

**TOWN OF MORAGA
DESIGN REVIEW BOARD MEETING
MINUTES**

December 9, 2013

I. CALL TO ORDER AND ROLL CALL

A regular meeting of the Design Review Board (DRB) was called to order by Chair Helber at 7:00 P.M. in the Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, California.

Present: Boardmembers Escano-Thompson, Glover, Kirkpatrick, Zhu, Chair Helber

Absent: None

Staff: Shawna Brekke-Read, Planning Director
Ella Samonsky, Associate Planner
Brian Horn, Associate Planner

A. Conflict of Interest

There was no reported conflict of interest.

B. Contact with Applicants

There was no reported contact with applicants.

II. PUBLIC COMMENTS

There were no comments from the public.

III. ADOPTION OF THE CONSENT CALENDAR

A. Adoption of Meeting Agenda

On motion by Boardmember Glover, seconded by Boardmember Kirkpatrick and carried unanimously to adopt the Consent Calendar, as shown.

IV. DESIGN REVIEW

A. 1045 Camino Pablo

Applicant: Hertel Architects, 857 Birdhaven Court, Lafayette, CA 94549
Design Review for the construction of a new 3,771 square foot single-family residence, including native tree removals, two-car garage, shared driveway, and street and sidewalk improvements. CEQA Determination: Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures"). (3-DUA, ENS)

Associate Planner Ella Samonsky presented the request for design review of a new 3,771 square foot single-family residence including tree removal, construction of a two-car garage, shared driveway, street and sidewalk improvements, and landscaping. The project site is an undeveloped parcel along the scenic corridor of Camino Pablo with the surrounding neighborhood zoned Single-Family Residential. The proposed site is a near level lot created through a lot line adjustment which created a large flat lot to the rear, which is also undeveloped. The home would consist of 3,145 square feet of living area and a 626 square foot attached two-car garage with the driveway that could four guest parking spaces located off the shared emergency vehicle access road on a flag lot off of Camino Pablo.

The proposed residence had been designed in a farm house style with a pitched shingled roof, horizontal siding, stucco chimneys, and architectural detailing including divided light windows on all sides, decorative shutters, gables and dormered windows. Large wrap around porches are located on all sides of the home, and carriage doors for the garage. The site improvements included the dedication of 25 feet along the front parcel for the roadway improvements. With the construction of the residence, the sidewalk, gutter, and paved shoulder would be constructed to be uniform along Camino Pablo. The shared Emergency Vehicle Access (EVA) would be paved up to the point of the driveway where the home would draw access, with two feet of gravel shoulder on either side. A 20-foot landscape buffer along Camino Pablo, with dedicated easements for the drainage to the parcel to the rear and for the access, had also been proposed.

Ms. Samonsky stated that the landscaping proposed along the Camino Pablo frontage included a variety of shrubs, trees, and ornamental grasses in keeping with the natural character of Camino Pablo. No walls, fences, or manmade structures would be installed within the 20-foot setback. The home would be in scale with the surrounding neighborhood, within the Floor Area Ratio (FAR) for the parcel size., with most of the homes along Camino Pablo fronting the side streets. The home met the 3-dwelling units to the acre (DUA) setbacks, had ample outdoor usable space in the rear, well over 1,000 feet, in addition to the porches on either side of the home. The architecture would be similar to those homes facing Camino Pablo, and while not identical, included a neutral color palette of grays, blacks, and whites with brown accents, blending in with the surroundings.

The proposal also included the removal of five native trees including redwood, bays, and poplars since they were within the footprint of the home or roadway improvements. Nine mature trees would remain on the site with an additional eighteen trees proposed with the site, to be amply screened with trees along the property lines.

Responding to the DRB, Ms. Samonsky advised that the Moraga-Orinda Fire District (MOFD) had reviewed the EVA as part of the lot line adjustment and as part of the project, and would review the final plan pursuant to the conditions of approval.

Ms. Samonsky reiterated the EVA would be paved up to the point of the driveway where the home would draw access, with the remainder to be paved at the time the flag lot (parcel C) was developed. She presented a color board to the DRB for review of the colors and materials proposed; clarified that the original parcel consisted of three parcels and that the lot line adjustment had created two almost equal sized parcels with

a larger flat lot to the rear, and that all three parcels were under the same ownership; described the phasing of the site improvements; and identified the setbacks for the properties on either side of the project which varied from 23 to 35 feet.

Ms. Brekke-Read affirmed, when asked, that story poles were required for new construction, entire new structures, and sometimes for additions within the scenic corridor.

PUBLIC COMMENTS OPENED

Ken Hertel, Hertel Architects, Lafayette, stated that he had no issues with the recommended findings or conditions of project approval. He offered a description of the project and the lot line adjustment with the three lots having been brought into near conformance with the Town's standards. He explained that the property owners had purchased the parcels together and owned Parcels B and C, with Parcel A under contract. The property owners intended to ultimately build a home for their family on Parcel C, with a temporary building on Parcel B for the homeowners to live in while Parcel C was under construction.

Mr. Hertel described the design of the home to be consistent with the Old Moraga character, more of a rural style intended to appear like an original farmhouse. He noted that the home had been designed to envelope the rear yard with trees running the property line, and although some trees would be removed, three significant redwood trees would screen the home from views from Camino Pablo, to be supplemented with understory planting compatible with the redwood woodland biosphere. The concept was to create outdoor living space that was quiet, shaded, away from traffic noise, private, with the garage up front, and with a large open porch directing all of the active family living areas towards the rear yard.

Mr. Hertel characterized the project materials as sympathetic to the older era of Moraga development, with wood siding and wood roofing materials, all fitting nicely with the area. The site improvements had been requested by the Public Works Department consistent with the long-range planning to widen the road at the key intersection of Rimer Drive, which had led the paving and additional landscaping. There would be significant landscaping between the street and the home. He added that while the home would be a two-story structure, it transitioned from a one-story building mass to a two-story mass, and then back down to a one-story mass, with pitched roofs, so that it would not reading like a a two-story box. Instead it would be a highly articulated building with a nice rhythm to the architecture.

Joe Policcio, 7 El Camino Flores, Moraga, explained that he was friends with the property owners, was pleased they would be moving to the neighborhood, and would be performing the construction services for the project.

Mr. Policcio stated that the placement of the story poles was the first step in presenting the form of the home, and using a single-story buffer, raising to a two-story and back down, offered a nice look. He was excited for the project to move forward.

PUBLIC COMMENTS CLOSED

In response to the DRB, Ms. Samonsky reiterated that the site improvements for Parcel A would occur at such time as development had been proposed for Parcel A.

Responding to the Chair, Mr. Hertel identified the location of the mail box off of Camino Pablo; the location of the forward most fence lines behind the garage which would be six feet in height all the way around the rear turning back in short of a large gable right of the entry wall, and which allowed landscaping between the paved surface of the EVA with no fence proposed in the front yard; the location of the two AC condensers right next to the windows of the master bathroom which location had been chosen since they would be closer to the placement of the mechanical equipment but which could be relocated to the rear if the DRB so directed; and acknowledged a recommendation for more substantial shrubs against the AC condensers if they were to remain where initially proposed. He added that the MOFD had approved the 12-foot wide paved AC drive with two-foot shoulders which must bear a 20-ton axle load, with the concept to keep the design rural in nature.

Chair Helber complimented the varied roofline and architectural design. He found that the home would fit in well with the neighborhood with a well distributed massing.

Ms. Brekke-Read spoke to the limitations when requiring improvements for a lot line adjustment, which were not the same as a Parcel Map or lot split, and stated that the applicant had worked with staff on the timing of the improvements. She understood that at such time there was an addition or development on Parcel A, there would be an opportunity for improvements.

Tim Cecchin, 268 Scofield Drive, Moraga, identified himself as the property owner and explained that an irrevocable offer of dedication had been declared for Parcels A and B.

Ms. Samonsky advised that irrevocable offer of dedication would be recorded once the project had been approved.

Ms. Brekke-Read added that the Town would not accept the right-of-way until the improvements had been installed.

Chair Helber expressed concern with the phasing of the public improvements along the street and when the second half of the sidewalk improvements (in front of Parcel A) would be completed which could affect the overall project design, particularly along the scenic corridor. He stated he would be more comfortable with the completion of the improvements with the development of the parcel B.

Mr. Hertel noted that Parcel A was in escrow and he understood that the new buyer [a relation to Mr. Policcio] planned to make improvements that would trigger the requirement for those improvements.

Mr. Cecchin commented that the Town had preferred the phasing of the improvements, as proposed, and suggested it would be an unfair expense to the property owners if development of the right-of-way in front of parcel A was tied to Parcel B. He understood the Town could not impose improvements as part of a lot line adjustment.

Ms. Brekke-Read reported that California State law allowed for the review of lot line adjustments for compliance with zoning regulations, although that would not be under the same standards as the Subdivision Map Act. She clarified the action before the DRB as design review for a single parcel.

Ms. Samonsky added that the Public Works Department had provided the engineer of the project the standards preferred by the Public Works Department.

Mr. Policcio stated that his cousin was purchasing the home on Parcel A, which currently was occupied by a 1946 residence. He assured the DRB that an application would be submitted to the DRB before long.

Boardmember Glover commented on the fact that the property would be across from a school with a fair amount of construction traffic in and out of the site during the school period. He asked that traffic control at the crosswalks be provided with delivery or off-haul of materials to the site during school hours. He requested that be imposed as a condition of approval.

Ms. Brekke-Read affirmed that hillside projects and those within major corridors required traffic plans. She suggested that a condition could be added to the December 9, 2013 Draft Action Memorandum under the conditions for Prior to Building Permit Issuance, to read: *The applicant shall submit a construction and staging and material delivery plan to the Planning Department which includes addressing traffic control during school hours.*

Mr. Cecchin commented that he expected most of the staging to occur at the rear where it was clear and where the bulk of the materials would be stored.

Chair Helber requested the following amendments to the December 9, 2013 Draft Action Memorandum:

- Page 1 of 8, Revise the first sentence of the first paragraph under Part 1: Design Review Findings, to read: *The proposed improvements conform with good design as set forth in the Town of Moraga Design Guidelines, and in general contributes to the character and image of the Town as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality because the proposed development will provide a landscape greenbelt along Camino Pablo, retain nine mature trees, and plant eighteen new trees, thus preserving the natural appearance of the scenic corridor;*
- Page 5 of 8, Roadway & Site Improvements, 11 (a) revised to read: *The face of the curb shall be constructed the length of the frontage, from the existing curb located along the south side of Camino Pablo and in alignment with the existing curb to the west of the property; and*
- Page 4 of 8, Prior to Building Permit Issuance, 8, staff to revise the last sentence to clarify the requirement to comply with standards of dark sky compliance.

On motion by Boardmember Glover, seconded by Chair Helber and carried unanimously to adopt the Draft Action Memorandum dated December 9, 2013

approving DRB 18-13, 1045 Camino Pablo, subject to the findings and conditions of approval as shown, as discussed, and as modified.

Chair Helber identified the 10-day appeal process of a decision of the DRB in writing to the Planning Department.

B. Great Clips, 564 Center Street

Applicant: Premier Sign Company, 323 Timber Drive, Vacaville, CA 95688

Consider Design Review to install a halo illuminated canopy sign on the east elevation of an existing building. CEQA Determination: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Class 1, Existing Facilities") (CC, ENS)

Ms. Samonsky presented the request to install a halo illuminated canopy sign to be located on the east elevation of an existing building located at 564 Center Street in the Rheem Shopping Center. The proposed sign would have halo backlit channel letters one foot in height, in white, and one line of copy reading *Great Clips*, with the total size of the sign area at 7.2 square feet with a trademark Great Clips font. The location of the proposed sign would be on the existing fascia board above the canopy edge. The tenant location was within the interior of the shopping center along Center Street. The proposed sign complied with the Town's sign standards in terms of size, location, letter height, and projection standards.

