

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

July 2, 2012

7:00 P.M.

MINUTES

I. CALL TO ORDER

Vice Chair Socolich called the Regular Meeting of the Planning Commission to order at 7:00 P.M.

ROLL CALL

Present: Commissioners Killam, Kline, Kuckuk, Wykle, Vice Chair Socolich

Absent: Commissioner Obsitnik, Chair Levenfeld

Staff: Shawna Brekke-Read, Planning Director
Kelly Suronen, Assistant Planner
Jerry Haag, Environmental and Contract Planner

B. Conflict of Interest

There were no reported conflicts of interest.

C. Contact with Applicant(s)

There was no reported contact with applicants.

II. PUBLIC COMMENTS

There were no comments from the public.

III. ADOPTION OF THE CONSENT AGENDA

A. May 21, 2012 Minutes

On motion by Commissioner Kline, seconded by Commissioner Killam and carried unanimously to adopt the Consent Agenda, as shown with an abstention from Commissioner Wykle.

IV. ADOPTION OF THE MEETING AGENDA

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

V. PUBLIC HEARING

- A. **UP-05-11** to consider a Mitigated Negative Declaration and Conditional Use Permit, Tree Removal Permit, Grading Permit, and Hillside Development Permit to construct and operate a 60,000 square foot student recreation center with a 950-seat baseball field spectator facility with training facilities and offices along the first and third baselines of the new baseball field; construct a non-competitive swimming pool facility on the site of the former baseball field; install a 62-space (net) parking lot to the north St. Mary's Parkway near the campus entrance; and excavate approximately 24,830 cubic yards of soil from an existing borrow pit at the northeast corner of campus to fill the project site. **Applicant:** Saint Mary's College (SMC)

Planning Director Shawna Brekke-Read introduced Jerry Haag, the Environmental and Contract Planner for the Town of Moraga who had prepared the Initial Study/Draft Mitigated Negative Declaration (MND).

Jerry Haag, Environmental and Contract Planner for the Town, presented the request for the consideration of the MND, Conditional Use Permit. He advised that the applications had preliminarily been reviewed by the Planning Commission and the Design Review Board (DRB) during a joint meeting on May 21, 2012, with a number of changes to the plan as a result of that meeting. Assuming that the Use Permit and other entitlements were granted, he explained that DRB consideration would be pursued at a later date.

Pursuant to California Environmental Quality Act (CEQA) regulations, Mr. Haag reported that a 21-day public review had been conducted and closed on June 4, 2012. The Town had received a number of comments, identified as Attachment B to the July 2, 2012 staff report, including comment letters and responses to comments. As part of the CEQA process, a number of changes had been recommended to the mitigation measures. Staff had also prepared a comparison chart showing the existing mitigations as they appeared in the MND along with suggested changes proposed by both staff and the applicant, and two competing recommended changes to one of the mitigation measures.

Mr. Haag commented that typically at this point in time staff would have prepared a Mitigation Monitoring and Reporting Program (MMRP) as required by CEQA, listing all mitigations, time of completion, who would fulfill them, and verification of completeness, however since many of the mitigations were unresolved, staff had deferred the actual preparation of the MMRP until such time as the Planning Commission formalized the mitigation measures which would be brought back at the next meeting of the Commission for approval.

Mr. Haag advised that some project changes had occurred since the last workshop and the applicant had submitted additional information and building plans for the proposed recreation center building. Story poles had been erected two weeks ago to allow the Commission and the public to see the outlines of the building. The applicant had also considered some of the recommendations from the Planning Commission, the DRB, and the public during the workshop and would be addressing those recommendations during

the presentation. The revised building plans show a parapet wall that had been added to the building to provide a three-foot wide reveal and overhang consistent with other buildings on the SMC campus providing a shadow line and reducing the height of the building.

In terms of the site planning, Mr. Haag noted that the proposed location is generally consistent with the 1991 SMC Master Plan. Some of the key components of the project include the Grading and Hillside Development Permits (HDP). Pursuant to the Moraga Municipal Code (MMC) the DRB would be acting on the Grading Permit, although in this case due to the applicant's desire for an accelerated Grading Plan and Use Permit, the Planning Commission had been asked to act on the Grading Permit. Staff recommended that the Planning Commission act on both the Grading Permit and the HDP.

Mr. Haag spoke to the phasing of the project as discussed during the joint workshop and stated that the applicant wanted to construct a recreational center immediately but did not have funding for the baseball field which is expected to be under construction by 2014. He clarified that the Use Permit would have to be extended if the applicant did not act on the Use Permit in one year. A SMC representative had indicated in response to a member of the public during the joint workshop that the swimming pool could possibly be rented out to the public contradictory to what staff had been told. Since that time, SMC had revised its statement and would allow some use of the existing swimming pool by youth groups and baseball camps, which would continue but not add to that use. The pool would not generally be open to the public but could be used by SMC faculty and staff. A portion of the project included the expansion of the Filippi parking lot of approximately 62 parking spaces since a number of parking spaces would be lost as part of the recreation center construction and since SMC had an obligation to replace some of the parking spaces that would be lost for the Filippi Academic Hall south of the recreation center building.

Mr. Haag added that during the joint workshop and during the CEQA comment period, comments had been raised as to the special events parking situation on campus where when one or more special events at SMC had created an overflow of parking which had impacted adjacent streets and blocked roads. As one of the mitigation measures, SMC would be required to prepare and submit a Special Event Parking Management Plan and identify specific measures to limit the impacts to the community.

