

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

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

March 19, 2012

7:00 P.M.

MINUTES

I. CALL TO ORDER

Chairperson Levenfeld called the Regular Meeting of the Planning Commission to order at 7:00 P.M.

A. ROLL CALL

Present: Chairperson Levenfeld
Commissioners Killam, Kline, Kuckuk, Socolich
Absent: Commissioners Obsitnik, Wykle
Staff: Shawna Brekke-Read, Planning Director
Kelly Suronen, Assistant Planner

B. Conflict of Interest: None

II. PUBLIC COMMENTS

There were no comments from the public.

III. ADOPTION OF THE MEETING AGENDA

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

IV. ROUTINE AND OTHER MATTERS

A. Round Table Discussion with Planning Commissioners

B. Planning Commissioner Continuing Education

Planning Director Shawna Brekke-Read stated that the purpose of the meeting was to talk about general planning issues, voice concerns, and provide feedback about the development and environmental review processes. The meeting also included continuing education on California Environmental Quality Act (CEQA), public hearings, and the responsibilities and authority of the Commission. Part A and Part B were interrelated so she was hoping to jump back and forth between the items. She started the discussion by stating that the Town had conducted highly conflicted public hearings in the past. She wanted to make sure the Chair and the Commissioners were prepared to conduct public hearings.

Chair Levenfeld favored the use of public comment cards and thought they helped to limit the time for each speaker. As Chair she would limit opening public comment and remind the public not to repeat comments.

Ms. Brekke-Read said it was important that the speaker address the Commission and not staff.

Commissioner Killam suggested stating the ground rules at the beginning of each meeting.

Ms. Brekke-Read confirmed that the ground rules should be laid out early. An annotated agenda had been given to the Chair.

Vice Chair Socolich requested that each Commissioner receive an annotated agenda.

Chair Levenfeld asked about meeting minutes and whether non-controversial items could be placed on consent.

Ms. Brekke-Read affirmed that if there was more than one set of minutes on an agenda, the Commission could approve one set and pull the other set for discussion. A Commissioner would need to abstain from approving minutes for a meeting they had not attended. Staff would only place minutes on consent, but the Commission could move an item from public hearing to consent as long as there was no one from the public who wanted to speak on it. She discussed the process of reviewing a development project. She encouraged the Commission to look at the big picture and consider the regulatory framework and environmental review. She discussed the staff report and how it explained whether the project met the regulations and general plan policies. The issues dealt with findings and neighbor concerns.

Chair Levenfeld stated that it would be helpful to have study sessions before a hearing on a big project. It was hard to sit down with an EIR without knowing about it first.

Ms. Brekke-Read wanted to find ways to use the Municipal Code to the Town's advantage. The Town spent eight years processing the Rancho Laguna II project. A conceptual development plan was approved and an EIR was certified but the project had not been completely defined. The applicant had to come back for a general development plan but not much could change because the EIR was certified and the Town was locked in to what was approved. It was hard to do an environmental review on a conceptual plan; a program level EIR was often used instead. She was advising applicants to come in with a concept and put together a presentation of how a project looked. Sonsara was developed with the idea of having working sessions for familiarity, faster processing, and sake of memory.

Looking at an EIR that two Planning Commissions ago initiated was not fair to the applicant, the current Commission, and the community. She said that the Commission did not have to take action on an environmental review if they were going to deny the project. She recommended that they look at a project to see if was approvable. It was also important to determine whether all the mitigation measures were taking care of the impacts. The mitigations in the initial study would become the conditions of approval. The Commission could certify an EIR (or adopting a mitigated negative declaration) and approve a project at the same time. The Commission could ask the applicant for more information if they felt information was missing.

Chair Levenfeld wanted more time to read the staff reports.

Commissioner Kuckuk wanted to know what the Commission could request of the applicant.

Vice Chair Socolich said that if a project did not provide enough detail, then there was no point in moving forward; the applicant would need to come back with more information.

Chair Levenfeld did not want staff to bring applications that were incomplete or had missing information. Staff could exercise judgment on whether or not a project was complete.

