

**TOWN OF MORAGA
PLANNING COMMISSION REGULAR MEETING**

Via teleconferenced locations

July 20, 2020
7:00 P.M

MINUTES

THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20, WHICH SUSPENDED CERTAIN REQUIREMENTS OF THE BROWN ACT, AND PURSUANT TO THE SHELTER IN PLACE ORDERS OF THE HEALTH OFFICER OF CONTRA COSTA COUNTY, INCLUDING THE MOST RECENT ORDER DATED JUNE 16, 2020, WHICH PERMITTED THE TOWN TO CONDUCT ESSENTIAL BUSINESS UNDER THE ORDER AS AN ESSENTIAL GOVERNMENTAL FUNCTION.

Consistent with the Executive Orders from Governor Gavin Newsom and the Contra Costa County Health Officer's Shelter-in-Place Orders, the July 20, 2020 Regular Meeting was not physically open to the public. Planning Commissioners and essential Town staff teleconferenced into the meeting.

1. CALL TO ORDER

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

A. ROLL CALL

Present: Commissioners D'Arcy, Helber, Hillis*, Lueder, Thiel, Vice Chair Luster, Chairperson Stromberg
*Arrived after Roll Call

Absent: None

Staff: Cynthia Battenberg, Town Manager
Afshan Hamid, Planning Director
Karen Murphy, Assistant Town Attorney
Jon King, Chief of Police
David Early, Placeworks
Brian Horn, Associate Planner

B. Conflict of Interest

There was no reported conflict of interest.

C. Contact with Applicant(s)

There was no reported contact with applicant(s).

Chairperson Stromberg identified the process for receiving public comment as outlined on the meeting agenda due to COVID-19. He explained that the public hearing for the Moraga Center Specific Plan Implementation Project (MCSP-IP) was the culmination of tremendous time, effort and money, countless numbers of meetings, in-depth studies, community participation, and input through the Planning Commission and ultimately the Town Council to establish the zoning for what was the most significant undeveloped parcel in the Town of Moraga. He also spoke to the limits of the municipal authority as opposed to state legislation regarding housing and advised this was the first public hearing of the MCSP-IP, a significant undertaking with a significant amount of information to digest and discuss. As a result, it was not the intention to complete the discussion during this meeting, with the next meeting scheduled for August 17, 2020, when Planning Commissioners and additional stakeholders would have the opportunity to examine and analyze the information presented before any action was taken in response to the community and in an atmosphere of transparency. He asked for understanding and patience.

2. PUBLIC COMMENTS

Planning Director Afshan Hamid reported no public comments for items not on the agenda had been received via e-mail.

3. ADOPTION OF CONSENT AGENDA

There were no Consent Agenda Items.

4. ADOPTION OF MEETING AGENDA

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

Ayes:	D'Arcy, Helber, Hillis, Lueder, Luster, Thiel, Stromberg
Noes:	None
Abstain:	None
Absent:	None

5. PUBLIC HEARING

A. Moraga Center Specific Plan Implementation Project (MCSP-IP)

The Planning Commission to review the MCSP-IP for recommendation to the Town Council for the Adoption of Nine Zoning Districts within the Moraga Center Specific Plan Area and a Moraga Ranch Overlay District in Conformance with the Moraga Center Specific Plan Adopted in 2010. This will include recommendations for updates to Title 8 of the Moraga Municipal Code, Establishment of New Chapters within Title 8, and Amend the Town of Moraga Design Guidelines to include the Moraga Center Specific Plan Guidelines Adopted in 2010.

(Project Planner: Afshan Hamid, Planning Director)

Chairperson Stromberg reported the Planning Commission would be provided three presentations; one from David Early, Placeworks on Moraga Center Specific Plan Implementation Project (MCSP-IP), followed by a presentation from Assistant Town Attorney Karen Murphy on Senate Bill (SB) 330, and thereafter a presentation from the Chief of Police to address the issue of public safety. He asked the Planning Commission to hold any questions of the three presenters until the conclusion of all presentations.

Planning Director Afshan Hamid described the public hearing and the request for the Planning Commission to make a recommendation to the Town Council for the adoption of nine Zoning Districts within the MCSP Area and a Moraga Ranch Overlay District in conformance with the MCSP adopted in 2010, to include recommendations for updates to Title 8 of the MMC, establishment of new chapters within Title 8, and to amend the Town of Moraga Design Guidelines to include the MCSP Guidelines adopted in 2010. Prior to its adoption in 2010, the MCSP project had involved a robust seven-year public review process. The subject public hearing was to consider the implementation of the MCSP-IP through standards and guidelines of an already adopted MCSP.

David Early, Placeworks, explained that Placeworks had worked with the Town of Moraga on a number of projects including the Hillside and Ridgeline Regulations, and the MCSP-IP for over a year. He provided a PowerPoint presentation of the MCSP-IP, which included an overview of the meeting objectives to review and provide feedback on the proposed changes to the MMC and Design Guidelines, receive and consider public comments, and recommend approval to the Town Council.

An overview of the MCSP Project was highlighted and included the number of dwelling units consistent with the adopted Housing Element allowing for higher density infill and mixed use, transit-oriented development informed by a series of technical analyses, providing a range of housing types, and with all environmental impacts analyzed in accordance with the California Environmental Quality Act (CEQA). Illustrated examples of the types of housing that could be provided in the MCSP were displayed.

The 2010 MCSP process included the formation of a MCSP Steering Committee, with participation from property owners, the Planning Commission, Town Council and adoption of the MCSP in January 2010 after the seven-year community involvement process.

Mr. Early walked through the MCSP Land Use Diagram and Buildout, and explained that the MCSP had taken a flexible land use approach to housing, with the number of proposed dwelling units consistent with the adopted Housing Element. The MCSP did not specify where all of the dwelling units would be located in order to provide flexibility and response to market demand, with the total residential development to be based on dwelling unit equivalents.

Mr. Early stated the MCSP-IP had been underway since 2015, with the objective to implement the MCSP land use and policy direction, and align the MCSP and Zoning Code as required by state law, all intended to clarify the development review process. He added that the proposed MCSP-IP was consistent with the already approved 2010 MCSP. He reported the MCSP Citizens Advisory Committee (CAC) had held four meetings from July to October 2019, advised solely on issues about zoning and development standards, but

had not included revisiting the development parameters in the MCSP. The discussions of the CAC had resulted in 17 recommendations

Mr. Early also provided an overview of SB 330, the Housing Crisis Act of 2019 (which would sunset in 2025, unless renewed) which did not allow a reduction of intensity of housing or number of units, a housing moratorium, imposing or enforcing design standards after January 1, 2020, that are not objective design standards, limiting the number of residential permits, or increased exactions or fees during the application phase. SB 330 required an efficient approval process and amended the Permit Streamlining Act.

Mr. Early identified the Draft Zoning Code Overview to consist of:

- 1) New and revised definitions and uses proposed to clean up the definitions to create consistency between the MCSP and existing Zoning Code, consolidate definitions in one place, and update permitted and conditional use sections to match the new definitions.
- 2) Draft MCSP Zoning Code Districts included: Residential R-3, 3 dwelling units to the acre (3 DUA); Residential R-6 (4-6 DUA); Residential R-12 (10-12 DUA); Residential R-20 (Senior Residential, 16-20 DUA); Planned Development (Planned Development); MCSP Mixed Retail/Residential (Mixed Retail/Residential, 12-20 DUA); MCSP Mixed Office/Residential (Mixed Office/Residential, 12-20 DUA); MCSP Community Commercial (Community Commercial); Non-Moraga Open Space Ordinance (MOSO) Open Space (Planned Development); and Moraga Ranch Overlay District (Moraga Ranch District).
- 3) Moraga Ranch Overlay District proposed to retain existing buildings as feasible, design new development consistent with the existing character, and separate new buildings to create a park-like/agricultural setting.
- 4) Shared parking allowed shared parking for commercial uses, provided flexibility in site planning, and if there were two proposed uses, the required parking for each use type shall be divided by the factor listed for those two uses.
- 5) Development potential was the same as shown in the MCSP Table 4-1.
- 6) Moraga Center design requirements proposed to move and edit the R-20 design and applied them to the MCSP Area. New additions included: 40-foot setback along the scenic corridors; 8-foot step back on building elements above the first floor; parking would be required on-site or on streets immediately adjacent to the development; and all existing trees were proposed to be protected from future development.
- 7) Town Square proposed as a condition of approval when 50 percent of more of the following districts were developed: MCSP Commercial and Mixed

Retail/Residential, and preserved space to accommodate the Town Square until cumulative threshold had been met.

- 8) Required streets, trails and bridge required the construction of School and Bridge Streets, Lafayette/Moraga Regional Trail, vehicular and pedestrian bridge over Laguna Creek, and allowed a pedestrian/bicycle trail along either side of Laguna Creek.
- 9) School Street Standards and street types included a Commercial Street with diagonal parking, 60-foot right-of-way (ROW) Street, 52-foot ROW Street, and pedestrian mews (hardscape and green), identified in the MCSP where appropriate.
- 10) Trail design standards, as shown in the zoning for both multi-use paths and trails and creek and channel setbacks which implement the existing Contra Costa County standards (and which already apply for the Town of Moraga.)

