

OLD MEETING TC 25-01-15 pt1

Thu, Feb 19, 2026 10:36AM 3:52:14

SUMMARY KEYWORDS

Moraga Town Council, public hearing, 1600 School Street, public safety, fire evacuation, density bonus, affordable housing, traffic impact, project approval, Planning Commission, environmental impact, emergency response, community feedback, development standards, wildfire mitigation., Environmental review, wildfire mitigation, housing element, emergency response, traffic impact, affordable housing, planning commission, air quality, evacuation plan, project approval, community safety, construction impacts, public hearing, development waivers, local control., traffic study, housing element, fire safety, evacuation plan, School Street, below market units, apartment excess, community impact, air quality, construction site, wildfire risk, pedestrian safety, traffic congestion, development approval, community feedback

SPEAKERS

Hillis, Maglio, Speaker 14, Speaker 8, Speaker 4, Speaker 22, Chief King, Speaker 21, Speaker 11, Speaker 2, MOFD, Speaker 10, Speaker 15, Speaker 38, Speaker 1, Speaker 33, Speaker 34, Speaker 27, Speaker 6, Speaker 24, Speaker 16, Speaker 26, Thiel, Speaker 19, Speaker 25, Speaker 37, Speaker 28, Speaker 13, Speaker 31, Speaker 5, Speaker 17, Speaker 32, Town Manager, Speaker 20, Speaker 30, Speaker 36, Speaker 9, Speaker 7, Speaker 18, Woe, Speaker 12, Speaker 3, Speaker 29, Speaker 35, Speaker 23



Woe 00:29

You welcome to the town of Moraga, town council meeting, special meeting for Wednesday, January 15, 2025 and I call to order this meeting. I let the record show that all members of the town council are present. Our next item is the Pledge of Allegiance. Brian, would you lead us? Please everyone with your eyes, I pledge allegiance



Hillis 00:56

to the flag of the United States of America and to the republic for which it stands, one nation under God,

W

Woe 01:07

indivisible with liberty and justice for all. Thank you, Brent and everyone.

W

Woe 01:17

The next item is presentations. We have no presentations tonight. Now I'm going to make a public communication. Time is reserved for those in the audience who wish to address the town council on items that are on the agenda. Public comments will be deferred to align with each agenda item, therefore any comments pertaining to a specific item item will be heard during the presentation of that item and not at this time. For example, when we get to Item eight A, the 1600 school street appeal, we will take public comments during the course of that item and not at this time. That said, with concurrence my council member colleagues, I would like to reorder the agenda so that we can accommodate the public and our speakers by moving item eight A to the to occur first on the agenda. Is there a motion?

W

Woe 02:15

Second? All those in favor? Aye. The motion passes, five, zero. Okay.

W

Woe 02:30

So I would like to begin by thanking our community for your involvement in this public hearing process. Your input is valuable, and town council takes your feedback very seriously. I apologize ahead of time that we do not have space to accommodate everybody inside. We've got to make best. We've got to make with go forward with what we've got. Let me start off also with some meeting ground rules before this item is introduced, I would like to take this time to go over a few ground rules and set expectations. First, this is a business meeting, and there are rules of decorum that need to be followed by council members, staff and attendees. Please refrain from interrupting while someone is speaking. Outbursts of any kind will not be tolerated, and this includes clapping and booing. Should this occur, I will attempt to create order, first, by using the gavel. If outbursts continue, I will recess the meeting until we can achieve order. I am confident everyone will be able to respect each other's time and opinions. Second, I would like to address speaking time limits, since there are a significant number of attendees this evening, town columns, council protocols allow for the restriction of public comment to be limited to two minutes. The public comment time is restricted for this meeting to ensure that the town council has the opportunity to hear each of your comments in a manner which is most efficient and respectful of everyone's time. The public comment time will apply to all public comments for all items on this evening's agenda. In addition, speakers will not be allowed to cede their time to other speakers. Each speaker will be limited to two minutes. Third an effort to help all of us move through the public hearing, please refrain from repeating views you have already views already expressed. If you agree to a prior speaker, you may simply note your agreement before the formal discussion on the 1600 School Street development project appears, appeal commences, there will be a brief presentation from the MO of D fire chief and the Moraga police chief to discuss the public safety issues. Their presentations will be followed by council member. Questions. After the public safety presentations, I will turn it over to the town manager to introduce the staff and presentation on the project. Appeal. After the staff presentation, I will officially open the public hearing, and the hearing will begin with the appellant, followed by the applicant. Each will have 10 minutes to present. At the end of the applicant's presentation, I will call for public comments. After the conclusion of the public comments, the appellant and the applicant will each have five minutes for rebuttal. As a reminder, if you would like to speak on this item, please sign in or complete a speaker card and their speaker cards and the sign in sheet over with the town clerk. Amy. If you have not signed in or completed a public comment card, please see the town clerk so you can be added to the queue. You