While the location was in conformance with the Uniform Sign Program for the Rheem Shopping Center, the sign proposal deviated from some of the provisions of the Uniform Sign Program which called for the use of individual raised gold leaf letters, eight inches in height, in a Century School Book font, at a size no greater than four inches in thickness, 14 inches in height, and 36 inches in width.

The Uniform Sign Program required a front setback not less than 50 feet for halo type lighting subject to design review by the DRB. Given the location of the property within the Moraga Road Scenic Corridor, the impact of the lighted sign could be a concern. However, the location of the proposed sign would be almost 400 feet away from Moraga Road, and the tenant space was set back with landscaping and other tenant buildings situated in between the location of the sign and the scenic corridor.

Ms. Samonsky stated that in this case, staff recommended that the applicant be allowed to use a different font and font size than recommended in the Uniform Sign Program for the Rheem Shopping Center since the font and font size were the branding and trademark identification for the Great Clips franchise. Furthermore, it was consistent with other smaller tenants in the shopping center which had continued to use trademark logos in their signs. Staff recommended, however, that the font be in the standard colors of the shopping center, gold leaf for the lettering against the green fascia background.

Responding to the DRB, Ms. Brekke-Read commented that in the review of the tenant sizes with the Planning Commission, the Commission had discussed major tenant spaces in the 10,000 plus range.

Ms. Samonsky clarified the trademark colors and font for Great Clips as proposed would be 1 foot in height. The Uniform Sign Code allowed eight inches in height for the first line of text, four inches in height for a second line of text, with a maximum height of 14 inches to accommodate two lines of text. Nations and Subway, also located in the Rheem Shopping Center, had a single line of text that appeared to be larger than eight inches. She added as a condition of approval that the maximum brightness for lumens would be the standard five-foot candles at ten feet of distance, as reflected in Condition 9 of the December 9, 2013 Draft Action Memorandum.

Ms. Brekke-Read also clarified that there were other halo illuminated signs in the Rheem Shopping Center including Nations and Tangelo's.

PUBLIC COMMENTS OPENED

Lori Gilliam of Premier Sign Company, 313 Timber Drive, Vacaville, explained that the signs in the Rheem Shopping Center were almost all halo lit although the Dollar Tree sign was not halo lit but face lit and not mentioned in the criteria for the Uniform Sign Program for the Rheem Shopping Center. She asked that the proposed white lettering be allowed, as obligated by the Great Clips corporate specifications

PUBLIC COMMENTS CLOSED

In response to the DRB, Ms. Samonsky affirmed that the smaller tenants in the Rheem Shopping Center consistently used a version of the gold leaf lettering pursuant to the Uniform Sign Program.

Boardmember Kirkpatrick commented that while he was sensitive to the corporate image, because of the size of the tenant space, he was also sensitive to the fact that the gold leaf lettering would be consistent with the other tenants. He supported the staff recommendation at this time.

In response to the Chair, Sirous Olyaie, the business owner of Great Clips, identified the hours of operation from 9:00 A.M. to 9:00 P.M., with the sign intended to be illuminated during the hours of operation and with the sign company representative acknowledging that often times signs were illuminated beyond the hours of operation.

Ms. Brekke-Read clarified that a condition of approval could be imposed that illumination would be permitted only during the hours of operation.

Chair Helber was pleased that the Rheem Shopping Center had an adopted Uniform Sign Program and expressed concern with the precedent that could be created with the approval of a sign that did not comply with the approved sign program when other tenants in the center had complied with the requirements.

Ms. Brekke-Read commented that she was not aware that anyone from the shopping center approved the tenant signage prior to the Town's review and approval process, although tenants had their own set of negotiations with the broker/property owner. Businesses were encouraged to approach the Town as soon as possible with

applications, and encouraged to comply with approved sign programs. In this case, the use had been approved months ago. She also clarified that while the Rheem Shopping Center involved multiple owners, the approved Uniform Sign Program applied to the entire center.

Mr. Olyaie and his sign contractor identified a neon sign reading *Open* located in the window, which was another corporate requirement, and which staff informed the applicant was not permitted and would have to be removed. The sign contractor clarified the sign was currently serving as temporary identification.

Chair Helber suggested consideration of signage similar to that enjoyed by Tangelo's, which was compliant with the gold leaf color. He inquired of the turnaround time for the applicant to provide such modification.

Lori Gilliam explained that Tangelo's sign took up almost the entire fascia height.

Ms. Brekke-Read stated that the sign for Tangelo's was halo lit but consisted of the gold leaf color.

Ms. Samonsky also added that the Uniform Sign Program for the Rheem Shopping Center allowed halo lit letters as long as they were individual raised letters, and Tangelo's sign located on the fascia was compliant with the Uniform Sign Program. She explained that the signage for Great Clips had not used the same font size, type, color, and height as required by the Uniform Sign Program.

The sign contractor provided a photograph of the Subway signage, also in the same shopping center, with staff pointing out that the Subway signage was gold in color.

Boardmember Kirkpatrick offered a motion to approve the sign application, as submitted and amended by the staff report, with the corporate font in gold leaf letters, halo lit, in compliance with the Uniform Sign Program for the Rheem Shopping Center.

Boardmember Glover asked that the sign be illuminated only during the hours of operation for Great Clips.

On motion by Boardmember Kirkpatrick, seconded by Boardmember Glover and carried unanimously to adopt the Draft Action Memorandum dated December 9, 2013, approving DRB 22-13 for Great Clips at 564 Center Street, subject to the findings and conditions of approval, as discussed, with the corporate font in gold leaf letters, halo lit, in compliance with the Uniform Sign Program for the Rheem Shopping Center, and with the sign to be illuminated only during the hours of operation for the business.

Chair Helber identified the 10-day appeal process of a decision of the DRB in writing to the Planning Department.

- C. Consider recommendation to the Planning Commission regarding amendments to Chapter 8.88 (Signs and Outdoor Advertising) of the Moraga Municipal Code (MMC) Title 8, Planning and Zoning**

Ms. Samonsky presented staff report regarding amendments to Chapter 8.88 (Signs and Outdoor Advertising) of the Moraga Municipal Code (MMC), Title 8, Planning and Zoning. The intent of the amendments to Chapter 8.88 was to provide First Amendment Freedom of Speech provisions, address specific sign issues, and clarify the administration of sign permits. She noted that Chapter 8.88 regulated all signage within the Town including temporary and permanent signage, and it was important for the Sign Ordinance to balance both the needs for communicating public events, opinions, and businesses identification with the desired control to protect the character of the Town. She stated that the Sign Ordinance was currently complex, with staff, applicants, and residents finding it challenging to interpret and apply, with minimally based standards that applied to all signs, and sections with specific standards for special use signs such as a church reader board as an example.

Ms. Samonsky commented that the Sign Ordinance relied on design review to implement many of the standards in the Town's Design Guidelines and the Sign Ordinance, with the Zoning Administrator reviewing all sign applications for conformance with the Sign Code standards and guidelines. If a sign did not meet those standards or guidelines, it would require DRB review and approval. The design review process allowed an open-ended opportunity to request exceptions or modifications to the standards and Design Guidelines, resulting in inconsistency in the size, design, character, and layout of signs within the Town and did not clarify for an applicant what was permitted in the Town and therefore could be confusing for residents visually since there was no uniform appearance.

Ms. Samonsky spoke to past efforts to update the Sign Ordinance in 2007, as outlined in detail in the December 9, 2013 staff report, and stated that although a Draft Sign Code had been prepared, it had not been adopted. Concerns continued to be raised by the community including how standards were applied for multi-tenant centers and buildings, temporary signs and banners and how and when they were placed, freestanding monument signs, and opportunities to streamline the process. Staff had proposed to update the sign code to provide updates in three key areas; organization and structure of the sign code and First Amendment provisions, process for review of sign permits, and a series of updates to address specific signage such as temporary political signs, illuminated signs, and portable signs.

Ms. Samonsky identified the proposed reorganization of the sign code pursuant to First Amendment provisions and identified the staff recommendations including language in the general provisions section explicitly stating that regulation was content neutral and regulating signs based on zoning district location, size, time/duration, or placement (e.g. temporary versus permanent sizes) and physical type (e.g. wall signs, monument signs, window signs) rather than use or purpose as shown in the current code.

The approach recommended by staff would cover all properties in the Town, ensure that no sign would fall outside of the categorization system as was the case with the current sign code, ensure a uniform application of sign standards regardless of the purpose of the sign, and allow for targeted regulation of individual sign types based on compatibility with land use.

Ms. Samonsky identified the staff recommendations to approach sign review including not allowing applicants to request open-ended modifications to sign standards and

guidelines, creating a tiered review system that would include DRB review of a defined list of sign types, Design Review Administrator review of other sign types, and clearly defining signs that did not require a permit, signs that are prohibited altogether, and signs that did not meet the definition of a sign at all. She identified the suggested types of signs that would require DRB and administrative review, permitted signs, signs allowed without a permit, and prohibited signs, as detailed in staff report.

Ms. Samonsky advised that based on feedback from the DRB, staff recommended the updated sign code include a requirement for multi-tenant buildings and centers, including the preparation of a Master Sign Program for any building or center with three or more tenants. For existing multi-tenant centers that lack a sign program, preparation of a sign program would be triggered by renovation of greater than 5,000 square feet, renovation requiring DRB approval, a Conditional Use Permit requiring Planning Commission approval, or approval of a monument sign. Staff also recommended allowing special standards to be considered and approved as part of such sign programs, and allowing for signs consistent with an approved Master Sign Program to be subject to ministerial approval rather than requiring additional design review.

Ms. Samonsky noted that in terms of lighting and illumination, staff recommended encouraging the use of less obtrusive lighting for signs; recommended allowing external lighting such as gooseneck lamps be directed towards the sign with an administrative permit, with the external lighting to be the least invasive form of illumination since the light was directed against the sign and not towards the roadway or pedestrians; and recommended the requirement of DRB review for internally illuminated signs; with cabinet signs to be prohibited. In terms of sign size or sign area, staff recommended that the sign ordinance be organized based on sign location (zoning district) and sign type, with recommended standards as shown on Page 9, Table 1, Maximum Sign Area, of the staff report.

Speaking to political signs, Ms. Samonsky advised that staff recommended that political signs be eliminated as a category of signs subject to regulation, and rather than regulating all temporary, freestanding, non-commercial signs which encompassed political signs and other signs bearing other non-commercial messages, such signs be placed without a permit but be required to meet the standards shown on Page 10, Table 2, Temporary Freestanding Sign Standards as shown in the staff report.

For portable signs, Ms. Samonsky recommended allowing one portable sign per business or community organization subject to a permit and subject to certain restrictions as outlined on Page 10 of the staff report. As to illuminated open signs, staff recommended allowing illuminated open signs without a permit, subject to specific restrictions as outlined on Page 11 of the staff report.

Ms. Samonsky suggested that the proposed updates to the sign code would enhance the transparency of the Town's sign regulations, provide clear direction to what was permitted and prohibited in sign design, and provide an administrative procedure for granting approval. The proposed updates also addressed specific sign issues that had been raised by residents and the business community. She asked that the DRB consider the proposed changes to Chapter 8.88 of the MMC, provide direction to staff, and make a recommendation to the Planning Commission.

PUBLIC COMMENTS OPENED

The proprietor of Mike's Pizza, located in the Rheem Shopping Center, explained that he had owned his business for the past nine years, and had an illuminated *Open* sign which was visible to customers. While the Town had informed him the sign was not allowed to be illuminated, customers had commented when the sign was not operational. He added that he owned another business located in the City of Antioch, which jurisdiction prohibited the use of A-frame signs although he had used a human directional sign to advertise buffet services for many years. At one time he had used the services of a human directional sign for his Moraga location but had been informed by staff such signage was prohibited, which negatively affected his 11:00 A.M. to 2:00 P.M. customer base for the lunch buffet. He asked that the DRB consider permitting such signage, particularly given that the time for his lunch buffet was not a period of time when traffic was at its heaviest.

