

**TOWN OF MORAGA  
PLANNING COMMISSION MEETING**

Moraga Library Meeting Room  
1500 St. Mary's Road  
Moraga, CA 94556

May 21, 2012

8:55 P.M.

**MINUTES**

**I. CALL TO ORDER**

Chair Levenfeld called the Regular Meeting of the Planning Commission to order at 8:55 P.M. immediately following the Joint Planning Commission/Design Review Board Meeting which had started at 7:00 P.M.

**ROLL CALL**

Present: Commissioners Kline, Kuckuk, Killam, Socolich, Chair Levenfeld

Absent: Commissioners Obsitnik, Wykle

Staff: Shawna Brekke-Read, Planning Director  
Kelly Suronen, Assistant Planner

**B. Conflict of Interest**

There was no reported conflict of interest.

**C. Contact with Applicant(s)**

There was no reported contact with applicant(s).

**II. PUBLIC COMMENTS**

There were no comments from the public.

**III. ADOPTION OF THE CONSENT CALENDAR**

There was no Consent Calendar.

**IV. ADOPTION OF MEETING AGENDA**

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

**V. PUBLIC HEARINGS**

**A. Land Use Permit 03-12 to Operate Weight Watchers in a Vacant Commercial Space at the Rheem Shopping Center, 452-A Center Street**

Assistant Planner Kelly Suronen presented the staff report dated May 21, 2012 for the request for a land use permit to operate Weight Watchers in a vacant commercial space at the Rheem Shopping Center, 452-A Center Street, which is a permitted use as shown in the staff report which outlined the description, findings, and conditions for the approval of the project. She clarified, when asked, that no food would be served on site other than the sale of pre-packaged Weight Watchers food items.

Commissioner Kline recommended that Condition 13 in the draft resolution be amended to read:

13. *Weight Watchers pre-packaged food products shall not be consumed on the premises.*

**PUBLIC HEARING OPENED**

Jeanne O'Brien, 3222 Belvedere Court, Pleasanton, explained that Weight Watchers occasionally provided samples of its pre-packaged food items and occasionally a member may purchase a box of the pre-packaged food and may consume it on the premises. The intent was that no food would be made on the site. No food would be sold other than pre-packaged food items.

Commissioner Kline recommended that Condition 13 could be further modified to add:

*Preparation of food shall not be permitted.*

Ms. Brekke-Read advised that the use was permitted subject to findings. Food service would involve a Conditional Use Permit with a set of conditions for the service of food. She recommended that Condition 13 be modified to read:

13. *Food and beverage sales shall be limited to the sale of Weight Watchers pre-packaged food products and other related products.*

Ms. O'Brien clarified that the pre-packaged food items were only Weight Watchers related products.

**PUBLIC HEARING CLOSED**

On motion by Commissioner Socolich, seconded by Commissioner Kline and carried unanimously to adopt Resolution next in number to approve Land Use Permit 03-12 for Weight Watchers at 452-A Center Street, subject to the findings and conditions of approval as shown, and with the amendment to Condition 13.

**VI. ROUTINE & OTHER MATTERS**

**A. Capital Improvement Project (CIP)/General Plan Compliance**

Ms. Brekke-Read reported that the Capital Improvement Program (CIP) must be found consistent with the General Plan and the Planning Commission must make the consistency finding and make that recommendation to the Town Council. She noted that this is the first time a Five-Year CIP had been prepared. Staff anticipated that once a new Public Works Director had been hired that individual would spend time reviewing the CIP and make some recommendations and/or modifications to the CIP. A table outlining all CIP projects had been identified including titles, a brief summary, identification of policies that applied, and any comments regarding compliance as included in the May 21, 2012 staff report.

Ms. Brekke-Read identified some projects of concern including the Laguna Creek Embankment Re-stabilization Repair project which involved a Federal Emergency Management Agency (FEMA) grant for a couple of failing retaining walls. After staff review of the site, it had been found that the creek bank was not following its natural course. As a result, staff had pursued FEMA funding as a restoration of the creek as opposed to installing new retaining walls consistent with General Plan policies calling for the restoration of creeks. She explained that if FEMA approved the project as originally proposed, the retaining walls would come out and new retaining walls would be installed which would accelerate flow but would not correct the problems with flooding or be consistent with the General Plan. The Department of Fish and Wildlife Service had opined with FEMA and recognized the Red-Legged Frog habitat and the fact that the creek should be restored. She was hopeful that FEMA would agree to restore the creek and she recommended that the Planning Commission make that statement to the Town Council.