Concerns had also been expressed during the workshop and CEQA review with the use of the existing intramural lights, and Mr. Haag identified an existing DRB condition of approval which allowed the field to be open until 10:00 P.M., which could be modified to 9:00 P.M. if the Town received complaints. He explained that there is an opportunity to remedy the situation by having the contractor reposition the lights or install different lens, although if the problems with the lights continued, the Planning Director may recommend to the Planning Commission or the DRB a modification to the condition for a 9:00 P.M. limit.

Mr. Haag recommended that the Planning Commission adopt a resolution approving the entitlements with modifications. He cited Condition 35 as shown on Page 12 of the draft resolution which if approved would allow the recreation center portion of the project to be open from 6:00 A.M. to 2:00 A.M. although SMC had indicated that the late hours may not be operative immediately due to funding restrictions. The Swim Center and any outdoor activities would be limited from 6:00 A.M. to 9:00 P.M. and the baseball field would be required to close at sunset.

Mr. Haag explained that the Planning Commission would also need to discuss SMC's request for an expansion of the construction hours as reflected in the CEQA matrix comparison in the MND, and noted that Mitigation Measure AIR-1, (b) would need to be corrected to require that all trucks be covered, either on the campus or off, to prevent dirt or dust spillover. In addition, Mitigation Measure NOISE-1 had shown construction hours to be limited from 8:00 A.M. to 5:00 P.M., Monday through Friday, including all grading, delivery of materials, and tune-up of equipment; anything that created noise. He advised that the applicant requested that construction hours be allowed to occur between 7:30 A.M. and 5:00 P.M., with consideration of expanded construction hours on certain Saturdays through September 1, 2012 to allow SMC to complete the grading of the recreation facility. He also advised that a staff recommended modification to Mitigation Measure NOISE-1 included language to make SMC more accountable for noise infractions, with signs posted around the site listing the hours of operation, a phone number, and access to a noise monitor who would have the ability to halt construction if found to be outside the parameters of the specified hours of construction.

Staff also proposed a change to Mitigation Measure TRAFFIC-2 which would make the special event parking plan more specific. The applicant had also submitted a letter requesting a change to Mitigation Measure TRAFFIC-3, although in further discussions with the applicant it had been determined that the mitigation measure did not need to be changed and the language was satisfactory.

As to the use of the intramural field lights, Mr. Haag explained that the staff recommendation was only a suggestion, would allow SMC to make the physical changes of the lights, and the time to ensure they would be effective. If a number of complaints are received by the Town, the Commission could act before the 2014 deadline, as recommended by staff, to address the situation.

Ms. Brække-Read added that that staff recommendation is not a condition of approval or a mitigation measure and the Planning Commission may provide other direction. As to the staff recommendation that the Planning Commission adopt the Grading Permit rather than the DRB, staff had reviewed the MMC carefully and pursuant to the discussions during the joint workshop, staff was confident the Commission could take the action.

Michael Beseda, Vice President for College Communication and Vice Provost for Enrollment, SMC, stated that he had been unable to attend the joint workshop on May 21 although he appreciated all the input on the proposal from staff, the Planning Commission, the DRB, and the public. He emphasized the importance of the project to SMC to provide

the type of educational experience SMC claims it provides given that the existing facilities had limitations for students in terms of recreation.

Mr. Beseda stated that the Recreation Center was intended to keep students on campus, would be a cornerstone in the SMC Sesquicentennial (150th) campaign, would be a benefit to the students to be competitive and prosper, and had been a deficit for SMC for decades.

Howard Martin, Civil Engineer for SMC, explained that the grading and drainage had been discussed during the joint workshop on May 21. The project site would be heavily regulated by various Clean Water Act regulations with three acres of impervious surface and with 25,000 cubic yards which needed to come down to bring the fill up since the baseball field would be up to seven feet higher than the prior baseball field as a result of the C.3 Water requirements which required infiltration control on the site.

Mr. Martin explained that the site had an existing high water table and as a result of past construction at Filippi Hall, piers had filled with clear water and there had been a recommendation during the joint workshop to break up the massing and drop the gymnasiums down, although that would not be feasible given that the cost of that engineering solution would be too high and would result in repairs to the hardwood floors. He identified the Stormwater Management Plan as part of the C.3 requirements, pointed out the close proximity of the creek, and explained that if the existing parking lot was removed, C.3 measures have requirements that would be difficult to implement given the close proximity of the creek. The parking lot would be retained and the area developed to deal with the almost three acres of impervious surface with bio-retention facilities as part of the low impact design. Nothing would be piped directly to the creek.

Mr. Martin also identified an existing traffic circle with an existing redwood tree that SMC wanted to protect, although due to the height of the building the Moraga-Orinda Fire District (MOFD) required a much larger turnaround with a 26-foot wide fire lane and 100-foot diameter circle. He also identified the upper parking lot and the expansion of the north parking lot, and explained that although 14 parking stalls would be lost there would be a gain of parking spaces. He added that one of the mitigation measures would ensure that the traffic lights would not shine onto St. Mary's Parkway.

A Google image was presented to show how well screened the Recreation Center would be from the surrounding community. After story poles had been installed it had been shown that homes on Fernwood Drive and Saint Mary's Gardens could not view the project although homes in the Bluffs neighborhood would see more of the entire campus. It was explained that the borrow pit would flatten the slope 3:1 pursuant to the MMC, with the soil removed from the site preventing truck trips on Town roads. The top of the soil and the pad underneath would be treated with engineered fill. Most of the material would be taken from the campus area.

Mr. Martin presented the landscape plan which included the bio-retention facility, to be highly landscaped with native materials, and a plaza in the front to be connected with an elevated walkway. He detailed the Regional Water Quality Control Board (RWQCB) statewide adopted program for C.3 requirements. As to the high ground water table on the site and the retention ponds, he noted that the retention pond had been designed to be above the 10-year water surface elevation which was why the design had been lifted up out of the ground. He emphasized that the structural engineers for the swimming pool had worked diligently to design a plan for the pool that would stay in the ground.