Mr. Early stated the Draft MCSP Design Guidelines would also be incorporated into the Town's Design Guidelines and would add new design guidance for lighting, street design standards, pedestrian and bicycle friendly design, and the Town Square.

Mr. Early also advised that CEQA clearance for the MCSP had already occurred through a very thorough Environmental Impact Report (EIR) which had been certified in 2009 and 2010. Existing conditions had not changed substantially since the adoption of the MCSP in 2010 and the zoning implemented provisions of the MCSP, so no additional CEQA work would be necessary at this time.

Mr. Early acknowledged that comments had been received on the MCSP-IP, which included comments related to the issues of whether minimum lot sizes may be too restrictive, street sections might be better included in the Design Guidelines, and additional clarifications to definitions may be needed. Staff would address these and other comments in an addendum/errata to be presented to the Planning Commission in advance of its August 17, 2020 meeting.

Mr. Early asked that the Planning Commission review and provide input and feedback on the information provided, take public comments, and recommend the Town Council adopt an ordinance to adopt a new Zoning Map within the MCSP, update Title 8 of the MMC, and adopt a resolution to revise the Town Design Guidelines. As to the next steps, the Planning Commission would next meet on August 17, 2020 and may hold additional meetings, if necessary. The Town Council was expected to review the recommendation from the Planning Commission at its October 14, 2020 meeting and consider adoption of the recommendations at its November 18, 2020 meeting.

Mr. Early added that the Metropolitan Transportation Commission (MTC) Grant that was funding the MCSP-IP would expire in calendar year 2020, and it was hoped the project could be completed within the context of the grant this year.

Assistant Town Attorney Karen Murphy provided additional details on SB 330, the Housing Crisis Act of 2019, which became effective January 1, 2020, and would sunset

in 2025. SB 330 included a number of processing requirements pursuant to the Permit Streamlining Act, requirements for expedited processing for certain applications, and included provisions which regulated the types of new land use regulations that could be adopted by the Town. Under SB 330, the Town of Moraga could not adopt a housing moratorium, impose new subjective design standards for housing, and impose new regulations that would lessen the intensity of housing or provisions that limited the number of land use permits that could be issued. Staff had considered the MCSP-IP in light of SB 330. The ordinance was intended to implement the MCSP and the existing land use and standards set forth in the MCSP, and as such was consistent with that document and with SB 330.

Chief of Police Jon King reported that the Moraga Police Department had been coordinating with the Moraga-Orinda Fire District (MOFD) in planning for emergencies, which had increased after numerous large fires in the State of California, the Bay Area, and had taken place in the Wildland Interface. He acknowledged that the Town would have difficulty evacuating all of its residents out of its limited areas, although that issue was shared with many cities. As an example, the City of Clayton, also had limited evacuation points.

Chief King reported an evacuation plan had been prepared for the Town and the Town had been divided into geographic zones. The evacuation plan would be tested as part of a virtual evacuation drill scheduled for August 1, 2020. Through the use of a computer fire mapping program, a virtual fire would be started at some point, and as the fire progressed through Moraga an evacuation by zone would be ordered. In theory, it would test the evacuation by zone. In the event not everyone could be evacuated, there was also a plan for temporary refuge areas (a large parking lot or large area of grass), an area where a large number of people in vehicles could be put together with some fire apparatus to protect them and allow the fire to go by.

The MOFD was also developing standards for fire resistant neighborhoods, with revisions to the Fire Code taking more steps to make neighborhoods more fire resistant via exterior sprinklers, design, building materials, and landscaping. Through those efforts, everything possible was being done to ensure evacuations could occur as quickly and safely as possible.

Responding to questions from each Commissioner, Mr. Early and members of Town staff present via teleconference clarified the following:

- A trail was required as a component of the School Street cross section running immediately adjacent to School Street. The MCSP left open the possibility of a trail along Laguna Creek but a trail had not been required in the MCSP. The exact design of what could occur on either side of Laguna Creek was unknown. The quality and amount of riparian vegetation, distance from top of bank down into the creek itself, or away from the creek was not yet understood, and was required to be mapped as part of any development proposal. Mr. Early suggested it was appropriate to “encourage” a trail on either side of Laguna Creek but he did not recommend a mandatory requirement. If there was a mandatory requirement, he would likely only recommend one side of the creek have a trail with findings to explain why a trail was not feasible on both sides. The Lafayette-Moraga Trail was

accounted for on School Street as was a new Town Square, and an extension of School Street to Moraga Road, which were all significant public investments and could be used as justification for not requiring another trail. (Hillis)

- Interpretative signage for Moraga Ranch, recognizing the orchard character of the land, and preservation of existing trees or planting others could be considered at submittal of development proposals, and could also be considered as part of the discussion of the Design Guidelines. A cultural resources survey had not been conducted at this time and while specifically called out in the EIR, such a survey would be considered as part of a future development application(s). (Hillis)
- A specific requirement to retain the thematic character of the Moraga Ranch property and preservation of the buildings as much as possible had not been specified in the MCSP or the Design Guidelines, although the Planning Commission may decide it be considered as part of the Design Guidelines. (Hillis)

Commissioner Hillis cited the City of Santa Barbara and others as having successfully created a thematic character throughout the entirety of commercial districts. Via Moraga was also cited as having carried the Spanish Mission style throughout its development as one of the style characteristics of the Town of Moraga.

Chairperson Stromberg noted that Commissioner Hillis' comments/concerns had also been expressed by members of the MCSP CAC and members of the community observing the MCSP CAC meetings. The types of architecture Mr. Early and Placeworks had presented as ideas during those meetings had resulted in some pushback by those who had advocated for thematic consistency, although the CAC had not reached any consensus on the issue.

- The draft zoning included a statement in Section 8.65.030, Design Requirements (B) which read: *The design of new development shall consider the existing character of the Moraga Ranch and its existing buildings.* There had been no consensus from the MCSP CAC to require compliance with existing architecture or a specific style. (Hillis)
- The MOFD was working on revisions to the Fire Code which included a number of additional fire standards. Before the construction of any buildings, development standards would be in place to ensure that the buildings were as fire resistant as possible. The CAL FIRE Hazards Map was presented which had shown the Moraga Center location in a Low Fire Hazard Area, the orchard area located in a Moderate Fire Hazard Area, and the hillsides on the west side of Moraga Country Club in the High and Extreme Fire Hazard Areas. The development area of the MCSP itself had been rated Low Fire Hazard Area at this point in time. Any development application(s) would be reviewed by the Planning and Police Departments and the MOFD for safety purposes. (Hillis)
- The MOFD had been working on a fire break around the entire MOFD on the north side with plans along the west side as well. The only open space in the MCSP Area which the Zoning Map also recognized was the open space area. (Hillis)

- The MCSP had discussed the preservation of the orchard area through clustered housing design on the Moraga Ranch property, those areas that were most visible from Moraga Way and Moraga Road. When the MCSP had been adopted in 2010, the Harvest Court Subdivision located on the north side, which included West Commons Park, had not yet been developed. (Hillis)
- The active senior housing and congregate care was intended to be for senior living only with active senior living having been called out in the MCSP as well. Senior Housing had been defined as *a project consisting of residential dwelling units designed for senior citizens as defined in Section 51.3 of the California Civil Code.* (D'Arcy)
- In response to concerns whether the three story building height along the scenic corridor along Moraga Way could be mitigated, pursuant to SB 330, a reduction in the allowed building height had been specifically called out as one of the items that could not be done, and although it may be thought to be a transfer of density from one part of the property to another, the Town was not allowed to lower an allowed building height that was already in place. (D'Arcy)
- The MCSP clearly stated that the total development of the area was 510 units, plus a state density bonus estimated at up to another 120 units, which would include any units built as part of a Mixed Use project. It was not possible to build additional units simply because they were part of a Mixed Use project. (D'Arcy)
- SB 330 included a provision that certain housing requirements, as discussed, would not apply to a Very High Fire District, and in this case it would not apply to the MCSP. The criteria for Very High, High, Moderate and Low Fire Hazard zones were set by CAL FIRE. (Luster)
- The High Fire Severity Map needed to be updated by CAL FIRE, which was in the process of updating its maps. Staff noted a significant amount of the City of Orinda was located in the Very High and High Fire Hazard Zones. The only property in Moraga located in the Very High Fire Hazard Zone was Indian Valley. The MCSP Area was not currently located in a Very High or High Fire Hazard Zone. If that were to be changed via updates to the CAL FIRE maps, some limitations could be put into place while also triggering the building standards that required more stringent building requirements in the updated MOFD Fire Code. MOFD restrictions applied to the Very High and High Fire Hazard Zones. Each specific development application would be reviewed on its own merit. (Luster)
- A requirement for signage to promote the Town's historical preservation could be included in the Design Guidelines, if the Planning Commission so directed, although it was noted the Design Guidelines were advisory and subjective, and subject to further negotiation and review at the time of a development proposal. (Luster)
- The definitions which had been amended, and as identified in the staff report, were the only things that would be imposed Town-wide. The amendments to the

definitions were intended to provide clarity and not impose new requirements elsewhere in the Town. (Helber)

