

Moraga Center Specific Plan Implementation Project

Citizens Advisory Committee (CAC) – Meeting #1 Notes

July 8, 2019

Call to order at 6:35

Roll Call

Present: CAC Members Barker, Berman, Bruzzone, Carman, D'Arcy, Dobbs, Driver, Fritzky, Gera, Gray, Jones, Kovac, Markey, Mende, Miles, Moore, Nelson, Oehlschlager, Onoda, Philips, Poppingo, Scarpitti, Schreck, Schnurr, Simpson, Stromberg, and Whitney.

Excused: Burns

Absent: Deutz, Lucacher, and Schofield

No public comments on items not on the agenda.

Adopt meeting agenda, Vice-Chair Korpus Moves. Seconded by CAC Member Stromberg. Passed unanimously.

Introductions

Chair Wykle read the introduction to the Moraga Center Specific Plan. Plan adopted in 2010, took seven years to adopt. For this phase, we are talking about implementation and zoning of the approved plan.

Meeting facilitator David Early clarified that we are establishing the zoning rules and not the actual placement of the buildings. He then proceeded with a roll call of the present CAC members, who spoke briefly about their reasons for joining the Committee.

Introductions

Rich Scarpitti – 48-year resident, formerly a local coach, involved because he was on the Specific Plan; lives near Camino Ricardo.

Kathryn Oehlschlager- 12-year resident, cares about growth, land use lawyer with Downey Brand in San Francisco.

David Stromberg – Chair of Planning Commission, served on the predecessor Steering Committee.

Suzanne Jones – Moraga resident for 20 years, founded Preserve Lamorinda Open Space, wants to see a balance of economic development and open space preservation.

Jaqueline Berman – research and data background, wants to balance growth given context of what is happening in town

William Carman- Interested in traffic impacts.

Carey Barker – Four-year resident, urban planner with an interest and experience in affordable housing.

Mary Poppingo – Works at St Mary's wants to be a partner with the town and be a voice of the campus.

Randal Whitney – Focus on real estate and land use entitlement. Cheerleader to get project going. Cares deeply about the future of the community.

Alexandra Mende – Daughter in the Moraga school system. Wants to see Moraga grow in a safe way. Concerned about ins and outs (entrances to town, parking areas, neighborhood access) and stress on roads from development.

Bob Moore- 49-year Moraga resident, excited about the vision of the MCSP and wants to ensure it is followed and brings good improvements to the town he loves.

Wendy Scheck – 17-year resident, loved the SP Vision, wants to be involved with implementation.

Janet Dobbs- 31-year resident, wants to provide citizen input.

Ferenc Kovac – Wants balance for current and future residents and owners.

Suzanne D'arcy – Planning Commissioner, 14-year resident, wants SP developed economically balanced with citizen wants.

Teresa Onoda – Impressed with everyone who is on committee, wants the SP to reflect Moraga.

Ken Markey – Resident and entrepreneur. Wants to streamline future development.

Dave Bruzzone – Ownership of the family. Looking for something positive to happen. An expeditious process. A fair evaluation of all the community concerns. Hopeful it will be a positive experience.

Kathe Nelson – Moraga Chamber of Commerce Executive Director, represents the business community.

Tom Schurr – Loves Moraga.

Judy Miles – Joined to work with disparate views and help come to common ground, 35-year commercial real estate lawyer

John Phillips – Looking forward to working on the project.

Nehil Gera – SP is an opportunity to rejuvenate the Town and accommodate state housing requirements.

Bob Fritzky – President of Moraga Chamber of Commerce, 19-year resident, desires to enhance the business community, and has experience as he lived through downtown revitalization in three separate communities.

Stefani Gray – Six-year resident with two young kids, founded the business engagement collaborative Viva Moraga to help bring businesses desired by a younger generation of residents represents younger people.

Barbara Simpson – 40-year resident, loved that Moraga was a little town in her youth, horses on the trails at the time, a plan to enable small town feel, lots of dangers with politics and changes.

