction with the right topographic maps and gave the decision makers the ability to discuss the envelope within the cell.

Councilmember Metcalf asked if the calculation of the average slope would be over the area of intended grading or the limits of the lot.

Mr. Early stated it could be done by the cell and by the proposed lot, although another way would be to do it on the basis of the contour line. He presented a map that had been prepared based on the two-foot contour where the slope was to be calculated between the two-foot contour line, and the slope would change from contour line to contour line.

When asked by Councilmember Trotter, Mr. Early clarified the proposal using the map that had been provided as an example.

PUBLIC COMMENT

Dave Bruzzone asked why a property owner should be prohibited from using the cell concept, and suggested a tremendous amount of brain power was being expended to keep someone from getting an extra lot.

In response, Mr. Early summarized the discussion and the implication that it was okay to have a cell as big as one, two, or three acres, with averaging, which had been done in the past. He noted another point of view from members of the Steering Committee to limit the cell to no bigger than an average lot or an average building site. He suggested potentially calculating slope on a contour basis.

Mr. Bruzzone suggested it would be confusing and difficult for anyone reading the policy to understand it and to implement it. Using contours, he suggested there would be no way to go across.

Mr. Early stated that if pursuing the third approach, nothing over 20 percent (using contour lines) could be developed. The suggested approach was that there could be some rules allowing, under exceptional circumstances and findings, to go beyond a 20 percent slope.

Mr. Bruzzone asked how to get between the cells.

An unidentified speaker supported the recommendation but questioned the absolute law of MOSO and noted the different interpretations and evolution of MOSO over the years. She suggested there was and should be leeway, and emphasized the concerns when necessary remediation was not allowed. She supported some leeway for the betterment of the Town, not looking to the letter of the law but working with the law to make it better for the whole. Having attended most of the public meetings and referring to the rating system 1-4 that had been used in the public process, she stated the ramifications of that rating system had not been made clear to the public, and suggested the public should have been better informed of those ramifications if some of the options were approved.

Commissioner Lucacher asked if there was a way to set up a decision where a property would have a special public good or public attribute that would qualify it for a managerial approval in the 20 to 25 percent, 25 to 35 percent, or over 35 percent slope categories.

Suzanne Jones stated that an exception had already been included in that the definition of development explicitly excluded work necessary to protect public health and safety, and if work needed to be done for that purpose it was not considered to be development. Her main concern was that whatever the Town adopted needed to faithfully execute the law passed by the voters unless going back to the voters with a new proposal.

Ms. Jones commented that in the early days the slope averages had been calculated in such a way to be more consistent with the outright prohibition voters had passed on slopes greater than 20 percent, and over the years it had gradually evolved into a completely different thing. She referred to the Hetfield Estates and Rancho Laguna II developments where the total average slope had been calculated over the whole grading footprint. She suggested the problem was the allowance for arbitrarily large areas that would set up a situation where there would be no compliance with what the voters had passed, and giving the developer incentives to include flat areas within that graded area encouraged more credit towards development on steep slopes, which she stated was contrary to the intent of prohibition on the development on steep slopes.

Councilmember Metcalf supported some flexibility but sought something rational.

Councilmember Trotter stated that when the voters of Moraga thought about development in the concept of MOSO, they talked about rooftops and about houses, and it was important to make sure that where the rooftops, the swimming pools, the backyards, and accessory structures were located the average slope for the area be under 20 percent in its native condition, which would do a sufficient job to meet the MOSO Initiative enacted by the voters. He suggested it had to be on an average slope basis, and there had to be a rational way to calculate the average slope over an area that could not be too big, but be on an envelope-by-envelope basis to mimic where the houses would be, which would clean up the ambiguities.

Mr. Early clarified the discussion and desire to follow the law without using an arbitrarily large area by which cells would be calculated; to calculate the slope area using something like what used to be called a cell and was actually more like the 'building envelope;' with a definition of building envelope to be anywhere where there was building, landscaping, development or the area in between; the slope of that building envelope had to be 20 percent or less given the letter of the law; to be done on an average slope basis as opposed to point-by-point; and with every building envelope to be measured individually and not as a group.

Boardmember Glover suggested there would be parts of a subdivision that would not be buildable.

Mr. Early clarified that the Steering Committee wanted to see an average slope of 20 percent or less calculated for every development envelope, and that developers must

follow all the other rules as well. From a perspective of slope only, the slope in a development envelope, assuming one house per lot, had to be 20 percent or less. He clarified that would be for a legal parcel that would accommodate a single house, and in the case of a second unit, the average slope of that entire development envelope had to be 20 percent or less, with a calculation for each lot.