- Section 8.34.060 – Development Standards, (C), read: *The maximum height of developments fronting onto roads less than 36 feet in travel width shall be no higher than 30 feet to meet the requirements of the Moraga-Orinda Fire District Fire Code. The widths of parking lanes shall not count towards the minimum width,* which applied to the MCSP Commercial District. The same provision appeared in the Street Types and Design Standards (B) for the MCSP Area. Since this was an MOFD requirement to be enforced by the MOFD, it may not need to appear in the Zoning Code which would be discussed at a staff level. (Helber)
- Language regarding clustered development had been taken verbatim from the R-1, R-2 and R-3 Zoning Districts in the existing Zoning Code which allowed for clustered development. (Helber)
- There were no specific requirements in state law related to an increase in the percentage of the population requiring more roads in and out of the Town. The traffic had been analyzed as part of the CEQA requirements and any subsequent CEQA documents for the project. The MCSP EIR had been completed and had analyzed certain traffic requirements. Any projects that would come in over that would require additional traffic review. The MCSP EIR adopted in 2010 had evaluated the development potential of 510 units and 630 units, with the traffic analyzed based on that development potential and as included in the EIR. (Luster)
- The Town of Moraga and the MOFD were considering the use of a contraflow method for Moraga Way, similar to hurricane evacuation methods used in other parts of the country. The MOFD Fire Marshal had been working with local legislators about the possibility of receiving federal funding to be used for a pilot program to include signals, signage, and an education campaign. Discussions had also been held with the Campolindo Homeowners' Association (HOA) to discuss other potential routes out of the Campolindo neighborhood. There was also the potential for a fire trail out of the Lafayette Reservoir.

All options would be discussed between Town staff and the MOFD. There could be further discussions at the staff level as to whether an assessment could be imposed on any development in the MCSP Area, which would also have to take into account the limitations of SB 330. Staff noted a small development project could not be burdened with a requirement that served the entire community since there must be a nexus between the benefit and those who may be assessed. Consideration of a more robust evacuation route would likely require partnership with the City of Orinda and/or funding assessments to all of the beneficiaries of such a service. (Hillis)

- The MCSP adopted in 2010 had looked at the development potential of 510 units and 630 units with a density bonus, which was not an absolute cap or maximum but a projection, and the number could be higher. (Lueder)

PUBLIC HEARING OPENED

Chairperson Stromberg reported a significant number of comments had been received for the item. He had asked, and staff had agreed, that the Planning Director would read the e-mails received to date into the record in an attempt to maintain the existing protocols. Each e-mail would be restricted to a three-minute time period, with all e-mails received to be made a part of the public record and made available to the public starting July 21, 2020 for anyone to review.

Chairperson Stromberg declared a recess at 8:38 P.M. The Planning Commission meeting reconvened at 8:48 P.M. with all Planning Commissioners, Town staff, and Mr. Early present via teleconference.

Ms. Hamid read each of the e-mails into the record at this time in whole or in part (due to length), as follows:

Holly Hartz; Hello, My name is Holly Hartz and I live at 800 Country Club Drive. I received the hearing notice and have a question. I heard that there are 600+ housing units planned for the land adjacent to Safeway. Is this true? And, if so, is this something that will be voted on in the upcoming July 20th hearing? I should ask, are there 600+ housing units planned for anywhere in Moraga? Thank you for your time. I'm much obliged. Best, Holly Hartz

Holly Hartz: Hello, Unfortunately, I am unable to attend the upcoming July 20th meeting, but I have a question. I have heard that there are plans for 600+ housing units near or adjacent to the Safeway property here in Moraga. Could you please comment on the validity of that statement? Could you tell me if there are plans for any housing units near the Safeway, and if so, how many? And, could you please tell me how I can access your answer? Am I able to access the recorded minutes of the meeting? Thank you for your time. Sincerely, Holly Hartz 800 Country Club Drive.

Barbara Preston: Commissioners, Town Staff: I am Barbara Preston and I request that before you read my previous email letter to you into the meeting record, I would like to preface it with a brief comment. I like most Moragans came here because of, and cherish, the natural beauty of Moraga and wish fervently to maintain it. But I also realize the difficult strictures Senate Bill 330, effective January 1, 2020 has placed on our Town, as well as every other municipality in California. The goal of SB 330 was to increase affordable housing in California, a dire need. Be careful what you wish for; the unintended consequence has been that local governments, such as the Town of Moraga cannot control housing density or change zoning or codes for previously approved developments. That, of course, applies to the development of Moraga Center, approved in 2010. And so, if we wish to maintain Fire and Traffic Safety and the beauty of the scenic corridor entrance to Moraga on Moraga Way and Moraga Road, the Town needs to be creative in the approach to this development. A referendum or a law suit to eliminate this development or curtail it is not the answer; that boat sailed in 2005 when this development was approved after lengthy public comment ... SB 330 is State Law. But the citizens have made clear they want to minimize the impact of this development on Fire and Traffic Safety and on the Visual beauty of the Town. I urge the Commission and Town Council to creatively manage this within the strictures of this law. Please read this message and

my recent email into the record. Respectfully, Barbara Preston, MD 1307 Larch Avenue, Moraga

Barbara Preston: For Planning Commission, July 20, 7 PM Chairman Stromberg, members of the Planning Commission My name is Barbara Preston and I live at 1307 Larch Avenue, in Moraga I am addressing you this evening to express my concerns about the Moraga Center Specific Plan Implementation Project (MCSP-IP). Several aspects of the Implementation Project of the planned development concern me: 1. Fire Safety. I am deeply concerned about the impact on Fire Safety for the community and for residents who would populate this development. Police Chief King has said we can't evacuate the current population today; adding more residents will create an even greater health and safety issue. This development would increase the population of the Town by approximately 1500 people, which will further exacerbate the challenge of safe evacuation in event of a fire or other general emergency. I would strongly urge the inclusion in the Town of Moraga Building Code the Enhanced Fire Standards recommended by MOFD Fire Chief Winnacker: • Ember Resistant Building materials • Sprinklers under Eaves • Ember-resistant roofing materials. Health and Safety are top priorities of our residents as documented in the 2002 General Plan and Municipal Code. 2. Traffic. The current traffic density in Moraga is already a problem and seriously impacts the quality of life in Moraga. This development and all other approved developments and approved zoned developments are projected to increase our population by over 2600 residents. This would result in a maximum population of over 20,200 assuming a population of 17,600 today. With these additional residents we will exceed the maximum number of allowable residents (19,100) as stated in the General Plan of 2002 • The original traffic MCSP plan assumed 300 senior units with travel trips 65% lower than single families. The proposed units are not restricted to Seniors, so if single families move in to these 300 units instead, approximately 2000 additional trips will be added to Moraga traffic. • Additionally, many zones within the development are retail/residential and office/residential. If these massive retail and office are not built but rather become residential units, hundreds of residential units not considered in the traffic study could be built, far exceeding the maximum traffic requirement defined in the original 2010 MCSP Traffic Study. • Further, ADUs (Accessory Dwelling Units, AKA "Mother-in Law" units) were not considered in the original plan and may add thousands of new cars.

The culmination of all these items will create a traffic gridlock beyond manageable proportions and beyond that defined by the original, approved Moraga Center Specific Plan Traffic Study. I implore you to find ways to mitigate this traffic issue. 3. Visual Beauty, Town Character. The residents of Moraga have complained about the 36- and 39-foot high City Ventures development across the street on Moraga Way; these residences were the first phase of the MCSP development and resulted in a petition of over 2,000 people complaining about the development encroaching on the scenic corridor and resulted in a lawsuit by Moraga residents suing the town. • The visual beauty and character of this town is at risk by the placement of 45' buildings throughout this development, potentially within 40 feet of Moraga Way. How many other 45' buildings could be placed within Moraga Center and what would be their location and visibility from Moraga Way and Moraga Road? Today are no 45-foot buildings in our town anywhere. It is the overwhelming desire of the community that the visual beauty of our Town be maintained, particularly along the scenic entrance corridors to town. The visual entrance corridors as they exist define the nature of the Town that the residents wish to maintain. Please adopt

zoning to restrict these buildings to areas avoiding a visual blight. Commissioners, a premise of the Moraga Center Specific Plan when adopted in 2010 was that the type of development called for in the MCSP — smaller/higher density units, in a walkable transit-friendly environment — will inherently have lower vehicle trip generation rates than traditional single-family or multi-family residential development. As currently proposed, the development of the Moraga Center does not match this promise. I realize that this development was approved in 2010, but times have changed as the Town has grown, as we have suffered worsening traffic and ever worsening fire danger and lost orchards and scenic corridors. I ask the Planning Commission and Town Council to find options to mitigate these impacts. I ask that my statement be read into the record of the July 20, 2020 Planning Commission Meeting. Respectfully Submitted, Barbara Preston, MD

