

**TOWN OF MORAGA
PLANNING COMMISSION REGULAR MEETING**

Via teleconferenced locations

September 8, 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 September 8, 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 Helber, Hillis, Lueder, Vice Chair Luster, Thiel, Chairperson Stromberg

Excused: Commissioner D'Arcy

Staff: Afshan Hamid, Planning Director
Karen Murphy, Assistant Town Attorney
Steve Kowalski, Senior Planner
Ben Noble, Contract Planner to the Town of Moraga
Jon King, Police Chief
Mark Summers, Associate Civil Engineer

B. Conflict of Interest

There was no reported conflict of interest.

C. Contact with Applicant(s)

Chairperson Stromberg reported that most Planning Commissioners had contacted and/or had the opportunity to meet with the applicant to view the property related to Public Hearing, Item 5A.

2. PUBLIC COMMENTS

No public comments for items not on the agenda had been received.

3. ADOPTION OF CONSENT AGENDA

A. August 24, 2020 Meeting Minutes

On motion by Vice Chair Luster, seconded by Commissioner Thiel to adopt the Consent Agenda, as shown. The motion carried by the following vote:

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

4. ADOPTION OF MEETING AGENDA

On motion by Vice Chair Luster, seconded by Commissioner Thiel to adopt the meeting agenda, as shown. The motion carried by the following vote:

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

5. PUBLIC HEARING

A. Camino Pablo Estates Study Session

Study Session of Proposed Camino Pablo Estates Residential Subdivision and Annexation, Including Acceptance of Public Comment on the Initial Study/Mitigated Negative Declaration.
(Project Planner: Ben Noble, Contract Planner)

Chairperson Stromberg reported at the request of staff that any discussion on the California Environmental Quality Act (CEQA) Draft Initial Study/Mitigated Negative Declaration (IS/MND) would be deferred to a future meeting of the Planning Commission. He explained that the public comment period remained open for the Draft IS/MND and the CEQA Consultant that had prepared the document was not available for the subject meeting. The deferral would allow staff additional time to prepare its responses to the IS/MND.

Chairperson Stromberg explained that the purpose of the study session would allow the Planning Commission to provide clear direction to the applicant on key issues including the location of the development on the site and the density (number of units contemplated

by the applicant). The Planning Commission would provide its feedback to the applicant on the project design to allow the applicant to return with revisions to reflect the comments in a public hearing.

Planning Director Afshan Hamid introduced the Town staff present including Chief of Police Jon King, Senior Planner Steve Kowalski, Assistant Town Attorney Karen Murphy, Associate Civil Engineer Mark Summers, and Contract Planner Ben Noble.

Ms. Hamid reported the Camino Pablo Estates project had been under consideration since 2015, and had been presented to the Town Council in February 2015 as a study session. At that time, the Town Council had expressed support for the project to be processed through the Town rather than through Contra Costa County and for annexation into the Town. Based on the direction from the Town Council, environmental review had been initiated through CEQA. Since 2015, the Town had discussed the annexation of the property with the Local Area Formation Commission (LAFCO), initiated the CEQA review, and the applicant had met with residents regarding the annexation, although the applicant had put the project on hold in 2016 to await the completion of the Town's then-new Hillside and Ridgeline Regulations. In January 2019 once the Hillside and Ridgeline Regulations had been adopted, the applicant had revised project plans and had submitted materials to the Town.

The project site was currently 24 acres of undeveloped land currently owned by the Carr and Hoover families and used primarily for cattle grazing. The project site was situated outside the Town limits but inside the Urban Limit Line (ULL) and Sphere of Influence (SOI). The General Plan had always intended the property to be residential and the owner had the right to develop the parcel based on the guidance from the General Plan and General Plan Map. Pursuant to the General Plan, a large portion of the site would be open space and a portion would be one-dwelling unit per acre (DUA). The applicant had requested an amendment from 1-DUA to 3-DUA through a General Plan Amendment (GPA) change to the Land Use designation that applied to the southeastern portion of the site, as well as a GPA to change the Camino Pablo roadway designation from a major arterial to a collector street.

The study session process would solicit public comment and provide the developer with clear direction on aspects of the project, which would go through the Town's Three-Step Development Review process through a Conceptual Development Plan (CDP), which included CEQA, density, architecture and number of units, pre-zoning, and GPAs. The General Development Plan (GDP), the second step in the three-step process, included the Vesting Tentative Map (VTM), Hillside Development Permit (HDP) and entitlements. The Precise Development Plan (PDP), the final step in the three-step process, included the final site plan and landscaping details.

Ms. Hamid advised that staff would be making a presentation to be followed by the applicant, with questions from the Planning Commission to the applicant and staff prior to the receipt of public comment. Any public comment received after 5:00 P.M. would be read into the record. Public comment received prior to 5:00 P.M. had been provided to the Planning Commission via e-mail and would not be read into the record.

Contract Planner Ben Noble provided a PowerPoint presentation with an overview of the project history and the applicants' independent outreach efforts and neighborhood meetings held between September 2015 and a meeting that had been scheduled in April 2020, but which had been canceled due to the COVID-19 pandemic. Staff recommended that the applicant consider an additional virtual community meeting to allow the public to express its opinions.

Mr. Noble again delineated the required approvals as part of Phase 1 which included the GPA, pre-zoning, VTM, CDP, GDP, Grading Permit, and CEQA determination with the Town Council to act on the approvals together in consideration of a recommendation from the Planning Commission.

The entirety of the project site would be located outside of the Town's existing boundaries but within the ULL and SOI. Located immediately to the south was the Sky View Subdivision developed in the late 1980s, to the west a neighborhood of single-family homes accessed from Camino Pablo as well as from Tharp Drive, from the north and northwest an open space parcel under the control of the Sanders Ranch Homeowner's Association (HOA) as well as the Sanders Ranch development, and to the northeast and east, the Carr Ranch property and agricultural buildings, barns, homes and Carr Ranch property as owned by the Carr and Hoover families along with open space that had recently come under the control of the John Muir Land Trust (JMLT) and the East Bay Municipal Utility District (EBMUD).