Commissioner Kuckuk inserted that sometimes an applicant needed to hear that more information was needed from the Commission rather than from staff.

Chair Levenfeld said it was helpful to know what staff's recommendation was upfront so that it was clear for the Commission and the public. In the past it had been difficult to find the recommendation from staff.

Vice Chair Socolich stated that staff's recommendation was summarized in the draft resolution. He wanted to know more about findings.

Ms. Brekke-Read said that findings were statements of fact; they were the evidence and the foundation that supported the decision. The staff reports built the evidence through the issue discussions.

Vice Chair Socolich wanted the findings identified in the report.

Ms. Brekke-Read said that findings were in the draft resolution. If the recommendation changed then the findings changed.

Chair Levenfeld wanted a week to review the Hetfield project. A weekend was enough time to review smaller projects.

Vice Chair Socolich suggested two weeks to review Hetfield.

Ms. Brekke-Read said that meeting packets were a production. She was aware that the Commission was not getting enough time to review the packet. The Park and Recreation Commission received electronic packets.

Commissioner Kuckuk suggested emailing parts of the report ahead of time.

Chair Levenfeld agreed stating that it would be helpful to start reading electronic copies before receiving the packet hard copy.

Commissioner Kline felt that the findings were repeated throughout the staff.

Ms. Brekke-Read said staff was working on restructuring the reports to be more helpful. Findings would only be found in the resolution. The staff report established the factual basis for the decision that created the findings.

Chair Levenfeld liked the new staff report format.

Ms. Brekke-Read reminded the Commission to focus on the big picture, follow the law, stay informed, and to keep an efficient pace.

Chair Levenfeld spoke about public hearing notices. In the past, notices went out to people in the immediate area. She liked that staff had expanded the mailings to include more people. She believed that the more the Town noticed the better.

Ms. Brekke-Read answered that staff was trying to inform the community about projects by including upcoming agenda items in the About Town newsletter and expanding the notice mailings.

Vice Chair Socolich asked about the project at the former bowling alley site.

Ms. Brekke-Read explained that Signature Homes had submitted a development proposal for that site and that the Town had hired a consultant to process the application. She wanted to schedule a joint meeting with the Commission and the Design Review Board so that both bodies could look at the conceptual plan, and provide feedback. Applicants liked to talk with members of the decision making body in order to get a feel for what was approvable. The Commission could decide whether to meet with them or not. At the beginning of a public hearing a Commissioner would need to disclose any contact with an applicant.

V. REPORTS

A. Planning Commission

Commissioner Kuckuk reported that she would not be present at the first Planning Commission meeting in April.

Chairperson Levenfeld reported that she too would not be present at the first Planning Commission meeting in April.

Commissioner Kline reported that he would be out of Town the last two weeks in April so he would miss two Planning Commission meetings.

Commissioner Killam reported that he had attended the Liaison meeting on March 9, 2012. There was a farewell to Jerry Meyer who had chaired the Liaison meetings for 38 years, helped with the incorporation of the Town in 1974, and established the Moraga-Orinda Fire District. The mayor discussed the pending Rancho Laguna lawsuit and repairing Moraga's roads. The Town Manager discussed the Town's crosswalk improvements and the openings on the Fire Department Board. A community fair was scheduled for May 12th. The Lamorinda Alcohol Policy Coalition had meetings on April 11th and May 9th at Orinda city hall to discuss underage drinking. The Moraga Historical Society had a meeting on March 22nd at the library to discuss the forgotten railroad mystery.

B. Staff

Ms. Brekke-Read reported that items on the March 26, 2012 Design Review Board meeting included signage and exterior colors for the yogurt shop at 384 Park Street and the final parking lot plan for the skateboard park at Moraga Commons. Rich Chamberlain would be retiring on March 23, 2012.

VI. ADJOURNMENT

On motion by Commissioner Killam, seconded by Commissioner Socolich to adjourn the Planning Commission meeting at approximately 8:50 P.M. to a regular meeting of the Planning Commission on Monday, April 2, 2012 at 7:00 P.M. at the Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, California.

A Certified Correct Minutes Copy

Secretary of the Planning Commission