Dave Trotter: Hon. David Stromberg Chair, Moraga Planning Commission and Honorable Planning Commissioners. Dear Chair Stromberg and Planning Commissioners: The Commission will be considering adoption of a new Zoning Map for the Moraga Center Specific Plan (MCSP) area at its July 20 meeting. In that connection, I urge the Commission to take a closer look at the proposed zoning for the one-block area bounded by Viader Drive, Country Club Drive, School Street and Moraga Way. Figure 4-2 splits this block into two proposed zones: (1) Mixed Office / Residential (12-20 dwelling units/acres); and (2) Community Commercial. The former post office building at 1545 School Street, now occupied by the Joy in Motion dance studio, is located in the Mixed Office / Residential area, and appropriately should continue to carry that designation. The remainder of the block is in the Community Commercial area. This area includes the property at 1550 Viader Drive, which abuts and is contiguous to the Mixed Office / Residential zone. Consistent with the proposed development standards for that zone, 1550 Viader Drive is currently occupied by a two-story office building. Mike Miller of Hacienda Real Estate manages the 1550 Viader Drive building for its owner. It is located right next door to another office building located at 925 Country Club Drive at the corner of Viader Drive. 925 Country Club Drive is the former “Moraga Barn” property, and it also abuts the former post office building at 1545 School Street. There is no compelling case for 1550 Viader Drive to remain in the Community Commercial zone. (The same logic would also apply to the office building located at 925 Country Club Drive.)

The Community Commercial zoning designation for this area dates back more than 30 years – to a different time when the projected population of Moraga at build-out was significantly higher than it is now. The Planning Commission has the opportunity, as part of the ongoing MCSP Implementation Project, to take a fresh look at the land use designations in this area. Maintaining the Community Commercial zoning designation for the remainder to the block located to the northeast of 1550 Viader Drive and oriented toward the Moraga Way retail corridor and linking with the existing Moraga Shopping Center, is logical and makes good sense from a planning standpoint. By the same token, the incremental expansion of the Mixed Office / Residential zoning to encompass both the former post office building and the properties on Viader Drive immediately adjacent to it would also be an appropriate course of action, and would also provide for more beneficial flexibility in the future in terms of allowing a small multifamily residential development as part of Moraga’s response to the regional housing / jobs imbalance. For all of these reasons, I request that the Planning Commission recommend to the Town Council that 1550 Viader Drive be included in the Mixed Office / Residential zone on the new Zoning Map to be adopted for the MCSP area. I have spoken about this with Mike

Miller and can confirm that Mr. Miller and the property owner are fully supportive of this requested rezoning. Thank you for your attention, and the opportunity to comment on this matter. Respectfully, Dave Trotter, 119 Allen Court, Moraga, CA.

Geoff Forner: Aegis Living, Good Evening, We operate Aegis of Moraga at 950 Country Club Dr. It is understood that certain parcels in the Town of Moraga are determined to contain solely residential 'dwelling units' due to pressures from the State and other agencies to meet RHNA numbers. One common misconception is that by building a senior assisted living facility to care for the community's elderly, we are not providing new housing supply to the community. In fact, by adding 80 new senior care units to a neighborhood, 80 seniors from the immediate community will vacate their single family homes, condos, townhomes, apartments or ADU's to move into this care community. These previously-occupied residences are now available to younger generations as 'unlocked' housing units. Due to the nature of the care facility, our residents stay an average of two years. Therefore, our care communities create a recurring pipeline of newly available/unlocked' dwelling units within the community. Residential care facilities are designed significantly different from traditional housing. There are numerous amenities included which are not included in traditional housing such as community dining rooms, kitchens, movie theaters, bistros, beauty salons, activity rooms, laundry service, etc. Therefore, the units themselves can be smaller, and are not regulated by density in >95% of California municipalities. The R-20 Zoning allows for dependent care units but only in a very limited proportion to residential dwelling units due to the Town's desire for 'dwelling units.' As mentioned above, dependent care units allow for hundreds of unlocked housing units, and should be considered as such in the assessment of proposed projects and housing supply. Furthermore, because of the size of the apartments in our communities a Senior Housing Bonus of up to 100% should be allowed. (40 RCFE apartments per acre). This point has been shared with State legislators, and we hope there can be some clarity around contributions to housing supplies. Geoff Forner, Aegis Living.

Terez Hanhan: Hi All, I do not need my comments read at next week's meeting, but I just wanted to pass along my questions, in the hopes that you can direct me to the answers, or perhaps my questions were already scheduled to be answered in the meeting. Dear Mr. McCluer, Thank you for posting on NextDoor, soliciting questions from the community about the Moraga Center Specific Plan. We have been following the potential construction on the town's web site, and a letter was in our mailbox about the upcoming meeting. We are new to Moraga -- moved from Texas a few weeks ago -- and we live on Willowbrook Ln, which backs up to the empty hill along Camino Ricardo. I apologize if my questions are quite basic, or if they've been answered many times in the past. As new residents, we're still getting up to speed, and in the middle of a pandemic, it's all a bit of a blur. I do plan to listen in to the meeting on July 20th. I don't necessarily need our questions entered into public record, per se, but I wanted to reach out and begin communication with you. As homeowners who back-up to the hill where construction might take place, we would like to know: 1) Has the Bruzzone family sold the land to a developer? 2) Will houses back-up to those of us who have backyards on the empty pear orchard field, or will there be a greenbelt or space in between their yards and our current backyards? 3) What is the public safety study outcome for adding so many new residences and/or businesses to the Town, as far as the impact on evacuations during an emergency? 4) Are there noise ordinances and specific construction times in place, to alleviate disruption to those who

live nearby? 5) What effect, if any, will there be on those of us on Willowbrook Ln, as far as drainage concerns or obstruction of a view? 6) What is the timeline for construction to begin for the entire project? Thanks again for soliciting feedback from the community. Thank you for all that you do and have done for the community, and I hope that you and your family are as safe and comfortable as possible during these unprecedented times! Best regards, Terez & Alex Hanhan 180 Willowbrook Ln. Moraga, CA.

Muriel Amsden: For the Planning Commission, July 20, 2020 I want to add my name to the letter submitted by Barbara Preston, MD, which I copied below. I share her concerns with the MCSP-IP and urge the Planning Commission to seriously consider them all. Thank you, Muriel Amsden, 791 Crossbrook Dr. Moraga, CA (Correspondence referenced Barbara Preston's e-mail already read into the record.

Audrey O'Donnell: Bobbie Preston...Audrey and Jim O'Donnell.

David Long: Members: I have been a Moraga resident for over 50 years, and have raised 3 children here (with my wife's assistance) and we want to very strenuously oppose the Moraga Center Specific Plan at your meeting on July 20, 2020. Unfortunately we will be unable to personally attend your meeting of July 20, 2020 but want to make known to each of you our very strong feelings against further expansion and more residents living in the town of Moraga and the dangers to the present residents of Moraga in case of further forest fires or severe earthquakes. We have very limited evacuation routes available to us as it is now. Our Fire Chief has already made it clear that in the event of either a severe forest fire in or near the Town, or severe earthquake on either the Hayward or San Andreas faults we can expect severe damage and loss of life because of our inability to safely evacuate our present residences in the Town of Moraga. We saw what happened in Paradise, California several months ago and we don't need that problem because of our inability to safely evacuate our homes because of the very limited and restricted evacuation routes available to us now and possibly even then. Very truly yours; David A. Long, 1259 Larch Ave. Moraga, California.

Alberto and Angela Montelatici: My wife and myself strongly object and say no to the MCSP Implementation Project comprising 187 acres of land along the Moraga Road and Moraga Way roadways and their intersections. Leave Moraga the way it is and do not turn it into another traffic and pollution congested Lafayette or Walnut Creek. In the last 10 years we have already seen far too many constructions and developments. Alberto and Angela Montelatici, 1476 Camino Peral, Moraga, CA.

Arun Saha: I agree with Barbara Preston. Please include my comment into record. Arun Saha, 1 Whiting Court, Moraga.

Jacqueline Barnes: Chairman Stromberg, Members of the Planning Commission My name is Jacqueline Barnes and I live at 1785 School Street, in Moraga I am addressing you this evening to express my concerns about the Moraga Center Specific Plan Implementation Project (MCSP-IP). I share Barbara "Bobbie" Preston's concerns re the Implementation Project of the planned development; fire safety, traffic, and visual beauty. Additionally, I am deeply concerned about the development of the parcel bounded by Hazelwood Place, Country Club Drive, Canyon Road, and School Street. This parcel has been designated R20B, and is adjacent to Hazelwood and School Street, which are zoned

3DUA, and were developed in 1963. The Hazelwood parcel is the only R20 parcel in the MCSP abutting an existing low density development. Today, there are no 45-foot buildings in our town anywhere. Yet the MCSP-IP appears to allow 45' buildings feet from our back yard fences. I implore the Planning Commission to be mindful of the Multi-Family Residential Site Planning Guidelines starting at page 130 of 396 in the packet. In particular: MFR2.6 Large building masses should be avoided. MFR2.7 Architectural style should reflect and enhance the character of surrounding neighborhoods. I ask the Planning Commission and Town Council to find options to mitigate this impact on our existing neighborhood. I ask that my statement be read into the record of the July 20, 2020 Planning Commission Meeting. Respectfully submitted, Jacqueline Barnes, JD.