Edy Schwartz, Moraga, commented that she had participated in the 2007 discussions on updating the sign code, and had reviewed the staff report and staff recommendations. Given her involvement in the Town for the past ten years, she questioned the vision for the Town. She wanted to see younger people be involved in the community with efforts to engage the younger generation as to what they wanted in the Town. She was uncertain that movable signs would be desired in Moraga. Also having worked with the Moraga Chamber of Commerce for seven years, she noted that signage in the Town was very serious and lacking and she suggested that there needed to be time and thought given to different ideas. She recognized that the Town needed change, commended the staff efforts, and expressed her hope that the DRB would consider making the changes as recommended by staff but consider this a process, and if the changes were not successful asked that the regulations be revisited in six months.

Ms. Schwartz cited as examples problems with adequate signage for the Hacienda Café and Mike's Pizza, which were located off the main roads and which lacked proper identification. She emphasized the need for something to be done, allow an opportunity to see whether the changes worked or not, but urged consideration of a trial period for the proposed amendments.

Ms. Brekke-Read stated that the regulations could always be changed although it was not an easy or a quick process. She acknowledged the recommendation for a trial period, noted that Ms. Samonsky had met with the Moraga Chamber of Commerce to elicit feedback on the staff recommendations, and the Chamber had offered valuable feedback as reflected in the staff report. She also commented on the legality issues which were a limited factor in adopting new sign ordinances.

At this time, Ms. Brekke-Read explained that the focus was on process, separating things based on zoning districts, and taking into consideration the legal issues and what was acceptable to the community, along with the Design Guidelines. The intent was that a new sign ordinance would be in place prior to the next election period in 2014.

Ms. Schwartz commented that the primary concern in 2007 had been the use of A-frame signs. She sought consideration of allowing A-frame signs and if that did not work out suggested that the policies could be changed.

Ms. Samonsky advised of the regulations for the City of Orinda which allowed portable signs with no limit on the number of signs but which were subject to standards based on size. Orinda had also allowed portable signage in its downtown area subject to specific criteria. Some jurisdictions had restrictions on the number of portable signs and for Moraga the recommendation was to allow a single portable sign on the premises, restricting the sheer number of signs for each business, subject to permission from the land or property owner.

Kathe Nelson, Moraga Chamber of Commerce, sought an equitable and enforceable ordinance with simple standards that were clear and precise in which everyone would be required to abide.

In response to the DRB as to the enforcement of the current sign ordinance, Ms. Brekke-Read explained that signs in the public right-of-way were removed by the Public Works Department with the owner of the sign required to pay to have the sign returned. If the sign was located on private property, the property owner was contacted and informed of the non-compliant sign, oftentimes followed by another phone call or physical visit to the property and follow-up with letters from staff. She noted that the Town's regulations for enforcement were not robust although the cities of Lafayette and Orinda, and Contra Costa County had strong enforcement and nuisance abatement polices ranging from building code violations and zoning regulation violations all the way to violations of a land use permit, or in the case of a business, a sign permit.

Ms. Brekke-Read acknowledged that the Planning Department had received a number of complaints and staff had attempted to work with property owners to encourage compliance with the Town's regulations. While that effort had not always proven to be successful, the Town had contracted with the County for Building Department permits and the County also provided code enforcement on a contractual case-by-case basis. She reported that the County had recommended that the Town follow the County's code enforcement regulations. She planned to bring a recommendation to change the Town's ordinance to the Town Council in early January.

In terms of fines to those who continued to violate the sign ordinance, Ms. Brekke-Read advised that fines were based on convictions, which was not effective, since it required Town Council action which was time consuming and costly. As an example, she stated that Wells Fargo Bank had proposed wall signs and during that process Wells Fargo had been informed that ATMs had been installed that had not followed the Town's regulations. In that case, staff was working with the business to either change the faces or turn off the illumination.

Gayle Somers, Moraga, representing homemade/kitchen, café and bakery, acknowledged the staff work on the proposed amendments to the sign ordinance. She spoke to her own experience working with the Town's process to open a business in Moraga citing her café proposed for the former Mondello's Restaurant space. She explained that at the time she had signed a lease for the site, attempts had been made to make improvements in a quality and professional manner, with a banner hung to identify the company logo and reading *Opening Soon*, although weeks later she had been informed by Town staff that a complaint had been received about the banner and she must apply for a temporary sign permit subject to a fee, with the banner to be

removed since it was only allowed to be displayed for a total of 15 days, twice in one year. She had disagreed with that regulation which she had found to be arbitrary, particularly for a new business, and suggested a reasonable period of time to allow banners to be displayed, such as six months.

Ms. Somers also commented on the operation of the Café Hacienda at the Hacienda de las Flores, and explained that while popular, it had been impacted by a lack of signage. She sought consideration of a professional and appropriate banner that could be displayed for a six-month period at Donald Drive and the fence on Moraga Road to identify the location of the café. While an A-frame sign had been used, it had not been effective since the letters were too small, and although a request had been made to the Town Council to permit the use of banners, the banners were the size of a dinner napkin placed by the fence at the Moraga Road gate and the fence at Donald Drive, clearly not visible, inadequate, and customers were still unable to locate the café. She sought exceptions that would allow the flexibility to allow a decision on such signs.

Ms. Somers added that generally A-frame signs for businesses should have stringent standards since many were not professionally made and were unattractive. Having driven through the City of Orinda, she had viewed the use of a neon/flashing *Open* sign in an otherwise architecturally beautiful restaurant, which was an example of what she did not see as appropriate for Moraga. She also cited the sign regulations for the Rheem Shopping Center, which mandated the use of gold leaf letters, but which was contrary to many logos for businesses. She had found the Rheem Shopping Center to be out-of-date with no historic charm and urged the creation of a standard which had more than verbiage but visual choices to create and maintain uniqueness for Moraga with leeway for individual expression.

Chair Helber commented that the staff recommendations for multi-tenant signs were similar to a Planned Unit Development (PUD) process, and once a Master Sign Program had been approved as long as the future tenant signs fell within those guidelines there would be a streamlined process. He affirmed with staff that Grand Opening signs were allowed for a 15-day period, twice a year. He suggested that allowing a Grand Opening sign to be in place for six months was too long while 15 days was too limited.

Ms. Brekke-Read clarified that any type of banner was limited to the 15-day period twice a year.

Ms. Schwartz recommended permitting the display of sign banners while a business was under construction.

Boardmember Kirkpatrick commented that the use of banners reading *Coming Soon* and *Grand Opening* offered different messages and the signage and notices must be tailored around the process. He acknowledged the concerns expressed but noted that some projects took a lot of time before breaking ground. He characterized the staff recommendations as a great outline, and suggested the focus should first be on what signs required a permit and what signs were prohibited as a starting point. He sought controls in an updated sign ordinance which were not part of the current sign ordinance.

Boardmember Glover agreed with the need for a sign ordinance to ensure compliance and whether similar to the policies used by the City of Lafayette or in between, the Town must start somewhere.

PUBLIC COMMENTS CLOSED

In response to Boardmember Escano-Thompson, Ms. Samonsky explained that the staff recommendations for multi-tenant buildings and centers involved new development which would require a Master Sign Program for a multi-tenant building. In the case of existing shopping centers that did not have sign programs, staff recommended a certain trigger requiring a property owner to develop a Master Sign Program if one was not already in place, subject to the criteria identified in the staff report. She affirmed there was no criteria in place for existing shopping centers under the current sign ordinance.

Speaking to the staff recommendations for Administrative Review specifically for wall signs and in response to the Chair, Ms. Samonsky noted that wall signs could become quite large, and staff wanted to recommend wall signs over a certain size require review by the DRB. She asked for input from the DRB on that recommendation.

Chair Helber suggested for Administrative Review, in aggregate, wall signs no larger than 200 square feet. He asked of the staff recommendations for signs in the scenic corridor.

Ms. Samonsky identified the design standards and Design Guidelines for the scenic corridor which would apply if administratively reviewed, and if submitted to the DRB would consider compliance with the scenic corridor guidelines. She cited Table 1, Maximum Sign Area, as shown on Page 9 of the staff report where staff had attempted to scale signs more appropriately to the size of the lot and the building. She also cited the attachments to the staff report which had shown the Safeway signage at 107 square feet, and which had been used as a reference for the size of certain signs. The current standard was 200 square feet or less, and she suggested that 100 square feet for a major tenant would be appropriate for the DRB to discuss.

Chair Helber supported 100 square feet at an administrative level, liked the maximum sign area and the proration per street frontage, but would like to see a maximum square footage identified and prorated based on frontage as a good policy.

By consensus, the DRB determined that 100 square feet at an administrative level would be appropriate.

Chair Helber spoke to permitted signs, particularly window signs, and clarified with staff the definition of a window sign as a sign placed in a window with the intention of being viewed outside, and asked whether windows signs would be allowed as a right and be illuminated.

Ms. Samonsky advised that window signs up to 20 percent of the window area were permitted. Staff proposed that such window signage include standards such as non-illumination, total size, retaining the 20 percent, and permitted with an Administrative Permit. .

Responding to the Chair, Ms. Brekke-Read clarified the intent for the DRB to make a recommendation to staff on the proposed amendments to Chapter 8.88 at this time, based on the staff recommendations and public input, and allow staff to work with the Town Attorney to prepare a formal ordinance to be brought to the Planning Commission in late January, and thereafter to the Town Council in late February 2014.

Chair Helber commented that he liked the staff recommendations for the Permitted Signs, particularly the recommendation for an approved Master Sign Program, but for the Maximum Sign Area he would like to see a maximum shown in Table 1 in terms of the not-to-exceed amount. He recommended that the Residential and Open Space Districts be half the size, or smaller, of the square footage shown in the table.

Ms. Samonsky identified Attachment A, Exempt Signs, which had shown the signs that would not require a permit from the Town.

On the discussion, Chair Helber suggested that Table 1, Maximum Sign Area, as shown on Page 9 of the staff report for Wall Sign or Multi-Story Commercial Building Signs, would be acceptable but asked that the 200 square feet shown as the maximum sign area be revised to 100 square feet.

Boardmember Kirkpatrick suggested that 200 square feet as the maximum sign area for wall signs, multi-story, and commercial and building signs as reflected in Table 1 was too generous and agreed that 100 square feet would be more appropriate.

Ms. Brekke-Read commented that if the DRB desired to revise Table 1, as discussed to 100 square feet, it would require wall signs, multi-story, commercial and building signs to secure DRB review and approval, and if cut in half to 50 percent, the signs could be approved administratively, and if 100 square feet would require approval of a Variance from the Planning Commission.

By consensus, the DRB determined that Table 1, Maximum Sign Area, as shown on Page 9 of the staff report for Wall Signs or Multi-Story Commercial Building Signs, be revised from 200 square feet as the maximum sign area to 100 square feet requiring DRB approval, 50 square feet would require Administrative Review, and anything over 100 square feet in size required approval of a Variance from the Planning Commission.

Ms. Samonsky explained, when asked, that an aggregate total calculation had not been proposed for permanent signs, but it was something staff could review. The DRB may decide to include a maximum aggregate sign area for wall signs.

Chair Helber expressed concern that 100 square feet may be too stringent for a business such as Safeway, to which Ms. Samonsky referenced Attachment D, Signage for Safeway, which included smaller signage on other areas of the building, a small Starbucks window sign, a large Safeway sign with logo, and a small logo sign. The aggregate could add up all three signs and it was possible that the maximum sign area for a single wall sign could be 100 square feet while the aggregate sign area would be 200 square feet, or the DRB may limit the number of signs on the building.

Ms. Brekke-Read affirmed that it was possible that uses such as a Safeway tenant may be in a center with an approved Master Sign Program where the sign could be larger than the maximum sign area, and not require a Variance. She expected there may be cases where it was not subject to a Master Sign Program, and in that case she asked whether signage like Safeway's was acceptable. If so, the size of the Safeway sign was generally 100 square feet for the wall sign and the aggregate for the three signs was a total of three signs up to 150 square feet.