Drone-photographed still images of the project site were displayed to show the elevation change from the roadway to the top of the site at about 190 feet. The average existing slope of the entire site was approximately 30 percent and the average existing grade of the proposed development in the southern portion of the site was approximately 26 percent. There were no designated ridgelines on the site or within the vicinity of the site that would be subject to special protections as designated in the General Plan. The proposed project would include the creation of a new street that would intersect Camino Pablo opposite Tharp Drive, continue up into the saddle between the knoll and the highest point of the development area, and terminate at a cul-de-sac. A total of 13 homes had been proposed for the project with homes on both the uphill and downhill areas of the street.

Pursuant to the site plan, the 13 homes and the new street would be located at the southern end of the site on approximately 8.5 acres, with the remaining area of the site (Parcel A) to be preserved as permanent open space. The gross density of the development area would be approximately 1.5 dwelling units per acre including the street and the landscaped open space, with the net density including the lots for the homes at 2.2 units per acre. The site plan had also shown the area of grading and the extent of the grading proposed, equaling 10.44 acres with approximately 62,000 cubic yards of cut and fill.

Lot sizes would range from 15,000 to 40,000 square feet, with the average lot size at 22,300 square feet, and the floor area of the homes including garages and basements would range from 3,500 to 5,300 square feet. The average floor area including garages and basements would be 4,480 square feet. The living area, excluding the garages and unconditioned basements, would average 3,500 square feet. The project proposed six

Accessory Dwelling Units (ADUs) to be attached to the primary dwelling units with the sizes of the ADUs to range from 387 to about 800 square feet. Most of the ADUs would be about 800 square feet in size. Excluding the six ADUs from the floor area, the average living area of the homes would be 3,180 square feet.

A photo simulation from the Tharp Drive viewpoint was displayed as prepared by the applicant and peer reviewed by the Town, with views of the new street, new sidewalk on one side of the street, views of Lots 1 and 2, landscaping at the project entrance, the hillside above the homes and views of the hillside through the homes on Lots 1 and 2.

Photo simulations of the homes on Lots 9, 10, 11 and 12 (downslope lots) illustrated the landscaping proposed along Camino Pablo, with the existing roadway to be widened from 28 to 36 feet to comply with Town right-of-way requirements. Additional photo simulations illustrated the views south from Camino Pablo including the homes for Lots 1 and 13, landscaping along the project frontage, and open perimeter fencing along the northern edge of the property.

Architectural details had been provided in Attachment B to the September 8, 2020 staff report and included the floor plans, elevations and renderings. The applicant had also prepared a detailed three-dimensional fly-through model to be presented during the applicant's presentation.

Mr. Noble stated the Draft IS/MND had been released for public comment on June 25, 2020, and the public comment period had been extended and would end on September 15, 2020. Staff would prepare responses to comments after the close of the public comment period. If any significant environmental impacts, as defined by CEQA, were identified that could not be mitigated to a less than significant level, the Town would be required to prepare an Environmental Impact Report (EIR). If the Draft IS/MND found and the Town agreed the project would not result in significant environmental impacts, the Town could approve an MND for the project.

Mr. Noble reported a number of public comments had been received specifically on the Draft IS/MND. He requested that any discussion on the Draft IS/MND be deferred to a subsequent meeting until staff, the consultant team and the technical sub-consultants were able to prepare accurate responses to comments from the Planning Commission and the public, to be considered at a future meeting. Public comments on the Draft IS/MND would still be accepted during this meeting.

Mr. Noble identified the topics of expected interest including biological resources, geology and soils, fire hazard and emergency response and traffic, and it was expected there would be a need and desire to engage in these issues as part of the discussion of the project. Attachment I to the staff report included the public comments received as of August 31, 2020 including a petition in opposition signed by 234 people as of August 24, 2020. Common themes in the public comments included potential environmental impacts, project construction impacts on neighboring properties, visual impacts on nearby homes, the size of the proposed homes and their neighborhood compatibility, the amount of grading and alteration of landforms, landslide hazards, traffic, loss of open space, and wildfire hazards.

Mr. Noble advised that the staff report had identified a number of discussion items the Planning Commission was asked to consider, including:

- Development area: Is the proposed development located in the preferred area of the property?
- Number of units: Is the proposed density and number of units appropriate for the project?
- Visual impacts: Are project revisions needed to reduce visual impacts on scenic resources?
- Neighbor impacts: Are project revisions and/or conditions of approval needed to reduce impacts on adjacent properties and nearby residents?
- Grading: Are revisions to project grading needed to reduce alterations to visible natural landforms? Is this desirable given other project constraints?
- Home design: Are revisions to home designs needed to increase compatibility with surrounding development and the natural setting?
- Camino Pablo designation: Does the Planning Commission support changing the Camino Pablo designation from arterial to collector?

Mr. Noble also walked through the policy conformance considerations and regulatory documents including the General Plan, Design Guidelines, Zoning Ordinance, Grading Ordinance and the 2018 Hillside and Ridgeline Regulations.

Mr. Noble again asked the Planning Commission to defer discussion on the Draft IS/MND but accept public comment on the Draft IS/MND and the project, provide feedback on the project issues with direction on any revisions, if needed, prior to a public hearing, and direct staff to return with responses to comments on the Draft IS/MND at the first public hearing. The applicant would host a community meeting in September/October 2020, and tentative dates for Planning Commission hearings would be considered in November 2020 to January 2021. Town Council hearings had tentatively been scheduled for March to May 2021, with the annexation process to be pursued from May to November 2021.