David Mark Williams and Lisa B. Koltun: It is our understanding that the Town of Moraga along with the property owners have invested years of effort into crafting the plans for this development. In a different era, we would have strongly encouraged this development, as the thoughtful use of high density combined with office/retail and open space would have been an ideal use of this space. However, times have changed, and we are now faced with the reality of global warming, and the threats to life safety that this brings to rural areas, specifically the "wildland urban interface". It is well documented that we have limited ingress/egress issues for our valley, and the addition of approximately 1,200 additional vehicles in our valley would further hamper the safe evacuation of residents in the event of a wildfire. We live in a place that is as close to paradise as we have come, so let us not become another Paradise. We ask that our statement be read into the record of the July 20, 2020 Planning Commission Meeting. Respectfully, David Mark Williams, Lisa B. Koltun 97 Brookfield Drive Moraga, CA.

Nelson and Jennifer Axelrod: To Moraga Planning Commission. Hi Commission and neighbors, my name is Nelson Axelrod, and I live at 1125 Larch Ave with my wife, Jennifer, and our two kids. I would appreciate you reading my comments into the record. I am writing to share our family's support for the concerns that Bobbie Preston clearly articulated in her letter to the Commission. We share the same concerns: 1) fire safety, 2) traffic, and 3) visual beauty and our town character. Let me elaborate on the first concern since that is top of mind for our family. Fire safety – In the event of an emergency, our lives depend on a safe and efficient passage from Canyon Road to Moraga Way. We experienced this firsthand in the October 10th, 2019 fire in the Sanders Ranch area. Our family awoke thanks to the sounds of our neighbors who drove down Larch Avenue and yelled out of their vehicles to evacuate immediately. We grabbed our kids, our pets, left our possessions behind, and raced to our car knowing the danger that a fire in Moraga poses for us. The air was smoky, cars and people seemed to pile into the street chaotically, and we wondered out loud if we would be able to get out. How long did we have before everyone would be stuck on Canyon Rd? Or Moraga Way? The comfort and security of our one way in, one way out small town is scary in a fire. As we turned onto Moraga Way and looked back towards Sanders Ranch, we watched the fire appear to grow over the hills. Luckily, as it turned out, it was a small fire that was quickly contained. The public safety communication systems didn't work, but lucky for us, there was no need for a wide evacuation order in Moraga. What would happen in the event of a major fire in our neighborhood? How can we ensure our safety with the added density in the Moraga Center Plan? We would like to hear a fire evacuation plan presented by the Commission. We had a glimpse of it last year, and it was chaos. We love Moraga just the way it is. Its

small town character is why we live here. Respectfully yours, Nelson and Jennifer Axelrod.

Lisa Tucker: Dear Planning Commission, Our family recently moved to Moraga to escape the congestion and non-stop traffic of Berkeley. We have found the open spaces, freedom of movement, friendliness and overall "slower pace" so refreshing-a true oasis in the Bay Area. We were not residents here when the Moraga Center Plan was approved, so I can only comment on the situation now in the reality of 2020 and the COVID pandemic. It appears that in 2010 Moraga was trying to increase tax revenue and build out open space through this large development. Ten years ago, I'm sure the planning board looked at this plan as exciting and brimming with possibilities. But since then, the world has truly changed. Here is why I am requesting that the development plan be re-examined and revised and/or put on hold for a period of at least 5 years. 1. COVID economic effects. The elephant in the room is COVID and the unknown economic and public health effects we will feel for years to come. Economically, we only know that the future is uncertain. Right now, we cannot utilize the many good dining and retail opportunities we currently have, and jobs related to those industries are fading away. How can adding more of these businesses in such uncertain times be prudent? With job uncertainty, many homeowners are unable to pay mortgages. Local landlords of retail and office space are worried- we may never return to using office spaces or restaurants in the same manner in which we have up until the pandemic. Adding more retail/office space at this time seems imprudent and unwise. 2. COVID health impact. In addition to the economic impact of the pandemic, health concerns for our town residents must be foremost in our planning. While much is unknown about the virus, we do know that some of the only safe zones are outdoor spaces. Here in Moraga, we are so lucky to have local trails and wide sidewalks utilized by not only our Moraga population, but now residents from other parts of Lamorinda and beyond come here to hike around our town. This plan removes much open space and does not replace it. I was shocked to see that no parks were required as part of the plan. Rather, the plan seems to rely on all of the new residents utilizing Moraga Commons. As we have seen of late, Moraga Commons is well used on a daily basis.

With social distancing as a possible part of our future for years, how can adding hundreds more residents to the area be safe? All of these health and safety issues relating to COVID must be factored into a relevant and updated plan for development. 3. Fire safety. My husband and I recently participated in the CERT (Community Emergency Response Team) training to help our neighborhood in emergency situations. What we learned from this series of classes as well as from our local Fire Chief is that fires (and obviously earthquakes) are a part of our future, and evacuation is a key component of our town's safety. What makes Moraga so beautiful and unique is that it's surrounded by open space. Moraga is not a town you drive through to get somewhere. In effect there are only a few routes in and out of our beautiful corner of Contra Costa County which makes evacuation more challenging... (Comments were not read in their entirety due to length, but would be included in the public record for this item.)

Carmen and Peter Berryhill: My husband and I fully agree with Barbara Preston. We are deeply concerned with the Moraga Center Specific Plan Implementation. We have been Moraga residences for 50 years and have seen many changes. Please read this at the meeting. Respectfully, Carmen and Peter Berryhill, 1315 Larch Ave.

Ashley Hemkin: My name is Ashley Hemkin and I live at 1068 Country Club Drive in Moraga. I'm addressing you this evening to express my concerns about the Implementation Project planned development. I currently live directly across the street from Area 15 on Country Club Drive and am concerned for the following reasons: 1. Moraga is in a high fire risk zone. As you are aware, Moraga only has a few streets in and out of town. Police Chief King has said we currently are unable to evacuate our current Town population. In 2010, fire risk was not a significant issue in Moraga, but it is now. What is the plan to make sure these 630 additional housing units AND Moraga's current residents will be able to evacuate Moraga safely and successfully if a large fire breaks out? 2. Traffic is already a problem in Moraga. Realizing that this plan is several years old, how will these hundreds of units affect our Town's traffic problem in 2020? With these additional residents I believe we will exceed the maximum number of allowable residents (19,100) as laid out in the General Plan of 2002. 3. Wildlife is why many residents love Moraga. I live across the street from "Area 15" and every morning our resident Gray Fox heads to "Area 15" to find its food. This Gray Fox has pups and relies upon "Area 15" for survival. Multiple herds of deer, owls, hawks, turkeys and quail utilize "Area 15" daily. I plead with you to let these beautiful animals keep their home and not displace them for the sake of development. So much of Moraga includes its wildlife and being close to nature. I appreciate your time and hope you think about why YOU originally moved to Moraga and if this current plan reflects the soul of our beautiful little town. Thank you, Ashley Hemkin

Joe Nykodym: Dear Moraga Planning Commission Members, Please read into the record and/or include this comment into the official record. On behalf of my wife Patty and my sons Robert and Marco, I wish to express our opposition to the proposed increase in development density to Area 15 as depicted in Figure 4-2: MCSP Illustrative Land Use and Circulation Plan, found at page 4 of the Staff Report for the July 17, 2020 meeting. We reside across the street from Area 15. We moved to our home because of the lower density by Area 15. The area is one of the few remaining pear orchards. It is a beautiful reminder of our community's history. This area also provides shelter and nutrition to a variety of wildlife that are an integral part of Moraga's semi-rural character. The area is a visual anchor for Moraga, as it is at a major cross-road. We are also concerned about high density development of this area as it is adjacent to an egress path, likely used by the majority of the town's population during an emergency. It appears imprudent to load development at a choke- point, which could easily trap our community's residents during an urban fire event. Moreover, increasing the density of Moraga would put an undue burden on our schools, police and physical infrastructure. As to this last point, our town is faced with costly deferred maintenance of our sewers. Added development density will only exacerbate this problem. Finally, we are concerned that development along the lower section of Country Club Drive poses an unreasonable hazard to vehicles driving down this very steep street. Country Club Drive curves to a driver's right as a vehicle drives down the street. This curvature reduces the line of site for vehicles entering Country Club Drive from the proposed development, thereby creating a collision hazard. Thank you for your consideration of our concerns. Joe Nykodym, 1064 Country Club Drive, Moraga.