Fritz Stoop – Moraga resident, didn't like Saint Mary's so went to Cal, Moraga is 30 years behind the rest of Bay Area in his mind, retired in 2000. Moraga needs to develop its commercial business sector.

Russell Driver – Interested in the process because he was on the PC while the Town of Moraga revised its Housing Element, which is heavily tied into the zoning of the MCSP area.

Brown Act 101 Presentation

Vice-Chair Korpus gives a presentation on the requirements of the Brown Act. Staff is not a Committee member and can act to transmit information to the members as needed without risk of Brown Act violation.

Ferenc – staff needs to post minutes and agendas on NextDoor and elsewhere.

Barbara Simpson – how does the General public learn about what is happening?

Vice-Chair Korpus – you can speak with residents one on one, but you need to be clear that you can't spread the word to others and to not tell other CAC members what was said. The public can read notes of this meeting, and NextDoor posts.

Dave Bruzzone – Expressed concern as a property owner if he wants to talk to people about the property. He is involved to make people aware if we are or are not studying the correct issues. He wants to counter the unbalanced information about what is happening.

Vice-Chair Korpus – you can talk about your property, the Committee is going to recommend something to the Council, that material is covered by the Brown Act. This is imposed upon us by law. You will need to be careful about and stay away from the topics that are being decided at these meetings. You can talk to Town attorneys about your particular situation.

Dave Bruzzone – This should be alarming to anybody.

David Early – you are a Committee member and face the same obligations; you can talk about your concerns in an open meeting.

Katherine Oehlschlager – it is not intended to prevent individuals from talking to citizens. We can talk to neighbors. You would have to say something and forwarded to 17 members; you would also have to read it.

Dave Bruzzone – There was a notice on NextDoor. If someone posts the meeting date, is that not a Brown Act violation?

David Early – it is okay to convey information, but not your position.

Fred Stoops- Who enforces the Brown Act?

Vice Chair Korpus- Brown Act is citizen enforced. Citizen expresses it at Committee; it can be remedied.

Barbara Simpson – can we write a letter to the editor; you can't state your position on these items.

Alexandra Mende- There was an opinion put on Nextdoor and plans were published. There was an email thread with a lot of information.

Vice Chair Corpus – we should all be careful moving forward.

Moraga Center Specific Plan Presentation

David Early introduced Planning Director Derek Farmer who gave a presentation on the history of the MCSP, zoning fundamentals, and the history of the Implementation Project so far.

What is the trip per dwelling unit? It is a daily rate.

Will the traffic analysis be done again? There will not be a new analysis because the project will be consistent with the traffic analysis done before. We will have Fehr & Peers look at zoning to make sure that whatever we will be adopting will not be exceeded.

What was the traffic impact conclusion? If the project exceeded 630 units there would be SUA impacts. No SUAs if 630 units and under. Less than significant conclusion.

We would need to look to see what the mitigation would be required.

No regional mitigation required.

Concern about retail leakage. Residents go elsewhere for services.

20,000 sf multi-generational community center; it could happen. Town would not pay for it. Zoning could provide for this use.

David Early – encourages CAC to download the SP and review it. It sets the parameters. This is not about amending or changing the SP; it is the foundation we are working for it.

Ferenc Kovac – the original document had a transit center.

Derek Farmer – this will be something that will be part of the circulation system discussion. Building out the Moraga Center and incorporating a transit stop; need to incorporate transit friendly housing. A transit stop that meets all the headway requirements of CETA.

Fritz Stoop – We have 16,000 plus residents plus 6,000 housing units where people live. Adding these numbers doesn't seem realistic – how can we fill 90,000 sf of retail space?

David Early – it is not the Town's role to support 90,000 sf of retail, it allows the market to dictate how much retail SF will be built and how it will be located if it is proposed by a developer with ownership consent. The Committee doesn't need to worry about the "90,000 SF" number because the MCSP has already specified that this amount of commercial space be allowed. It will be up to the development community to propose that or not. You cannot exchange trips between residential and non-residential uses.

Barbara Simpson – there is reference to compact single-family unit. What is the difference between this and a Single-Family unit?