On the question of roadway grading in that calculation, Mr. Early suggested that would have to be addressed in the next more detailed round of discussions. He restated the proposal that any development would have to identify a series of development envelopes, one per lot, and the slope would be calculated for that development envelope, each one individually, and every one of those individual development envelopes had to be 20 percent or less.

Ms. Jones recommended that the cell or development envelope had to be 10,000 square feet minimum, potentially irregularly shaped, strung together, a series of 20 percent or less 10,000 square foot cells, to cover all grading and all development of any kind, which would be true enough to the intent of the ordinance that she would not quibble if there was a portion within that 10,000 square foot area that was greater than 20 percent.

On the question of larger parcels, Mr. Early noted there could be a development envelope greater than 10,000 square feet. He suggested that could be counted as a single development envelope which had to be under 20 percent. A scenario for a development envelope at 12,000, 15,000, or 20,000 square feet would have to be calculated as a single development envelope, to be under 20 percent slope. The larger development envelope would have to be broken into two cells with each of the two cells to be under 20 percent. He clarified it would be a single development envelope but comprised of 10,000 square foot building envelopes. He proposed to keep the regulation that there had to be at least one cell per envelope. He suggested that PlaceWorks be directed to work on that scenario and to take it back to the Planning Commission for review.

There was a general consensus amongst Steering Committee members to move in that direction without further defining that direction at this time.

- High Risk Areas Map for MOSO Open Space

Mr. Noble noted that the item had to do with the development capability map and the preliminary determination of high risk areas as established in the MOSO Guidelines. He stated the MOSO Initiative identified high risk areas as places within MOSO Open Space where density is limited to one unit per 20 acres. He reported that Exhibit D adopted in 1989, established preliminary determination of high risk areas, divided the entire Town into quadrants, and used a formula and methodology to establish a preliminary determination of high risk areas. There had been issues since the preliminary determination map did not always correspond to the findings of site specific geological studies. Cotton Shires had prepared a landslide hazard map of certain areas in Town where some important discrepancies had been found between the development capability map and the landslide hazard map conducted by Cotton Shires, which had raised questions as to the usefulness of the existing development capability map as a tool to establish the preliminary determination of a high risk area.

Mr. Noble identified three options to consider: to continue using the existing development capability map and acknowledge its limitations; to develop a new and improved development capability map; or to discontinue the use of the development capability map entirely to eliminate the concept of preliminary risk determination from the MOSO Guidelines and approach it on a case-by-case basis to determine which areas were high risk areas.

Councilmember Trotter noted that the public had opined on the preference to develop a new map in line with the 21st Century.

Mr. Noble stated that was PlaceWorks recommendation as well; to prepare a new map in line with the 21st Century.

Ms. Jones supported the elimination of the old map.

Mr. Early acknowledged the recommendation from the Steering Committee to prepare a new map in line with the 21st Century.

- Remediation of High Risk Areas

Mr. Noble stated the question was if remediation occurred within a high risk area whether it could be reclassified to no longer be high risk and therefore be developed at a higher density of 1 unit per 10 acres or 1 unit per 5 acres. It had been the Town's practice to allow that where remediation had occurred. The question was whether that practice should continue. He identified three options: to conditionally allow increases to residential density as a result of remediation; to prohibit remediation if for the sole purpose of increasing residential density; or to prohibit any increase in residential density in high risk areas even if remediation had occurred.

Mr. Noble identified the majority, though not unanimous support, for prohibiting any increase in residential density in high risk areas. PlaceWorks recommended continuing to allow increased density in high risk areas where remediation did not involve mass grading techniques. He noted at the workshops, the online survey, and through the focus groups, the public had been very concerned about the appearance of disruption to the natural landscape. If the natural terrain was maintained or if disturbance to the site was minimized to not be offensive, would be more acceptable.

Mr. Noble presented the recommendation to allow increased density in a high risk area with remediation as long as it did not involve mass grading techniques, and only if done with non-invasive remediation techniques. He noted the questions related to shallow and deep landslides and their treatment, and stated PlaceWorks recommended the remediation for shallow and deep landslides as long as the final stable slope conditions were achieved.

Mr. Noble identified a recurring theme for the ability of the Town Council to approve exceptions to the mass grading limitation if it would provide a substantial public benefit to address a substantial public hazard.

Ted Sayre, professional certified engineering geologist from Cotton Shires, explained that mass grading was essentially bringing in equipment and removing all vegetation cover, the trees, the native animals and everything else, gutting the slope down to some stable subgrade, and rebuilding it, usually with a sub drain system at the bottom, to stabilize ground. He commented that grading out landslide terrain was the least expensive approach to stabilizing ground.