Responding to the Planning Commission, Town staff and Mr. Noble clarified the following:

- The Sky View subdivision located in an unincorporated area of Contra Costa County but within the SOI of the Town of Moraga, was located within the Moraga-Orinda Fire District (MOFD) which provided fire and Emergency Medical Services (EMS). Calls for routine law enforcement services in the Sky View Subdivision would involve dispatching a deputy from the Alamo (Valley) Substation, although critical incidents would include a response from the Moraga Police Department first prior to a County Deputy's arrival. Carr Ranch was still within the political jurisdiction of the MOFD but could be within the State response area for fire purposes, with Cal Fire having the primary fire department jurisdiction in that area. The East Bay Regional Park District (EBRPD) also had a fire department response

in that area and EBMUD Rangers had training and would have response in the same area, which enjoyed several fire response resources. (Hillis)

- Recommendations from the Town Council in 2015 that Sky View residents consider initiating conversations to begin annexation to the Town of Moraga had resulted in some conversations at the time between the applicants, staff and Sky View residents. Those residents had expressed concern about the proposed project with little interest in annexation. LAFCO had been provided information on the subject project and had been asked to provide feedback as to whether or not the annexation of the proposed project without annexation of the Sky View subdivision would present a policy conflict based on LAFCO's perspective.

The LAFCO Commission at that time did not see a policy conflict. LAFCO at that time was not interested in conditioning annexation of the proposed project with annexation of the Sky View subdivision. Town staff's preference at that time was to have no direct connection between a potential Sky View annexation and the proposed project's annexation. If the Town Council desired to connect the proposed project's annexation to a Sky View annexation, the Town Council would have the ability to do so. (Hillis)

- The open space designation was clarified and allowed for residential development at a density of one unit per 5 acres, one unit per 10 acres, or one unit per 20 acres but it was up to the Planning Commission and ultimately the Town Council to determine the appropriate density for open space land. The applicant had requested two units in the open space area (Lots 1 and 2) within the range of that allowed in the open space designation in the General Plan and the Moraga Municipal Code (MMC). (Luster)
- The Town's Grading Ordinance had no limitation on the amount of grading other than certain thresholds for various levels of approval or off-haul permits, and the project proposed to balance the site grading with no off-haul or import of soils. The project would include 62,000 cubic yards of total grading and the applicant had provided the amount of grading of other projects approved in the Town of Moraga as compared to the proposed project. (Luster)
- The Draft IS/MND had been forwarded to the MOFD which had provided comments and requested conditions of approval to be incorporated into the conditions of approval for the project. A Wildfire Hazard Abatement Plan would typically go to MOFD prior to the issuance of building permits but would not occur at this stage of the process given the uncertainty of exactly what could be recommended for approval. Due to the considerable concern over wildfire hazards, it would be beneficial for some of the contents of that plan to be prepared early on and prior to the Planning Commission's initial recommendation. (Luster)
- The maximum Floor Area Ratio (FAR) staff used to evaluate the project had been the FAR that had been amended as part of the Hillside and Ridgeline Regulations adopted by the Town Council in 2018. Staff was uncertain whether revisions to the FAR as part of the Los Encinos project had been incorporated into the adopted Hillside and Ridgelines Regulations. (Luster)

- Staff had calculated the Sanders Ranch FAR using all of the lots within the Sanders Ranch development including those lots not visible from Camino Pablo, and had calculated the FAR for each home lot within that development area. The Planning Commission was not required per se to consider anything but should consider the context and could chose to include the square footage for the Sky View lots as part of its deliberation. (Hillis).

Mark Armstrong, Project Manager for the Applicant, again detailed the history of the project, and the sequence of events of the application process.

Mr. Armstrong reported that the applicants had met four times with Moraga Planning Directors at that time at the site who provided positive suggestions on the road location and who had suggested processing in the Town of Moraga rather than with Contra Costa County. Having worked with Town staff for some time and in discussions with the project team, the applicants had decided to proceed with the annexation process as the right thing to do with the services in large part to be provided by the Town of Moraga.

Mr. Armstrong explained that the applicants had been clear from the start that if they were not satisfied with the Town's decision, they would have no choice but to process the development application through the County and not annex into the Town. This fact was not intended as a threat, and was not a desirous option in the applicant's mind, since they had worked through the Town's processes and waited for the Hillside and Ridgeline Regulations to be adopted, and, thus far, had been pleased with the efforts of Town staff on the project who had offered good recommendations for changes to the project. The applicants had worked with staff to include ADUs in the project, with six ADUs offering Moderate to Low Incomes or elderly persons to utilize the ADUs. The applicants had agreed that the ADUs be limited to the six upslope lots and the flat lots in the end of the cul-de-sac rather than the downslope lots facing Camino Pablo.

Mr. Armstrong stated the applicants were comfortable with the 13 lots, their locations and designs, and suggested they would fit in well with the location and the site. The homes would not be McMansions, and the proposed living area at around 3,100 square feet would be less in size than the adjoining neighborhoods in Sky View and Sanders Ranch, which were more in the 3,500 square foot range. With the ADUs, the homes in Camino Pablo would average in the range of 3,500 square feet in size. While he acknowledged the homes would not be consistent with respect to the living area size to the homes located across the street on Camino Pablo, that density had been appropriate and built prior to the 1990s and it would be financially infeasible for a developer to build homes in the 2,300 square foot living area average nowadays. Homes that were larger, more expensive, and more typical of other neighborhoods in the area had been built after the 1990s.

Mr. Armstrong commented that the grading on the hillside must take into account superficial landslides, which the site had, and they must take some of the dirt out, re-compact it, use it as engineered fill and put it back in. The total number of cubic yards had been estimated at 60,000 cubic yards by the engineers, not a high number compared with Indian Valley at 800,000 cubic yards, or Rancho Laguna II at 200,000 cubic yards.

Mr. Armstrong suggested the appropriateness of development on the site had been answered in 2002 by the then Town Council, which had designated 6.26 acres of the property as residential use and the balance as open space. The project, as proposed, was the right location for the street alignment to go through, for the homes, was the closest location to existing development, and provided the opportunity to develop homes that would fill out the neighborhood. He suggested that 13 units was more than appropriate under the 3-DUA designation which the neighborhoods across the street (Sanders Ranch HOA and the Sky View Subdivision) enjoyed. The homes would be well designed, the building envelopes would not be straight up and down on the street looking down toward Camino Pablo, there would be varied alignments and the average setbacks between the homes would be 50 feet.

