

July 31, 2020

To the Moraga Town Council and Members of the Moraga Planning Commission:

My name is Emily Bergfeld and I am writing you today to express my concern over the Moraga Center Specific Plan. I am a life-long resident of Moraga and currently live at 118 Oxford Dr. I have watched with dismay as imposing, high density housing has been built in Moraga over the past few years (Wallace Circle/County Club Drive and Willowbrook Lane). These developments are incompatible with established Moraga neighborhoods and should not serve as a model for future construction if the Moraga Center Specific Plan is implemented. Like many busy Moraga residents, I deeply regret that I did not start paying attention to local development issues sooner or submitting public comment. I incorrectly assumed that the Moraga Town Council and Planning Commission would work to preserve the character of the town.

### **Decreased Quality of Life & Safety**

The combination of high-density housing units, retail and office space in the heart of town that is proposed in the Moraga Center Specific Plan will radically and irreparably alter the semi-rural character of the town, increase traffic congestion, and make all residents less safe in the event of a fire or other natural disaster.

### **Vertical Development Affects Skyline & Scenic Corridors**

Moraga has always been a quiet, out of the way suburb valued by residents for its single-family homes, large yards, lack of congestion, scenic corridors, and views of rolling hills. The multi-family, multi-story units in the KB Homes Moraga Town Center Development adjacent to the Moraga County Club contrast sharply with existing subdivisions. These massive, densely packed structures tower over Country Club Drive, blocking hill views. With minimal setback from the street, the imposing buildings appear grossly out of scale with surrounding development. It is also worth noting that many of these townhomes have been on the market for many months and do not seem popular with buyers. Building additional multi-family, high-density housing units of this type seems misguided.

I am also troubled by the scale, density and appearance of the recently constructed single family homes on Willowbrook Lane, which were built on top of decades-old pear orchards. These monolithic homes are very tall and close together, with minimal setback from the street, or from one another. The front and back yards are small, and landscaping is minimal. In contrast with existing single-family homes and neighborhoods in Moraga, the overall feeling is one of verticality and homogeneity. These towering, blocky structures are visible from Moraga Way and St. Andrew's Drive. It does not appear that measures (such as landscaping or limiting building height) were taken to appreciably mitigate the visual impact of this development.

### **Low Demand for Retail & Office Space – If You Build It, They Won't Come**

Existing retail and offices spaces in Moraga are underutilized, and the massive expansion of both proposed in the Moraga Center Specific Plan is illogical.

Moraga's small population (made even smaller by the closure of the St. Mary's College Campus due to COVID-19) and inaccessible location miles from the freeway does not support existing retail. For decades, Moraga has been unable to attract desirable retailers (such as Trader Joe's). Many storefronts in the

Moraga Center have been vacant for years and restaurants and retail stores open and close in rapid succession. Rather than building new structures, investment in upgrading existing commercial/retail buildings (such as the aging "Moraga Center" shopping development) would be more prudent.

Likewise, high vacancy rates in existing commercial buildings suggest that there is not sufficient demand for local office space. The office buildings on School Street seem to be perpetually "For Lease," and most white-collar workers will be working from home offices (not office parks) for the foreseeable future.

### **Cautions & Recommendations**

It would be a tragedy if the Moraga Center Specific plan was implemented as presented. It would be the end of Moraga as we know it. Increased traffic, congestion, more vacant retail and office space, and massive structures blocking scenic corridors will make Moraga a much less desirable place to live and harm property values.

Although I oppose more development, the Sonsara Development, also adjacent to the Moraga County Club, can serve as a model for future residential development in Moraga. The homes in Sonsara are upscale, architecturally interesting (rather than just blocky) and many are single story. They are set back from the street and less densely built than the houses on Willowbrook Lane. Like the more established Moraga subdivisions, the Sonsara neighborhood feels horizontal/spread out, rather than vertical/monolithic (the predominant feeling in the Willowbrook Lane and Wallace Circle/Country Club Dr subdivisions). Attractive, drought-tolerant landscaping, trees and deep planting beds along Moraga Way largely shield the Sonsara homes from view and enhance the scenic corridor.

I ask the Moraga Town Council and Members of the Planning Commission to heed public sentiment and overturn or drastically scale back the Moraga Center Specific Plan. If this project cannot be stopped, please adopt zoning, setback, and landscaping requirements that will result in the fewest number of units built and mitigate the visual impact of the development. To protect our scenic corridors, please place limits on building heights, ideally limiting new construction to single story, single family homes on large lots. Please require attractive landscaping, evergreen trees and broad sidewalks. The recent developments on Willowbrook Lane and Wallace Circle/Country Club are incompatible with this vision.

Moraga does not want or need a massive Town Square or new commercial development. Please come up with a solution that will enhance Moraga's beauty and charm, rather than detract from it. Please safeguard our beloved "semi-rural" town, our property values, and our quality of life.

This is a critical moment for the Town of Moraga and your actions (or inactions) and decisions will have lasting impacts for generations.

