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Back to the Drawing Board for Moraga Center Homes Project

By Sophie Braccini

The Moraga Town Council neither upheld nor denied the appeal of the Planning Commission's approval of the City Ventures project on Moraga Way next to fire station 41 at its recent meeting on Jan. 28. Most council members agreed with the appellants that the conceptual plan had flaws, but rather than supporting the appeal, council asked staff to work with the developer to remedy the identified issues. The final decision was postponed to an uncertain future date.

Residents who came to hear the council's ruling filled the Joaquin Moraga Intermediate School auditorium. Over the past months, after story poles were erected on the development site, the community had expressed concerns about the 36-unit development project. During the public comment portion of the meeting, Moraga-Orinda Fire District Chief Stephen Healy said he was directed by the district's board to notify the council that the proposed residential development project is not compatible with the MOFD's training facility at fire station 41.

Healy stated, "Regardless of measures put in place with City Ventures, the board believes it is inevitable there will be complaints from residents living in those homes and there will be pressure to curtail training activities - an unacceptable consequence to the district." He referred the town to a 2008 letter sent from the MOFD expressing concerns regarding the zoning of the site, and mentioned many discussions he and an ad-hoc committee created by the MOFD board had with the developer and town staff to try to mitigate the district's concerns. Station 41 houses the only training center for the MOFD. Kathleen Famulener, who sits on the MOFD board, added there were potential risks of fatal accidents by having a fire training facility next to a development with a pocket park or children's playground (included in the project).

Appellant Dick Olsen and co-appellant Steve Bowey argued that the project's massing along a scenic corridor, the three-story height as well as the increased traffic on Country Club Drive all pointed to a flawed project, potentially destructive to the character of the town, and in violation of the town's General Plan and the Moraga Center Specific Plan.

Fifteen residents expressed similar concerns against the project.

Lucy Dendinger and Dan Alipaz, on the other hand, argued that Moraga had been a no-growth town since the 1990s, that retail had suffered from it, that the town needed an influx of young families, and that the tax base needed to grow. For these reasons they supported a project they thought was well designed. Councilmember Phil Arth said he supported the project, based on the recommendation of staff and advisory bodies.

City Ventures CEO Phil Kerr reminded the council that the Planning Commission had found the project consistent with the Moraga Center Specific Plan, which is in accordance with the General Plan. But Councilmember Teresa Onoda said that she researched the MCSP and found the project to be non-compliant because when traveling along Moraga Way, a person's view of Indian Ridge would be blocked by the proposed development. She also added that the project was not compatible with its surroundings, since it includes a very different setback than its respective neighbors and contended that the massing was not compatible with town regulations.

Councilmember Dave Trotter said that height, view shed protection and setbacks should be reviewed. He also questioned whether the traffic study's projected 210 trips per day for the project was accurate.

Mayor Roger Wykle agreed with his colleagues and wondered if, with a combination of setback and building height modifications, the view shed could be protected. He also agreed that it was likely that the traffic impact had been underestimated. The council directed staff to work with City Ventures to mitigate these issues.

After the meeting, Charity Nelson, City Ventures project manager, said, "I am confident that we will find a solution that will satisfy the council's concerns." She indicated that no additional traffic study

needed to be done since their project was below the envelope allowed by the MCSP. She anticipated the project to come back to the council in March.

Town Planning Director Ellen Clark also said she was optimistic regarding a successful outcome.

"We (should) be able to come back with project revisions that address the council's concerns regarding consistency with the Specific Plan, and that meet the developer's objectives for a viable project," she said.

The question regarding the position of the MOFD remains. During the meeting Chief Healy noted that it was not the intention of the district to interfere with the development of the town. However, the statement of incompatibility raises new questions and both Nelson and Clark stated they would reach out to MOFD and try to work out a solution. MOFD board members did not respond to this reporter's question regarding the possibility that the district could exert its eminent domain power and purchase the land.

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