Ms. Brekke-Read also identified the Rheem Boulevard Landslide Repair and Repaving project design and construction, which was consistent with the General Plan, as a project of concern although it was noted that the developer of Rancho Laguna II is required to pay a significant portion of the repair costs for that project. The Moraga Road Beautification Intersection Improvements/Traffic Calming programs were all individual programs in the CIP, all interrelated in different phases, and she recommended that the Planning Commission make that statement to the Town Council in the hopes that the Town Engineer would consolidate those projects and consider them from a global point of view.

In response to Commissioner Socolich as to what would occur if the projects were consolidated and funding was not secured for all of them, Ms. Brekke-Read commented that ideally there would be a larger Moraga Road program outlining all of the objectives the program would address including all of the components so that one project could proceed.

Commissioner Socolich recommended that the projects be considered from a global perspective and be coordinated with one another.

When asked by Commissioner Killam how the project would fit in with the Mayor's effort to improve all of Moraga Road, Ms. Brekke-Read advised that the Moraga Street Repair Program had been identified under the Revenue Enhancement Community Outreach to Neighborhoods Committee (RECON) and had been included in the CIP as outlined in the table in the May 21, 2012 staff report.

Chair Levenfeld noted that the undergrounding had not been linked to all of the street projects for Moraga Road and should be included.

Commissioner Kuckuk referenced the Bollinger Canyon Hillside Stabilization project which was more than a standard road issue. She also understood that undergrounding of PG&E utilities was part of the Moraga Road improvements and there should be a checkmark for the Bollinger Canyon Hillside Stabilization project.

Ms. Brekke-Read stated that project could be a requirement for any future development requiring Bollinger Canyon Road access.

Commissioner Socolich recommended a preamble for all of the CIP projects to read: "There should be a global perspective so that projects worked with one another and be done when funding is available." He otherwise agreed that the Laguna Creek Embankment Re-Stabilization Repair should include creek restoration.

On motion by Commissioner Socolich, seconded by Commissioner Killam and carried unanimously, the Planning Commission found the proposed Five-Year Capital Improvement Project (CIP) to be consistent with the General Plan and recommended that the Town Council approve the proposed Five-Year CIP provided that:

- Future CIPs consolidate related projects to ensure projects are comprehensively planned and designed, consistent with General Plan policies;

- Creek repairs focus on creek restoration rather than replacement or construction of retaining walls; and
- Notes for Rheem Boulevard repairs indicate that the applicant/developer is responsible for a substantial portion of cost and that new development projects may be required to construct, repair, or install improvements identified in the CIP as part of the development review process.

## VII. REPORTS

### A. Planning Commission

Commissioner Kline reported that he had attended a liaison meeting along with Commissioner Wykle with the majority of the discussion on the Community Faire at the Rheem Shopping Center, with a report from the Mayor that the Saint Mary's College (SMC) Recreation Center project would be fast tracked and the Moraga Chief of Police be provided information on the Public Notification System (NIXLE) which would provide e-mails and tweets to the public on any emergencies in Moraga.

Commissioner Killam reported that he was the liaison at the recent Design Review Board (DRB) meeting with consideration of an addition to a home located on Moraga Road and the election of the Chair and Vice Chair.

### B. Staff

Ms. Brekke-Read reported that the position of Senior Planner was open and would close on May 25. Three to four different planners had been working on different projects including the SMC Alioto Recreation Center, an addition to the SMC Psychology Building which would go before the DRB, the Bollinger Valley project, and a project for 1800 Donald Drive. Staff anticipated an application from Summerhill Homes for the Chi property located on Camino Ricardo, an AT&T Mono-pine application to be located at SMC, the Environmental Impact Report (EIR) for the former bowling alley site, and the EIR for an eight-lot subdivision for Hetfield Estates, to be considered by the Planning Commission on June 4. Staff also expected an application from City Ventures for a site between 1150 Moraga Way and the Fire House. In addition, the County would be handling grading permits for the Town of Moraga in the foreseeable future with staff to follow the discretionary grading permit process with DRB and/or Town Council review, if necessary.

## VIII. ADJOURNMENT

On motion by Commissioner Socolich, seconded by Commissioner Killam and carried unanimously to adjourn the Planning Commission meeting at 9:25 P.M. to a regular meeting of the Planning Commission on Monday June 4, 2012, at 7:00 P.M. at the Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, California.

A Certified Correct Minutes Copy

A handwritten signature in blue ink, appearing to read "John M. ...", is written over the printed name of the Secretary.

Secretary of the Planning Commission