Boardmember Kirkpatrick sought a standard of scale. He cited the Café Hacienda, which would not accommodate a sign the size typically used by a tenant the size of Safeway.

Ms. Samonsky cited the application for Great Clips and due to the tenant space building façade at 15 feet, the maximum sized sign the tenant could propose would be a 15 square foot sign.

By consensus, the DRB determined that Table 1, Maximum Sign Area, as shown on Page 9 of the staff report, for Wall Signs or Multi-Story Commercial Building Signs, be further revised from 200 square feet as the maximum sign area to 100 square feet, and an aggregate of 150 square feet.

Speaking to Table 2, Temporary Freestanding Sign Standards, Ms. Samonsky identified the time limit for Non-Commercial Signs including political messages and personal opinion, 60-days (two months), and for Commercial Temporary Signs 30-days (one month), with a one month period in between to reapply for the same sign.

As to the potential use of two separate banners, Ms. Brekke-Read advised that was specifically not permitted. There could be two banners but they must be half the size of the maximum. A banner was not permitted in perpetuity. She also identified the Town's sign fees with the Town's fee schedule to be updated annually.

Regarding the sign area for portable signs, as reflected in Table 2, Temporary Freestanding Sign Standards, Ms. Samonsky explained that either one six square foot sign or two three square foot signs would be permitted.

Chair Helber recommended that Table 2, Temporary Freestanding Sign Standards, for Commercial and Residential, Open Space Zoning Districts be revised to read maximum six square feet per side and no greater than 12 square feet. He also questioned the staff recommendation for lighted *Open* signs, for one illuminated window sign of less than one square foot per premise, as adequate.

Ms. Samonsky commented that she had toured the Rheem Shopping Center and had found lighted *Open* signs at six inches by one foot, and when illuminated the signs were visible. There were some signs that were close to four feet in size which was too large and staff had recommended permitting signage of a smaller size.

Ms. Nelson advised that the Chamber of Commerce supported the staff recommendation as long as it was a standard and not something that would trigger requirements.

Chair Helber advised that he would support something slightly larger, up to one and a half to two square feet. Speaking to Attachment A, Exempt Signs, he clarified with staff the intent of the list of exempt signs versus the proposed signs allowed without a permit.

Boardmember Kirkpatrick commented that one of the continual violators in the community was the use of political signs that were not removed after an election. As such, he questioned the exemption of political signs.

Ms. Samonsky clarified that political signs were not exempt, did not require a permit, must still follow the standards of Chapter 8.88 including a 60-day limit for display, which standard staff also recommended for signs that did not require a permit, with the name of the organization or person responsible for the sign to be posted on the sign. She added when asked by the Chair that if a flag did not display a commercial message it would not be restricted by the Town but asked that staff be allowed to review that issue further. She also clarified that the standards proposed for Real Estate signs, specifically for open house signs, be limited per property and acknowledged a recommendation to make that standard clearer.

Chair Helber made a motion to recommend that the DRB recommend to the Planning Commission approval of the amendments to Chapter 8.88 (Signs and Outdoor Advertising) of the MMC, as discussed.

Ms. Brekke-Read clarified the motion, recommending amending Chapter 8.88 (Signs and Outdoor Advertising) of the MMC, Title 8, Planning and Zoning as discussed.

On motion by Chair Helber, seconded by Boardmember Kirkpatrick and carried unanimously to recommend to the Planning Commission Amendments to Chapter 8.88 (Signs and Outdoor Advertising) of the Moraga Municipal Code Title 8, Planning and Zoning, as discussed.

V. ROUTINE AND OTHER MATTERS

A. Appointment of One Design Review Board Representative to Hillside and Ridgeline Steering Committee

On motion by Chair Helber, seconded by Boardmember Escano-Thompson, and carried unanimously to appoint John Glover as the Design Review Board Representative to the Hillside and Ridgeline Steering Committee.

B. Discussion Regarding DRB Meeting Schedule for 2014

Ms. Brekke-Read reported that the DRB currently met twice a month, with a recess typically held in August of each year, and with a meeting date in November/December canceled due to the holidays. She commented on the staff time involved in the preparation of staff reports, and advised that she would like the DRB to adopt a calendar specifying the meetings to be held in the 2014 calendar year at the next DRB

meeting. She proposed that the DRB meet less than 15 times a year, hold meetings once a month, acknowledged that additional meetings could be scheduled as needed, and that joint meetings with the Planning Commission may also be scheduled in the next calendar year. She advised that applicants would be informed of the deadlines for submittal allowing staff to meet the proposed meeting schedule.

Chair Helber supported meeting once a month as good efficient management of the staff time; however, rather than formally canceling meetings twice a month now since that would involve a change to the MMC; he suggested an informal process be considered to cancel DRB meetings. He liked the fact that with one meeting a month packets would be received earlier allowing ample time for review of applications.

Ms. Brekke-Read suggested that staff be allowed to map out a calendar for 2014, to be brought back to the DRB for consideration. She emphasized the staff effort to distribute DRB packets as quickly as possible prior to meeting dates.

Boardmember Glover recognized that if the DRB were to meet once a month, the meetings would likely be longer. He suggested the change in meeting schedule be considered for a six-month period to see how it worked out. He otherwise expressed concern with the fact that many local applicants were not always aware of the Town's rules and regulations leading to delays in completing applications.

Boardmember Kirkpatrick commented that the timeframe of when a package was deemed complete, from the client to staff, had become a time consuming process. He also understood that if the DRB only met once a month, meetings would become longer which was understandable and acceptable.

Ms. Brekke-Read advised that she would present a 2014 DRB meeting schedule at the next meeting of the DRB for consideration and discussion at which time the DRB may determine whether the meeting schedule should be for one year or six months.

C. Planning Commission Liaison Report - Onoda

Planning Commissioner Onoda reported that the Planning Commission had met on December 2, 2013, had held a study session for Rancho Laguna II with a presentation on two alternatives, and that the Planning Commission had expressed support for the Alternative Site Plan concept. She offered details of the Alternative Site Plan at this time.

Ms. Brekke-Read also offered details on the cut and fill quantities for the project which did not indicate there would be any import on the Rancho Laguna II site. Staff also advised that the Rancho Laguna II project would not require DRB approval and was only before the Planning Commission for a General Development Plan (GDP) and Vesting Tentative Map.

VI. REPORTS

A. Design Review Board

There were no reports from the DRB.

B. Staff

Ms. Brekke-Read introduced new Associate Planner Brian Horn, who described his experience as a Planner for the City of Lakeport in Lake County. He looked forward to working with the DRB and the Planning Commission.

Ms. Brekke-Read reported that the Camino Ricardo project had been scheduled for Planning Commission consideration and approval on December 16. Staff would bring the sign regulations forward with updates to the Uniform Building Code; updated Construction, Debris, Recycling Ordinance; and Code Enforcement Nuisance Abatement Regulations to the Town Council in 2014. Staff also continued to work on the sign regulations, the Climate Action Plan (CAP), and updates to the Town's impact fees.

VII. ADJOURNMENT

On motion by Boardmember Glover, seconded by Boardmember Escano-Thompson and carried unanimously to adjourn the meeting at approximately 11:00 P.M.

A Certified Correct Minutes Copy

Secretary of the Planning Commission

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

December 16, 2013

7:00 P.M.

MINUTES

I. CALL TO ORDER

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

ROLL CALL

Present: Commissioners Kline, Kuckuk, Levenfeld, Onoda, Schoenbrunner,*
Chairperson Comprelli

* Commissioner Schoenbrunner arrived after Roll Call

Absent: Commissioner Marnane

Staff: Shawna Brekke-Read, Planning Director
Ellen Clark, Senior Planner

B. Conflict of Interest

There was no reported conflict of interest.

C. Contact with Applicant(s)

Chairperson Comprelli reported that he had participated in a recent tour of the project site with the developer SummerHill Homes for the Camino Ricardo Subdivision, and had contact with the adjacent property owner, Dave Bruzzone; Commissioner Kline reported that he had participated in a site visit with SummerHill Homes and had contact with the adjacent property owner, Mr. Bruzzone; Commissioner Levenfeld also reported speaking with SummerHill Homes on several occasions and with the adjacent property owner, Mr. Bruzzone once; Commissioner Kuckuk reported that she had contact with the adjacent property owner Mr. Bruzzone via telephone; Commissioner Onoda reported that she had contact with SummerHill Homes, Mr. Bruzzone, Preserve Lamorinda Open Space (PLOS), two neighbors who lived adjacent to the subject property, and Town of Moraga Councilmembers.

II. PUBLIC COMMENTS

There were no comments from the public.

III. CONSENT CALENDAR

There was no Consent Calendar.

IV. ADOPTION OF MEETING AGENDA

On motion by Commissioner Kline, seconded by Commissioner Kuckuk to adopt the meeting agenda, as shown. The motion carried by the following vote:

Ayes: Kline, Kuckuk, Levenfeld, Onoda, Comprelli
Noes: None
Abstain: None
Absent: Marnane, Schoenbrunner

V. PUBLIC HEARING

- A. Conduct a Public Hearing to 1) Consider Certification of the Camino Ricardo Subdivision Project Environmental Impact Report, 2) Consider Approval of the following: Conceptual and General Development Plan, Vesting Tentative Subdivision Map, Hillside Development Permit, Grading Permit, Conditional Use Permit, and Design Review for the Camino Ricardo Project, a 26-Unit Single-Family Residential Subdivision, and 3) Consider a Recommendation to the Town Council Regarding Approval of a Development Agreement between SummerHill Homes and the Town of Moraga. (MCSP, 3DUA, EMC)**

Senior Planner Ellen Clark presented the request for consideration of certification of the Camino Ricardo Subdivision Project Environmental Impact Report (EIR), approval of a Conceptual Development Plan (CDP), General Development Plan (GDP), Vesting Tentative Subdivision Map, Hillside Development Permit (HDP), Grading Permit, Conditional Use Permit (CUP), and Design Review for the Camino Ricardo Project along with a recommendation to the Town Council regarding approval of a Development Agreement (DA) between SummerHill Homes and the Town of Moraga. The project site is located on a 14.25-acre site off of Camino Ricardo within the Moraga Center Specific Plan (MCSP) Area.

Ms. Clark recommended that the Planning Commission direct staff to prepare resolutions to adopt findings that the EIR for the Camino Ricardo Project met the requirements of CEQA and certify the Camino Ricardo Subdivision EIR; approve the CDP, GDP, Vesting Tentative Subdivision Map, HDP, Grading Permit, and CUP, and associated design review for those permits for the Camino Ricardo Project; recommend Town Council approval of the DA between SummerHill Homes and the Town of Moraga; and continue the public hearing to a date certain of January 6, 2013.

Denise Cunningham, Director of Development, SummerHill Homes, introduced the SummerHill Homes development team present in the audience. She reiterated that numerous meetings had been held since the project had been submitted in early 2012, including ten public meetings, other community meetings, installation of story poles on

two occasions, and continued dialogue between Town staff and the community. Revised plans had been submitted to Town staff as of last week in response to many of the comments with respect to grading and the height of the homes on the eastern side of the parcel.

Ms. Cunningham presented a rendering of the actual home proposed on Camino Ricardo to consist of the Early American style, which would step back from the street from 25 to 30 feet to allow the planting of a row of orchard trees. She identified the parameters of the MCSP, stated that a full EIR had been prepared for the property, identified the surrounding area to the project site, explained that the site had been designated infill development 3-DUA in the MCSP with no open space or parks designated in the MCSP. She noted the MCSP had encouraged clustered development to protect riparian areas and scenic corridors while allowing the maximum development in accordance with the maximum allowable density. Twenty six homes had been proposed to be clustered on the western side of the site providing over 50 percent of the entire property as permanent open space.