David Early – compact – townhouse, condos, duplex, zero lot line = compact single family.

Barbara Simpson – are there any limits on the number of vehicles that can be owned by residents?

David Early – we will not limit vehicle ownership. There is national and State data, which is very good for the average use rates, and which allows us to make intelligent decisions and transfer development which has similar parking requirements. It is illegal to tell people to own X number of cars.

Ken Markey – he is the only one in the room who has been through the process who would have benefited from having the plan in place. It took us two plus years to get brewery in place. How long would it have taken to get plan in place if it didn't require a conditional use permit.

Derek Farmer – Ken's project went through planning in four weeks to obtain all planning approvals; other permits outside of Town control have resulted in his project delays. For future projects, design review would still be required; we only control the land use process. Town still wants discretionary control over design – especially along scenic corridors.

Ferenc Kovac – If we have questions who do you email?

David Early- Derek Farmer. dfarmer@moraga.ca.us.

Kathryn Oehlschlager – what is zoning and what does it do? It preordains what can and cannot be built in certain places. A conditional use permit is time intensive. The zoning would say what uses are allowed by right.

David Early – zoning will guide height, setback, density, lighting, landscaping, parking. We do expect the town's design review process will remain in effect. The Town does want discretion when it comes to design review. This new Zoning Code will not circumvent or overtake the design review process. There will be an objective piece through zoning,

Nihil Gera – what is the timeline for consistency between SP and Zoning.

David Early – you can be a landowner and propose a project and the Town needs to approve – if zoning is not in place there is a much bigger process to undertake. Zoning will

In the first implementation of the 26 homes Summerhill. How did those houses get built?

Derek Farmer – it happened very slowly and methodically. The two housing projects required a rezone to Planned Development. It takes forever and the planned development doesn't provide for what will ultimately get approved. It is a discretionary process. Want to create certainty for the process.

Cynthia Battenberg – certainty for the developer and the community. We will talk about scenic corridors.

Vice-Chair Korpus – she fought Moraga Town Center Homes project. Biggest issues had to deal with setbacks, building height, and space between homes. It intruded on the scenic corridor. We will figure out how to implement a zoning pattern that addresses those issues.

Audience Member – why was the zoning update not done at the same time as the SP? How do we prevent putting in too much restriction, so it injures what was approved in the SP.?

Derek Farmer – there were proposals for projects on the site immediately after SP but were not formally submitted.

Chair Wykle – in 2014 we tried form-based approach – it didn't work. So that's where we are today. We didn't have zoning in place for Moraga Town Center Homes.

Randall Whitney- Which document SP or Zoning has more authority?

David Early – documents need to be internally consistent. Can provide for a general setback, but zoning can specify the setback for a certain area. Zoning will allow enough latitude to ensure quality project but provide for more direction.

Russel Driver – the Housing Element was out of State compliance. CCTA has a rule that they can't provide local roads funding if the Housing Element is out of compliance. Need to provide for enough units to allow for ministerial approval.

David Early – you are still in compliance with State law to have done this.

Teresa Onoda – with the 6 acres site A R-20 – would that be 120 toward RHNA number of 226?

Teresa Onoda – every seven years you get a new RHNA allocation. When was the last allocation?

Derek Farmer – Around 2016. The Town is currently consistent with RHNA allocation.

David Early – every 8 years HE is required to be updated.

Vice-Chair Korpus – if legislation passes density bonus. The density bonus wouldn't affect the maximum of 630 units.

David Early – if you build out every area with the maximum allowed you would get a lot more than 630 units. There will be a series of development areas. What we will show you is a couple of scenarios that could occur under these rules. It will be up to the developer to choose what to develop under the development limit and what the zoning allows.

David Early – you can get a copy of the 2016 Zoning Document. We are starting over on the drafting of the zoning. Building off the SP (not the form-based code). The 2016 Form Based Code took a different approach than Town zoning code. Staff and Council have directed us to not go after the form-based code.