Thank you,

Emily Bergfeld  
Moraga Resident



August 4, 2020

Chair Stromberg and  
Members of the Moraga Planning Commission  
335 Rheem Boulevard,  
Moraga, CA 94556

Subject: Moraga Center Specific Plan Implementation – Letter 2

Dear Chair Stromberg and Members of the Planning Commission,

On behalf of the Bruzzone family, on July 20, 2020 we submitted preliminary suggestions and comments on a few sections of the extensive amendments proposed to the zoning code to implement the Moraga Center Specific Plan (MCSP). Our July 20, 2020 comments focused on sub-area 15 as we had worked closely with Town planning staff through an iterative design process over the prior 5 years to prepare plans for a tentative subdivision map of that sub-area. Since July 20 we have reviewed additional sections of the proposed code amendments and respectfully request the Town accept the input contained herein. Our review of the proposed amendments to the zoning code and design guidelines is not complete and we intend to provide additional comments for the Town's consideration.

- Many of the proposed development standards are inconsistent with the MCSP as documented in our July 20, 2020 letter, in a subsequent meeting with Town staff and in the points described below.
- Sections 8.24.60 (R3), 8.32.65 (R6), and 8.33.50 (R12) – Development Standards. As with sub-area 15, the proposed lot size and dimension standards for sub-areas 3, 4, and 16 in the R3, R6 and R12 zones will preclude development at the density planned in the MCSP. In fact, sub-area 6 which is in the R3 zone was recently developed with smaller and narrower lots than is proposed for the R3 zone yet only achieved a density of 1.8 units per acre, approximately 40% below the density envisioned in the MCSP. Sub-area 6 was approved with lots as small as 8,355 square feet (Lot 22) and as narrow as 30 feet (Lot 25) whereas the minimum lot size and width proposed in the R3 zone is 10,000 square feet and 80 feet, respectively. Adopting the proposed lot size and dimensions will render the existing lots in sub-area 6 non-conforming and take away the ability to develop sub-areas 3, 4, 15 and 16 at the densities planned in the MSCP. We suggest the Town adopt standards that allow greater design flexibility to enable designs that respond to the realities and variability inherent in each sub-area.

Each sub-area has a unique shape; varied physical conditions such as slopes, riparian areas, and trees; and varied adjacencies such as existing neighborhoods, road connections, and scenic corridors that limit and influence the potential subdivision design options. The rigid set of design standards proposed do not take these variables into consideration and will result in significantly different development than called for in the

MCSP. As the code is drafted, it would require the Town to invest considerable time and expense studying the implications of the proposed standards to determine whether the density envisioned in the MCSP can be achieved. Alternatively, we suggest the Town consider provisions for the R3, R6 and R12 zones that specify the density range allowed, consistent with the ranges of the MCSP, without specifying lot size and dimension standards, similar to the approach used for the R20 zone and as specified in the MCSP at page 45.

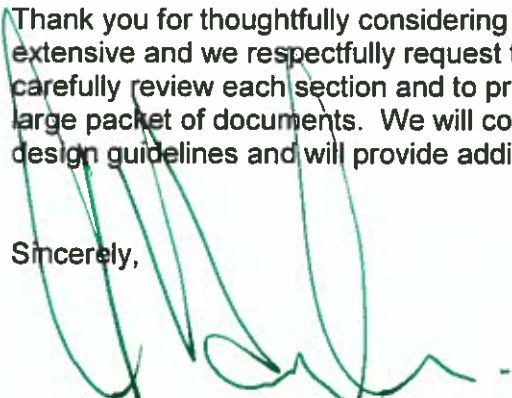
The MCSP states (at p. 45 in Note (c) of Table 4-10: Residential Standards: Residential) that “[i]n residential districts other than the 3DUA District, the minimum area, width, depth, yard requirements shall apply to the pre-subdivision site area and not any subsequently created individual lots.” Implementing this provision of the MCSP would address our concerns with the proposed lot size and dimension standards.

- Sections 8.33.40 (R12) and 8.34.40 (R20) – Density These sections of the R12 and R20 zones could be interpreted to allow the Town to limit development to 10 units per acre in the R12 and 16 units per acre in the R20 and should be revised to provide clarity that development is entitled at 12 and 20 units per acre in the R12 and R20 zones, respectively and any proposal that includes fewer than the maximum density allowed is at the sole discretion of the applicant.
- Multiple Sections including 8.32.70 (R6), 8.33.50 (R12), 8.37.40 (MCSP-C), 8.42.50 (MCSP MU-OR). Restricting to 30 feet the height limit of buildings fronting on roads less than 36 feet in travel width results in roads that are wider than necessary and further reduce the amount of land area available to meet the densities specified in the MCSP.
- Sections 8.36.30, 8.37.30 – Conditional Uses. Conditional use permits should only be required for drive-in service, secondhand sales, and temporary uses if they do not meet specific supplemental standards designed to address impacts common to the operation of these uses (i.e. minimum separation from residential uses, specified hours of operation, specified length of operation for temporary uses, odor and noise control requirements, etc.) A ministerial approval would be issued when supplemental standards are met.
- Section 8.37.40 (MCSP- C), 8.41.50 (MCSP MU-RR), – Development Standards. The 100-foot minimum lot frontage is too wide to facilitate walkable downtown development. We recommend the minimum lot width be reduced to 30 feet. Likewise, the minimum building separation of 25 feet and 35 feet for 2- and 3-story buildings, respectively, runs counter to the “downtown” theme of the Village shopping district (MSCP p. 38).
- Section 8.41.20 (MCSP MU-RR). The list of permitted uses is too restrictive and should be expanded to include, among other uses, congregate care and preschools.
- Section 8.76.80(C) – Shared Parking. For added clarity, we suggest including an example of how the shared parking factors would be applied.