Mr. Armstrong explained that minor adjustments would be required to the boundary line, there was more open space than currently provided, and the project had been reduced to 6.15 DUA in the residential area. The number of homes in Non-Moraga Open Space Ordinance (MOSO) development was unusual in that it was not considered to be preserved open space, but open space with three different density possibilities which had come directly from the 1986 MOSO Ordinance. The General Plan also included a provision that set the size of the lot at 40,000 square feet minimum, which made more sense for Lots 1 and 2 to be 40,000 square foot lots since if larger it would take away from the preserved open space and become part of the lots under ownership by private parties, with homes on them as opposed to being in the preserved open space area.

Mr. Armstrong advised that if the Planning Commission had any concerns with the unit count or the development area, the applicants be allowed to provide documentation at the next hearing as to why 13 units was the correct number for the project.

Matt Dobbins, Managing Partner, Dobbins Properties, LLC, the applicant, explained that the applicants had enjoyed a good relationship over the past five years working with Town staff leading the applicants in the right direction to refine and improve the project. He introduced the consultant team including the project manager, the property owners, the architect, the civil engineer, the geotechnical engineer, the biologist, and the landscape architect, all present via Zoom or telephone, each to make a presentation and respond to specific questions on the various components of the project.

John Hoover and Scott Carr, the historic property owners, spoke to the history of the ranch property which had been established in 1916, and described their families' history in the Town of Moraga with the intent to stay in Moraga and continue to run the ranch in the future. It was their desire that the property be annexed into the Town of Moraga so that the Town would have a say in what was done. The applicants' project had been chosen as the best fit for the property since the entire property would not be developed and a large portion would remain as open space.

J. Allen Sayles, the project architect, explained that the project had started six years ago, had gone through four different Planning Directors, and from the beginning the applicants had been advised to provide diversity in design, architecture and finishes that had been heavily supported in the General Plan. The emphasis for the project design had been on custom as well as energy efficiency and longevity of materials, with roofs that could be renewed in place and not be removed. Very low water use, graywater recycling, solar

power, drought-resistant landscaping, battery backups, electric vehicle charging, and advanced framing techniques for efficient building envelopes had been proposed as part of the project. The uphill and downhill lots would have split pads reducing grading and lowering the overall height of the homes by half a story. Within the split pad homes, there would be stacked closets or closets the size of elevators in the design to ensure accessibility in the future if needed by the future homeowners.

Mr. Sayles commented that after the certification of the 2015 Moraga Housing Element, ADUs had been strongly recommended and that affordability not be concentrated in the downtown but be spread around the Town. The project design would also include low profile roof pitches and varied setbacks with the distance between Lots 1 and 2 allowing anyone from Tharp Drive to look up the hill. To the extent possible, side yards had gone to backyards, with the backyards to start at the front corners of the homes allowing the creation of the varied setbacks.

Andy Palffy, Principal, dk Engineering, emphasized the amount of thought that had gone into the development with the goal that the project development would lie within and follow the General Plan designations allowing the developer to offer the remaining portion to dedicated open space. Measures had been incorporated to help minimize visual impacts including the incorporation of the split pads for the foundations and home sites, minimizing retaining wall heights with no retaining walls higher than four feet in height. There were some landslides that would require repair in the development area that encroached up to the top of the hilltop and would require full removal and re-engineering in accordance with the geotechnical engineer's requirements and specifications as well as Building Code requirements for grading and erosion protection.

Mr. Palffy compared the grading qualities to other proposed or recently-built developments in the area and noted that as part of the comparative analyses the developer had prepared, their sources had been from the Town of Moraga's website. He highlighted the grading information as shown on the Town's website for the 27-unit Rancho Laguna II, 71-unit Indian Valley, 7-unit Hetfield Estates, and 123-unit yet-to-be-developed Palos Colorados projects as compared to the proposed Camino Pablo Estates project.

At this time, a three-dimensional video of the project proposal was presented to depict the proposed project onto the existing topography along with aerial footage, views driving into the project from the Tharp Drive intersection (when asked, curbs had been proposed to be right angled but rounded curbs which the MOFD would likely prefer could be considered), views from the south and Sanders Road intersection prior to the approach to the actual development portion of the site, with views of Lots 1 and 13, entry road into the cul-de-sac, representation of the landscaping at its mature level, and views from the north depicting the landscaping, architecture, entry road, open space and views of Sanders Ranch.

Responding to the Planning Commission, the applicant's development team, and the property owners clarified the following:

- The project site was predominantly clay and non-expansive fill would not be imported. The upper portions of the pads would be compacted between 87 and

92 percent with a slightly higher moisture content to address the potential for swell. The foundation designs for the homes were not that far along yet but the foundations for flat and split pads typically involved post-tension slabs, and where there was a retaining wall with footings there would be relatively deeply embedded footings. (Stromberg)

- Parcel A was next to the roadway and a trail/pathway that went through Sanders Ranch, with the next side of that property owned by EBMUD whose biologist did not want people to access undesignated trails. Parcel A was not a good place for a public trail but would continue to be used for cattle grazing as was done for Sanders Ranch and other areas to reduce fire hazards. Part of the Sanders Ranch walkway was part of the EBRPD/Moraga Ranch Trail that came out in front of the proposed development and through all of Moraga and Bollinger Canyon. There were many existing trails to the south and around the Upper San Pablo Reservoir area. (Stromberg)
- An updated landscape plan was displayed which identified all plant material. There were no plans for additional landscaping along the southern property line adjacent to the neighboring Sky View subdivision due to a large peninsula of existing evergreens not shown on the landscape plan but visible in the videos presented. The newer landscape plan would include five 60-inch box live oaks in addition to adding more Arbutus (strawberry) trees, California toyons and a significant amount of native evergreens to screen the home sides of the property fence, as shown in the latest landscape plan. (Luster)
- The change from one to 3-DUA had been intended to allow a number of units that would fit comfortably on the site without being close together, or production row homes, as an example, with the 13 units the right number to provide for more than adequate setbacks and appropriate orientation of the homes and places where one could see through between two homes of the existing hillsides. Compliance with the current 1-DUA designation would only allow six homes and it would get the project into some trouble with existing wetland areas in the southern end. (Luster)