Steve Connelly, Oculus Architects, offered an overview of the SMC campus, with the physical structures and massing of the structures described as falling down into the watershed. The property was zoned for recreational facilities, with a natural vista which would be maintained and reinforced to be linked to the existing recreational facilities and the historic campus. In response to concerns expressed for the massing of the building at the joint workshop, two new drawings had been provided. The intent was to hide the massing of the gymnasium wall through the use of low rise office units in the front and a parapet on the top line of the gymnasium with the buildings on campus treated with a mono-pitched roof to hide the high rise, with the exception of the gymnasium. After review of the plans, gabled ends and mono-pitched roofs contextual with everything on the campus had been introduced.

Mr. Beseda responded to concerns with the lights for the intramural field and stated that while he appreciated the opportunity to learn of residents' concerns, SMC had immediately turned off the lights for the summer and established procedures during the school year, with the lights to be monitored and turned off during the evening when the fields were not in use. The lighting contractor could also be available to meet with the residents who had expressed concerns to see what could be done to redirect or focus the lights on the field. An acoustical engineer would also be involved to make a recommendation for the sound system for the new stadium, and SMC is also in the process of reviewing and revising its guidelines for the use of the Redwood Grove near the intramural field.

Mr. Beseda commented that this was the first year the intramural field had been in use with SMC having learned a lot about what could be done to operate it more effectively for the college and for the public. He did not see that the issue would have to wait until 2014 to be addressed.

Mark Orr, Director of Athletics and Recreational Sports, SMC, explained that there were procedures in place when the lights were not in use. Immediately after the sports activity had been completed, the Office of Public Safety would be notified by the Intramural Coordinator and the lights would be turned off by the Public Safety Officer. The lighting was automatically turned off at 9:00 P.M. For the coming year, the opening hours would be earlier and the program activities would be later in the evening.

Mr. Beseda updated the Commission on the status of the SMC Master Plan with work having already commenced with MIT, a local firm specializing in Master Planning for colleges. An application would be submitted in that regard in early 2013.

Ron Tapper, Project Manager for the SMC Recreation Center, identified the net positive of 24 additional parking spaces associated with the new parking lot.

PUBLIC HEARING OPENED

Frank Sperling, Moraga, a member of the MOFD Board, explained that he was not speaking as a MOFD Boardmember but as a private citizen. He commented that he had been on the Planning Commission when the last SMC Master Plan had been approved. Having evaluated the application and mitigation measures, including the letters in support and the concerns expressed by the public, he complimented the high quality of the correspondence from the public and recognized through staff's reporting that virtually all areas of concern from the public had been addressed. However, he expressed concern with inaction and the need to initialize the pad and raise the grade. If the application was delayed, the initial construction work would occur while school was in session with greater impacts and greater mitigation measures required. He suggested that the mitigation measures in CEQA were robust and addressed the issues from the community. He asked the Commission to approve the application at this time.

Frank Comprelli, Moraga, Chairman of the Residents Committee for the Bluffs, reported that he had received a telephone call from the SMC Public Affairs Officer informing him that SMC acknowledged that the intramural field lights were impacting residents of the Bluffs. He understood that the light engineer for SMC had offered to visit residents' homes and explain the function of the lights, and while he appreciated that effort he suggested that was the first time that SMC had recognized the Bluffs residents. He noted that the problem was not with the design of the lighting but the overall effect of the lights which created an aura that was offensive to the neighborhood. He urged the Commission to observe the lights for themselves and noted that while the lights had been turned off during the summer, they had been on past 9:00 P.M. and also generated noise. He emphasized that Joseph Drive had become a canyon for sound, impacting the residents' enjoyment of their homes and he asked that SMC recognize that the lights were within close proximity to homes.

Mr. Comprelli acknowledged that SMC had intramural programs/sports and that the students should not be denied opportunities although SMC should properly schedule any events in the Recreation Center or any related activities for the use of the intramural fields so that they did not negatively impact the neighborhoods.

Thomas Marnane, Moraga, a resident of the Bluffs, echoed the comments made by the previous speaker, stated that he was a Naval Architect and Industrial Engineer, and he had provided written comments to the Town but had not found responses to his comments in the MND.

Mr. Marnane suggested that best practices had not been followed for the recreation fields near the Redwood Grove for sound and light and cutoff and sound channels would have been mitigated, sound enhancing equipment such as megaphones and speakers would have been more carefully screened when used, and limiting the hours of operation would not address sound pollution. He recommended the use of Illuminating Engineering Society of North America Standards (IESNAS), specifically RP-6 and RP-33, standards for athletic fields and LMS-5 and TM-118, Sound Propagation for the Outdoors, by F.M. Weiner and Noise and Vibration Control by Beranek and Newman, and Consideration of Source Geometry and Type. He added that meteorological conditions had not been considered since SMC was located in a depression with fog in the morning and afternoons, nor had terrain type, contours, obstructions, or noise control techniques. He added that measurement equipment was inadequate, with no goals for sound and light, and ISO 1996-1 and 2 standards and AMSI standards had not been applied.

Mr. Marnane emphasized that he was a friend of SMC and SMC had been a good neighbor for many years. For the existing facilities, he recommended the remediation of the facilities with the establishment of goals for sound as follows: sound transmission of class less than 23 preferably less than 20, minimum noise response co-efficient less than 27.5, zero spill-over tolerance, rectify the noise and sound noise from the fields in the Redwood Grove, and rectify the existing situation before approving any additional project components.

