

August 24, 2020 Planning Commission Special Meeting

Planning staff received the following questions from a planning commissioner regarding Consent Agenda Item 3.B: Amendment to the Town of Moraga Design Guidelines Deleting Guideline CC3.11. The Commissioner's questions are listed first in bold and staff response is provided after each question in italics.

- 1. The request in your staff report is for a public hearing. Why is this item in the Consent Agenda and not in the Public Hearing section of the agenda?**

*Staff's response: All items on each agenda are technically public hearing items unless otherwise specified in the staff report (one example of an item that would not be considered a "public hearing" item is a study session where a conceptual plan is studied by the Commission but no actions are taken – instead, only feedback is provided to the applicant and staff). Public hearing items that staff believes will not be controversial can be placed on the Consent Calendar for a quick approval at the beginning of the agenda, but the Commission always has the discretion to remove an item from the Consent Calendar if it wishes to discuss it for any reason or if a member of the public wants to comment on it.*

- 2. If we delete CC3.11 and not replace it with the new MSP, what signage design guidelines will exist for Moraga in general?**

*Staff's response: Guideline CC3.11 is the existing Master Sign Program for the Rheem Shopping Center. Master Sign Programs are stand-alone regulatory documents, including the Rheem Shopping Center MSP. Including it as a Design Guideline was redundant and unnecessary. Even if Guideline CC3.11 gets deleted, the existing MSP for the Rheem Shopping Center would still be in remain in effect until a new MSP for the center is approved. The existing MSP is still on file here in the Planning Department and staff would continue to be able to apply its regulations to any new signage proposed in the Rheem Shopping Center if a new MSP is not approved.*

Planning staff received the following questions from a planning commissioner regarding Public Hearing 5B: 1325 Moraga Way – Bay Area Ballplayers. The Commissioner’s questions are listed first in bold and staff response is provided after each question in italics.

- 1. There is a concern with the Bay Area Ballplayers matter on the agenda tonight. The applicant is taking no precautions and including no protocols to address COVID-19. MLB literally throws each baseball out after every play; they don’t even attempt to sanitize them. Every bat is sanitized after each at bat. Players are wearing masks and having their temperatures taken at least daily. None of these measures are in the proposed application. And MLB, even with these precautions in place, still has multiple cases of COVID-19 arising almost on a daily basis. At least 5 teams have had to shut down for a prolonged period of time this summer.**

Without all of these protocols, we are creating a vector for COVID-19 in Moraga. Many if not most of the attendees will be coming from out of our Town, so without these measures adopted, there will almost assuredly be a spike in cases in Moraga. Steve Hammond (Applicant) says that at the end of each day they’ll collect the balls and put them in a bin. So how does he contemplate sanitizing each and every ball after each and every at bat? This is brought up only to underscore that COVID-19 is not going away. We simply cannot condone any business to operate in Moraga that by its very nature will be a breeding ground for more cases.

*Staff’s Response: It is not a Land Use purview to determine how an individual operates his or her business. The business will have to work out those matters with the Contra Costa Health Department. This is a matter that is addressed in the Conditions of Approval. Condition Number 8 states: “The applicant shall comply with all applicable Public Health and Safety Regulations set forth by Contra Costa County Department of Public Health during all operations.”*