There was a discussion of identifying the level of grading illustrated in the photos presented as part of the discussion, which was later called mass grading.

Mr. Bruzzone suggested the illustration provided represented a very restrictive condition under remediation for a high risk area, which was a concern to him given that he did not believe the illustration represented anything more than a localized repair.

Councilmember Metcalf suggested that taking out a hillside to rebuild it would be mass grading. He referred to several developments in Town where that type of mass grading had occurred, not in repair, but in the development of building pads.

Mr. Early stated the opposite of that grading technique was called non-invasive subsurface techniques.

Mr. Sayre described those non-invasive subsurface techniques through the use of stitch piers and commented that if the Steering Committee wanted to explore those types of techniques he could provide an actual diagram. When asked, he stated that once slides became steeper than 25 or 30 percent the feasibility of those types of approaches declined.

Councilmember Metcalf suggested that the public would have to be convinced that those types of techniques would work if done right.

PUBLIC COMMENT

Ms. Jones suggested that stitch piers worked. She noted that the bigger issue was what the voters had passed. She read the policy adopted by the voters as “Areas identified as high risk areas as defined in this ordinance shall be limited to a maximum density of one dwelling unit per 20 acres.” She stated that meant if an area was identified as high risk it would be 1 in 20. She suggested that was much better than mass grading, should be done any time it was feasible, although density increases would not be allowed on high risk land. When asked to read the paragraph previous to that statement which defined high risk, she read that “The Town Council shall identify high risk areas after taking into account soils stability, history of soil slippage, slope, grade, accessibility, and drainage conditions.” She stated the Town had made some determination about what areas were high risk according to that criteria, and once designated those areas were restricted to 1 in 20, while anything not high risk could be developed at up to 1 in 5 acres. The ordinance did not include references to remediation or reclassification to what the voters had passed. She emphasized the intent of the ordinance to preserve open space and limit development in specific MOSO areas.

Mr. Bruzzone suggested the Town was opening itself up to a lawsuit, and questioned whether the Town Council could preempt rational, reasonable analysis of a site and determine whether the previous development capability map identified a high risk area and not support with any evidence, limiting property owners to geotech solutions by precluding so-called mass grading. He suggested there were certain cases where grading was necessary, stitch piers were not the optimum solution in all cases, and he objected to precluding the options available that could remediate and allow someone to build on their property. He suggested the soil and hillside could be returned to a natural condition or an even better condition than an existing situation.

An unidentified speaker noted that she lived on Hetfield Place. She referred to a nearby house that had been impacted by heavy rains where mass grading was required and which had worked well in that case. In relationship to the remediation of land, it was her experience that landslides on the Painted Rock property could again occur given the heavy rain cycles.

The unidentified speaker did not want to create a situation where those kinds of situations could not be repaired, and preferred that the hills be fixed by developers who would not likely fix land without receiving a bonus residential use. She did not want dangerous land to be left unrepaired.

Mr. Early summarized the options under discussion, explaining that the most restrictive would be that once the land was designated in the high risk map it could not be changed, and once mapped it would remain at one unit per 20 acres. The middle proposal would allow the land a change in status, and a change in status would be allowed provided it was done through non-invasive, non-mass grading techniques. The third proposal from the audience would allow an increase in density for the land coming out of being a high risk area under any condition if remediation occurred, even if that involved mass grading, and a higher density should be allowed since that would create an incentive for repair.

Councilmember Trotter suggested moving forward with the strict interpretation that had not been recommended as one potential option, and alternatively the recommendation set forth by PlaceWorks to allow the options to be fully vetted before the Town Council.

Mr. Early suggested a straw vote on all three of the items.

Councilmember Metcalf supported an open public discussion at the Council level to discuss the alternatives and to make the determination. He expected the Planning Commission would also provide its clear input.

Boardmember Glover suggested that the discussion of remediation was not under the purview of what was attempting to be accomplished by the Steering Committee. The intent was to define hazardous. As a result, he urged caution.

Mr. Early explained that two different examples had been shown to identify the difference between mass grading versus non-invasive techniques, simply meant as examples, given that the proposal could allow an increase in density with any kind of

grading, even mass grading, while the second proposal would allow the increase in grading with non-invasive techniques.

Councilmember Trotter suggested the question of remediation in high-risk areas was a MOSO concept definitely within the purview of the Steering Committee. He suggested it would be appropriate to get a straw poll as to whether one or more of the options could be supported.