Gary Howard, Moraga, a resident of the Bluffs, stated that his home is within close proximity to the lights and the sound system and while a staunch supporter of SMC once the stadium had been built the commercial speakers and press box had been aimed directly at his neighborhood with the noise level unbearable at times. While complaints had been raised with SMC verbally and in writing, and although the noise had been abated for a short period of time, the noise impacts had continued and were a disturbance to the neighborhood.

Mr. Howard reported that recently the Redwood Grove had been rented out for a wedding which had negatively impacted the enjoyment of his residence. Although the Moraga Police Department had been contacted and had responded with SMC security, nothing had been done to reduce the noise. He advised that he would be submitting a formal written complaint to SMC about the continued lack of supervision of the noise level from the SMC campus and will give SMC two months to make a sincere effort to reduce the noise volume from the campus. If nothing is done he would be contacting the same lawyer who had successfully won a suit against the Town regarding the unreasonable noise from the Moraga band shell. He suggested that SMC had given little or no consideration to the neighbors to address the noise impacts from the campus.

Grant Artola, Moraga, an SMC alum and resident of Saint Mary's Gardens, reported that during the construction of the baseball field the tractor had started at 6:30 A.M. every morning, including Saturdays and Sundays, in violation of the Town's Sound Ordinance,

which had not been enforced. He asked that any construction equipment not be allowed to start until 8:00 A.M.

Dave Bruzzone, Moraga, stated that he had been waiting for the Recreation Center for some time, suggested that SMC had done a good job, noted that his son was a sophomore in college, and having toured other colleges in the country most had recreation centers and he would like to see SMC provide the same amenities. He expressed his hope that the project would be approved, was confident that construction could be expedited in such a way that would not antagonize the neighbors, and be done properly. He suggested that the Recreation Center would be a great enhancement to the community.

Jerry Obra, Lafayette, identified himself as the contractor who would be conducting the grading operations. He assured the community that the contractor would comply with all Town ordinances.

Edy Schwartz, Moraga, reported that as the former President of the Moraga Chamber of Commerce, she had the opportunity to work with the SMC faculty and staff and found the relationship between the community and SMC to have improved. She appreciated the input from the community and found that Moraga and SMC were dedicated to finding out what was best for the Town. She described Moraga as the community at the end of the cul-de-sac with SMC's home not only on the campus but in the Town of Moraga, and emphasized that SMC needed to make the project work and have it approved as soon as possible given that students were returning in August. She was confident that SMC would be able to work out any issues. She thanked the Planning Director and the Town Manager who had the best interests of the whole and urged approval as soon as possible.

Renee Zeimer, Moraga, asked the Planning Commission to approve the entitlements under consideration, suggested that this was a good project and many were enthusiastic about its approval, suggested it would enrich student's experience, would keep the students in Moraga providing more of a presence, recognized that it would increase traffic to and from the center, may create additional jobs on campus, and based on the presentation she was thrilled the soil would be used on the campus rather than having it trucked in.

Ms. Zeimer suggested that the project would also improve the landscaping at the entryway to SMC, and having viewed the story poles noted that the project would be tucked away and would be a visual improvement from the existing gymnasium. She urged the approval of the project and suggested that time was of the essence with the project a benefit to the community.

Barbara Simpson, Moraga, was supportive of SMC's plans for a Recreation Center and the desire to attract students, although she had concerns with noise and parking. As the former Chair of the Moraga Traffic Safety Advisory Committee (TSAC), she was very aware of the traffic problems in Moraga during graduation and other special events with

traffic along St. Mary's Road. She suggested that noise was an issue, she had contacted the police on occasion when the noise had gone on until late in the evening. Based on the plan the U-shaped construction would funnel sound out and onto Fernwood Drive where she resided. She also found the use of the megaphone to be objectionable, expressed concern with the fact that SMC would be working on its Master Plan after the potential construction of this project, and suggested that the Master Plan work should have occurred first. She acknowledged that the existing line of redwood trees along St. Mary's Road may help to mitigate some of the sound impacts and she was pleased to see they would be preserved. She asked that a parking and traffic mitigation plan be submitted in advance of any construction.

Joey Devlin, incoming SMC Student Body President, reported that the students were excited about the new Recreation Center, suggested it would create involvement on the campus, keep students on the campus, and create jobs while also updating existing equipment.

Brother Stanislaus Sobczyk, SMC, reported that he had been with SMC since 1990 with the exception of two stints at Christian Brothers University in Memphis where he had been President. Familiar with other colleges and universities in the country, he stated that SMC did not have anything near what the competition had in terms of student recreation buildings. He noted that 25 percent of the students at SMC came from families making less than \$35,000 a year and most of those students had not had an experience at a first class gymnasium facility. He emphasized that a recreation facility would have a competitive edge, and would provide jobs including construction jobs and part time jobs for students. He noted that SMC was probably the largest park in Moraga and was used by many in the community who were disabled and enjoyed a level walking area. He spoke to the history of the Brothers of SMC who had come to the community with a mission to educate the total student. He urged the Commission to adopt the entitlements to allow the process to commence and suggested that SMC put Moraga in a very good light with its sports and arts programs. He urged the approval of the project.

PUBLIC HEARING CLOSED

Commissioner Kline commented that he lived on the opposite side of Moraga from SMC and had viewed the intramural field lights which he did not like since he was a member of the DRB when the lights had been approved. He suggested that the DRB and possibly SMC had been misled since the lights were to be state-of-the-art and focus down, which they did not. He noted that the recommendation for a lighting engineer to visit the residents was intended to address SMC's intent to realign the light fixtures and add cut-off lens which he urged SMC to do expeditiously. He did not agree with SMC waiting until the end of 2014 to resolve this situation, would also like to limit the hours and have the lights turned off by 9:00 P.M. until they were repaired, and understood that the former stadium speakers were for the football field and he did not fault the DRB for that issue.