- Chapters 8.65 – Moraga Ranch Overlay District and 8.200 – Moraga Center Specific Plan Area Regulations. Based on a cursory review of Chapters 8.65 and 8.200, many of the proposed standards appear to impose development restrictions that are inconsistent with State housing law and with the MCSP, and particularly with the intent of the MCSP to encourage appropriate development and a streamlined ministerial permitting process. We will provide specific concerns in subsequent communication with the Town.

Thank you for thoughtfully considering our comments. The proposed code amendments are extensive and we respectfully request the Planning Commission take the time necessary to carefully review each section and to provide the public additional time necessary to review the large packet of documents. We will continue our review of the proposed code changes and the design guidelines and will provide additional comments.

Sincerely,



Ross Avedian, PE, PLS, QSD/P  
President  
P/A Design Resources, Inc.

Emmanuel Ursu  
Principal Planner  
P/A Design Resources, Inc.

**From:** [Ann Barlow](#)  
**To:** [Planning](#)  
**Subject:** Support for B Preston's points  
**Date:** Wednesday, August 5, 2020 10:52:44 PM

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We urge you to consider the points Barbara Preston made in her open letter regarding the MCSP. We moved here two years ago to see whether we would enjoy settling in Moraga permanently. Moraga's well-documented lack of amenities is more than offset, in our view, by the open space and sense of being in a near-rural setting while also close to cities. Covering more pristine, scenic land with housing eliminates this advantage and makes Moraga less attractive to buyers and visitors.

Please. Listen to residents. Find a compromise.

Ann and Bob Barlow

Respectfully, I would like to urge the Town Council and Town Staff to hold one or more Town Halls for the purpose of allowing Moraga Citizenry to be heard on the matter of Implementation of the Moraga Center Specific Plan. I feel it is imperative for Town residents to hear the recommendations of the 11 hours of the four Citizen Advisory Committee meetings which occurred between July and October of 2019 regarding Implementation of the Moraga Center Specific Plan, to ask questions about the proposed Implementation Process, and give their feedback.

The current phase of MCSP development began with the Town receiving a Metropolitan Transit Commission implementation grant of \$140,000 two years ago in May 2018; this resulted in the Council agenda item in March 2019 which initiated the Citizen Advisory Committee for implementation recommendations. After the final CAC meeting in October 2019, Town Staff and their consultant decided which zoning recommendations for MCSP Implementation made by the CAC to forward to the Planning Commission on 7/20/20 and subsequently sent to the Town Council. Transparency by the Town Government has and is a BIG concern of the Citizens of Moraga. These zoning recommendations of the CAC, which would ameliorate some of the undesirable aspects of the development, were sent to the Planning Commission and Town Council without further input from the residents of Moraga.

How can the Town staff make zoning decisions without the input of Moraga Residents? Why have there been no outreach and conversations with Town residents since receipt of the Grant in 5/18? The 20-minute virtual Power Point presentation at the 7/20/20 Planning Commission meeting did not encompass nor convey the complexity and scope of the issues surrounding implementation of the Moraga Center Specific Plan Implementation. The MCSP contains 10 different zoning districts, different densities, different land uses, 45' building heights, setbacks, step backs, Laguna Creek setbacks/trails/bridges, loss of open space, with parking and legal implications. In addition, the over-arching concerns by residents regarding fire safety, congestion/gridlock and loss of scenic beauty and Town character must be considered.

There is a great deal of concern and even hostility that the public query/comment period after the CAC presentations was curtailed, and that some of the CAC recommendations have not been followed by the Town; many residents do not understand the legal limitations involved in Implementation and feel the Town has bypassed communication with the residents. This is a very complex issue; I realize that there are political and legal intricacies to Implementation of this 10-year old plan, that the factors involved are numerous and involve State regulations and Fire District considerations, and that the actions the Town can legally take to make the development more appealing are limited.

The limitations of Zoom-only meetings confound hearing the public "in person", but just soliciting emails does not give a chance for asking hard questions. I realize the Town faces an uphill battle changing anything about this development, but you owe it to the taxpayers to present:

\*the findings of the 4 CAC meetings,

- \*a clear commentary on why those recommendations have not been followed,
  - \* an explanation of SB 330 and its implications for this development, both as it currently stands, and if the fire hazard ratings for the Town are changed in the forthcoming State Fire Hazard Map
- and
- \*allow unlimited public verbal query of Staff, Council, Chief King and Chief Winnacker even if it requires multiple Town Hall meetings.