PUBLIC HEARING OPENED

Ms. Hamid read into the record the following public comments received via email after 5:00 P.M. on September 8, 2020:

Kathryn Brown: *Dear Moraga Planning Commission Team. This email is being written as our voice due to lack in your community communication and virtual coordination. We, a family of four are writing this letter in complete opposition of this development. Further voting on something of this magnitude in this manner goes beyond integrity and morality. This opposition is not just about the inconsistent architectural aesthetics which are far from what this entire neighborhood and community are built on - it goes further by disrupting evident soil erosion, which will compromise other homes, tax road and sewage entities, and cause upheaval to indigenous birds of prey, foxes, and other small groupings of animals. Drainage and flooding issues are already problematic from run off from the hillside. The proposed development lacks planning strategy and fails to address zoning*

laws. That land is zoned as agricultural land, which ONLY allows one dwelling per five acres of land. You should not be able to cavalierly UPZONE and REZONE current agricultural land laws. This proposed project has not taken into account how close the stop sign or round about development will be to the two homes on the corner and down the street on Tharp. Altering the traffic flow, feet from residences front doors, bedrooms windows, back/and front yards is irresponsible. This will lead to perpetual traffic noise and a completely lacks privacy. The acquisitional reverberations from this proposed project has not been taken into any consideration. From the sheer roar of perpetual daily construction to the whirlwind of dirt, sediment on streets, rocks, nails and other debris in the air, in our homes and lungs. I invite any of you to want to consider living with constant trucks, workers voices, construction hazards, all ECHOING from a hillside across the street from an entire neighborhood - a cow moos or a coyote howls and everyone can here it 10 blocks away. We are already struggling with being able to safely evacuate in the event of a fire, or natural disaster. Camino Pablo is not prepared for more cars and traffic. This proposed development would certainly add to an already compromised situation. In closing Moraga has approved of more home development in the past five years than ANY five years on record. This is not the neighborhood for another rooftop or gate. The sheer scale and size of each home pays no regard to the seasoned homes and land. This proposed project is not getting the public attention and citizen input it needs - in the middle of a pandemic you are trying to push this through? Shame on all of you. Respectfully, Team Brown.

Markus Anderle: Good evening. My name is Markus Anderle. My family, including my wife and 2 children (ages 12, and 14), live at 1844 Camino Pablo, at the corner of Tharp and Camino Pablo. We are located directly across from the planned development and are significantly impacted by the proposed development. I am extremely insulted that "the view of passing motorists and pedestrians" is of more concern to the town than the impact to neighbors. More so, I was hoping that at least the impact on my family's health would be of serious concern to the planning committee. The expanse of the project to shave off the hill across from me with 61,800 cubic yards of grading is excessive. This is equivalent to 4120 dump trucks and is enormous. The size of the proposed houses at a maximum of 5474 square feet is huge compared to a typical house in the neighborhood at 2000 square feet. The claim that the project's impact is insignificant during construction and in its final state is therefore incomprehensible. Most concerning is the significant impact to my family's health. The grading and site preparation activities are expected to take approximately 19 months of excessive noise, vibration and dust pollution. Proposed dust impact mitigation measures are limited and unable to keep my property livable and my family healthy. Where is a plan for daily enforcement? Are we expected to call 911 when the dust pollution becomes unbearable? How are my children expected to learn due to the extreme noise pollution and vibration? The noise impact from heavy grading equipment and back-up beepers has not been seriously addressed except for language to appease the developer: Language includes "if available" and "shall be used". Temporary permits to exceed noise levels and duration are already planned. Exact grading equipment is not listed. Details and location of noise barriers are not provided. I urge the committee to consider that some homes in the close proximity of the planned development, including mine, become entirely unlivable during the construction process and require relocation to mitigate the significant health impact this development would cause.

Phillip Tringale: Good evening, my name is Philip Tringale, and my wife and I have owned the home at 2175 Sky View Court for 22 years. I am a Civil Engineer with a PhD specializing in geotechnical and environmental engineering. My wife is also a professional engineer and has worked at Campolindo High School the past 15 years. We now live in Lafayette and recently rented our Sky View Court home to a woman with two young children. We intend to keep the home in our family. For the record, I have submitted updated comments to the Initial Study and I have signed the petition along with hundreds of others that remain in opposition to the development. It seems fitting that we are revisiting this proposal during a year when we are already suffering from: Environmental damage, Economic instability, and Health concerns I'll stay with that theme as I proceed (350 comment words to follow) **THE ENVIRONMENT** – Simulated videos showing abundant greenery along Camino Pablo cannot begin to hide the consequences of this technically flawed proposal – years of massive excavation and construction, hillside scarring, ridge altering, disturbance of a sensitive environment, an earthquake fault, numerous landslides, and steep slopes; all to build 13 homes in a community that does not want them. **ECONOMIC CONSEQUENCES** - There is a reason we haven't seen videos showing before and after construction from and along the project's eastern boundary at Sky View; and it's because that boundary consists of the residents' backyard fences. Instead of existing rolling hills, the views from the Sky View homes would be directly into bedroom windows of multi-storied homes, and that's after years of massive earth moving and construction; property values will suffer, the rental opportunity will greatly diminish if not disappear, and the quality of life for years will be intolerable; No building lots are appropriate next to those existing homes on Sky View. **HEALTH AND OTHER EFFECTS** - The initial study recognizes but does not address what we all know – that the greatest adverse health and other effects would be to those closest to the construction zone; For this specific group of the closest residents, the report purposely excludes analyses for the impacts of AIR, NOISE, VIBRATION, VISUAL AND ODOR because the results of those analyses would be significantly unfavorable to the Applicant. My property is 0 feet from the construction zone – not in the vicinity, not proximate – it is the proposed boundary of the applicant's ill-placed project. Yes I am one of the "few" as they quote in their reports that is in a group specifically excluded from detailed analyses – but in actuality there is a significant number of us that comprise what they erroneously label as the "few". They are saying I do not matter; they are saying the neighbors do not matter; they are saying the mother and two children that are renting my home on Sky View and playing in that back yard do not matter. We implore the Town to inform the developer that we all matter. Thank you