Commissioner Kline reiterated a prior request for SMC to consider a recommendation to plant trees at the west end of the property where the power lines traveled underground and although East Bay Municipal Utility District (EBMUD) property, he did not see why SMC could not work with EBMUD to have that area planted. As to the entitlements, he supported approval of the project subject to modifications to the traffic and noise mitigations; cited the language for the requirement of a Special Event Parking Plan prior to an occupancy permit and questioned why the plan was not titled "Special Event Parking and Traffic Plan;" recommended that the plan include goals to eliminate parking on St. Mary's Road and Fernwood Drive and provide a safe and timely passage to St. Mary's Road, St. Mary's Parkway, and to the St. Mary's Road/Rheem Boulevard Intersections during special events.

Commissioner Kline added that he was not in favor of construction commencing at 7:30 A.M. He also spoke to the language in the mitigation measures for SMC to pay for a roundabout at St. Mary's Road/Rheem Boulevard and recommended that the language be modified to read: "SMC shall pay for a roundabout at St. Mary's Road and Rheem Boulevard or any other alternative traffic improvement measures to be taken at that corner."

Mr. Haag noted that SMC would only be required to pay for its fair portion of the roundabout and would not be required to fund the entire improvement.

Commissioner Kuckuk spoke to the plan itself which she liked in general locating the recreational facilities together in one area of the campus. She appreciated the changes to the design to help mitigate the massing and keep it more consistent with the existing Spanish architecture on the campus but remained concerned with noise and traffic.

Commissioner Kuckuk suggested that the Town was behind the times on how it evaluated noise impacts in its ordinance and it must also consider how noise traveled. She supported reduced hours and control of the noise so that students did not have the ability to plug into an amplifier causing noise impacts to residents from the Redwood Grove. She recommended that the Special Event Parking and Traffic Plan be reviewed by TSAC prior to final approval. She commented that she too had been a member of the DRB when the lights had been approved for the intramural field, with the lights required to be directed downwards to avoid spillage onto neighboring sites and if there were complaints the time would be moved back to 9:00 P.M., although she noted that issue had not been included in the staff report. She did not support a delay to remedy that situation by 2014, suggested that the time be moved back to 9:00 P.M. now, and suggested that approving anything other than a 9:00 P.M. deadline would require a reapplication from SMC.

Commissioner Killam found the project to be a good one which he would support, although he wanted to see a written plan with goals, dates to resolve the lighting issues, and with a plan and obligation for SMC to meet them.

Commissioner Wykle acknowledged that SMC and the Town had improved its relationship over the years and he was pleased that Moraga was the home of SMC and glad to see the college and the Town working together. He agreed that the issues related to noise, lights, and hours needed to be resolved.

Vice Chair Socolich referenced Mitigation Measure NOISE-1 and the applicant's request for the hours of construction. While he supported the project, he suggested that a time of 8:00 A.M. to 6:00 P.M. would be reasonable and he would not support anything prior to 8:00 A.M. If the applicant needed more time, he suggested that the construction period could be extended to 5:30 or 6:00 P.M.

Ms. Brekke-Read saw no restriction in the MMC to impose hours for construction Monday through Saturday from 8:00 A.M. to 5:00 P.M. unless the Town Manager approved a modification for extenuating circumstances. She explained that the Commission may choose the acceptable hours but she recommended the addition of the phrase "as allowed by the Moraga Municipal Code (MMC)."

Vice Chair Socolich spoke to Mitigation Measure NOISE-2 and clarified with Mr. Haag that there could be some amplified sound equipment in the new swim center. He recommended that the mitigation measure include the language "there could be a sound amplification system in the new swim center facility." He also wanted the mitigation measure to include information on a sound plan although the intramural area was not part of this project. He suggested that SMC provide a plan to depict how the existing sound systems would be mitigated and modified and that it be done prior to occupancy and be included in Mitigation Measure NOISE-2.

Mr. Haag advised that SMC would have to agree to the mitigation measures and he recommended that the Commission inquire whether or not SMC was in agreement with the proposed changes or as staff had noted alternatively it could be made a condition of approval.

Commissioner Wykle spoke to Mitigation Measure AIR-1, paragraph 1(a) and asked that it be amended to read "Unpaved areas shall be watered as needed and at least a minimum two times a day."

Speaking to Condition 24 on Page 11 of the draft resolution, Vice Chair Socolich recommended that the reference in the first sentence to De La Salle be revised to read "De La Salle Drive," and suggested that the paragraph be amended or an additional condition be added requiring that "SMC shall provide an On-Site Construction Manager to ensure compliance with all conditions relative to construction," with the authority to stop construction, if necessary.

As to Condition 35 on Page 12 of the draft resolution, Vice Chair Socolich asked that the hours of operation for the recreation center be modified in that he was uncertain that anyone would use the facility as early as 6:00 A.M.

Mr. Orr advised that the current SMC swimming pool is open at 6:00 A.M. and is located outdoors.

Speaking to Condition 42 on Page 13 of the draft resolution, Vice Chair Socolich asked that the nighttime hours as reflected in the condition be specified and not be referred to as "nighttime."

Ms. Brekke-Read noted that Condition 42 had come directly from the MMC but could be modified. She affirmed that if the applicant violated Condition 42, the Moraga Police Department could be notified to respond. She suggested that Condition 42 could be amended to define the daytime hours which could extend from sunrise to sunset.

Vice Chair Socolich recommended that Condition 42 be amended to read "Project shall not generate noise in excess of 60 dba from sunrise to sunset and 55 dba until 9:00 P.M. at the property lines."

