TOWN OF MORAGA
PLANNING COMMISSION MEETING

La Sala Building, Hacienda de las Flores — April 20, 2009
2100 Donald Drive
Moraga, CA 94556 — 7:30 P.M.

MINUTES

I. CALL TO ORDER

Chairperson Goglia called the Special Meeting of the Planning Commission to order at 7:34 P.M.

ROLL CALL

Present: Commissioners Daniels*, Driver, Levenfeld, Obsitnik, Socolich, Whitley, Chairperson Goglia
Absent: None
Staff: Lori Salamack, Planning Director
Rob Brueck, Hauge Brueck Associates, Specific Plan Consultant
Josh Abrams, Housing Consultant
Rob Rees, Fehr & Peers

* Arrived after Roll Call

B. Conflict of Interest

There was no reported conflict of interest.

II. ADOPTION OF MEETING AGENDA

On motion by Commissioner Whitley, seconded by Commissioner Socolich and carried unanimously to adopt the meeting agenda, as shown.

III. ANNOUNCEMENTS

There were no announcements.

IV. PUBLIC COMMENTS

Alice Mazell, Moraga, representing Moraga Gardens located on the corner of School Street and Moraga Way, requested that the Town preserve the Moraga Gardens which dated back to the 1800s and which was an important source of community gatherings and sharing. She noted that the property was being leased from the Bruzzone family.

Dave Bruzzone clarified that the Bruzzone family had leased the land for some time although he disagreed that the community gardens was a historical use. He stated that his expectation was to be able to use the property to help the downtown and to create a certain ambiance in the downtown. He commented that if the community wanted a community garden there was enough acreage that was community owned or Town owned to pool those resources. He noted that the suggestion to retain the community gardens was in disrespect of the agreement with the property owner and he was alarmed by that request.

V. ADOPTION OF THE CONSENT CALENDAR

A. None

VI. CONTINUED PUBLIC HEARINGS

A. None

VII. NEW PUBLIC HEARINGS

A. None

VIII. PUBLIC MEETING

A. Discussion and possible recommendation regarding the Moraga Center Specific Plan (MCSP) including park and recreation facilities, traffic, commercial and residential development potential, and the final Environmental Impact Report (EIR)

Planning Director Lori Salamack advised that the Commission had requested information at the last meeting that had been provided by Rob Rees to indicate the traffic that would be associated with the project relative to the various alternatives. A copy of the EPS [Economic and Planning Systems] report had also been provided. To respond to the question of parking, she had updated the parking allocation given the Town's record of the square footage of all of the businesses in Town to ensure that there was adequate parking for the various uses.

Referring to the parking study, Ms. Salamack reported that there was more parking available than required by the businesses within the Moraga Center. She added that even though a space was vacant, there was still a calculation for parking provided based on square footage. She advised that there was a surplus of 101 spaces at the Moraga Center.

Ms. Salamack commented that when the Montessori School had been approved it had been approved with a requirement for 100 parking spaces, although the property owner had considered that to be an excessive parking requirement given that the school catered to children not able to drive. If the parking for the Montessori School were reduced to what it would be on a use basis for staff as opposed to students, the parking surplus would be in the area of 183 spaces for the Moraga Center. She suggested that 183 spaces could support an estimated additional 45,000 square feet of retail space depending on the use.

Ms. Salamack presented a site plan that had been prepared some time ago for a proposed community center which had called for 100 parking spaces. Referring to concerns that had been expressed for parking associated with the Moraga Commons and the overflow parking that currently existed at the Moraga Center and how other locations might be impacted; she stated that the information had indicated that there was adequate parking at the Moraga Center. Further, for new buildings to be constructed there would be a requirement for parking for those new buildings. She suggested therefore that there would be a question of how the parcels were located and the relationship between the various uses as opposed to a concern that there would not be adequate parking at the Moraga Center.

Ms. Salamack also referred to a table in the MCSP with respect to traffic and explained how the number of dwelling units could vary while not changing the traffic impacts in that there were more trips associated with a single-family residence than with a typical compact residential condo or townhouse. She described the format and purpose of the table and explained, for instance, that 20 single-family homes would equate to 33 compact townhouses.

Ms. Salamack also presented a draft resolution of approval should the Commission be at the point of making a decision. She explained that the resolution memorialized the fact that public notice had been provided for the meetings and that the matter had been considered on three occasions; a joint meeting with the Design Review Board (DRB), a joint meeting with the Park and Recreation Commission, and the current meeting of the Commission.