Ms. Cunningham explained that in response to concerns expressed with the prior 28-lot iteration of the plan, the developer had revised the plans resulting in the 26 homes now being proposed. Homes fronting or with a driveway on Camino Ricardo had been eliminated, everything had been turned to the interior of the new private street which would be open to the public. A nice curvature to the road was provided, and the access road had been moved with the outlook point more centrally located in the middle of the community. The size of the lots had been increased to an average of 12,500 square feet. The lot sizes had been changed with the homes set back further. The bridge had been relocated another 70 feet to the park to the south and away from the existing neighbors providing access through the park area all the way across from Laguna Creek to Moraga Road, implementing the connectivity and pedestrian access as discussed in the MCSP. The amount of fill had been reduced from 17,000 to approximately 10,000 cubic yards, with 32,000 cubic yards of off-haul, and a minimum of 20-foot setbacks from building-to-building at the face of the building.

Ms. Cunningham stated that the roads in the project would be similar to the existing neighborhoods. Homes would be a combination of side split homes with the foundations of the homes having a five-foot split, and with the homes stepping up the hillside, nestled into the hillside, reducing the grading, similar to the existing homes in the neighborhood. She emphasized the care in providing significant buffers and setbacks from the existing neighbors, and identified a new revision in response to community and Town concerns through consideration of alternatives to improve the grading, address concerns with the amount of fill, impacts on views, and pull back the grading from the creek offering a more generous riparian buffer. She noted SummerHill had been able to reduce the elevations of the homes by about 10 feet, and she cited the pad for Lot 10 which would sit down approximately seven feet lower with the top of the roof approximately 12 feet lower than the previous iteration. Lot 26 would be approximately 17 feet lower than previously shown, with both homes for Lots 10 and 26 to be custom single-story homes to reduce their profile. Those revisions would also result in less cut

and off-haul and provide a 60-foot average buffer from the toe of the fill to the existing riparian area.

Greg Miller, CBG, Project Civil Engineer, explained that the main driver for the project was getting the road up and over the hillside. He identified a profile of the private street, identified the existing ground of the street, the current design as it existed a week or two ago, and stated the grading consisted of cut or lowering of the elevation ground or fill. Based on the diagram, the road profile for the westerly two thirds of the site was below the existing grade and into cut, and the eastern portion of the project was in the fill area. The design included more cut than fill, resulting in an off-haul figure of approximately 30,000 cubic yards as shown in the staff report.

Mr. Miller reiterated that the original design for the road was intended to get up and over the hill quickly, minimizing the cut, rising at a rate of 15 percent which fit well with the design of the homes, which design had resulted in a five-foot side split through the home and a four-foot retaining wall along the side property lines.

Mr. Miller commented that the developer had considered a new profile, reworking some of the intersection with Camino Ricardo, to get the profile up more quickly, steepening the grade of the street, and as one reached the top of the hill resulting in a raised street grade and the lots adjacent to it on average six feet, reducing the cut by 35,000 cubic yards and resulting in a 25 percent reduction in the grading. As a result, the road was a bit steeper, the side split homes had the same design, and rather than the four-foot retaining walls, a five-foot retaining wall would be required resulting in a 25 percent reduction in the grading.

Mr. Miller commented that the developer had also considered whether more off-haul would be preferred to the height of the fill on the easterly portion of the site. By reducing the cut, by lifting the street on the westerly half, the developer considered steepening the back side, or the easterly half of the street, which would lower the cul-de-sac by ten feet. In doing so, the street would be steeper on the back side reducing the height of the entire easterly half of the lots by approximately seven feet, decreasing the fill but increasing the off-haul. He explained that the changes to the profile would reduce the cut by about a third, lower the end of the cul-de-sac approximately 10 feet, and reduce the overall off-haul by approximately 10,000 cubic yards from 32,000 to 22,000 cubic yards.

Mr. Miller acknowledged that in making those revisions and in working with Town staff, there were some minor deviations in the street design standards for intersection grades, which he suggested were trade-offs well worth the results produced. He added that by lowering the grade through the area of Lots 25 and 26, it would improve daylighting of the toe of the fill slope. SummerHill Homes also wanted to consider a lower profile of the design of the homes at the end of the cul-de-sac for Lots 10 and 26.

Dan Hale, Hunt Hale Jones Architects, identified the three different lot types including upslope, side split, and flat lots. The upslope homes would occur at the top of the crest of the road and the lots would step up the side of the hill which would give those homes

tremendous views and front courtyard space. He offered examples of the Early California, and Arts and Craft styles and explained that the side split styles would step up or down the hill, depending on the direction on the street, with five-foot splits in the homes, nice porches, and architecture in front of the garages. The flat lot style had until recently been all two-story homes and would consist of the Bay Area Traditional architectural style. A rendering of Lot 18 was displayed to depict how each of the homes would have a unique custom entry.

Mr. Hale commented that the project had been inspired by the Sonsara development which enjoyed attractive landscaping and architecture. He emphasized the effort to maintain a 20-foot separation between the homes, although the topography was vertical and in reality the visual difference would be much greater.

Mr. Hale presented the architectural proposal for the homes at the end of the cul-de-sac, citing Lot 9 as an example, which had been revised to reconsider the orientation of the garage, with the property line modified slightly to provide a flat pad for a single-story home with attractive street presence, front entry garage, and architecture. Lot 26 had also been revised and the home designed to fit on the lot and follow the shape of the lot. The orientation of the garage for Lot 26 had also been changed with more architecture visible than the garage, and with the home opened to a courtyard offering a nice presentation of the trail and landscaping.

Mr. Hale displayed the plans for the homes for Lots 25 and 26. He advised that in response to concerns from an adjacent neighbor, revisions had been made to lower the pad an additional seven feet for ten feet total. Lot 26 would maintain an approximate 160-foot distance from the Kim residence and reduce the total height overall by 17 feet. The pad for Lot 25 had been lowered the same amount with the height of the home reduced by approximately 10 feet. The previous proposal for landscaping and trees remained in place. He added that Lot 10 had initially been a side split two-story home but would now be a single-story home lowered by approximately 10 feet.

Shari Van Dorn, Van Dorn Abed Landscape Architects, identified the generous 36-foot setback from Camino Ricardo allowing the creation of a triple row ornamental orchard along the frontage recalling the history of the site. She described the road meandering nicely through the project to create a street scene that would allow each lot to be a different shape, with frontage and a unique landscape design, entry feature, and custom patio. Trees would be planted around the entire perimeter of the project to allow the project to be nestled into the hillside, with the trees to be installed in a variety of sizes. Trees had been installed to screen views, particularly for Lots 10 and 26. Views of the project into Camino Ricardo were presented to show the orchard tree frontage, a low stone retaining wall, a split rail fence, with stone pilasters to provide a physical barrier from the ornamental orchard and the detention basin. Images of the low stone wall and split rail pilasters were offered along with the proposed ornamental orchard material and successful planting for water treatment areas that had been used in the past.

All of the lots would have custom designs and Ms. Van Dorn offered concepts for custom patios, livable outdoor spaces, low picket fences, all custom designed and unique through a variety of paving and landscaping materials.

Ms. Van Dorn also identified the overlook at the future connector street with both sides to have a trellis and/or bench/seating area with permanent landscaping on the sides. She identified the history of the evolution of park and open space areas and referenced discussions with the Park and Recreation Commission and staff for the passive park. Through the process with the DRB and the Town, the pedestrian bridge had been moved farther away from the homes, orchard trees had been added to recall the history of the site and its use as a former orchard, and the plans had been further revised with the primary pedestrian path now skirting along the edge of the project connecting to the pedestrian bridge.

Ms. Van Dorn referenced a smaller looped trail, stated the size of the orchard had been reduced significantly, and the developer had also proposed the planting of native riparian trees to blend into the surroundings, with a large open space meadow or lawn as the Town preferred, and some interpretative signage to identify the history of the area and an opportunity for outdoor educational opportunities.

Ms. Cunningham emphasized the intent to be responsive to the comments and questions from everyone in order to provide a very good plan for the Town of Moraga.

PUBLIC HEARING OPENED

Dale Walwark, Moraga, spoke to the width of the street, a permanent piece of infrastructure that would be with the Town in perpetuity, and stated as a general principle he opposed the Town doing something that would cause problems in the future. He sought assurance that the width of the street would not be an issue for the Moraga-Orinda Fire District (MOFD) or other emergency personnel since it would be the narrowest street in the Town with restricted parking. He asked whether parking would be permitted on the street and preferred that the developer consider the street width used for the Sonsara development, which he found to be adequate for the residents of that development, for emergency response, and for garbage collection.

Robert Fleischmann, 164 Danefield Place, Moraga, whose property was located at the end of the cul-de-sac, acknowledged that Lot 10 had been well mitigated to address his concerns. He asked whether the lots would be fenced all along the rear.

Ms. Cunningham advised that there were currently no fences, as shown on the landscaping plans, although in the instance of the Fleischmann property, a fence would be installed.

Robert Sinero, a resident of Danefield Place, Moraga sought a trail connection from Danefield Place to the proposed park area.

Suzanne Jones, Moraga, representing Preserve Lamorinda Open Space (PLOS), supported the developer's efforts to reduce the cut and fill by slightly increasing the grade of the entrance road, which she considered to be a worthwhile trade-off to allow less alteration to the site's natural topography, allowing for wider setbacks of grading activities between the riparian areas, and reducing the visual impacts of the homes.

Ms. Jones found that the greatest benefit of the change would be the significant reduction in cut and fill volume resulting in a net reduction of approximately 10,000 cubic yards and the amount of excess soil to be disposed. She noted that under Option 1, the scenario recommended by the DRB and staff, there was to have been up to 10,000 cubic yards of soil to be disposed on Parcel C and 25,000 cubic yards of soil off-hauled, and with the new reduction in cut and fill, the amount of off-haul was essentially the same that had been envisioned in Option 1 and Parcel C may not be used for soil disposal, which would be a win-win for everyone.

With the reduction in grading, Ms. Jones stated the grading costs would be reduced, the natural topography would be better preserved, and quantity and total of off-haul would remain at the Option 1 level. She added that she had submitted correspondence dated December 12, 2013, which had raised a number of comments and concerns. She noted that PLOS had also had conversations with the developer regarding the native grass replanting plan. She recommended a similar mitigation for creeping wild rye as had been used for the Hetfield Estates project, including the collection and cultivation of on-site rhizomes and reestablishment of the species in on-site mitigation areas should also apply for the Camino Ricardo project. She emphasized that she was working with SummerHill Homes on this issue and expressed her hope to have the issue resolved before the next hearing.

Ms. Jones added that she had also raised concerns around the location of the pedestrian bridge which crossed Laguna Creek regarding the impacts of the bridge and the pedestrian safety of the location, raising questions about the width of the pedestrian path for Parcel C, and the environmental education opportunities for Parcel C. She expressed her hope that would be addressed before the approval of the project. She otherwise questioned why the Planning Commission was being asked to consider approval of the numerous entitlements as shown on the agenda and in the staff report at one public hearing, suggesting there could be a benefit to changing the Town's three-step process, although if any changes were to occur those changes should include a public discussion and potential revisions and clarifications to the MMC. She expressed her hope that PLOS would be allowed to be part of those potential discussions.

Susan Gates Cooper, Moraga, explained that she was a Senior Environmental Scientist for a Bay Area consulting firm, and had a degree in biology and environmental planning. She spoke to the mitigation measure for the Dusky Footed Wood Rat population which inhabited multiple locations on the SummerHill Homes site, which species was listed under the California Department of Fish and Wildlife as a species of special concern with similar protections as the Western Pond Turtle, also observed on the Camino Ricardo site and which the EIR had acknowledged must be analyzed and mitigated under CEQA. She noted that she and PLOS had been in discussions with SummerHill

Homes regarding mitigation measures and the developer had drafted a mitigation measure for the species. She was also in communication with a Professor at Cal State University Stanislaus who had done a PhD dissertation on species in this area, who had been a coordinator of the Endangered Species Recovery Program, and expressed her hope to be able to refine the mitigation measures to ensure their effectiveness.