Ms. Brekke-Read recommended a further modification to Condition 42, to read: "Project shall not generate noise in excess of 60 dba sunrise to 9:00 P.M. and 55 dba 9:00 P.M. to sunrise at the property lines." She added that the Commission could also consider a condition that had been applied to the SMC Science Building, which condition discussed ambience noise levels, sunrise to 9:00 P.M. She recommended that the SMC have not only a Noise Compliance Officer for construction but also someone who handled noise complaints on a regular basis.

On the discussion of Condition 42, it was the consensus of the Planning Commission to amend the condition as follows:

42. *Project shall not generate noise in excess of 60 dba 6:00 A.M. to 9:00 P.M. and 55 dba from 9:00 P.M. to 6:00 A.M. at the property lines.*

Vice Chair Socolich agreed that SMC have a Noise Compliance Officer on campus who would monitor, prepare, and submit a report to the Planning Department on the campus noise levels which would allow the Town to have a record that SMC was responding to any noise complaints.

Commissioner Killam recommended "a" person on campus who is responsible for the resolution of noise complaints on the campus at all times.

Vice Chair Socolich reopened the Public Hearing for public comments to allow representatives from SMC to address the Commission.

Mr. Tapper reiterated that SMC would be engaging in the services of an acoustical engineer to evaluate the issues under discussion and would consider temporary recording

equipment that would record the existing ambient noise levels to be tracked after the completion of the project to see what would be occurring on the site.

Commissioner Killam suggested that if SMC is going to provide the Town with a plan to resolve the noise and traffic issues, the services of an acoustical engineer should also be stipulated in the plan rather than as a condition of approval.

The Planning Commission walked through the draft resolution at this time and identified the following modifications:

- Page 3, Part II, Conditional Use Permit, Specific Findings Necessary for all Conditional Use Permits Under Section 8.12.120 of the Moraga Municipal Code, add the following statement to the last sentence of paragraph 2 to read: "and the conditions of this approval;"

- Page 3, Part II, paragraph 3, revise the last sentence to read:

Conditions and mitigations also require provision of recreational amenities for Town residents and the College's fair share contribution to constructing a roundabout or other intersection improvement of St. Mary's Road and Rheem Boulevard.

- Page 4, Part II, paragraph 5 (c), revise the reference to the Special Event Parking Plan to read "Special Event Traffic and Parking Plan;"
- Page 5, Part II, paragraph 5 (g), revise the reference to special event traffic and parking management to read: "Special Event Traffic and Parking Plan;"
- Page 5, Part II, paragraph 6 to be revised to read:

The proposed use will not create a nuisance or enforcement problem within the neighborhood because mitigation measures and conditions of approval set forth in the Initial Study/Mitigated Negative Declaration, specifically address noise, air, quality and parking;

- Page 6, Part II, paragraph 8, revise the last sentence to read:

A Mitigation Measure also requires the College to pay its fair share contribution to constructing a roundabout or other intersection improvement of St. Mary's Road and Rheem Boulevard.

- Page 11, Part V, Conditions of Approval, During Construction, Condition 24, revise the first sentence to read:

Parking of grading equipment, tractor tread vehicles and all construction vehicles and equipment on De La Salle Drive is prohibited.

- Add a new condition of approval to Part V, Conditions of Approval in the During Construction section to read:

Applicant shall provide for an On-Site Construction Manager during working hours with the authority to halt construction activity and alter practices as necessary.

- Page 11, Part V, Condition 22, revise the first sentence to read:

Construction and noise-producing activity shall be limited between the hours of 8:00 A.M. to 6:00 P.M., Monday through Saturday, through September 1, 2012 or as allowed by the Moraga Municipal Code.

- And the last sentence of Condition 22 to be revised to read:

No construction-related activity shall occur on Sundays or on weekends after September 1, 2012.

- Page 13, Part V, Condition 42, to be revised to read:

Project shall not generate noise in excess of 60 dba 6:00 A.M. to 9:00 P.M. and 55 dba 9:01 P.M. to 6:00 A.M. at the property lines.

In response to the concerns with the lighting for the intramural field, Ms. Brekke-Read explained that SMC operates as a conditional use and must comply with the Campus Master Plan and the Conditional Use Permit. This new Use Permit is for the same piece of property and the Commission may impose an additional condition although the condition imposed by the DRB stipulated that the intramural lights may be allowed to operate until 10:00 P.M. unless there are significant complaints, in which case the Planning Director is to curtail the hours until 9:00 P.M. That condition did not call for a public hearing. She recommended that the Commission provide direction to the Planning Department in the form of a separate motion on that issue.

Speaking to a discussion on Part V, Conditions of Approval, the CEQA mitigation measures as shown on Page 8 of the draft resolution particularly Mitigation Measure 3 (10), (11), and (45) as shown, Mr. Beseda advised that SMC had submitted a plan which had previously been approved by the Planning Commission, as well as the Special Event Parking Plan. He suggested that mitigation measure had been met.

Mr. Haag noted that the mitigation measures were intended to be brought current prior to occupancy.

Vice Chair Socolich pointed out that Mitigation Measure 3 (10), (11), and (45) must be brought current with respect to this approval prior to occupancy for all three of the mitigation measures.

The Planning Commission walked through Part V as shown on Page 8 of the draft resolution and made the following revisions and/or direction to staff:

- Clarified with staff that the entire paragraph for Mitigation Measure 3, as shown on Page 8 of the draft resolution, is also a condition of approval and paragraph 3 could be amended to reflect that prior to issuance of a Certificate of Occupancy for the first building, SMC shall update these three items; subsections (10), (11), and (45), with the remainder of the mitigation measures as written.