Ann Chen: Dear Moraga planning department, could you please pass on this feedback to the Planning Commission, Town Council, Town Manager, and Planning Director? As a homeowner and resident on Shuey Drive, I am writing to express my concerns about the proposed development at 1211 Camino Pablo Drive. This development would sadly decimate the treasured "Cow Hill" that so many residents enjoy as a landmark in our beautiful Town. Beyond the sentimental and emotional attachment to open space associated with Cow Hill, this development in Moraga brings many other problems. I have listed some of them out below. **Traffic and School Safety**: With two schools located on Camino Pablo, additional development located at 1211 would create additional traffic, congestion, and safety risks. Already, it is a regular occurrence to see speeding cars almost hitting children who are walking or biking to school. There are often severe traffic bottlenecks around the schools, and additional housing development further down on

Camino Pablo will only amplify these safety issues. Fire Evacuation Route: As we saw with the Merrill Fire, the risk of wildfire in our community is real. Housing in this area will only create more challenges around fire evacuation for the Camino Pablo community
Lack of Public Transportation Access: It would be irresponsible for the Town of Moraga to approve additional housing development that is solely auto-dependent. There are plenty of other locations within Moraga that are on the County Connector Bus Line. This location is not, thus requiring sole access by motor vehicle. Such a location thus has potentially severe impacts on climate change, traffic congestion, and pollution.
Parcel Gradient: This project is a poorly planned development, on a parcel of land that has a slope gradient that is not appropriate for housing. As a result, this development would result in increased runoff into our creeks and the Bay. Keeping a hill slope like this one in open space is the best option for avoiding and minimizing drainage and runoff problems.
Wildlife Habitat Loss: The development would be devastating from an environmental perspective with the loss of open space, wildlife habitats, and ecological diversity. This piece of land is a crucial wildlife habitat corridor, bordering existing open space and connecting the parcels of protected land in Moraga. With the recent coyote interactions, we have seen what happens when wildlife habitats are infringed on. This development would bring increased risks of human-wildlife interaction due to habitat loss and fragmentation.
Urban Sprawl: In closing, this development is an example of "urban sprawl." This would be single family, low density, auto dependent housing that spreads out over our treasured open space. This planned development would potentially result in high water use and water pollution, air pollution, increased traffic fatalities and jams, loss of agricultural capacity, increased car dependency. I urge the Town of Moraga to not accept this project proposal. Thank you for your time and consideration. Ann Chen

PUBLIC HEARING CLOSED

Assistant Town Attorney Karen Murphy advised the item had been agendized as a study session and was not technically a public hearing for consideration of the application, although a formal public hearing would be scheduled in the near future as staff had indicated during the staff presentation.

Commissioner Hillis thanked the Carr and Hoover families for their hospitality in letting Planning Commissioners tour the property and for their family's stewardship of the land for the last 100 years. He noted that a significant portion of Carr Ranch, which had been recently acquired by the JMLT and EBRPD, would be preserved as open space, and a significant portion of the proposed project would be preserved as open space. He recognized the families' love of the land they had owned was clear from the activities and actions taken in recent years to preserve the land.

Commissioner Hillis found the more applicable square footage would be to consider the residences on Tharp Drive as opposed to the homes in Sanders Ranch, since the homes in Sanders Ranch were invisible to the area and situated behind a gate in a private community. The homes in Sky View were not part of the Town of Moraga, and he would be happy to encourage the Town to consider annexing Sky View land into the Town of Moraga to ensure the views of its residents could be taken into consideration in the future. The most impacted residents would be those located immediately across the street who would be most impacted by views of the hillsides and impacts from the development.

In terms of the architecture and the Town's Design Guidelines, Commissioner Hillis found the project would create a walled effect along Camino Pablo of a continuous row of two-story homes, as reflected in the renderings as one drove down the street, with the fortress-style architecture of multi-story homes going down across the street from single-story homes in a much smaller scale that had been magnified by the fact that 15 feet of the hillside would be removed via grading. While he found there had been an attempt to create quality architecture, multiple homes appeared fortress-like. In particular, he found Lot 11, which would be most visible along Camino Pablo and to those across the street, to be inconsistent with other architectural style homes in Moraga.

Commissioner Hillis opposed lowering the level of the hillside across the street from Camino Pablo, which would be a significant impact, and that the grading required to ease landslide potential for Lots 1 through 6 appeared to be excessive all the way up to the top of the hill. He suggested the location of the development was appropriate since it appeared less intimidating in person than in the photographs presented, although he was uncertain that 19 units, not 13 units, would be appropriate for the location given that there would be 13 lots but 19 residences envisioned for the site when including the proposed ADUs.

Commissioner Hillis urged addressing the public safety issues, ensuring sight lines, and considering the two-story homes that could loom over the single-story homes. With respect to Lot 6, he suggested it was an odd kitty-corner parcel that would have a two-story home loom over Lot 7 to an odd degree. He remained concerned with re-grading the entire slope of a hill to accommodate six additional sites for homes and suggested that Lot 13, in particular, would have one of the more pronounced impacts to the residents across the street given that it would be a two-story home that would be thrust forward for the majority of the property immediately across from the entrance to Tharp Drive.

Vice Chair Luster found that the location of the proposed development was in the preferred area of the property, clustered in the southern area of the site, and on land almost entirely designated for residential development. As to the number of units, the project would have a lower net density than Sky View and Sanders Ranch or the Tharp Drive neighborhood and it could be argued that the number of units was reasonable. In terms of visual impacts, the project would still allow views of the hillside above and between the proposed structures, and provide 15 acres of open space with screening along Camino Pablo to minimize visual impacts from the road.

As to the impacts to neighbors and recognizing there had been public comments that the homes should be smaller, and while she agreed, Vice Chair Luster commented that the surrounding neighborhoods like Sky View, Sanders Ranch and Quail Crossing were of comparable home sizes. While private views were not protected under the MMC, screening would mitigate some of the visual impacts and the applicant had proposed a solid good neighbor fence along the southern property border. Additional screening may be needed to help mitigate neighboring views on the southern border of the development as had been discussed for Sky View.