Ms. Salamack added that a recommendation would be sought to the Town Council to certify the EIR and find that the EIR reflected the Town's independent judgment and properly analyzed the impacts associated with the potential development. The Commission was also asked to recommend approval of the Moraga Center Specific Plan. She stated that could involve approving the project description most easily referenced in terms of the number of units, the 720-unit plan or any of the alternatives that had been identified.

Ms. Salamack also noted that the Commission was being asked to acknowledge that the MCSP was an implementation of the General Plan which had called for the creation of a specific plan for the Moraga Center area and for the Rheem Center area. The MCSP was designed to implement that plan. There was also a request that the Council amend the Municipal Code to provide for the development of housing at a density of 20 dwelling units to the acre (DUA).

Rob Rees, Fehr & Peers, walked the Commission through the tables that had been provided to identify the volume characteristics at each of the study intersections which included existing traffic, traffic from approved land development projects Lamorinda-wide that had not yet been built, and cumulative traffic that would be added as a result of build out of the Lamorinda General Plans. He added that the pie chart identified the total number of vehicles. What had been shown was that the dominant traffic currently existed. In comparison, the project would add only 1 to 2 percent depending on intersection locations, time of day and the like.

Mr. Rees reported that there were approximately 5,500 homes in the Town and 90 percent of those homes were single-family homes which would generate approximately 10.6 trips per day. In addition, there was 400,000 square feet of retail, 3,000 non-retail jobs excluding Saint Mary's, and 1,000 Saint Mary's jobs. With a 720 dwelling unit project, 300 of which would be senior housing generating traffic at one-third the rate of single-family housing and 300 compact units which generated only 60 percent of traffic generated by single-family, the project in the context of the entire Town would generate little traffic compared to what the entire Town generated. In addition, the traffic would be dispersed into three different corridors; Moraga Way, Moraga Road and Saint Mary's Road.

Mr. Rees explained that the intersections impacted outside of Moraga were primarily impacted because the significance threshold was for a project that added one more trip to the intersection, intended to provide a very conservative analysis. That process had identified several impacts in Lafayette and Orinda that might not otherwise have been identified.

Chairperson Goglia reiterated her concern with the report that a smaller project in comparison with a larger project would have the same traffic impact.

Mr. Rees explained that the General Plan alternative of 339 units was all single-family units. Multiplied by ten, those units would generate approximately 3,400 trips, which was equivalent to the trips generated by approximately 900 senior family units.

Chairperson Goglia clarified therefore that the dwelling units in the different alternatives represented a different mix of densities with different trip generation, where single-family housing was the most intensive trip generator and senior housing at 3.7 trips per unit was the least intensive.

Commissioner Whitley clarified that the 339-unit project description represented the build out under the General Plan under the current zoning and represented what could be developed without the MCSP. He suggested that the Commission should be considering the comparison of the 339-unit project with the several alternatives of 720 dwelling units, 560 dwelling units and 400 dwelling units. He suggested rather than considering no development whatsoever, consideration should be of the differences between a 339-unit project to adopting a specific plan that may, in fact, reduce traffic overall.

Mr. Rees commented that the pie charts did not reflect such a comparison. He again clarified the various data on the charts for projects currently approved to secure permits.

Commissioner Whitley clarified that no action would reflect no adoption of the MCSP.

When asked, Ms. Salamack advised that the draft resolution had been written for the adoption of the project description. No approval of the project description would require an amendment to the draft resolution that the Town Council certify the EIR and adopt a revised Moraga Center Specific Plan that implemented whatever alternative was identified. She clarified that the alternatives had been studied in the plan. The proposed project was for 720 dwelling units.

Chairperson Goglia verified that the Commission was being asked to recommend Town Council certification of the EIR, the adoption of the Moraga Center Specific Plan, a level of development with the proposed project at 720 dwelling units or Alternatives 2, 3 or 4, and to recommend that the MCSP implement the General Plan.

In response to Commissioner Daniels, Ms. Salamack explained that included in the plan itself was Table 4-2. She stated if the Commission did not want to allow flexibility; the Commission would approve only the project description and exclude the alternatives, directing staff to revise the plan and not allow flexibility. She added that the traffic associated with the different intensities was the same since it was controlled by the different trips for development unit type.

Chairperson Goglia referred to Page 2-11 of the MCSP EIR which indicated the number of the various housing unit types that could be distributed across the proposed project.