The following modifications were made to the Mitigation Measures in the Initial Study/Mitigated Negative Declaration:

- Mitigation Measure AIR-1 (b) to be revised to require the covering of all trucks on campus both on and off-site, and (a) add language to require watering as needed at least two times per day.
- Mitigation Measure NOISE-1 to be revised as reflected on Page 6 of 20 of the July 2, 2012 staff report with the Commission stipulating that the construction hours to be limited from 8:00 A.M. to 6:00 P.M., Monday through Saturday, through the date of September 1, 2012.
- Mitigation Measure NOISE-2 to be revised with the hours for the swimming pool to be consistent with the conditions of approval, hours of construction to be consistent with the conditions of approval, add language to require an Action Plan to evaluate the noise levels and ensure they are at acceptable levels, and add language to reflect that any amplification at the baseball field is to end at sunset.
- Mitigation Measure TRAFFIC-1 to be revised to reflect that SMC will pay its fair share contribution to constructing a roundabout or other intersection improvement of St. Mary's Road/Rheem Boulevard.
- Mitigation Measure TRAFFIC-2 to be revised to include language that TSAC to evaluate the Special Event Traffic and Parking Plan as to potential off-site parking impacts, add language as reflected on Page 7 of 20 of the staff report with the reference to Special Event Parking Plan to read "Special Event Traffic and Parking Plan," with the goals of the plan to include the elimination of parking along Stafford and the St. Mary's Road/Rheem Boulevard intersection and Fernwood Drive, and providing safe passage through nearby intersections during special events and safe passage and entrance to SMC.

Ms. Brekke-Read reiterated that there were two parts to the process, the conditions of approval and the mitigation measures. As staff had reported, the MMRP would be brought back to the Planning Commission at its next meeting although the Commission may adopt the MND at this time with the mitigation measures read into the record, as amended.

Mr. Haag stated the intent was that the mitigation measures be prepared and revised, as discussed, and then brought back to the Commission to allow review as part of the MMRP.

Ms. Brekke-Read advised that the Commission may continue the entire application although SMC had requested that action be taken at this time.

The Commission may also decide to adopt all of the MND/Initial Study with all mitigation measures as amended at the July 2, 2012 Planning Commission public hearing. On the discussion, she recommended that the first sentence of the CEQA Mitigation Measure 2, as shown on Page 8 of the draft resolution be amended to read:

All mitigation measures, as amended at the Planning Commission July 2, 2012, hearing, are included in, and made part of, this approval and shall be printed on all plans, consistent with Condition 4.

And the same change to Page 12, Part V, Conditions of Approval, Prior to Issuance of Occupancy Permit or Final Inspection, Condition 30, as follows:

30. The project shall comply with all mitigation measures identified in the Mitigated Negative Declaration as amended during the Planning Commission July 2, 2012 meeting.

And the same change to Page 3, Part II, Conditional Use Permit, Specific Findings Necessary for All Conditional Use Permits Under Section 8.12.120 of the Moraga Municipal Code, Finding 2, with the first sentence revised to read:

The proposed use is not detrimental to the health, safety and general welfare of the Town because, based on the findings of the Initial Study/Mitigated Negative Declaration, potential health, safety, and welfare impacts, including but not limited to air quality, geology, noise, traffic, and parking, can be reduced to a less than significant impact with adherence to mitigation measures identified in the Initial Study and conditions of approval.

Vice Chair Socolich recommended that such individual should be available to the public with a published telephone number and with a record of the sound emanating from the intramural field. He questioned how SMC currently handled noise complaints.

Mr. Beseda recommended that anyone with noise complaints contact the SMC Public Safety Officer.

Commissioner Wykle was confident there was a system already in place and that the public may also contact the Moraga Police Department.

Commissioner Killam recalled that the Commission had discussed the Noise Monitor as part of the MMRP which could be approved at a later time, to which Ms. Brekke-Read advised that the Commission may not take action on a project until an environmental determination had been made. The mitigation measures were part of the environmental determination. Given the potential for environmental impacts, the question before the Commission is whether or not the potential significant impacts could be mitigated with conditions that may change the project to make the impacts less than significant. She asked the Commission to identify any changes to the mitigation measures to make the finding that the project would not have a significant impact on the environment.

Commissioner Kuckuk acknowledged that a process is already in place with any complainants to contact the SMC Public Safety Officer and while that process had not always been satisfactory she recommended that process be retained.

Vice Chair Socolich recommended that SMC consider a nearby community educational program with flyers to the nearby homes to provide contact information in the event of any noise complaints.

On the discussion, Ms. Brekke-Read referred to Page 8 of the draft resolution, Part V, and recommended further modification to Condition 3 as follows:

3. Prior to Issuance of Certificate of Occupancy, the applicant shall update and adhere to the applicable CEQA mitigation measures as amended below.

Also on Page 8, Part V, Condition 3 (45) to read:

45. Addresses noise impacts that high generating and noise generating campus events and other activities have on surrounding residents including mechanisms for reporting and enforcement.

Upon further discussion, Mitigation Measure TRAFFIC-2 was further amended to read:

The College shall develop a Special Event Traffic and Parking Plan to be approved prior to the issuance of the first Certificate of Occupancy. The Plan shall be submitted to the Town of Moraga Planning and Police Departments and shall be referred to TSAC for review and comment. Special Events may include, but are not limited to any non-regularly scheduled event, or combination of events that occur or partially occur during the same time period, that could result in 50 or more peak hour trips. This shall include baseball games.

The Plan shall incorporate goals of eliminating parking on St. Mary's Road and Fernwood Drive as well as providing safe and timely passage through St. Mary's Road/St. Mary's Parkway, St. Mary's Road/Rheem Boulevard, and Stafford and St. Mary's Road intersections.