Town Staff said at the 7/20/20 Planning Commission meeting that there are no funds or time for additional meetings and the Grant ends at the end of 2020. Did the Town not learn its lesson from resident's uproar, petition, and lawsuit against the Town over the City Ventures/Town development?

As a longtime resident of Moraga, I am deeply concerned that such a large project of this type has bypassed two-way communication with the residents, not allowing their questions, comments, ideas, and input, especially as community safety and traffic issues have dramatically changed since this development was approved in 2010 .

I believe it is in the best interest of the Town to hit "Pause" and educate the residents and solicit their opinions. If necessary, I would favor allowing the Grant to expire and reconsider the options to adapt this development to allow a fair resolution for the developers that conforms to the desires of the Community. Not only the ultimate nature of the MCSP is at stake...the relationship of the Town and its citizens is at stake. Interactive Zoom meetings can be constructed to be safe, bomb-free. Please allow the citizens to hear, to ask questions, to participate in this important decision process.

Respectfully  
Barbara (Bobbie) Preston  
1307 Larch  
Moraga CA  
925-376-8474  
August 5, 2020



**From:** [glansman@aol.com](mailto:glansman@aol.com)  
**To:** [Planning](#)  
**Subject:** Support Bobbi Preston's Open Letter of 8/5/2020  
**Date:** Wednesday, August 5, 2020 6:03:41 PM

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Dear Planning Commission,

I strongly support Bobbi Preston's Open Letter of August 5, 2020 to you. In particular, I request you agree to her recommendations:

- to present the findings of CAC meetings
- a clear commentary on why those recommendations have not been followed
- an explanation of SB 330 and its implications for this development, both as it currently stands, and if the fire hazard ratings for the Town are changed in the forthcoming State Fire Hazard Map
- allow unlimited public verbal query of Staff, Council, Chief King and Chief Winnacker even if it requires multiple Town Hall meetings.

Gary Lansman

 925.376.3420 |  [glansman@aol.com](mailto:glansman@aol.com)

**From:** [GGDY](#)  
**To:** [Planning](#)  
**Subject:** MCSP Must be Re-examined  
**Date:** Wednesday, August 5, 2020 9:57:54 PM

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The Retail/Office and Hotel spaces proposed last year within the MCSP should be reconsidered with a shift in work and lifestyle norms as a result of COVID-19. As such, the entirety of the MSCP should be re-examined.

Best Regards,

Glenn Goldbeck  
725 Camino Ricardo



August 11, 2020

Members of the Moraga Planning Commission  
335 Rheem Boulevard,  
Moraga, CA 94556

Subject: Moraga Center Specific Plan Implementation

Dear Chair Stromberg and Members of the Planning Commission,

In our July 20 and August 4, 2020 letters, we provided suggestions and comments on the draft code amendments proposed to implement the Moraga Center Specific Plan. Our review in the first two letters addressed many of our comments and suggestions on the proposed code amendments. We continue to review the extensive code amendments proposed and have concerns and suggestions with several of the proposed amendments as listed below:

1. Grading and Retaining Walls –The proposed standards [at Section 8.200.050(A)(12)] that limit grading that results in a slope steeper than 3:1 is too restrictive and in certain instances slopes steeper than 3:1 will be required to achieve reasonable development. For instance, sub-areas 3, 4, 5, and 16 have existing slopes where development envisioned by the MCSP will require creation of slopes steep than 3:1.

Likewise, the 5-foot limit on retaining wall height at Section 8.200.050(A)(7) is too restrictive.

2. Creek structure setbacks are too large – As proposed the creek structure setback is wider than necessary to protect the riparian environment or to protect structures from damage and results in the loss of land area available to meet the level of development envisioned in the MCSP. Furthermore, existing structures in the Moraga Ranch sub-area would become non-conforming if the proposed structure setbacks are imposed.
3. Trees - Preservation of *all* trees as suggested in the proposed regulations is unreasonable and in conflict with the MCSP. The MCSP states that “[t]he preservation of orchard trees is encouraged throughout the MCSP area, especially in connection with greenbelt or internal paths within the developed areas where feasible and not in conflict with development objectives.” The MCSP provides greater protection for specimen trees along major scenic corridors.

The proposed requirements refer to “specimen trees” [at Section 8.200.050(A)(17)] however, no definition of “specimen trees” is provided.