Ms. Salamack clarified the proposed 20 DUA zoning district that would need to be added to the Moraga Municipal Code (MMC) and the need to create development standards for that new district to be able to implement the land use. She clarified that establishing a minimum density of 20 DUA would qualify for affordable housing without demonstrating the affordability.

Ms. Salamack also clarified that there was no desire to indicate a minimum where the maximum would be unlimited, therefore a density of 20 DUA had been indicated. She added it could be indicated that there be a minimum of 20 DUA with a maximum 25 DUA to allow a density bonus as required by State law.

Josh Abrams, Housing Consultant, explained that there was a density bonus of 25 percent for affordable housing to encourage developers to provide affordable housing. He identified a new standard where the Housing Element would require some land zoned for affordable housing so that it would be feasible to build affordable housing, or a jurisdiction could accept the State default of 20 units per acre for affordable housing.

In response to Commissioner Levenfeld, Ms. Salamack clarified that the proposed project was for 720 dwelling units although if the Town wanted to allow some flexibility in the specific plan to respond to market conditions, the Town could approve the land use matrix with minimum and maximum boundaries. The maximum boundary would be 780 dwelling units allowing a trade-off of some of the unit types. She stated that the Town did not have to approve the table.

Ms. Salamack further clarified, when asked, that when new retail was constructed new parking would also have to be constructed. She stated that there was no shortage of land available. She commented that in the area closest to Moraga Commons the land at the shopping center was currently undeveloped. She explained that the Town could not require the property owner to build parking for Moraga Commons. If that land was developed and there was a recreational facility in either Location A or B, there was a concern that there would not be adequate parking within the Moraga Center and parking associated with the Commons could be spread to other areas, including the Library, which would have an adverse impact. In studying the parking currently available on site and new parking that would be required to be constructed with any new facility such as a community center/gymnasium or new commercial space, there was adequate land in the Moraga Center to accommodate the additional building and additional parking.

Ms. Salamack added that the property in question should not create a spillover effect to impact parking on the public street or to impact adjacent uses. She clarified that the overflow parking for Moraga Commons was on Bruzzone family property. She explained that the document did not include consideration for shared parking.

Commissioner Levenfeld asked why the community center/gymnasium had not been provided on Table 4-2.

Rob Brueck, Hauge Brueck Associates, the Specific Plan Consultant, reported that the community center/gymnasium had been identified at the end of the table with a description by itself. It had been included in all the alternatives with the exception of Alternative 2 because it had not been included in the original General Plan assumptions.

In response to Chairperson Goglia with respect to Area 7 (Site B) on the plan, Ms. Salamack stated that 100 parking spaces had been identified as necessary for a community center/gymnasium facility. She suggested that the key would be to ensure that there was parking in close proximity to Moraga Commons so that the parking could be used both by the Commons when it was busy and by the businesses when they were busy. She explained that the issue was at the planning level at this time and no site specific determinations had been made. She reiterated that there was ample land in the area to provide the land uses that could be developed under the plan. She also advised that Area 7 was owned partially by the Bruzzone family and partially by the Town.

Ms. Salamack clarified, when asked, that there was no assurance that anything proposed by the MCSP would be built. She advised that the Park and Recreation Commission would make a recommendation to the Town Council on the potential for a community center/gymnasium. If the Commission wanted to offer its recommendation on that issue it could do so. The DRB would make its recommendations to the Town Council with respect to the design guidelines for the MCSP only.

PUBLIC COMMENTS OPENED

Dave Bruzzone commented that his family had come up with the suggestion for a community center many years ago prior to the Park and Recreation Commission's development of its Master Plan. While he questioned whether or not a community center or a combined use was needed, he agreed with the need for a gymnasium that he suggested could be located at a number of locations. He commented that while he did not have a problem providing the overflow parking, he had a problem when the Town did not study its land to see what it could do without taking someone else's land or hampering the Town's ability from getting added revenues from property taxes and sales taxes.

Mr. Bruzzone stated that the downtown was critically important and could fuel whatever amenities the Town wanted to undertake. He suggested that could not be done with a community center in the middle of the downtown retail center. He referred to the EPS study which had projected that by 2015 there could be a need for an additional 62,000 square feet of retail.

Mr. Bruzzone explained that the Bruzzones were looking long term to see how they and the Town could survive and provide a viable and exciting downtown while creating something new. He suggested it would take a concerted plan to do that, but that the MCSP was not the plan to do so.