If required, based on anticipated special event traffic, the College shall fund and implement special traffic management techniques to reduce impacts to local roadways, including but not limited to posting of directional signs, use of special event parking lots and use of traffic directional officials.

Mr. Haag added that the applicant had recommended some changes to Mitigation Measure TRAFFIC-3 although after discussion with staff it was determined that there is no need to revise that mitigation measure. He added that a mitigation measure for recreation had spoken of the casual recreation use of college facilities by Town residents and an agreement was nearly complete.

On motion by Commissioner Wykle, seconded by Commissioner Killam and carried unanimously to adopt draft Resolution next in number to adopt a Mitigated Negative Declaration, as amended, and approval of a Conditional Use Permit, Tree Removal Permit, Grading Permit, and Hillside Development Permit to construct and operate a 60,000 square foot student recreation center with a 950-seat baseball field spectator facility with training facilities and offices along the first and third baselines of the new baseball field; construct a non-competitive swimming pool facility on the site of the former baseball field; install a 62-space (net) parking lot to the north St. Mary's Parkway near the campus entrance; and excavate approximately 24,830 cubic yards of soil from an existing borrow pit at the northeast corner of campus to fill the project site, in accordance with the findings and recommended conditions of approval in the draft resolution (Attachment D to the staff report dated July 2, 2012), as discussed and amended, as shown.

Vice Chair Socolich identified the ten-day appeal period of a decision of the Planning Commission in writing to the Town Clerk.

Ms. Brekke-Read advised that the MMRP for the SMC Recreation Center would be on the next Planning Commission agenda as a consent item.

Vice Chair Socolich requested that a future agenda item include a discussion of the intramural lights at SMC sports field as it related to what the DRB had previously approved.

Ms. Brekke-Read explained that such a request would typically not involve a noticed public hearing.

Mr. Beseda acknowledged the concerns with the intramural lights and the concerns that the Commission may have been misled, although he noted that SMC had also been misled even with the preparation of this discussion having gone back to the Lighting Engineer who had continued to suggest that the lights be cast on the field. SMC had no intention to mislead the Town on the lights for the field. He emphasized the limited field space at SMC, that this was one of the only recreational fields for SMC, and suggested that limiting the hours of operation would severely impact SMC and would inadvertently

take away one of the encouragements for SMC to address the issue. He emphasized that SMC would continue to work with the community.

Commissioner Kuckuk emphasized that her intent in discussing the item was for staff to be consistent with the DRB ruling and the discussion should not have to be publicly noticed. She acknowledged that there was no malicious intent on behalf of SMC although there had been a commitment to the neighbors by the DRB and the lights should be cut back to 9:00 P.M. until the matter had been resolved.

Vice Chair Socolich noted that the item would be placed on the next Planning Commission agenda for discussion.

SMC Public Affairs Officer Tim Farley asked that the item be scheduled after the next meeting of the Planning Commission due to vacation schedules.

Vice Chair Socolich disagreed with a delay and recommended that the matter be scheduled for the next meeting of the Commission. He pointed out that the Commission would also consider comments provided to staff in writing.

VI. ROUTINE & OTHER MATTERS

There were no Routine & Other Matters.

VII. REPORTS

A. Planning Commission

Commissioner Kuckuk reported that she had attended a recent Liaison Meeting on June 8 on behalf of the Planning Commission with a discussion by the Mayor of a telephone survey and whether or not there would be community support for a potential sales tax measure, discussion of the dog park at Rancho Laguna Park, submittal of a planning application for the Chi property, that applications for the position of Senior Planner had been closed, and the improvements at the bandshell at Commons Park were due to be completed soon.

Vice Chair Socolich reported that he had attended the most recent DRB meeting with a discussion on the final disposition of the PG&E work on St. Mary's Road near the parking area with direction to plant redwoods behind the vault, shrubs to be placed in front, and the stacks out of the top of the concrete vault to be painted a green color to match the redwoods behind the vault.

Commissioner Killam asked to be provided a copy of the schedule for liaison meetings.

B. Staff

Ms. Brekke-Read reported that the Town had received 60 applications for the position of Senior Planner with three finalists having been interviewed on June 29, and with staff to finalize the selection for the best candidate. The Town Manager announced that the position of Public Works Director/Town Engineer had been filled with a highly qualified and energized candidate who would start in two weeks.

Ms. Brekke-Read added that Signature Properties had submitted revised plans for the former bowling alley site and had requested another joint DRB and Planning Commission meeting to ensure they were on the right track. In addition, one of the Town's many consultants was in the process of preparing the Initial Study for the Summerhill Homes project on Camino Ricardo with the traffic study prepared by Fehr & Peers. Staff was also close to releasing the Bollinger Valley Draft Environmental Impact Report (DEIR) for a 126-home development. The Town Council had also authorized the Town Manager to explore a community meeting room and Council Chambers at 331 Rheem Boulevard in the former bay which would require minimal remodel work to accommodate public meetings.

Ms. Brekke-Read also reported that the project on Donald Drive required the submittal of additional information with the applicant informed that the item would be scheduled for a meeting before the Commission even if the information was not provided as requested. She added that the Commission would be meeting on July 16 to consider Hetfield Estates, the MMRP for the SMC Recreation Center, the lights at the SMC intramural field, and the start of discussions for the rezoning of the Moraga Country Club.

VIII. ADJOURNMENT

On motion by Commissioner Killam, seconded by Commissioner Kuckuk to adjourn the Planning Commission meeting at 10:00 P.M. to a regular meeting of the Planning Commission on Monday, July 16, 2012 at 7:00 P.M. at the Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, California.

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Secretary of the Planning Commission