With respect to grading, Vice Chair Luster wanted the developer to utilize land form grading when shoring up the hillside versus the creation of a new contour and suggested that the grading could be reduced if the proposed basements were eliminated from the

design. She recognized that a fair amount of grading would be necessary to ensure that landslides were mitigated and that the slope behind the proposed homes would be secured. She was relatively comfortable with the amount of grading, since she could not imagine a developer would want to grade more than was necessary to get the job done safely and appropriately.

While she appreciated the variation in design to create a custom home look, Vice Chair Luster suggested it should not be too varied from what was common in Moraga. She recommended some of the visual architectural elements be reduced to reflect other Moraga neighborhoods. She also suggested that lower profile architecture would help blend the homes into the hillside as proposed for many of the lots, and the developer may have to consider split pad designs for Lots 9 and 10. While she had initially supported smaller homes, the fact the above ground living space (the space minus the garages and basements) was only 3,000 to 3,500 square feet of actual living space was reasonable and comparable to homes in the area, even on that side of the road. The homes were also mostly arranged in different angles and elevations which helped to ensure no tunneling effect but since Lots 3, 4 and 5 were facing a similar direction and the massing of more than two, two-story homes seemed excessive pursuant to the MMC, she recommended changing Lot 3 to one story.

Vice Chair Luster also recommended the homes for Lots 11, 12, and 13 be either reduced in size or the second level be set back since they were the most visible along the road. Although the second story was physically set back on the plans, proposed decks extended along the entire length of those homes, and they had full patio covers, which created full height mass/box views from Camino Pablo.

Vice Chair Luster recommended the stairways leading to the front doors be modified for Lots 1, 2 and 4 to reduce the size and prominence of the plain walls that had currently been proposed. She found that the garages for Lots 7, 9, 10, 11 and 12, had been designed in a way that did not make them the focal point of the home and suggested the other designs, particularly for the three-car garages, could avoid being so prominent. She also recommended the roof line for Lot 11 be reconfigured since it was located in the most visible areas of the development, and it may need to be modified to a one story due to the MMC rule of no more than two, two-story homes adjacent to one another. Also, the homes on Lots 3 and 4 had flat bulky designs and could use some additional architectural elements. She also supported changing the Camino Pablo street designation from arterial to collector as requested by the applicant.

Commissioner Helber agreed that the location of the development in the "saddle" of the property was the preferred area and an appropriate location. In terms of the number of units, he had no opposition to the density but had concerns with visual impacts, grading and home design. In terms of the proposed GPA for Camino Pablo roadway classification, he wanted to see how that conformed to the standards recently reviewed for the entire Town, what had been included in those street sections, and what benefit the Town would receive if the right-of-way (ROW) was reduced. He understood the applicant had proposed to underground utilities, which was great, with electrical on the opposite side of the street, which he assumed would stay there, but sought assurance that the telecommunication lines on the project side would be relocated underground, and if the electrical could be included that would be fantastic.

As to the sense of entry into the site, Commissioner Helber found it to be underwhelming with not much decorative paving or monument sign or anything else to establish a sense of place. He did not see an area for a clustered mail box, which would be required by the U.S. Post Office, and suggested an appropriate placement to avoid it becoming a signifying structure at the entrance to the site.

In his review of the overall street design, Commissioner Helber referenced Street A, which would be 36 feet curb-to-curb and he wanted to clarify conformance with the new standards, and a 56-foot ROW with a sidewalk on one side given that some of the bio-retention on one side precluded sidewalks on both sides. He questioned whether that was the best use of the ROW and suggested there were other ways to achieve C.3 requirements and provide a more preferable pedestrian environment.

Commissioner Helber asked that the project team focus on the Camino Pablo frontage, which was located in the scenic corridor, given his concern with how the ultimate environment would appear. He noted there had been varying levels of subdivision success in the community and the more area to be maintained by a HOA in perpetuity would be visually more successful than those where the maintenance was left to the homeowners.

Given that the project was located in the scenic corridor, Commissioner Helber wanted to see the area the HOA would maintain be maximized such as the 3:1 slope in the rear yards, which could be maximized with nice landscaping to establish a sense of place along the scenic corridor. Also, the project appeared to be taking a substantial portion of the C.3 facilities and pushing them against Camino Pablo and the ROW, directly against the sidewalk with the retention of the V-ditch, and he suggested the area could be expanded with the sidewalk or with landscaping. Ultimately, he suggested the C.3 facility could be transferred a bit further up the hillside towards the residences and provide the Camino Pablo frontage a greater landscape buffer. While he recognized that would involve another retaining wall, he suggested the benefits would justify it.

As to the grading of the hillside, Commissioner Helber questioned what would be done to Parcel A to establish the landscaping, with a few examples in the Town where landscaping had not been maintained properly and which had resulted in soil disturbance and erosion. He sought more information in the future as to how that would be addressed either via bonds or some other method. He also questioned who would own the remainder Parcel A and how it would be maintained other than with potential cattle grazing, particularly since there appeared to be a large erosion issue on Parcel A.

As to the home designs, and the split-level pads, Commissioner Helber understood they were at a conceptual point in the architectural design but it was difficult to tell from the architectural and landscaping plans. He questioned the side yards for the split-level pads and what they would look like. In addition, the entry pathways up to the homes, particularly for the upslope lots, had substantial structures for the pathways which did not fit in with the overall architecture and he also questioned the usable rear yards of the homes. He recognized the architecture would evolve over time but the colored visual renderings in the staff report did not do the architect or the architectural designs much justice and needed to be revised.

While he recognized there had been an effort to make each home appear to be unique, Commissioner Helber stated it was difficult to see how each home related to one another and there needed to be some sense of unity or place amongst the architecture. He liked the idea they all looked different but he sought some sense of continuity. He commented that the applicant had discussed wildfire mitigation measures and he asked the applicant to be forward thinking when pulling building permits and propose exterior fire sprinkler systems now and consider other wildfire mitigation measures, to be highlighted to alleviate some of the neighbors' concerns.