Mr. Bruzzone also noted that the EPS study had indicated that a single family home, the high end house that could be provided in Indian Valley and Bollinger Valley, would be a key component to the viability of the downtown. He suggested that the downtown would fail if a reservoir of high end single-family houses was not retained. He suggested that those houses could provide affordable units with in-law units and that not all of those units had to be in the downtown. He commented that there was no plan for that possibility.

Mr. Bruzzone suggested that Table 4-2 did not go far enough. He supported an alternative that was viable now and yet flexible enough to accommodate the economic environment. He supported restaurants along the riparian corridor and suggested that Peet's, Jamba Juice or a teahouse would be nice in that area. He urged the Commission to consider something that the property owner and the Town could be excited about.

Mr. Bruzzone commented that the Housing Element and the MCSP were tied together, which was a concern to him. He stated that the Housing Element was looking to the MCSP to provide the vast majority of affordable housing. He urged the development of affordable units as in-law units.

Speaking to traffic, Mr. Bruzzone noted that there were no discernible differences between any of the alternatives. He urged the Town to allow flexibility to take place. He added that if removing the 3,000 square foot community center, all of the traffic scenarios looked much better.

Mr. Bruzzone also suggested that the greatest mitigation measure that should have been included in the EIR was at First Street in downtown Lafayette which should be converted back into two-way traffic. Without that, he suggested that the EIR was deficient.

Further with respect to traffic, Mr. Bruzzone suggested that the key traffic components were peak hour trips. He commented that senior housing generated one tenth of the peak hour trips that single-family homes generated. He emphasized that the success of the MCSP was dependent upon single-family units in Indian Valley and Bollinger Valley and dependent upon the purchasing power of those who could afford in today's market to pay for $2.5 to $3 million homes.

Mr. Bruzzone commented that he had been negotiating with a local company that was thinking about relocating and which had proposed to locate in a substantial amount of commercial and office space in the range of over 50,000 square feet. He suggested therefore that many of the square footages that might seem out of the ordinary were not when considering the long-term.

Mr. Bruzzone requested the removal of the 30,000 square foot community center/gymnasium from the MCSP. He suggested that if the Town wanted that center, it would have to break up the recreational and gym uses from the other uses, which would disperse the traffic. If there had to be a community center/gymnasium, he suggested that the bowling alley site in the Rheem Center be considered for that placement.

Mr. Bruzzone expressed his objection to a 20 DUA default density and questioned whether or not that would be viable given the cost of land. He stated there were too many questions with respect to the plan which did not adequately address the implementation, there were no building standards for a 20 DUA default, and he objected to a rush to identify the affordable housing units to be able to meet the State certification of the Housing Element. As an alternative, he suggested that the community center be eliminated from the MCSP, allow single-family developments in the Bollinger Valley, reduce the number of forced units in the downtown and create an exciting, quaint downtown.

PUBLIC COMMENTS CLOSED

Commissioner Levenfeld asked about school impact fees, to which Ms. Salamack explained that those fees were collected by the Building Department at the time of the issuance of the building permit and paid to the School District to compensate the District for adjustments it would need to make for a larger school population.

Commissioner Driver suggested that the issue was critical for the Town in terms of General Plan priorities on what should be developed and the direction to build a vibrant downtown. He suggested it was critically important when creating vibrancy or a sense of place to have an appropriate configuration of streets and development to attract customers. He commented that Areas 1 and 9 were particularly challenging because of the lack of development potential in Moraga Ranch and the other side of the street with Safeway and the loading dock. He was also concerned with a lack of flexibility to string the parcels together in a way that would make sense to create a vibrant shopping center.

Commissioner Driver was also concerned with the potential for higher density in that the limit in the EIR had already been set. He supported some means of flexibility with respect to density along the main boulevard along School Street.

Commissioner Driver also had concerns with the design guidelines for mixed used commercial/residential districts and questioned the focus of the plan to generate the activity and pedestrian orientation desired. He expressed concern for Site A for the community center/gymnasium placing the wrong use and significant parking in the middle of what was expected to be the most active part of the area. If it had to be included in the MCSP, he favored Site B or some other solution altogether.

Stating that the economic report had identified a limited amount of development potential for office uses, Commissioner Driver suggested that if the demand was not available it would not be built. He also spoke to the Laguna Creek corridor and how that would relate to the plan and whether or not the proposed uses would be able to take full advantage of that site.

Commissioner Driver stated therefore that while he had some concerns and questions as to how the project had been laid out and how the MCSP when adopted would translate to an updated zoning map in a way that when developed, particularly piecemeal, would end up with a village concept, he had no negative reaction to the project in terms of density or number of units.