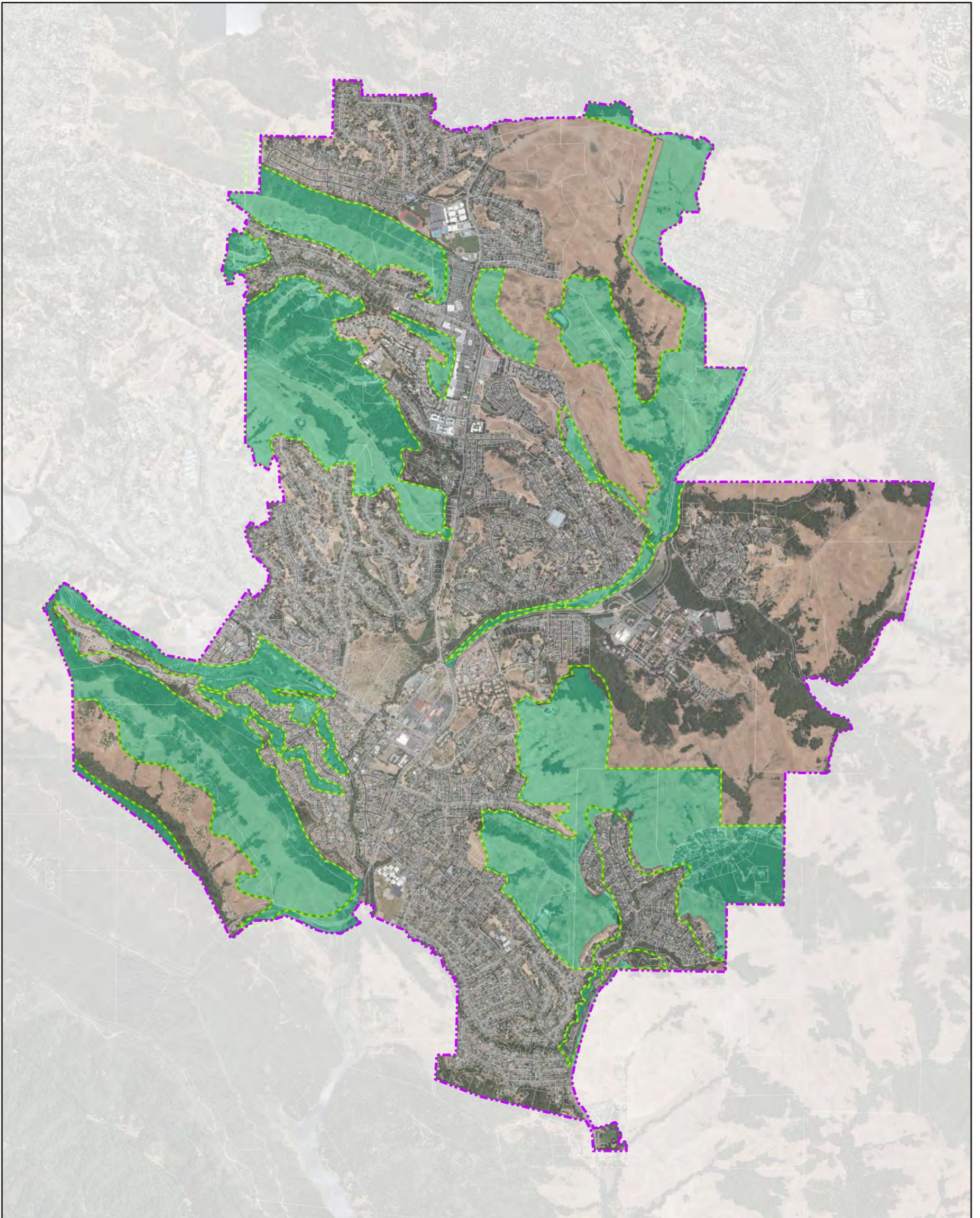
After the straw poll, Mr. Early stated that all three options were supported by the Steering Committee to be written up in more detail, to be submitted to the Planning Commission at its meeting on January 20, 2016, and to the Town Council on February 24, 2016.

6. ADJOURNMENT

The meeting adjourned at approximately 9:00 P.M.

ATTACHMENT F

**DRAFT REVISED MOSO OPEN
SPACE MAP**



Data Sources: Town of Moraga, 2013; Contra Costa County, 2013; PlaceWorks, 2015.

-  Moraga Town Limit
-  MOSO Open Space Boundaries from 1986 MOSO Guidelines Exhibit A
-  Proposed MOSO Open Space Areas

0 0.25 0.5 1 Miles