4. Right-of-way width too wide – 72 feet in downtown is not workable as it would require removal of existing parking at the Safeway shopping center and removal of the ranch buildings, in conflict with the objectives of the Moraga Ranch sub-area.
5. Expedited review process – While the code provides for an expedited ministerial design review process for residential projects in the R20 district, the proposed development standards are so restrictive as to make development that is consistent with the standards infeasible. Projects not consistent with the strict development standards are subject to the lengthy discretionary review process.
6. “Town Square” was intended to be a focal point with a fountain or other prominent visual element to slow traffic. No mention of extracting land for large public use as described in the proposed code was contemplated in the MCSP.
7. Moraga Ranch Overlay – “Park-like facilities” described in page 17 of the July 20, 2020 Staff Report and in proposed zoning code Section 8.65.030(C) are not part of MCSP. Rather the MCSP emphasizes expanding uses providing “incentives for renovation and revitalization of the Moraga Ranch sub-area, while retaining and expanding existing uses...” (MCSP p. 19). Substantial in-fill opportunities exist and should be allowed and encouraged with “fee waivers and other mechanisms to encourage further building improvements and expansion...” (see MCSP pp. 9, 30, 37-38, 58).
8. MCSP envisions 388 units in Village Area – As proposed, the development standards, including building setbacks, building height, grading, and creek structure setbacks, preclude accomplishing the MCSP’s goal and the Housing Element mandate for the development of 388 dwelling units in the Village Area.
9. Limitations on Ministerial Review- The July 20, 2020 Staff Report erroneously states that ministerial review is only permitted on slopes under 20% (PCSR p. 6) in sub-areas 5 and 14. Ministerial approval is allowed for structures up to 45 feet in height regardless of slope of the site on which they are built (except for foundations on grade higher than elevation 525)
10. Trails – The existing paved regional trail between Moraga Road and Moraga Way is 8 feet wide and meets the pedestrian and bicycle needs of the community. The proposed requirement to expand the width of the trail to 16-foot trail is too wide and unnecessary to accomplish the objectives of the MCSP. The MCSP does not require dedication of new trail width as proposed.
11. Banquet Hall - In districts where hotels are permitted by right, banquet halls should also be allowed as a permitted use.
12. Definition of “Residential Dwelling Unit”– Dormitories are excluded from the definition of a “residential dwelling unit.” For clarity, congregate care should also be excluded.

13. Student Housing and Dormitories - Add definition of "student housing" and "dormitories" to the code and allow as permitted uses in the Community Commercial and mixed-use zones and subject to a conditional use permit in the R20 zone.
14. Definition of "Structures" Fence should not be included in the definition of structures and thereby prohibited in creek setbacks.
15. Density Calculations. The MCSP bases density calculations on the gross area to be subdivided whereas the proposed zoning code excludes streets from the land area to be included in the density calculations.

Thank you for thoughtfully considering these additional comments.

Best regards,



R. Ross Avedian, PE, PLS, QSD/P  
President  
P/A Design Resources, Inc.



August 17, 2020

Members of the Moraga Planning Commission  
335 Rheem Boulevard,  
Moraga, CA 94556

Subject: Moraga Center Specific Plan Implementation

Dear Chair Stromberg and Members of the Planning Commission,

On behalf of the Bruzzone family, we respectfully offer the comments and input below on the draft ordinance and design guidelines prepared to implement the Moraga Center Specific Plan, in addition to our letters to you dated July 20 and August 11, 2020.

We thank staff for taking the time to listen to our input and for revising the draft ordinance to address some of our concerns. Many of the draft revisions do a good job of addressing concerns we raised, some are positive steps in the right direction and some of our concerns have yet to be addressed.

A significant overriding concern with the proposed regulatory scheme is the individual effects of some of the proposed development standards and the cumulative effects of many of the standards on the intensity and number of housing units that are physically and financially practical to be developed. As noted in the July 20, 2020 Staff Report (at p. 5), in the presentation by the Specific Plan consultant and in the advice of the Town Assistant Attorney, it would be a violation of State law (SB 330) if the Town adopted standards that “increased exactions or fees” (Planning Commission Regular Meeting Minutes, July 20, 2020 at p. 5) ...“impose new subjective design standards for housing, and impose new regulations that would lessen the intensity of housing...” (Ibid, at p. 6). As noted below, several of the proposed zoning ordinance provisions individually, or cumulatively, result in new exactions or in reducing the intensity and number of residential units that can be developed in the MCSP area.

Our comments below are generally in the order in which they appear in the proposed zoning code and design guidelines.

“Lot Width, Cul-de-sac” (Section 8.04.020)

A definition to account for narrow frontage lots such as cul-de-sac and flag-flag lots should be included in the code.

**“Top of Bank” (Section 8.04.020) and Creek Setback (Section 8.200.100)**

At its 4<sup>th</sup> meeting, the Citizens Advisory Committee recommended establishing “a 30 to 50-foot setback depending on the depth of the creek channel plus any areas where significant riparian vegetation exists.” (CAC recommendation #15). We support this recommendation.

The proposed top of bank definition in combination with the creek structural setback regulation could theoretically result in setbacks as wide as 175 feet per side (350 feet total) and in many areas of the Village it will result in creek setbacks that are approximately 60 to 75 feet per side (120 to 150 feet total). As drafted, this regulation would significantly reduce the number of dwelling units that can be constructed and existing buildings in Moraga Ranch would be in the new setback. To achieve a setback standard that is consistent with the MCSP and the CAC recommendation, allows for reasonable use of the site, and is consistent with State and Federal resource agency requirements, we suggest the following Top of Bank definition and Creek structural setback standard:

Top of Bank - The top of the creek bank means the highest edge of the creek channel at the location where the structure, grading or fill is proposed, as determined by the director of public works.