Ms. Gates Cooper expressed particular concern with plans to use Parcel C as a fill disposal area given the potential impacts to the species of special concern and which would require multiple dump truck trips to deposit fill near the nests of the wildlife habitat of the species of special concern and other species on the site. She asked that the mitigation also include the mapping and flagging of nests during construction activities to avoid inadvertent damage and would not recommend the relocation of the Dusky Footed Wood Rats nests as effective mitigation.

Ms. Gates Cooper expressed her hope that by the time the project was next before the Planning Commission a mitigation measure would be identified by the developer that could be supported.

Dave Bruzzone, Moraga, found the SummerHill Homes' development to be attractive, although he recommended that the future access road off the street be removed since it would force future potential development of his adjacent property to tie into that location which was currently problematic. He noted that Moraga's Housing Element had been certified by the state in part because the adjacent area involved a higher density, 12-DUA and up to 20-DUA, and emphasized the importance of having the access point removed since it would lock in his development.

Mr. Bruzzone read into the record the details for the construction of the access road as outlined in the staff report, which he suggested supported his recommendation. Given his shared adjacent land and topography, he explained that grading was an issue on the Camino Ricardo property and also a concern for his property, and would make it difficult to develop a connection for his property since the site was not designed to accommodate his site and the higher density on his site, and development required substantial grading considerations. He wanted the developer to provide a good development, a true cul-de-sac, not a through street connection that would act as a short cut through his project site. He recommended a true cul-de-sac, that would provide the developer more level land across the existing lot, and he was not opposed to an additional lot. He noted this would be a positive to the community, avoiding noise generated through traffic, which would also benefit the adjacent neighbors.

Shawn Kim, 170 Danefield Place, Moraga, reported that he had raised a number of issues with the developer including concerns with the 2:1 slope, and the recommendation for a 3:1 slope. He acknowledged the developer had made an effort to accommodate his concerns, with retaining walls, and the developer had made the best effort to address his concerns with the slope and the visual impacts. While he still supported a 3:1 slope, he acknowledged the developer had come this far to accommodate his request. He wanted to continue to work with the developer to ensure a better design for the retaining walls and consider ways to improve the project.

Paul Kline, 834 Crossbrook Court, Moraga, sought more detail prior to any approval of the project particularly in view of the most recent changes and the public's ability to digest some of the changes to ensure a viewpoint and framework for the potential approval. He was pleased there may be a potential solution to the fill situation and the reduction in off-hauling due to the revisions the developer had recently made. Noting that his rear yard had a down-slope he remained concerned with the potential for eight to ten feet of fill along the southern portion of the property, particularly given the southern edge of his property had sitting water. As such, the placement of fill on Parcel C could impact drainage on his property and properties to the north.

Speaking to the pedestrian bridge, Mr. Kline expressed concern there were too many safety issues. He urged staff and the Commission to re-evaluate a potential crosswalk along Moraga Road given the safety concerns. He preferred to see one bridge, and asked the Town to delay action for a second bridge pending further analysis on the potential impacts. While he expressed his appreciation for all of the work the developer had done to date, he emphasized a desire for no fill on Parcel C.

Brita Harris, 178 Corliss Drive, Moraga, also expressed her appreciation for SummerHill Homes' responsiveness, availability, and willingness to consider additional landscaping, and gates to address security concerns, although she remained concerned with Parcel C. She suggested the Town had an opportunity to preserve the parcel as a unique natural habitat and riparian area with endangered and threatened. As an experienced parks and recreation professional in Moraga and the City of Cupertino, she referenced a project where the City of Cupertino had obtained ranch land bordering Stevens Creek in 1976, which had offered the community many environmental and educational benefits. She requested that Parcel C be preserved as a protected area; include no fill that would disturb wildlife and vegetation, with a protection of the ecosystem through regular monitoring to ensure sustainability of plant and animal life. She also requested that no motorized vehicles be allowed in that area which could frighten, disturb, or displace plant and wildlife; requested organized community volunteers to teach environmental protection and education; and recommended the elimination of one of the bridges across Laguna Creek suggesting that the inclusion of Parcel C as part of the larger trail system threatened the protection of the habitat. Rather, she requested that the developer consider Parcel C as a sanctuary for future generations.

Dave Harris, 178 Corliss Drive, Moraga, acknowledged that SummerHill Homes had done an impressive job with its development package, and he liked the fact the pedestrian bridge had been moved farther south and away from his property. He too remained concerned with Parcel C, questioning how 10,000 cubic yards of fill would be brought to Parcel C since it would likely occur with earth movers requiring a special bridge which would be larger than the pedestrian bridges impacting the area and requiring the clearing of Parcel C in its entirety in order to place the dirt on that parcel. He preferred that Parcel C remain as is.

John Reed, 846 Crossbrook Court, Moraga, reported that he had submitted written correspondence to the Town in response to the EIR for the project. He expressed concern with the placement of the pedestrian bridge along Moraga Road where it would

be difficult for police to monitor the area, particularly the area of homes along the cul-de-sac. He sought a recommendation from the Moraga Chief of Police on the placement of the pedestrian bridge before the project was formally approved.

Ms. Hardy, a resident of Crossbrook Court, Moraga, expressed concern with the width of the access road which could prove to be problematic in the future, asked whether sidewalks would be placed along the road to ensure access to the pathway and the isolated secluded park, acknowledged the developer had addressed a number of issues, but remained concerned with Parcel C, and if developed, in her opinion was an accident waiting to happen with access points from a cul-de-sac and from Moraga Road.

Mike Rijavic, 926 Camino Ricardo, Moraga, commented that when the story poles had been installed they were a shock since they were out of character with the existing homes along Camino Ricardo. He also found that the renderings of the homes were not truly representative of the size of the homes and how they would stand out. He agreed with the concerns raised by Mr. Bruzzone that the access road would limit Mr. Bruzzone's ability to develop his land, but also agreed that both landowners must work together to develop the best project. He cited the Sonsara development, which was located adjacent to his property, as an example of a successful development where all property owners had worked together. He recommended the removal of the first home farther away from Camino Ricardo, with a wider corridor including the sidewalk along Camino Ricardo. He also questioned how access to the open space area would be provided if there were no sidewalks on the road, and he agreed with the concerns regarding the width of the road.

Rich Scarpitti, 920 Camino Ricardo, Moraga, stated he had spoken numerous times on the proposal and read into the record Objective CD6.5 as contained in the MCSP. He understood the original plan called for a site for a possible recreation center. He suggested that the revisions to Lot 10 to consist of a single-story home could also be achieved for another lot at the entrance site, expressed concern with the accuracy of the placement of the story poles, and questioned the height of the trees proposed for the northern border of the site. He also expressed concern that the lot sizes did not meet the 10,000 square foot minimum, curb frontage width did not meet the 80-foot width requirement, and urged the Commission to use its discretion on those components.

Mr. Scarpitti identified the height of the first two lots and another lot which he suggested should be reduced in height from site level from his perspective and from the perspective of Camino Ricardo. In addition, if the access road were to be removed, the Fire Code would have to be re-evaluated given the limited access to the orchard. He was uncertain whether the road must be paved, be developed, or be a fire trail. He suggested that while the project had been done well, it needed more work particularly with respect to Parcel C and to the height of some of the homes.

Amelia Wilson, representing Regional Parks Association (RPA), a 60-year old organization of East Bay citizens who supported the East Bay Regional Park District

(EBRPD) and open space plans in the East Bay. She cited Parcel C, was pleased that it had been proposed as passive recreation, but had been appalled with the idea of using it as a landfill and then trying to re-invent a park.

Ms. Wilson was encouraged that SummerHill Homes appeared to want to work with the Town and was sensitive to some issues, understood that off-loading dirt meant truckloads, but asked that the Planning Commission consider the short-term effects of the impacts of off-hauling as opposed to the long-term preservation of the natural habitat. She urged the preservation of the habitat of Parcel C for future generations.

PUBLIC HEARING CLOSED

Ms. Cunningham thanked everyone for their comments. She clarified the size of Parcel C at 2.53 acres, suggested that the lots along Camino Ricardo would not lend themselves to a single-story home, that Lot 1 was a side slope home stepping up the hill with a substantial 35- to 37-foot buffer from the street, and that the massing of the building included a great deal of articulation. There would be sidewalks on both sides of the street through the entire development and access to the trail to reach Parcel C, with parking on one side of the street. The road width was an acceptable width pursuant to the Town's guidelines, and she was not aware of any concerns from the MOFD. She spoke to the planning trend supporting narrower streets and less pervious area. She added that SummerHill Homes had been sensitive to the environment, hillsides, topography, and protection of the riparian area; the extent of the work on the bridge crossings would be approximately 20 feet. She noted previous grading plans reflected on effort to minimize off-haul. She added that the developer could consider reducing the fill on Parcel C, noting that as part of the SummerHill Homes' Rancho Laguna II project they were considering opportunities for the placement of 10,000 to 15,000 cubic yards of fill onto that property.

Responding to the Commission, Planning Director Shawna Brekke-Read advised that the property along Camino Ricardo itself was zoned 3-DUA, with a portion 10 to 12-DUA; closer to the riparian corridor was 20-DUA. The location of the hammerhead/stub road would be in the area zoned at 12-DUA.

Ms. Clark affirmed that one of the outcomes of the grading change and the lowering of some of the pads was that the future road connection to the south was now at the same grade as the adjacent property.

Mr. Miller explained that the southern lots on the subject property were at an elevation which tended to vary. He identified the grades which were nearly identical and an area where the grades were five to ten feet lower or higher than the properties to the south.

Ms. Brekke-Read affirmed that the connector road had been a request of the Town, with a roadway down to Moraga Way having been identified in the MCSP, as well as the concept to create a village, circulation patterns for pedestrians with shorter blocks, and with a connection to Saint Mary's College (SMC) that was not part of the MCSP. She acknowledged that the MOFD had not provided any comments on the connector road.

Ms. Clark clarified the number of intersections planned for Camino Ricardo depending on how the individual projects were to be developed. The MCSP envisioned at least one more intersection, although Ms. Brekke-Read emphasized that given the development pattern was unknown the number of intersections would be difficult to predict at this time.

Commissioner Kuckuk found that the connector road to the south was consistent with the MCSP, the General Plan, and the Town's Design Guidelines with respect to maintaining the cohesive neighborhood design amongst the different parcels, minimizing cul-de-sacs, and allowing continuity. She acknowledged the park at Parcel C had been designed to be passive although she had concerns with safety on that parcel, specifically the crossing at Moraga Road. While a good idea to have connectivity all the way to Moraga Commons, there would be a minimal number of pedestrians given the lack of parking, and the connection would likely be used mostly by residents only. She suggested that the issue of the pedestrian crossing had not been fully evaluated. She reiterated her concerns with safety coming in/out of the property which would be from Moraga Road.

Commissioner Levenfeld commented that she had gone through the MCSP process, and understood the intention of the stub road and the purpose of creating a connected neighborhood, although since future development was unknown she was uncertain the stub road would be appropriate. From a planning perspective she understood the need for the road to connect to St. Mary's Road. She understood the development would be staying on the other side of the creek.

Chairperson Comprelli agreed that it was not clear that the connector road would connect all the way down to Moraga Way.

Ms. Brekke-Read clarified that the MCSP had shown an intersection on Moraga Way feeding up into the development area. She noted an intersection shown in that location in the MCSP although the circulation system to the north was unknown.

Commissioner Schoenbrunner understood the larger purpose of the stub road to connect the two neighborhoods; otherwise the cul-de-sac would remain isolated. She understood Mr. Bruzzone's concerns that it would reduce design freedom from the development of his land, although the purpose of the MCSP had been to encourage a neighborhood/village, and removing the stub road would detract from that goal. She suggested the stub road should remain as part of the design.