Speaking to the circulation element, Commissioner Driver suggested that a transit center be considered for incorporation into the plan.

When asked if he had a preference for a density designation, Commissioner Driver commented that would be difficult given the question of the economic use of the land, the siting of the buildings and where the units would be spread over the property. He stated in some places where the development could be more intense 20 DUA could be a limiting factor given the size of some of the parcels.

Commissioner Socolich recommended that sufficient flexibility be built into the plan given the fact that it would not be developed in the near future. He supported a lower density housing approach that could be changed at some point in the future, if necessary, and the supporting retail and commercial areas that would go along with that as a starting point. He supported something in the nature of Alternative 3.

When asked, Ms. Salamack explained that the general concept for the MCSP had been laid out in the EIR with the senior component to expand or contract based on the total number of dwelling units approved. She advised that the request to the Commission was to make a recommendation to the Town Council, which could accept or reject that recommendation. Once the alternative had been decided, the plan would be refined to reflect that alternative and the zoning would be proposed to implement the plan.

Commissioner Daniels supported Alternative 4 in that Alternative 3 did not provide enough synergy for the area and the proposed project was too dense. She did not see why so much office space had been proposed given the limited demand and she supported a reduction of the office space in the plan.

Mr. Brueck pointed out some of the uses that could be adjusted to provide flexibility in the plan.

Commissioner Whitley suggested that the EIR, as drafted, thoroughly described the impacts of the 720 dwelling unit plan and the alternatives on the Town of Moraga, the City of Lafayette and the City of Orinda. He suggested that the current EIR could therefore be approved in accordance with the draft resolution.

In terms of the proposed plan, Commissioner Whitley compared what the property had currently been zoned with the proposed project. The current zoning was significantly less than the 720 dwelling units that had been proposed and he suggested that a jump to 720 would not be acceptable to the Town. He also supported Alternative 4 and a recommendation to the Town Council for Alternative 4.

Commissioner Levenfeld agreed that the higher density was too high. Speaking to Alternatives 3 and 4, she had a concern for the proposed 90,000 square feet of retail and did not see how that could be built out. If retail was proposed at 50,000 square feet and maxed out, she suggested that an exception could be made to increase the retail if needed. She also commented that 560 dwelling units would be incompatible with the site.

Commissioner Daniels suggested for the area to work some synergy had to be created with a significant number and variety of housing units to support the commercial.

Commissioner Levenfeld expressed concern that the Housing Element was driving the project. She reiterated a suggestion she had previously offered that some of the required housing could be provided elsewhere in the community through secondary units. As such, she supported Alternative 3.

Commissioner Obsitnik agreed with the pressure imposed by the Housing Element and suggested that the entire Town be considered to meet the Town's housing requirements. Given the market, he did not know what would be viable, attractive and profitable for a developer. As a result, he supported flexibility in the overall plan. He did not support a community center in the MCSP even with the elimination of the gymnasium. He suggested that the community center should be placed elsewhere in the Town. He supported Alternative 4 from a flexibility and profitability standpoint with the look of the high density units to be governed by design guidelines to maintain the semi-rural character of the Town.

Chairperson Goglia suggested that the most flexible alternative that was not excessive was Alternative 4, and while the amount of retail and office might be more than the Town could support she suggested that if flexibility was allowed for the higher mid-range number of dwelling units the Town would have something to work with.

Chairperson Goglia supported Site B for the community center/gymnasium if required to be in the MCSP although she questioned why it would need to be in the MCSP. She also questioned how a community center/gymnasium would be funded.

Commissioner Whitley clarified that the Commission was not approving a community center/gymnasium and at most there would be an overlay district with a high density, residential or commercial designation. Questioning whether or not a community center/gymnasium would actually be built, he suggested that a community center could be an anchor tenant in a commercial setting since it would increase traffic and bring consumers to the downtown. He suggested that the Area 7 site (Site B) was an obvious site given the adjacent Moraga Commons and the fact that it was public space central to the Town. While he shared the concerns for how to pay for a community center/gymnasium, he suggested that an overlay to allow for it would be prudent since funding might be possible at some point in the future. He therefore recommended an overlay for Site B to allow for a community center/gymnasium in the MCSP.

It was clarified that Site B would be able to accommodate both a community center and a gymnasium.