Annie Browne: Dear Planning Commission, I would like the following message read into the record regarding your discussion on the update of the Moraga Plan tomorrow, July 20th. Chairman Stromberg, members of the Planning Commission. My name is Annie

Browne and I live at 197 Corliss Drive in Moraga. I'm addressing you this evening to express my concerns about the Implementation Project planned development. 1. Moraga is in a high fire risk zone. As you are aware, Moraga only has a few streets in and out of town. Police Chief King has said we currently are unable to evacuate our current Town population. In 2010, fire risk was not a significant issue in Moraga, but it is now. What is the plan to make sure these 630 additional housing units AND Moraga's current residents will be able to evacuate Moraga safely and successfully if a large fire breaks out? 2. Traffic is already a problem in Moraga. Realizing that this plan is several years old, how will these hundreds of units affect our Town's traffic problem in 2020? With these additional residents, I believe we will exceed the maximum number of allowable residents (19,100) as laid out in the General Plan of 2002. Thank you, Annie Browne.

Mark Hatch: *My wife (Sue Ma) and myself (Mark Hatch) own 243 Sandringham Dr N, Moraga, CA and as possibly impacted by this proposed implementation of the Moraga Center Specific Plan and would like this email read into the record. Our specific concern is the implementation of the plan permitting the "Old Pear Orchard" to be used for medium density housing. A lot has changed since 2010 and these changes need to be carefully considered. We are not in favor of the implementation of this portion of the plan for the following reasons: 1. Safety: There is only one egress for the residents of Country Club area that live up the street from Canyon Rd. Adding additional residents on this single egress situation will create an unsafe situation in the case of emergencies. With this area backing up to a dry foothills, this is a very real possibility during fire season. Indeed, some insurance companies have already either cancelled service in this area or have greatly increased their premiums because of this possibility. 2. Country Club Traffic: Although not visible during this unique Covid-19 period, the intersection of Country Club and Canyon is already very busy during morning and afternoon commute because of the day care business that is in the industrial park off of Country Club. It is very common to see cars backed up Country Club while waiting their turn to enter Canyon. This situation has actually been better the last several years because of the restriction of traffic over the bridge to one lane. Once that issue is addressed, the morning traffic on Country Club will be much worse.*

As a frequent morning and evening pedestrian that crosses Canyon from Country Club, I have found it difficult, and often unsafe to cross Canyon. The addition of medium density housing in the old Pear Orchard, will make this much worse. We strongly encourage that this rezoning be delayed at the very least until after the Covid-19 crisis and the repair of the Canyon Bridge. At that point, the traffic impact can be more clearly investigated and if appropriate, traffic control be planned for this increasingly busy intersection and included as part of the re-zoning. This is a major change since the adoption of the plan in 2010. 3. Moraga Way Traffic: The failure of the medium density housing near the fire station to sell out has limited our insight into the real traffic impact on the critical path between Moraga Rd and Rt 24. We should wait to see the full impact of that prior decision before significantly adding to our housing stock. Again, another change since 2010. 4. Environmental: Although the Pear Orchard is private land, it is increasing one of the few open spaces in Moraga. We are sympathetic with the owners wanting to put this land to practical use. However, as a resident of Moraga, we also think we need to more fully consider the value of our open spaces before taking steps to further eliminate them. We appreciate your consideration of these issues as you address what I am sure will be a

difficult and divisive issue. We would be in favor of a low density (i.e. single family homes) zoning for this area. Mark Hatch and Sue Ma 243 Sandringham Dr N Moraga, CA.

Cathy Reaves: Chairman Stromberg, members of the Planning Commission My name is Cathy Reaves and I live at 1750 Spyglass Lane in Moraga. I am addressing you this evening to express my concerns about the Moraga Center Specific Plan Implementation Project (MCSP-IP). Several aspects of the Implementation Project of the planned development concern me: 1. Fire Safety. I am deeply concerned about the impact on Fire Safety for the community and for residents who would populate this development. Police Chief King has said we can't evacuate the current population today; adding more residents will create an even greater health and safety issue. This development would increase the population of the Town by approximately 1500 people, which will further exacerbate the challenge of safe evacuation in event of a fire or other general emergency. The planning commission should require any developments to adopt the Town of Moraga Building Code the Enhanced Fire Standards recommended by MOFD Fire Chief Winnacker: • Ember Resistant Building materials • Sprinklers under Eaves • Ember-resistant roofing materials 2. Traffic. The current traffic density in Moraga is already a problem and seriously impacts the quality of life in Moraga. This development and all other approved developments and approved zoned developments are projected to increase our population by over 2600 residents. This would result in a maximum population of over 20,200 assuming a population of 17,600 today. With these additional residents we will exceed the maximum number of allowable residents (19,100) as stated in the General Plan of 2002 • The original traffic MCSP plan assumed 300 senior units with travel trips 65% lower than single families. The proposed units are not restricted to Seniors, so if single families move into these 300 units instead, approximately 2000 additional trips will be added to Moraga traffic. • Additionally, many zones within the development are retail/residential and office/residential. If these massive retail and office units are not built but rather become residential units, hundreds of residential units not considered in the traffic study could be built, far exceeding the maximum traffic requirement defined in the original 2010 MCSP Traffic Study. • Further, ADUs (Accessory Dwelling Units, AKA "Mother-in-Law" units) were not considered in the original plan and may add thousands of new cars.

The planning commission should set the maximum number of units to be developed to be no more than what is currently approved. In addition, as each new developer applies, an updated traffic study must accompany the application. 3. Visual Beauty, Town Character. The planning commission should set maximum building height to be no more than two stories to keep in character with the town. Additionally, the Planning Commission should require setbacks to be a MINIMUM of 40 ft. Finally, all developments should require two parking spaces per unit ON SITE. 4. Times have changed in the last decade. Commissioners, a premise of the Moraga Center Specific Plan when adopted in 2010 was that the type of development called for in the MCSP — smaller/higher density units, in a walkable, transit-friendly environment — will inherently have lower vehicle trip generation rates than traditional single-family or multi-family residential development. As currently proposed, the development of the Moraga Center does not match this promise. From a practical perspective, Moraga is not a "transit friendly" environment. The county bus comes once every 40 mins. This does not meet even the state bar to be considered "transit-friendly". Wild fires have proven to be devastating, especially in communities such as Moraga where there is limited egress. Further, traffic in the community has significantly

increased since 2010, likely the result of many families becoming dual-income households due to the cost of housing. Allowing this project to go through without mitigating these very real issues will be devastating to the character of Moraga. I ask that my statement be read into the record of the July 20, 2020 Planning Commission Meeting. Cathy Reaves.

Robin and Jim Siefkin: We write to add our support of the positions stated in Mark Hatch and Sue Ma's letter, submitted for reading into the record at the 7/20/2020 meeting. Respectfully, Robin & Jim Siefkin 340 Glen Alpine Street.

Cindy Abel: Dear Planning Commission, I've lived next to the property (Pear orchard on Country Club Dr.) on the north border for 30 years and am opposed to the proposed housing development. Moraga doesn't need any more housing developments. Aside from the aesthetics of too many houses crowded on hillsides and open spaces surrounding our downtown, it's a huge safety issue. We are a high fire danger area (evidenced by large increases in homeowners insurance). Our roads can't handle any more traffic, especially if we need to evacuate. The traffic coming from Canyon to Moraga Rd. is now a popular thoroughfare, thanks to traffic apps. I can attest to how fast cars drive and how many near misses I have witnessed at many intersections throughout our town, especially during commute hours. Housing in that lot would block many spectacular views and disrupt the open feel of our lovely town. The orchard is home to many different species of wildlife that contribute to the special feel of our town. On any given day numerous deer, red tail hawks, owls, blue herons, turkeys, coyotes and many other creatures can be seen thriving in that orchard. We risk losing so much of what makes Moraga special with too much housing. Please do not allow this development. Thank You, Cindy Abel, 1069 Country Club Drive, Moraga, CA.

Christine Pivacek: Chairman Stromberg, member of the Planning Commission, Moraga Center Specific Implementation Project (MCSP-IP) Please read my concerns into the record I am not in favor of the above mentioned project for the following reasons: 1. Fire Safety and Evacuation 2. Traffic impacted by additional residents 3. High Density dwellings may increase the spread of diseases such as Covid-19 4. Change the character of the Town of Moraga in a negative manner. Thank you, Christine Pivacek.

Cathy Durden: I am requesting these comments be read into the record for the planning meeting tonight. I believe safety for current residents should be priority number one and then growth once safety measures are achieved. The current infrastructure does not allow for the current population of Moraga to evacuate the town if there is a wildfire. Evacuation routes must be GREATLY enhanced first before approving any significant increases to housing units. Please do this in the correct order. God forbid we do it the wrong way and we end up like the town of Paradise, CA. Thank you for your consideration. Respectfully, Cathy Durden 111 Merion Terrace Moraga.