Commissioner Kline suggested that an unused stub road would be unattractive but could be developed as a park with an easement for a future road, if necessary. He questioned that the stub road was in the right place, suggested it could be moved east or west, and if there was a stub road he asked of Mr. Bruzzone's opinion where it should be placed.

Commissioner Onoda suggested it would be beneficial for SummerHill Homes and Mr. Bruzzone to work together on an appropriate placement of the stub road and get back to the Planning Commission on a recommendation.

Commissioner Kuckuk was inclined to maintain the stub road given the benefits to the plan in general to have the village feel and connectivity. She was sensitive to the issues of traffic diversion through neighborhoods, felt an isolated cul-de-sac was incompatible with the Town Guidelines, and recommended that the stub road remain at its current location.

Chairperson Comprelli found that the stub road provided an important function and its presence established requirements for the property to the south, to be determined by a future Planning Commission at a future date. He suggested that the stub road served that purpose as identified by Commissioner Kuckuk, and he did not want to set the area apart and not be integrated into the larger village since it had been perceived as part of the village concept in the MCSP and should remain as such. He understood the connector road would be developed to have an area of greenery, benches, and other such amenities which would be temporary and when the other parcel was developed the road would be continued through that area.

Ms. Cunningham clarified that both sides of the road would have an overlook with benches and trellises, which would remain with the greenery in between to fill the road area, to be removed at such time as a future connection was made. There would be sidewalks on both sides of the road which could be extended in concert with the street.

Commissioner Kline spoke to the width of Street "A" and noted that more grading would be required for a 36-foot roadway as opposed to a 28-foot roadway. He understood that the EIR and the Traffic Consultant had affirmed the adequacy of the street's width, although he questioned its adequacy since future traffic on the stub road was unknown. He supported a width of 36 feet and asked about the potential traffic impacts from the parcel down the hill, suggesting that motorists wanting to reach Moraga Road may travel up Camino Ricardo, down to Corliss Drive, and then onto Moraga Road.

Commissioner Kuckuk suggested that the traffic from the stub road from the lower parcels up and down the hill would likely be found to be the neighbors of the development, and not those traveling to parcels on Camino Ricardo and Corliss Drive. She acknowledged it was likely motorists would use the stub road to access the shopping area.

Chairperson Comprelli did not want to make an assumption at this time that people would find it inviting to use the stub road, turn left out on Street "A" to Camino Ricardo when they could turn right to Corliss Drive, and then onto Moraga Road. He understood that the road width was 36 feet including the sidewalks, not 28 feet as reflected in Figure TM-1.

Commissioner Kline disagreed in that he could foresee the stub road would be used as a short cut.

Mr. Miller clarified that both the stub street and the main road were 28 feet curb-to-curb, 20 feet for two travel lanes, and eight feet for parking. He reported that the MCSP had identified the dimensions for internal circulation as follows; a 20-foot width with no parking; one at 28 feet in width with 20-foot travel lanes and an eight-foot parking and parking on one side; and the last 36-foot width, 20-foot drive aisles and eight feet of parking on either side, which dimensions were standard widths used in the Bay Area.

Commissioner Kline preferred that incoming traffic on the stub road, if it were to exist, to be analyzed to ensure they were not making a mistake with a 28-foot road width roadway.

Ms. Clark pointed out that the development program and circulation for the property to the south had not been well defined and made the analysis of the traffic volumes and traffic circulation patterns speculative at this point.

Ms. Brekke-Read commented that when the status of the stub road had been discussed it had not been a discussion of whether that area of the Town needed an arterial or collector street since Camino Ricardo and Moraga Way served those capacities. The stub road would serve as a neighborhood street that would connect the subject neighborhood to the potential future neighborhood to the south. She commented that there were many streets in the Town which had parking on one side of the street. She added that the Town had the benefit of working with the Traffic Consultant for the applicant, Fehr & Peers.

Commissioner Schoenbrunner commended the developer for working with Town staff, the local community, and residents on trade-offs. She remained concerned with the grading, total cut and fill, and clarified with staff the newest options pursuant to Table 7, Parcel C Fill and Off-Haul Options Summary, as shown on Page 24 of the staff report. She was informed by staff that the table would be modified pursuant to the revised grading plan.

Commissioner Schoenbrunner expressed her hope that future developers would be as gracious as SummerHill Homes had been to the Town. Having read the details for the grading near Corliss Tributary and Laguna Creek, she understood it would be 60 feet away from the creek, although some of the correspondence received had recommended a maximum distance of 100 feet away from sensitive riparian habitat. She suggested whether or not Parcel C was filled should be clarified in writing since that information was not currently available.

Commissioner Onoda stated that if Parcel C were to be filled, impacts to the hydraulics for the neighbors had not been analyzed. She understood that the redwood area and tributaries were to be fenced off during construction, and asked for monitoring of the fenced area. She also understood that PLOS and the developer were working well together to address mitigations for many issues. She added that she had viewed native grasses on some of the lots and on Parcel C which had not been identified in the plans, noting that spraying native grasses on the northern area above the homes would not

work. She provided photographs of the native grasses in the Botanical Gardens in San Francisco, as an example, to show what Parcel C could look like in the spring if appropriately mitigated. She also spoke to her efforts with the City of Martinez on the renovation of the Carquinez Straits which was now a place for people to enjoy, and provided photographs of that area to the Commission.

Commissioner Onoda commented that she had viewed the area where the second bridge had been proposed, and had observed motorists coming around the curb at Corliss Drive with cars coming towards her. She reported that it had taken vehicles eleven seconds to reach her at 30 to 35 MPH, although traffic typically traveled faster. She pointed out that the lights at the crosswalk at Campolindo High School were currently inoperable which raised concerns with the safety of the second bridge. She suggested the second bridge be located where identified in the MCSP which would not impact the existing wildlife and habitat.

Commissioner Onoda further referenced the path to the park, and suggested there was an opportunity for an exceptional visual and educational experience for old and young. She offered photos of an example of a passive park which had lush vegetation and suggested if the path were looped around the park one could walk in and all around. She also reported that she had spoken with the Moraga School District (MSD) about the potential park, suggesting the park could provide an opportunity to learn about Moraga and its environment.

Commissioner Kuckuk identified the location of the mail boxes on the downslope close to Camino Ricardo and understood that Condition 62 of Attachment A, Draft Conditions of Approval, stipulated five-minute parking for the mail box area with three parking spaces in that area.

Ms. Cunningham clarified that the mail boxes were located at the end of the cul-de-sac near the trail, which location and type of mail boxes had been reviewed by the U.S. Postmaster, as reflected in Landscaping Plans L1.0.

Commissioner Kuckuk commented if the mail boxes were actually located at the end of the cul-de-sac, she had far less concern with the need for multiple parking spaces.

Commissioner Kline disagreed with the location of the mail boxes at the end of the cul-de-sac. He suggested placement by the entrance made more sense.

Chairperson Comprelli clarified with Mr. Miller the method of calculation of the average slope of the entire property at 16.3 percent, and asked for the calculation of the average slope of the property excluding Parcel C, to be provided at the next meeting of the Planning Commission. He also questioned Table 5, Camino Ricardo Proposed Minimum Development Standards, as shown on Page 6 and as compared to Table 4, MCSP 3-DUA Zone: Development Standards as shown on Page 4, and was informed by the developer that the standards for the project were different than those standards shown in the MCSP given a provision allowing for deviation if homes were clustered in areas of undisturbed land and protection of riparian areas.

Chairperson Comprelli clarified with the developer that a two-story home provided more allowable living space with no requirement in the MCSP for a single-story plan, with the intent to make special accommodations for those neighbors who would be impacted, which was the reason for the two single-story homes. He also clarified with staff the intent of Table 6, Proposed Lot Dimensions, Setbacks, Allowed and Proposed Floor Area Ratio, as shown on Page 15 of the staff report. The table was intended to provide a point of comparison between the Town's guidelines and the Floor Area Ratio (FAR) standards, and the objective for controlling the size of the homes on various lots. That issue had been discussed at length by the DRB, with the DRB making a determination that due to the quality of the design, articulation and massing, the homes would be successfully remediated through design. For those homes that deviated from the allowable FAR, there were recommended conditions of approval restricting how much larger those homes could be to ensure that the homes remained at their current size, with a modest expansion or addition, without substantial enlargement beyond what had currently been proposed.

Chairperson Comprelli understood that Parcels B and C were now more similar in character. He asked the developer whether that still justified deeding Parcel C to the Town, rather than the HOA maintaining Parcel C.

Ms. Cunningham stated in her opinion it would be a great benefit to the Town to deed Parcel C to the Town. In exchange the developer was not proposing any development on Parcel C, with Parcel C to be maintained and owned by the Town to ensure Town control in the future. She suggested it would be a burden on the HOA to include Parcel C along with the maintenance of the 26-lot development and its amenities.

As to the bridge proposed over Laguna Creek, Chairperson Comprelli understood it would provide easy access over to the Commons and across the street. He questioned the need for that crossing, suggested it was not needed as part of the scope of work, and reported that he had spoken with the developer about that issue when he had recently toured the site, and there had been a discussion about eliminating or reducing the significance of the bridge over Laguna Creek. In its place, he had recommended a trail in a southerly direction to bring people safely from the subject development to the main crossing at St. Mary's Road and Moraga Road.

Ms. Cunningham recalled the discussion, acknowledged the concerns with the crossing to the Commons and the Skate Park, noted that a flashing crosswalk had been identified as a mitigation measure in the EIR, and that the MCSP had shown the crossing farther to the south. While that would be a more logical location, that area was not on SummerHill Homes' property. She commented that the bridge could be decided and connected at a later time when the Town had access to the other property, and where the trail travelled through Parcel C it could be made a loop trail and/or brought farther to the south; however, the only way to provide connectivity through the property today was in the current location. She understood that Chairperson Comprelli was recommending rather than the flashing crosswalk, the trail curve down to the south, which would require the trail to stop at some point. She commented that it had been

anticipated that some of the funds the developer would contribute in the DA could be used towards future improvements.

Ms. Clark advised that Town staff had a similar conversation with the applicant and would be considering the concept of a connection to Moraga Road and back up to St. Mary's Road to the existing crosswalk, although the issue was one of timing and had not been analyzed in the CEQA analysis. She explained that it would not be appropriate to require that of the developer at this time since it had not been included in the CEQA document. The funding from the DA could be applied to such an improvement, and through the Livable Moraga Road Project, such concepts could be better defined with alternatives for pedestrian crossings and connections through the CEQA process. She added that there would be provisions in the DA and flexibility to consider some of the options now. The EIR had identified the flashing crosswalk as a mitigation measure to ensure a safe crossing opportunity. Sight distance had also been analyzed for the crosswalk as part of the traffic analysis and for safety reasons.

Ms. Brekke-Read suggested it would be helpful to go through that process and allow the Planning Commission to explore the crossing location, safety and environmental issues.

Chairperson Comprelli reiterated that he had discussed with Ms. Cunningham a trail that could proceed south to the west/left of Parcel C, with the location not as critical, but towards the property to the south owned by the Bruzzone family, which would have to be stubbed.

Ms. Cunningham clarified that most of the area referenced by the Chair was not owned by SummerHill Homes.

Commissioner Schoenbrunner understood that the bridge had gone through the Bruzzone property as part of the MCSP. She understood that the bridge could be bonded until such time as the Bruzzone property was developed. She commented that had been an option suggested by some of those she had spoken to, and she also understood there were monies in the Palos Colorados fund for a bond for the second bridge.

Ms. Cunningham reiterated the location of the trail, as shown on the plans, which could be extended in the future.

Commissioner Levenfeld opposed the location of the bridge on the far side of the property over Laguna Creek, and suggested there should be no crossing or a bridge. She suggested there should be one bridge into the passive park accessed through the development given the existing trail head, with connectivity to the park in the future which would be adequate since it was a passive park.