Creek Structural Setback –

<b>Height of top of bank above channel invert</b>	<b>Horizontal distance between top of bank and any structure</b>
Up to 5 feet	5 feet
Over 5 to 10 feet	10 feet
Over 10 to 15 feet	15 feet
Over 15 to 20 feet	20 feet
Over 20 feet	Subject to city engineer review

In addition to revising the proposed setbacks as suggested above, existing structures should be exempt from the proposed creek structural setback regulations and be allowed to be reconstructed, remodeled or otherwise improved and expanded.

**R6 Permitted Uses (Section 8.32.020) and Conditional Uses (Section 8.32.030)**

The proposed code would only permit residential structures with two attached units (duplexes) by right and require development proposals with one unit per lot or with 3 or more units per lot to be subject to a conditional use permit. There is no rational basis for giving preference to duplex development over other housing configurations. This unnecessary government impediment to development of detached housing or attached housing with more than two units serves no legitimate governmental purpose, is inconsistent with the MCSP and in violation of State law.

### R6 Minimum Site Standards (Section 8.32.065)

Side yard setbacks proposed are too large to accommodate reasonable development, would cause garage doors to dominate the streetscape, and limit design options that include architectural interest and building articulation. The minimum 10-foot side yard setback would only leave about 8.5 feet on the ground floor for habitable space and 70% of the front elevation would consist of garage doors. For example, a 50-foot wide lot minus 20 feet for both side yard setbacks, minus 20 feet for a garage leaves about 8.5 feet interior clear width for a habitable room.

Front yard setbacks are too large to facilitate development envisioned in the MCSP to create a walkable, pedestrian-friendly neighborhood environment in the R6 zone. To create a sense of place that is safe and comfortable for pedestrians with “eyes on the street,” residences should be allowed close to the street and front yard porches should be encouraged.

We request the R6 setback standards be modified as follows:

- Front yard – 10 feet
- Front yard porch – 5 feet
- Front yard garage – 20 feet
- Side yard – 4 feet
- Building separation for 2-story and 3-story homes does not apply to 1 dwelling unit per lot and is an impediment to residential development where there is more than one dwelling unit per lot and should be removed from the code.

For consistency, the reference to “Minimum lot width” in the Minimum Site Standards table should be the same. In some zones “Minimum lot frontage” is used instead of “Minimum lot width.”

### Increase in Side and Rear Yard Setback Requirements. Section 8.32.065(C)

This section proposes a new discretionary standard that provides the planning commission with broad discretion to impose stricter development standards. This is inconsistent with the MCSP and in violation of State law and therefore, should not be added to implementation of the MCSP.

### R12 Minimum Site Standards (Section 8.32.065)

The draft code would require a conditional use permit for detached single family dwelling units in the R12 zone. There is no rational basis for requiring an additional layer of review for a residential use in a residential district. This unnecessary impediment to development of detached housing serves no legitimate governmental purpose, is inconsistent with the MCSP and in violation of State law.

The density of the R12 zone is twice that of the R6 zone however, the minimum lot area proposed in the R12 zone is the same as that proposed for the R6 zone. The minimum lot area should be 1,500 square feet for 1 dwelling unit per lot.



For the same reasons described above for the R6 zone, the setbacks for the R12 zone should be modified as follows:

- Front yard – 0 feet
- Front yard porch (open or covered) – 0 feet
- Front yard garage – 0 feet
- Side yard – 0 feet

Density – Section 8.33.40 and 8.34.40. The clarification that was to be provided regarding the permitted density in the R12 and R20 zone per item #27 of the Staff Report, (on p. 11) was inadvertently omitted from the revised draft code.

#### Scenic Corridor Setback and Step-back (Section 8.200.050(15))

The proposed code requires a 40-foot setback from scenic corridors and 8-foot step-backs for elements above the first floor. This requirement is inconsistent with the MCSP and would significantly restrict residential development. The MCSP allows for “clustering” development as a means to lessen visual impacts on scenic corridors. It does not mandate increased setbacks or require step-backs as proposed in the draft code.

#### Street Guidelines

Right-of-way widths suggested in the proposed Design Guidelines are not consistent with the MCSP, are significantly wider than necessary to meet the roadway widths specified in the MCSP and the intent and objectives of the MCSP, are counterproductive to other objectives of the MCSP, will make it impossible to achieve the density and number of dwelling units planned for in the MCSP area and represent a new exaction on development, in violation of SB 330. Furthermore, in the Moraga Ranch sub-area, the proposed 72-foot wide right-of-way would result in the removal of existing buildings.