Kathleen Petto: To the Planning Commission, Living at 1271 Larch Avenue was terrifying last year when in the early morning hours we had to be evacuated to the OSH and Safeway parking lots. The wind from the fire was blowing the ash horizontal and the red glow behind our house made us fear that we would lose our house. From attending the fire safe meetings we knew to not leave town but to stay in our cars in the parking lot and if necessary a fire truck would be assigned to the lot to put up a curtain of water for our

protection. There are not enough open parking lots without trees or enough fire trucks to fight the fire and protect us in our cars as it is. To add hundreds of more cars to an already inadequate plan is not a plan but a recipe for disaster. It might be more prudent to work backwards, see what our available resources are and use that as a limiting factor as to what project if any is more feasible for safety. Please read my comments into the record at the meeting on July 20, 2020. Thank you, Kathleen Petto.

Dave Bruzzone: *Request Continuance for the noticed Planning Commission Meetings (July 20 and August 17, 2020) pertaining to MCSP-IP. Dear Cynthia: As you are aware my family is the principal owner of property within the Moraga Center Specific Plan area, and as a key stakeholder we require proper time to review, analyze and comment on what you are presenting to us and the Town. We have not seen this information before and it is incumbent upon the Town to present a fair, honest and fully transparent, and open process. As such, we respectfully request a "Continuance" of these two proposed Planning Commission (PC) meetings and also a more appropriate "review forum" to vet/discuss the changes proposed before the draft changes are forwarded to PC for approval. The Covid pandemic with its health and safety concerns, is conflicting and interfering with an already complicated issue. There is a tremendous amount of information to be analyzed here, all of which require that all decision makers have a thorough understanding and knowledge of technical information they are acting on. If the Town hopes to approve implementation for a viable and successful specific plan then we will need thoughtful interaction and cooperation amongst the key stakeholders. This "review forum", maybe something along the lines of multiple study sessions and preceded by us meeting directly with staff, would help insure a viable and successful specific plan. Sincerely, David Bruzzone. P.O. Box 97, Moraga, CA.*

Gosia and Les Kossakowski: *We are writing regarding the Moraga Center Specific Plan, which will be discussed at the meeting tonight, July 20, 2020. 1. We are asking the Commission not to make any decisions due to the unusual circumstances of the meeting due to COVID-19. Residents do not have a chance to show up, state their concerns. This is a matter of a great magnitude for our town. Please do not approve it without a fair and wide input of the public. 2. The MCSP assumes 630 housing units, of which 120 can only be affordable housing units (20 workforce housing and 100 senior housing). Please do not approve the number of 630 units, since Moraga does not have an affordable housing ordinance for new developments. I brought it to the attention of the Town Council almost one year ago, when the citizens meetings and Town Council's meetings regarding MCSP took place. The state mandates construction of affordable housing units, giving a privilege of higher density to the builder if affordable housing units are included in the builders' projects. We did not produce any affordable housing units in our allocation from the state. Therefore before any construction projects, especially the dense MCSP should be stopped until Town of Moraga creates an ordinance governing the rules of affordable housing. All local towns and cities have such ordinances: Orinda, Lafayette, Walnut Creek, Danville, Emeryville, Oakland, Emeryville. 3. Please look carefully at the plans of building a workforce housing over retail (area 8, off Moraga Rd at St. Mary's Road. Please do not approve such an idea. It does not fit the character of our town. 4. At the moment area 15 (at Moraga Way and Moraga Road) does not have a correct zoning for the proposed Compact Residential Condo/Townhouse housing. 5. Please consider and learn from the botched, horrific, and ugly projects that just provide large profits for the builders, but change the character of Moraga from semi-rural to a regular city: houses at Rheem*

next to self-storage, Willowbrook Lane, the still empty houses on Rheem hills, and the compact townhomes between Moraga Way and Country Club Drive. (near the fire station). Please remember that there was a Moraga citizens action to stop the townhomes near fire station, since the rezoning from commercial to residential did not happen legally, but the legitimate protest and petition which collected required amount of signatures, was squashed in court by the Bruzzone family lawyers. Every project can look great on paper, but in reality it will be something else. So please, we urge you, check these built already projects to get a picture what awaits Moraga. 6. Fire safety: there is MCSP and other approved projects, over 1000 homes more in Moraga. We have one lane roads leading to and from Moraga, therefore bringing at least 3000 or more residents will create unsafe situations in various emergencies...(Comments were not read in their entirety due to length, but would be included in the public record for this item.)

Ross Avedian: PE, PSL, QSD/P, Principal, P/A Design Resources, Inc., (Principal Engineer, working with the Bruzzone family for the past 25 years, submitted a three page letter dated July 20, 2020, which was not read into the record due to length but would be included in the public record for this item.)

Leah, Al, and Jack Saroni: *Dear Planning Commission, I would like to have the following remarks read and on record regarding your discussion on the update of the MCSP Implementation Project. My name is Leah Saroni and I live at 296 Sandringham Drive North. My family and I are extremely concerned with the proposed change in zoning within the MCSP and how that would negatively affect many aspects of our lives and those of our fellow citizens of Moraga. We live on the hill above Area 15 and would be impacted daily by the influx of people were the proposed 630 additional housing units be approved. Firstly, in the event of a wildfire, we would be the last people off the hill and evacuation traffic might quite possibly be backed up to the top of Country Club Drive, jammed behind the occupants of the proposed condensed housing units at the base of Country Club Drive. Next, people are drawn to Moraga by the schools, which would be negatively impacted by extremely overcrowded classrooms and overworked teachers. In addition, cramming more residents into the MCSP area will further burden the infrastructure that is already bursting. Through traffic has temporarily decreased due to the bridge closure(s) but once complete, people from outside our town will resume using WAZE and our town as a shortcut to Walnut Creek and points East from Oakland. It's nearly impossible to cross Canyon at the bottom of Country Club Drive because of the number of cars passing through and the speed they are traveling. Lastly, many of us moved to Moraga because of the tranquil environment and the inherent wildlife we are blessed to live among. If you destroy their habitat, where will the red tail hawks, quail, fox, bobcats, wild turkeys, deer, turkey vultures, and countless species of birds reside?? We, the Saroni family, implore you to reconsider adding to the Town's population which would in turn decimate the qualities of our Town that drew all of us here in the first place. Thank you for your time and service to our much loved community, Leah, Al, and Jack Saroni.*

Kate Bekins: *Hello. I received the notice of this evenings planning commission meeting. At No "2)" of the notice, there is a reference to changes to the MMC. At the end a reference is made to Chapter 124- Accessory Dwelling units. I have reviewed the agenda, but I cannot see where I would access exactly what in the chapter would be changed. Can you point me to the changes proposed? Also – does the change only apply to the MCSP? Thank you. Kate Bekins*

Scott Bowhay: *Dear Members of the Moraga Planning Commission, I am sorry for this late comment for this evening's Planning Commission consideration of the MCSP Implementation Plan, but I would like it to be read into the record, so I will be brief and save more expansive comment for when the Plan goes before the Town Council at some point. Unfortunately, the staff report itself, released last Friday, runs 396 pages, and that does not include a copy of the MCSP itself! That is a lot of information to absorb over a weekend, even for accomplished Planning Commissioners! There have been about a half dozen Town Managers involved in the formulation of the MCSP, along with a similar number of Planning Directors, perhaps fifteen different Town Council members on and off the Council since the plan was initially formulated, not to mention umpteen Design Review Members and Planning Commission members! Those who read the staff report will recall that the MCSP saw its first formulation in 2003, then was finally approved in 2010. That was a long time ago! One thing 2020 has shown us, is that a lot can change very quickly! And, over a decade or two, what once seemed like a good idea, can become outdated and irrelevant. To belabor the point, remember these events from 2003: Sky Marshalls were rushed into service to protect American Passenger Aircraft; the Space Shuttle Columbia disintegrated over Texas; Martha Stewart was indicted for insider trading; Gray Davis was recalled as Governor of California, ushering in "The Governator", Arnold Schwarzenegger, and Barnes and Noble was a great place to go browse through books, and to buy CD's. Things from 2010 (like the MCSP) also are "old news"; that was the year the "Tea Party" was founded, and held its first convention; the BP Deepwater Horizon suffered an explosion, initiating the biggest offshore oil spill in U.S. history; another disaster was the PG&E Natural Gas Explosion in San Bruno; and for some of us, another sad day was when the Website "Limewire" was shut down by a Federal Judge, declaring "music sharing" to be illegal. But, on the bright side for that year, the San Francisco Giants defeated the Texas Rangers to achieve their first World Series win in 56 years...remember Cody Ross and Tim Lincecum? And Barnes & Noble was on the ropes...with Amazon.com firmly in control of both book and music CD sales and distribution. 2010 was also a very difficult year financially, there were even several foreclosures here in Moraga, and reserves were lean for the Town! It seemed an especially good time to get some growth going here in Town! Let's get some retail, so we'll have more sales tax revenues here in Town! But now, with the rise of "E-Commerce", the bricks and mortar retail environment is more difficult than ever! Those housing over retail units contemplated, would now likely be just another empty storefront below a high density set of apartments. In light of Covid-19 those "cozy" apartments don't seem like such a good idea.... (Comments were not read in their entirety due to length, but would be included in the public record for this item.)*