Commissioner Thiel explained that the Commission's comments had covered most of his concerns. He found that the homes would be located as best as possible given the challenges of the site, recognized the steepness of the slopes, and was pleased the grading efforts would minimize any dump truck import and off-haul trips through the neighborhood. He suggested the applicant had tried to address the visual appearance of the homes which had been tucked and nestled into the slope. As to the density, he commented that there would be a substantial amount of space with the setbacks in between the homes, and he understood the desire to bring the homes in closer and be tucked lower down the hill. In terms of the project's architectural design, he agreed the uniqueness of the design may have gone too far and suggested it would be nice to see some of the architecture speak to itself as opposed to distinguishing itself lot by lot.

As to the ADUs, Commissioner Thiel recognized there had been some thought to place them on the upslope lots and he recommended that the ADUs be actually accessible and affordable senior and/or lower-income households, with zero-step entries if truly intended to be for multi-generational families or the elderly. He wanted to see the accessibility for the ADUs be better identified.

Commissioner Thiel echoed the concerns regarding the potential impacts to the residents along Tharp Drive and acknowledged the community feedback on traffic mitigation and other community safety factors. He also wanted to see a more robust construction schedule and a site logistic plan to show how truly there would be minimized impacts during construction of the site on the neighborhood, particularly since it was located in a school zone. He was not opposed to the number of units which he saw as 19, not 13, given the addition of the six ADUs, and commented he could actually support more ADUs in the project on the upslope lots, but not on the lower lots given their visibility issues.

Commissioner Lueder commented he had questions related to the Draft IS/MND but would defer those to a future meeting. As to the development area, he agreed the proposed development was located in the preferred area of the property for the reasons given in the staff report and given the Town Council's previous determination in 2002. He suggested that nothing had changed in the interim to change that determination. As to the number of units, he found the 13 units not dissimilar to other developments that had been approved in the Town over the past few years. He noted that each of the six ADUs would be attached, not detached, and range in size from 300 to over 800 square feet, which he did not find to be concerning, particularly since the Town Council had recently adopted ordinances over the years to amend the MMC to be more permissive of ADUs. He was confident the applicants would follow the permit process for ADUs. He reserved his other comments to a future meeting of the Planning Commission.

Chairperson Stromberg summarized the comments from the Planning Commission with the Commission's consensus that the location of the development, as proposed, was the preferred location and the consensus that the number of units, whether 13 or 19 units, was an appropriate number.

As to the aesthetics, Chairperson Stromberg recognized that any development in Moraga would have issues, particularly compared to those built over 40 years ago, which had involved smaller homes clustered closer together, and that any new and different development would be regarded in a less than favorable way. He noted that the Town could not be kept the way it was 40 years ago in perpetuity, the developer had the right to develop the land subject to the Town's ordinances and Design Guidelines, and there would be times where the developer had the right to develop the parcel while neighboring subdivisions would have a sense of infringement. While understandable, that was beyond the control of the Planning Commission and, to a large measure, the Town Council as well.

Chairperson Stromberg found the floor plans to be creative and he liked the attempts to be able to create different levels of pads with different components in different locations to avoid appearing monolithic, although he had indicated in a recent staff meeting that there was no such thing as right or wrong in architectural designs, and he had a personal sense the architectural designs would be easily accepted and appreciated in a city like Berkeley. While the architectural designs were impressive, he was not sure they were consistent or conducive to the norms existing in the Town of Moraga.

Chairperson Stromberg spoke to the community input during the MCSP-IP process, which was more reflective and generic of the Town as a whole, that some degree of uniformity in architecture was preferable. The standard that had been met with the most enthusiasm in the Town had been the style of design built in the Via Moraga Subdivision which was more reflective of Moraga's history with white homes and red tile roofs. He liked the idea that the architect had designed 13 different styles of home, but would prefer to see some similarity in the designs and something that helped to establish a degree of community and continuity in the development. He noted that some of the exterior colors and materials needed to be re-thought in order for them to gain more approval and popularity in the Town. He suggested the residents located across the street may find the homes more palatable if the homes to be viewed had a degree of similarity in theme, not the actual structural design (such as white homes with tile roofs, like Spanish architecture).

Chairperson Stromberg commented that from the beginning he had expressed his reservations about unfinished basements. While he appreciated the basements would be absent heat and ventilation, it would not take much to convert them to true livable space, which would turn the homes into significantly larger homes than what was being discussed. He wanted to see the unfinished basements be eliminated or there be some way that it become clear that the basements would not be permitted to be converted into livable space, to be included as a deed restriction.

Ms. Hamid clarified that a recommendation for a construction schedule was not typically part of a land use decision and was something that staff would work on once a project had been approved in cooperation with building and engineering staffs. In terms of the

three-dimensional renderings that had been provided, she suggested it would be helpful to see some of those renderings include the landscaping since the renderings currently appeared to be harsh. Also, the introduction of a variety of materials would help to break up the mass of the homes, and it would be nice to see some of the typical architectural details be better defined in the renderings.

Mr. Noble had nothing further to add but thanked the Planning Commission for its feedback and comments.

Chairperson Stromberg thanked staff and the applicant for the presentations, and expressed his appreciation for the applicant's willingness to approach the Planning Commission to obtain its input.

6. ROUTINE AND OTHER MATTERS

There were no Routine and Other Matters.

7. REPORTS

A. Planning Commission

Chairperson Stromberg reported a Moraga Liaison Meeting would be held on Friday, September 11, 2020 and he planned to participate.

B. Staff

Ms. Hamid reported the next meeting of the Planning Commission would be on September 21, 2020, with a continuation of the review of the Moraga Center Specific Plan (MCSP-IP) and focus on the Design Guidelines. Comments were welcomed from Planning Commissioners prior to the meeting to allow staff to continue refining the document.

8. ADJOURNMENT

On motion by Vice Chair Luster, seconded by Commissioner Helber to adjourn the Planning Commission meeting at 10:01 P.M. The motion carried by a Roll Call Vote.

A Certified Correct Minutes Copy



Secretary of the Planning Commission