The MCSP specifies the following roadway widths:

- Roadways 20 feet in width, no parking permitted,
- Roadways 28 feet in width, parking permitted on one side only. Parking is permitted on the side of the street absent fire hydrants, and
- Roadways 36 feet in width when parking is not restricted.
- A fire department access road serving less than three dwelling units may be a minimum of 16 feet in width if no parking is permitted on the roadway

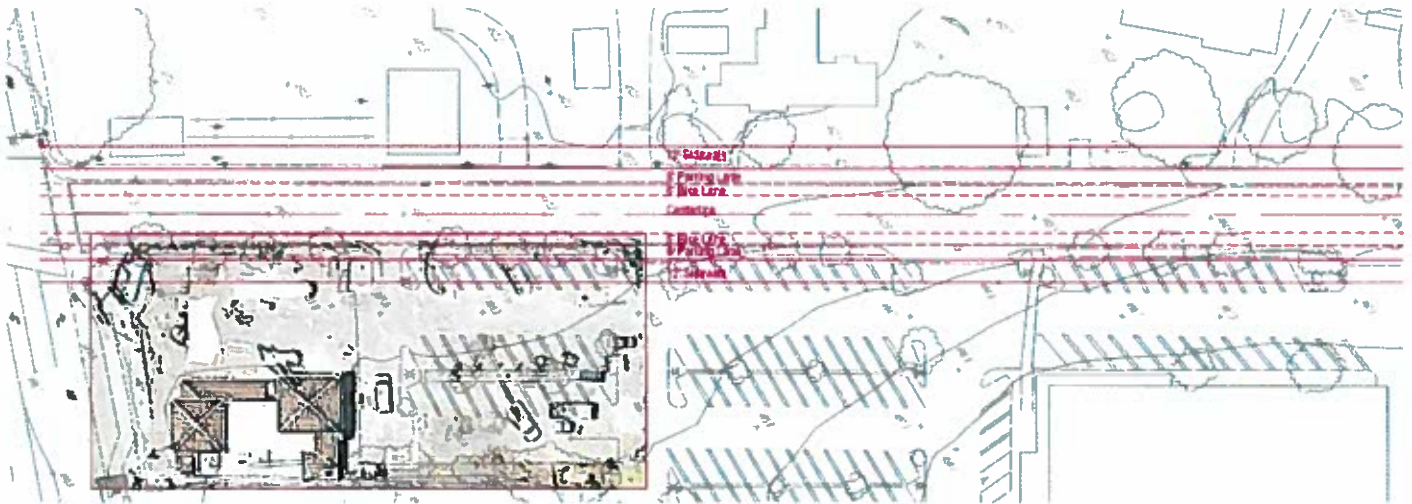
In contrast, the proposed Design Guidelines suggest 52-foot wide right-of-way widths in the R3, R6 and R12 zones, 60-foot right-of-way widths in the R12 and R20 zones and 72 feet for School Street. Sidewalk widths are not specified in the MCSP and the MCSP does not include a requirement for landscape planter strips other than along School Street. We suggest the following right-of-way widths for new streets proposed in the MCSP area:

- R3, R6 and R12:
  - 36-foot roadway where parking is proposed on both sides within a 46-foot right of way,
  - 28-foot roadway where parking is proposed on one side within a 40-foot right-of-way
  - 5-foot sidewalks (measured from face of curb)
  - no planter strips

The existing code requires 5-foot sidewalks [See Section 8.34.070(17)], not 6-foot sidewalks as stated in the August 17, 2020 Staff Report (p. 10) or in Attachment C where the text in Section 8.200.050(18) inaccurately shows the existing code as requiring 6-foot sidewalks.

At its 4<sup>th</sup> meeting the CAC noted in discussion topic #13 that “The MCSP does not specify a required sidewalk width. The Zoning Code should establish standard street sections, including sidewalk widths, for key streets in the planning area. Minimum sidewalk widths in commercial and mixed-use areas should be **8 feet**, not including bicycle facilities.” The proposed design standards contain 12-foot wide sidewalks along School Street (including planter wells).

Along School Street the proposed 72-foot right-of-way is unrealistic in that it would result in removal of several buildings in the Moraga Ranch sub-area and existing parking in the Chase Bank and Safeway parking lots, as illustrated in the exhibit below:



The proposed design guidelines need to be revised to clarify that the Street Standards do not apply to existing portions of School Street and for the extension of School Street, the design guidelines need to be revised to be within the parameters established in the MCSP.

The MCSP contemplated two travel lanes and diagonal parking along the extension of School Street. The MCSP does not mandate designated bicycle lanes and states that “if designated bicycle lanes are to be provided on specific streets, an additional 5’ (minimum) bike lane should be provided.” (See MCSP p. 50) The MCSP does not mandate designated bicycle lanes whereas the proposed design

guidelines mandate two 6' wide designated bicycle lanes along School Street. This represents a new exaction and is in violation of State law.

The Town recently approved the Chase Bank project at the southwesterly end of School Street. As a part of that recently approved project, a 5-foot sidewalk was constructed and parallel street parking provided. For continuity, this street parking and sidewalk design should be carried throughout the existing portions of the School Street. Extension of School Street should include angle parking as envisioned in the MCSP.