At the request of the Town Manager, and recognizing the Bruzzone family, the largest property owner in the MCSP Area, Chairperson Stromberg read into the record, a portion of each paragraph of the four points raised in the correspondence dated July 20, 2020, and as provided by Ross Avedian, PE, PSL, QSD/P, Principal, P/A Design Resources, Inc., as follows;

1. *In isolation, the proposed standards may appear to facilitate development consistent with the policies and goals of the General Plan and MCSP; however, there is no analysis of the implications of the aggregated standards as they would apply to an actual development site.*

2. *The development standards proposed for the R6 Zone have the unintended consequence of precluding compact detached residential development. As proposed, the only way to achieve the density planned for the R6 zone is through development of duplexes. (Citing components of the MCSP and including tables of the proposed standards for Compact Detached Residential Subdivisions in the R6 Zone).*
3. *Without an adequate customer base, development will not be possible if required to meet the requirement in Section 8.41.050 that all first-floor areas facing School Street in the Mixed Retail/Residential Zone have retail, restaurant, personal service use, or other uses that “provide a sense of activity.”*
4. *It is not possible to achieve the density and number of dwelling units planned for the MCSP areas, in part due to the excessive width of the proposed rights-of-way.*

Chairperson Stromberg advised that all of the e-mails and written submissions received to date had been recognized and read into the public record.

PUBLIC HEARING CLOSED

Chairperson Stromberg recommended given the lateness of the hour that the Planning Commission complete the remainder of the agenda but not begin a discussion of the MCSP-IP at this time, allowing the Planning Commission to digest the information provided and return to the August 17, 2020 Planning Commission meeting to start the discussion at that point.

Ms. Battenberg welcomed comments from the Planning Commission at this time that staff could look into prior to an in-depth discussion.

Vice Chair Luster requested more discussion on including historical preservation signage when appropriate which was important to the character and history of the Town of Moraga. She wanted to see potential language in the Design Guidelines that the Planning Commission could review and consider. She also sought an update or date when the CAL FIRE maps would be updated.

Commissioner Thiel commented in response to recent concerns from the public how Retail, Office and Commercial Uses would appear in the MCSP in terms of total square footage, and given the history of the Town, he wanted to see more flexibility in uses, and how it would be read and interpreted.

Ms. Battenberg commented that when the MCSP had been approved in 2010, Retail had been required on the ground floor with see through Retail uses, with some shifting having occurred. She understood that Commissioner Thiel wanted to see what had changed in terms of Retail, to be incorporated into the ground floor consideration.

Commissioner Thiel confirmed the Town Manager’s understanding of his comments. He suggested it would also be helpful to see that through the current lens of the COVID-19 pandemic. Also, in response to the public concerns with fire and egress, he suggested

more work needed to be done to educate the community to ensure a healthy understanding to be considered in the same light as the development of the MCSP.

Commissioner Hillis echoed the comments to see options on interpretive signage. As to the thematic elements, he wanted to see the options and how it would appear, such as a “menu of things” given the turnover of Town staff and members of the Town Council and the Planning Commission since the adoption of the MCSP in 2010. He also wanted to have a level of consistency with what would be a very important development in the center of Town in terms of consistency as to how any development would appear. As to the core around the Town Center and where Moraga Ranch was located, he sought some options. He understood the Chair had been a member of the MCSP CAC when similar comments had been raised, and he was uncertain whether architectural styles or themes had been considered. He wanted to see how that could potentially work as a requirement.

Commissioner Hillis also felt strongly it would be a huge miss if a hiking trail was not required along Laguna Creek, although he recognized there could be some limitations. He wanted to see some options as to how such a trail would appear, and better decisions made on trails in the Town than had occurred in the past.

Commissioner Lueder concurred with Commissioner Thiel’s comments, and acknowledged the public’s concerns with wildfires and public safety. He acknowledged the presentation from the Chief of Police that Town staff was working with the MOFD, but suggested it would be helpful for MOFD Fire Chief Winnacker to provide a presentation to the Planning Commission, particularly given the public’s concerns.

Commissioner Lueder also recognized the time involved in the creation of the MCSP and the fact that members of the Planning Commission had also served on the MCSP CAC. He was hesitant to reopen many issues for fear that it would jeopardize the deadline for the project. He commented that while he had lived in Moraga for a relatively short period of time, he recognized the need to respect the role of the work that had been done on the MCSP since 2010.

Commissioner D’Arcy referenced the Mixed Office/Residential and Mixed Office/Retail Zones, and agreed with many of the commenters that due to COVID-19, working from an office would change. She wanted staff to think about that and consider whether there would actually be less of a demand for Office/Retail in the MCSP. She also wanted to see more bits of green, such as pocket parks in the MCSP than what had currently been shown.

Commissioner Helber encouraged staff to review the Design Guidelines to see whether there would be some opportunity to take some of the zoning restrictions and make them more appropriately included in the Design Guidelines to provide future approval bodies some flexibility, such as including a pocket park where some of the density could be pushed together to allow the rest of the site to be used to the community’s benefit. He also recommended the proposed zoning boundary line for the R-3 and R-12 Zoning Districts, which ran similar to Camino Ricardo, be reviewed by a Civil Engineer retained by the Town in order to review the sum of all of the setbacks and the types of residential development that could fit into that space. He was uncertain that a double loaded street would fit in that small space, and it may be possible to transition from a less than to a

higher density. He expressed concern the street could be too narrow in both the R-3 and R-12 Zoning Districts and recommended that the Town have someone look at that issue.

Commissioner Helber also found that some of the minimum lot requirements in the zoning districts could be adjusted, specifically in the Commercial Zoning District, where part of the motivation had been to create a walkable environment but where the 10,000 square foot lot minimum put a lot of space between commercial developments. He cited Si Si Caffe, as a great example of a small neighborhood serving retail space that would not be able to exist in the MCSP Area since the lot was less than 10,000 square feet in size.

Commissioner Helber further commented that the formula for shared parking was unclear whether it had been rounded up to the nearest whole or rounded down. He also suggested the riparian vegetation setbacks could be moved into the Design Guidelines and be discussed as a design feature given that as a requirement it somewhat precluded the celebration of the riparian environment and brought the design and pedestrians up to that natural environment by creating such a wide setback, turning its back to that feature and everything would face the other way. If a bridge or street was going to be placed across that area, it should be acknowledged.

Commissioner Helber suggested it would be helpful for the Planning Commission to determine what area it would concentrate on for the next meeting, whether the intent was to go through the entire MCSP, or narrow the focus of the discussion on an area to be discussed specifically.

Chairperson Stromberg explained that he would have discussions with the Planning Director and Town Manager to come up with an order of sequence for the next discussion of the MCSP.

Ms. Battenberg clarified the budget for the MCSP-IP only included one more Planning Commission meeting, and two Town Council meetings. She asked the Planning Commission to be cognizant of that when it next meets.

Chairperson Stromberg suggested a discussion could be focused on the best order of the various components rather than a free for all in order to better focus comments on a particular area in order to allow the Planning Commission to get through each item.

Ms. Hamid advised she would take the task on with Mr. Early to bring the item back to the Planning Commission with a focused discussion.

Chairperson Stromberg reported as a member of the MCSP CAC and as a member of the Planning Commission, he remained concerned with the aesthetics that would come into play during the course of development of the MCSP Area. He commented that he had viewed Mr. Early's ideas for the architectural development as part of the MCSP CAC meetings, and emphasized how important that was from the standpoint of having some degree of thematic consistency in the Town as opposed to introducing Berkeley-type architecture in Moraga. He also emphasized the specialness of Laguna Creek and suggested not taking advantage now and requiring paths along both sides would be a shame and a decision the Town may regret in the future. He wanted to see that concept be pursued now.

Ms. Hamid asked that the MCSP-IP be continued to the Planning Commission meeting of August 17, 2020, which would not require the meeting to be re-noticed to the public.

On motion by Commissioner Helber, seconded by Commissioner D'Arcy to continue Moraga Center Specific Plan Implementation Project (MCSP-IP) to the Planning Commission meeting scheduled for August 17, 2020. The motion carried by the following Roll Call vote:

Ayes:	D'Arcy, Helber, Hillis, Lueder, Luster, Thiel, Stromberg
Noes:	None
Abstain:	None
Absent:	None

6. ROUTINE AND OTHER MATTERS

There were no Routine and Other Matters.

7. REPORTS

A. Planning Commission

There were no reports.

B. Staff

There were no reports.

8. ADJOURNMENT

On motion by Vice Chair Luster, seconded by Chairperson Stromberg to adjourn the Planning Commission meeting at 10:09 P.M. The motion carried by a Roll Call Vote.

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Secretary of the Planning Commission