A review of the draft resolution produced the following recommended modifications:

- NOW THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Moraga hereby recommends that the Town Council certify the Environmental Impact Report and adopt a revised Moraga Center Specific Plan that reflects the level of development of Alternative 4 as studied in the Environmental Impact Report;
- BE IT FURTHER RESOLVED that the Planning Commission hereby finds that the Moraga Center Specific Plan Alternative 4 implements General Plan Policy LU 3.1 and CB 6.5;
- BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the Town Council amend the Moraga Municipal Code to provide for the development of housing at a minimum density of 20 dwelling units per acre and a maximum density of 25 dwelling units per acre which includes the density bonus;

- BE IT FURTHER RESOLVED that if the Town Council approves a community center within the Moraga Center Specific Plan area the Planning Commission recommends that it be located at alternative Site B.

On motion by Commissioner Obsitnik, seconded by Commissioner Whitley to adopt Resolution next in number, as amended, to recommend to the Town Council the approval of the Moraga Center Specific Plan.

On the motion, Commissioner Driver commented that while he would not vote against the motion he suggested there were many reasons to consider a greater intensity of development in the area. He suggested that Alternative 4 offered enough opportunity. He characterized a 560 dwelling unit proposal as reasonable.

Commissioner Levenfeld suggested that a 560 dwelling unit proposal was too dense. While she could have supported a 400 dwelling unit proposal to meet the Town's housing requirements, she suggested that a 560-unit proposal would be out of character with the Town. She was also concerned with a 90,000 square foot retail proposal and how that could be made viable without running down the Town's existing retail centers. She supported some incentive to improve the Town's existing retail.

Commissioner Socolich had some of the same concerns but suggested that starting smaller would allow adequate flexibility for expansion if needed. He too supported a 400 dwelling unit proposal.

On the motion by Commissioner Obsitnik, seconded by Commissioner Whitley to adopt Resolution next in number, as amended, to recommend to the Town Council the Moraga Center Specific Plan, as follows:

- NOW THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Moraga hereby recommends that the Town Council certify the Environmental Impact Report and adopt a revised Moraga Center Specific Plan that reflects the level of development of Alternative 4 as studied in the Environmental Impact Report;
- BE IT FURTHER RESOLVED that the Planning Commission hereby finds that the Moraga Center Specific Plan Alternative 4 implements General Plan Policy LU 3.1 and CB 6.5;
- BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the Town Council amend the Moraga Municipal Code to provide for the development of housing at a minimum density of 20 dwelling units per acre and a maximum density of 25 dwelling units per acre which includes the density bonus;

- BE IT FURTHER RESOLVED that if the Town Council approves a community center within the Moraga Center Specific Plan area the Planning Commission recommends that it be located at alternative Site B.

The motion carried by the following vote:

Ayes: Commissioners Daniels, Driver, Obsitnik, Whitley, Goglia
Noes: Commissioners Levenfeld, Socolich
Abstain: None
Absent: None

Commissioner Levenfeld commented that she would have voted to recommend the certification of the EIR although that had not been considered separately.

IX. ROUTINE & OTHER MATTERS

A. None

X. COMMUNICATIONS

A. None

XI. REPORTS

A. Commission

Commissioner Obsitnik reported on the last meeting of the DRB and noted that the DRB had expressed concern that it had not previously been provided the DEIR for the MCSP and would like to make comment on the DEIR.

Ms. Salamack explained that the DRB had not been part of the earlier EIR process but had since been included as a result of the change in State law related to the ministerial process for the higher density housing development. She stated that the DEIR was available on the Town website. She clarified that it was the Planning Commission's function and not the DRB function to make recommendation as to the adequacy of the EIR. She reported that there would be a public hearing on the Final EIR before the Town Council on May 13 and May 27 when public comments could still be made.

B. Staff

1. Update on Town Council Actions and Future Agenda Items

Ms. Salamack advised that the Town Council would consider the Palos Colorados appeal at its April 22 meeting.

Ms. Salamack expressed her hope that the next meeting of the Commission would include a first review of the Housing Element.

Mr. Abrams described the different parts of the Housing Element that would be discussed at that meeting.

XII. ADJOURNMENT

On motion by Commissioner Obsitnik, seconded by Commissioner Levenfeld to adjourn the meeting at approximately 10:00 P.M. to a regular meeting of the Planning Commission on Monday, May 4, 2009 at 7:30 P.M. in the La Sala Building at the Hacienda de las Flores, 2100 Donald Drive, Moraga, California.

A Certified Correct Minutes Copy

Secretary of the Planning Commission