Commissioner Schoenbrunner agreed with Commissioner Levenfeld's comments.

Commissioner Kline suggested that one of the problems with the bridge was that the EIR had not analyzed the parking situation. He suggested that the new parking lot at

the Skate Park was being used to its fullest extent, and given the impacts as a result of the crossing and the wildlife habitat, he favored the elimination of the bridge.

Commissioner Kuckuk was uncomfortable with the bridge at the current location as it determined the position of the crossing at Moraga Road. She suggested that the habitat should be preserved as close to natural as possible, she firmly supported the MCSP which had shown pedestrian access through the parcel Southward and headed towards the intersection at St. Mary's Road. She recognized the applicant was paying for a bridge crossing over Laguna Creek which she suggested should be accommodated in the DA. She recommended permitting a crossing at an appropriate location in the future more consistent with the placement shown in the MCSP and determined through the Livable Moraga Road Project.

Commissioner Onoda recommended the elimination of the bridge where located since it made no sense and she liked the location in the MCSP. If not connected as shown in the MCSP, she preferred a connection to the shopping center which made better sense. She suggested it was a better location for the crossing since it would move people to the shopping center, and provide connectivity to 300 to 400 future homes rather than to just 26 households.

Commissioner Onoda referenced the Rancho Laguna II proposal which had identified the use of rounded curbs where appropriate to ensure the preservation of small wildlife. She suggested this project should also have rounded curbs where appropriate.

Ms. Brekke-Read clarified that the Engineering Department had not recommended rounded curbs but typical curb sections which hold up better and address the drainage better.

Commissioner Schoenbrunner expressed concern with the correspondence received by PLOS and the issues regarding the EIR, specifically the presence of Rainbow Trout in Laguna Creek. As a biologist, she knew that Laguna Creek was the location where the original Rainbow Trout had been found in the area. She understood per the correspondence from PLOS that Laguna Creek also served as a spawning ground for Rainbow Trout, and if so, she requested that an Addendum to the EIR be considered. She also questioned the desire to streamline the process in order to provide certainty to the applicant and suggested the process was moving too fast and she was unsure of all the implications combining all of the proposed entitlements.

Chairperson Comprelli agreed with the concerns with the process, understood that DAs did not normally occur, and suggested it would be beneficial to the Commission for staff to clarify why a DA was being considered for this project.

Ms. Brekke-Read described the reasons why the project was going through a three-step process for the PDP, GDP, and the CDP, as outlined in the staff report, with staff having recommended the applicant consider consolidation of the three-step process, specifically because of the MCSP. The last time the Town considered a DA was for the Moraga Country Club lots [Bruzzone owned property] and explained that DAs were

considered when requested by an applicant. In this case, the applicant requested a DA to vest its rights and since the developer was offering to construct two bridges, give land to the Town for a park, construct a park, and offer to construct a sidewalk along Camino Ricardo to provide pedestrian access to Moraga Way. She described the need for a nexus between the conditions of approval placed on a project and the impacts the project was creating, with the DA to spell out all of the different things the developer was offering and to have a trade-off that the Town was recognizing in exchange.

Town Attorney Karen Murphy advised that the DA was the only agreement that would be submitted to the Town Council, as an ordinance, pursuant to the requirements of the Government Code.

Commissioner Kline spoke to Table 6, Proposed Lot Dimensions, Setbacks, Allowed and Proposed Floor Area Ratio, as shown on Page 15 of the staff report, and speaking to setbacks for future construction understood the setbacks at the time of building would apply to additions pursuant to recent changes made to the MMC. He did not want to see a five-foot setback continue which had not been addressed adequately in the conditions of approval.

Ms. Clark commented that the conditions of approval would specify the treatment of the setbacks with the approach recommended by staff to be similar to direction given by the Planning Commission, where it was reasonable to allow people to extend building walls along the established line which would require DRB approval.

Commissioner Kline disagreed with the staff approach. He found that if there was less than a future 20-foot aggregate setback it would not be appropriate.

Ms. Clark suggested that Attachment A, Draft Conditions of Approval, Condition 24 (b) be modified, whereby the addition should not result in the narrowing of the 20-foot building separation between the two buildings.

Commissioner Kuckuk suggested consideration of including the following language: *to maintain the building separation at 20 feet minimum* to Condition 24 (b).

Commissioner Levenfeld suggested that whatever language was placed in Condition 24 (b) it be consistent with the recent changes to the MMC as approved by the Planning Commission and the Town Council, which she found to be clear in the condition as written.

Commissioner Kline disagreed and reiterated his concerns whereby if five feet at the property line it could be further reduced at the sideyard setbacks. He had no problem allowing the property to build out as long as they were no closer than 10 feet.

Commissioner Kline asked that staff work to modify the language in Condition 24 (b) to address his concerns. He also referenced Condition 24 (h), and questioned the language permitting accessory structures and buildings less than 400 square feet in size subject to specific criteria with approval by the Zoning Administrator. He suggested

that the 400 square foot figure was too large, could be as large as a two-story car garage, and he sought a more reasonable figure and a requirement for DRB review and approval.

Ms. Clark explained that the requirement in Condition 24 (h) was actually more stringent than the MMC which currently allowed an accessory building to be built to the setbacks. The language in the condition was intended to set a threshold where a large accessory building would trigger design review.

Commissioner Kline referenced Condition 49 and recommended the inclusion of the language *and T.V. Service Provider* to the first sentence. Speaking to Condition 19, he noted that the condition had not specified the home height for Lot 26, to which Ms. Clark explained that the condition would be modified pursuant to the recent changes in grading as submitted by the applicant.

Commissioner Kline also recommended that Condition 13 reference the title documents for the road easement. He also recommended that the first home off of Camino Ricardo, identified as Lot 11, be less massive with a lower profile. He added that although the DRB had approved pear trees along the area of Camino Ricardo, he preferred an evergreen as opposed to a deciduous tree species used to soften the massing of the homes.

Ms. Cunningham affirmed that the trees along Camino Ricardo had been proposed to be fruit trees in honor of the heritage of the area.

Ms. Brekke-Read pointed out that the MCSP has spoken heavily about the use of orchard trees, which was why staff had recommended the consideration of orchard trees and why the DRB had recommended the use of pear trees.

Commissioner Levenfeld emphasized that the entire General Plan spoke to the preservation of the orchards. Whether evergreen or deciduous trees, she recognized that the character of the area would dramatically change with the development of hundreds of homes. She also understood the concerns with respect to screening but wanted to work in ornamental elements to remind everyone of the Town's orchard heritage. She expressed her appreciation for all the work the developer had done with the neighbors. She had attended the DRB meetings when the concerns with the height and massing of the lots had arisen, and when it had been recommended that story poles be installed. She agreed that changing some of the lots to a single story was the right thing to do for the project and for the adjacent neighbors.

Chairperson Comprelli expressed concern that all of the homes along the southern portion of the road were two-story providing articulation at the front although the rear elevations were a series of blank two-story walls, which should be addressed.

Mr. Hale clarified that in working with the DRB, the plans had been further refined, with the floor plan and articulation improved for the rear of the homes particularly along the southern portion, with several one- and two-story mass elements to provide shadow

lines, different roof lines, materials, terraces, and balconies. He added that the DRB had been pleased with the changes to improve the rear elevations.

Commissioner Levenfeld preferred no fill placed on Parcel C which the applicant had acknowledged could be an option. She also sought some investment in Parcel C, to be made into a passive park, restoration of some of the native grasses, a loop trail, and descriptive informational signage.

Commissioner Kline agreed that Parcel C should have no fill with some investment to improve the parcel.

Commissioner Schoenbrunner also expressed a desire that no fill be placed on Parcel C, encouraged the developer to work with PLOS and the Regional Park Association, would like to see Parcel C become an environmental education center with interpretive signs; for the developer to consider working with volunteer environmental educators, provide some improvements such as restoration of native grasses; and remove the dead and dying pear trees.

Commissioner Kuckuk also agreed with the comments, did not support grading on Parcel C, and recommended that Parcel C be a passive park preserved for nature education with a looped trail.

Commissioner Onoda echoed the comments, including the restoration of native grasses which she asked be planted correctly, thanked the developer for all of the hard work, and encouraged continued cooperation with all of the scientists and neighbors interested in the project.

Chairperson Comprelli also agreed with the comments, preferred no fill on Parcel C, was not opposed to a natural state, but understood some of the comments to consider a looped trail, removal of dead and dying trees, and that the bridge be eliminated from the design for Parcel C. He suggested that if the parcel was properly developed, it would be an outstanding effort for the Town and the neighborhood, and could be a beautiful centerpiece for the Town through the future criteria set forth in the DA.

Ms. Clark advised that the item would be continued to the next meeting of the Planning Commission scheduled for January 6, 2014, subject to the direction discussed at this time from the Planning Commission, with staff to draft findings, revise any conditions of approval, revise the DA, and include all resolutions to approve the project and certify the environmental document.

On motion by Commissioner Kuckuk, seconded by Commissioner Schoenbrunner to continue the Public Hearing to 1) Consider Certification of the Camino Ricardo Subdivision Project Environmental Impact Report, 2) Consider Approval of the following: Conceptual and General Development Plan, Vesting Tentative Subdivision Map, Hillside Development Permit, Grading Permit, Conditional Use Permit, and Design Review for the Camino Ricardo Project, a 26-Unit Single-Family Residential Subdivision, and 3) Consider a Recommendation to the Town Council Regarding Approval of a

Development Agreement between SummerHill Homes and the Town of Moraga to a date certain of January 6, 2014. The motion carried by the following vote:

Ayes: Kline, Kuckuk, Levenfeld, Onoda, Schoenbrunner, Compralli
Noes: None
Abstain: None
Absent: Marnane

Chairperson Compralli declared a recess at 11:04 P.M. The Planning Commission meeting reconvened at 11:11 P.M. with Commissioners Kline, Kuckuk, Levenfeld, Onoda, Schoenbrunner, and Chairperson Compralli present.

VI. ROUTINE & OTHER MATTERS

A. Discussion Regarding Planning Commission Meeting Schedule for 2014

Ms. Brekke-Read reported that both the Planning Commission and the DRB had been meeting twice a month, which entailed a lot of work, preparation, and noticing on behalf of staff. Staff would identify the 2014 meeting schedule for both the DRB and the Planning Commission to be brought back at the next meeting of the Commission.

Ms. Brekke-Read commented that Town meetings had typically been canceled in August of each year to accommodate summer break, with one meeting typically held during the months of November and December due to the holiday period. She recommended that the DRB meet once a month with the Planning Commission to meet twice a month, although there may be periods when the Planning Commission may only meet once a month depending on the work volume.

VII. COMMUNICATIONS

There were no communications.

VIII. REPORTS

A. Planning Commission

Commissioner Onoda reported that she had attended the December 9, 2013 DRB meeting at which time a proposal for a single-family residence had been considered for property on Camino Pablo; signage for Great Clips; and amendments to the Sign Ordinance.

Ms. Brekke-Read advised that the DRB recommended amendments to the Sign Ordinance would be brought to the Planning Commission in January 2014.

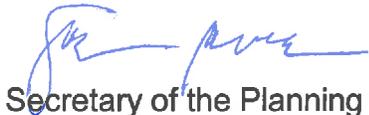
B. Staff

Ms. Brekke-Read reported that the Planning Commission would have a full agenda in 2014; staff had interviewed consultants for the hillside and ridgeline regulations with staff to schedule follow-up interviews; and the consultant for the Livable Moraga Road Project was preparing the Existing Conditions Report with an Advisory Committee meeting to be scheduled at the beginning of the year.

IX. ADJOURNMENT

On motion by Commissioner Onoda, seconded by Commissioner Levenfeld and carried unanimously to adjourn the Planning Commission meeting at approximately 11:30 P.M.

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Secretary of the Planning Commission