Required Streets, Trails, and Bridge. Section 8.200.070 This proposed section of the zoning code mandates construction of a vehicular and pedestrian bridge over the creek. The MSCP does not mandate both and rather states that the “*potential exists and that the linkage could be either with a vehicular or pedestrian bridge.*” It also states that: “*The potential for providing at least one linkage between the north side of the MCSP area and the south side over Laguna Creek has been identified in the plan diagram. These linkages, which would require one or more new bridges over the Creek, could be lowspeed, local roads to connect these two areas or they could be restricted to pedestrian, bicycle, golf carts and/or service and emergency vehicles in order to enhance opportunities for non-vehicular circulation in the heart of the MCSP area.*”

Town Square – Design Guidelines The proposed design guidelines for the Town Square are a dramatic overreach and impose significant exactions not contemplated in the MCSP and would result in the loss of land area available for residential development. Most objectionable are the size and dimension standards of the Design Parameters (Section 10.2(C) of the Design Guidelines). Furthermore, the photographic examples provided in the design guidelines would not be consistent with the proposed guidelines.

The MCSP envisions a “Town Square” as a device to “slow traffic” with a “fountain, public art or other prominent visual element.” The CAC also understood the function and intent of the “Town Square” to be dramatically different that what is suggested in the draft zoning code and design guidelines. At its 4<sup>th</sup> meeting (Discussion Point #4), the CAC stated that “*The MCSP calls for a “Town Square focal point” with a fountain or other prominent visual element. It does not require one, but specifies that it should be located at the intersection of School Street and the new roadway that crosses Laguna Creek. Although not required by the MCSP, the Zoning Code should require a Town Square, but be flexible on its exact location.*”

We look forward to the Planning Commission’s thoughtful consideration of the comments contained in this letter and in our July 20, 2020 and August 11, 2020 letters.

Sincerely,

Ross Avedian



August 17, 2020

Chairperson Stromberg and Commissioners:

There is no doubt that this is a complex issue. Safety, traffic, setbacks to preserve the beauty of Moraga, standards in place creating fire resistant neighborhoods are all key issues that need to be taken into consideration to the extent that AB330 will allow. The Chamber representing the business community, will however, comment limited solely to the Businesses.

The Chamber Board acknowledges that more people, condensed into a relatively small and walkable area, is key to the expansion of existing retail and the addition of new retail. Once resolved, commercial development will follow and maybe just as important, a revitalization to the Safeway Center. We would hope that with the additional Senior housing in the plan, CVS would be enticed to expand, McCaulou's could revitalize and update, then we would hope to be able to attract at least one additional major retailer to this Safeway Center. This would result in a robust, walkable center that would also benefit our loyal, long time businesses while serving the needs and expectations of our community.

Thank you all for your service to our Community.

Respectfully submitted

Kathe Nelson  
Executive Director  
Moraga Chamber of Commerce



**From:** [Brian Myers](#)  
**To:** [Planning](#)  
**Subject:** MCSP comment  
**Date:** Monday, August 17, 2020 8:47:40 PM

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Hello

Regarding the MCSP, My wife and I fully agree with Barbara Preston. We are deeply concerned with the Moraga Center Specific Plan Implementation. We have been Moraga residents for 13 years and do not want to see the explosion of residential units called for in the plan. Please read this into record at the meeting. Respectfully, Brian and Heather Myers 1306 Rimer Drive.

**From:** [Marty McInturf](#)  
**To:** [Cynthia Battenberg](#); [Afshan Hamid](#); [Raquel Segovia](#)  
**Subject:** Fwd: Comment/request for MCSP review  
**Date:** Monday, August 17, 2020 9:14:19 PM

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Sent from my iPhone

Begin forwarded message:

**From:** Mike Fedorov <sk255-townofmoraga@kondrich.com>  
**Date:** August 17, 2020 at 9:07:53 PM PDT  
**To:** Marty McInturf <mmcinturf@moraga.ca.us>  
**Cc:** "sk255-moraga.planning.2020@kondrich.com" <sk255-moraga.planning.2020@kondrich.com>  
**Subject:** Comment/request for MCSP review

Hello Marty/Town Clerk --

I would like to submit the following question/request for the MCSP review:

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Earlier today, our Police Chief has mentioned that the MOFD is using a 3rd party consultant to simulate fire scenarios and evacuations.

Can we please request this consultant to conduct fire Risk Analysis and perform simulations for the scenario when MCSP construction is fully implemented and have numbers available for the next Town Hall meeting:

- how many more people will be unable to evacuate due to the increase in the number of cars?
- how many more will be forced to shelter-in-place instead of evacuating and therefore subject to long-term health effects from smoke particles and gas poisoning?
- how many more will die?

Given what Chief said earlier, and fire safety concerns expressed by many citizens, it will be negligent for the Town to proceed without proper Risk Analysis and the Town will be liable for the increase in death and suffering caused by this Planning Commission decision.

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Thank you,

Mike