Teresa Onoda – she worked on the form-based code. The form-based code did not work well with the topography. Opticos used buildings from flat lands.

David Early – Opticos are national experts on form-based codes; they do wonderful work on a national and international scale. They do great work, but it was more of a regulatory document that didn't reflect the topography.

Suzanne D-Arcy – if we zone for 630 homes, if the CA legislature allows for a density bonus.

David Early – none of us can promise you that the CA legislature would not take away local control; probably wouldn't change that because it is a fundamental part of CA law. Some legislators are trying to take away local land use control in SF and LA but would be surprised if that happened in Moraga.

Kathryn Oehlschlager – Scott Weiner and the people in Sacramento are working to create incentives and measures to enforce the building of affordable housing and punitive measures if they don't. We need to have a plan in place that has senior housing, TOD, and workforce to maintain local control.

David Early – the legislature has a perception that cities are not doing anything to build housing. The MCSP is something and shows the State that we are doing what is needed on our own to put housing in place. It takes away State momentum.

Janet Dobbs – in Table 4-9, this shows 0' setbacks on front side, rear.

David Early – leadership has said that we are going to explore more significant setbacks along Moraga Way and Moraga Road. Along School Street, a 0' setback is more appropriate. We won't explore it on the major streets and scenic corridors.

Russel Driver – will we see the draft Zoning Code?

David Early – not part of CAC work.

Barbara Simpson - Can we see scenarios before Sept 4?

David Early – yes hope to publish a week before.

This Committee will not develop Zoning Code? Why?

David Early – a large committee is not effective at this.

Are the scenarios you are creating reflective of Bruzzone?

Cynthia Battenberg – we have met with the Bruzzone family several times and have considered these.

Vice-Chair Korpus – her understanding is that the purpose of the CAC is to provide recs onto what should be done in the ZC. Council will consider whether CAC recs are part of Zoning Code.

Alexandra Mende- Her biggest concern is traffic flow about getting in and out of town. Will there be things to address that as part of the CAC?

David Early – short answer is “no.” EIR found that the development would not cause a Significant Unavoidable Impact.

Alexandra Mende - Will the plan take into account the possible necessity to address traffic congestion? Widen streets?

David Early - We will make available the traffic assessment from the EIR. In addition, the firm used for this consulting work, Fehr and Peers, is based in Walnut Creek, knows the area, and will be consulted for peer review during the process moving forward.

Barbara Simpson – she went to a meeting with Police and Fire Department about wildfire dangers. Only exit route is Moraga Road. We are a dead end as far as safety is concerned.

David Early – you can let the Council know that additional actions can be undertaken. However, exit routes are not the responsibility of this specific meeting; these concerns should be taken up with the Town Council.

Concludes business portion of meeting at 8:58.

Public Comment

Barry – thanks to CAC for being here. Concern about segregation of housing; don’t want to be segregated. Spread out senior housing amongst the units. Think about taking the senior component and spreading it amongst the development.

? – From 2002 on, the land is available for development? How do you obtain the land?

Chair Wykle – Bruzzone is the major property owner.

? – You don’t have a commitment that the land is for sale.

David Early - We are establishing the parameters for development. We do not, as a town, direct or proscribe what a landowner or developer can do or tell them they must sell. We wait for them to bring in a site plan or project idea, consistent with the work of this committee, and work on how it might fit into existing conditions. This zoning code will provide new certainty for both developers and residents, allowing discretionary review.

? – if we have a Santa Rosa type of development, we will not get out of here.

? – within budget and timeline, what is the timeline for the draft Zoning Code?

Derek Farmer – MTC deadline is 30 months (three years) from January 2019. We want to get this done this winter. Later fall hearings for PC. January Town Council?

? – is there an example in Moraga that is R-20? Is there an example that comes close to R-20?

David Early –Moraga Town Center Homes would be approximately 12 DUA as currently built. With design and consultation, these unit density levels would be possible in buildings and designs that fit the Town's rural character and we still will have space for discretionary review.

Vice-Chair – moved to adjourn.

Adjourned at 9:03 PM.