W

Woe 06:04

Brent, okay, all right, before we begin this agenda, Item now is the time for council members to disclose ex parte communications. These are communications pertaining to this item a day with the appellant, the applicant, other members of the public. And I'll start off by saying that in the last week, I've had a number of communications with

W Woe 06:36
public citizens, mostly related to fire safety and evacuation not specific to this particular item, so they're incidental, and I have had no communications with the appellant or the applicant.

M Maglio 06:57
Lisa No ex parte communications.

T Thiel 07:02
None here as well. None for me,

W Woe 07:07
none here as well. Okay, thank you. I will now turn it over to the town manager to begin the presentation of item eight, a appeal of a 66 unit, multi family residential apartment building development located at 1600 1640 and 1660 School Street, including five very low income units requiring design review, grading, permit and density bonus approvals.

T Town Manager 07:37
Scott, Mr. Mayor, Members of the Council as the mayor indicated, we're going to start with an overview of some public safety items with respect to what's going on down south and how it may relate to this project in our community. So our Mo FD, fire chief, Jeff Isaacs, will come up. Where are you, Jeff? He's floating around. So we have the fire chief and police chief. They're going to start it off. I and one of the reasons we reorganize the agenda is Chief Isaac has to go to Marinda. I'm sorry, Moraga, Marinda, fire district meeting that starts at 730 or seven. You have to leave here at 630 So Jeff, if you can come up to the podium, thank you.

M

MOFD 08:28

We all set Yes, sir, good evening, Mayor, council members. Thank you for the invitation to speak this evening. It's a privilege to serve as the interim fire chief for the Moraga arena Fire District. After five years as the fire marshal, I understand the concern of our residents, and with the regards to this project and fire safety, I share the concern for fire safety, and fire and life safety was a priority of retired Chief Dave Whitaker, and I plan to continue that as my one of my top priorities as the interim fire chief, mofd, has been involved with the construction of this project from the earliest stage. We were invited in by the town planning department to be a part of the technical review committee. We participated with PD, the Planning Department and other key town staff, part of the process and part of what we do in this I was a fire marshal at the time, so what my role in this process is to review the project, let the applicant know, time frames for construction permits, time frames for sprinklers, to review the project, for the state fire codes, any local amended adopted codes, We work with them. We tell them we're looking at access, water supply, hydrant locations, Ingress, egress from the building, roof, access, the fire and life safety system, sprinkler systems, alarm systems, alarm panels, stand pipes. What type of construction is it? Where's the location of the stairwells? Part? Working. How's that going to be laid out if we have to get to a vehicle fire? So as we work through everything with this project, the applicant was no pushback, which we see a lot of times, and I want to be very clear, that was not with this project. The applicant took a lot of notes and asked questions and was getting is going to meet all the fire and life safety systems that are required by the state of California and required by mofd. We also understand the significance and concern with evacuation routes. That's why, for for the five years as fire marshal, we push for inspections and enforcement of vegetation management on all of our evacuation routes. We received a lot of pushback, a lot of complaints from citizens in regard to, why are you requiring us to do that? Because we realize the importance of having safe evacuation routes. And I think everybody would probably agree, if you look at our evacuation routes, they have changed in the last three to four years with the amount of vegetation that has been removed. We've also looked at how fire is going to enter our community, and one of the biggest threats that we face is from the open space areas that surround the Moraga and Orinda fire district. So fire is going to enter through a pathway. And what mlfd has done, using state grant dollars from Cal Fire, we've done \$10 million of fuel reduction project work. We started with the North Orinda shaded fuel break, and we're finishing up this march with the tunnel, East Bay Hills fuel break, and that kind of that fuel break took over where the North Orinda left off at Wilder coming down flicker Ridge, moving around Moraga up through St Mary's and back towards Lafayette. So \$10 million of fuel reduction work. We've done over \$3,000 or \$3,000 3000 inspections of individual properties, because it's not just slowing or stopping the fire as it enters our community. It's helping protect our residents and our homes if a fire were to enter our community. So that's some of the stuff we've done with our fuel breaks and our inspection process and to keep this moving. And since I have a tight timeframe that kind of concludes what I was going to speak about, happy to answer any questions council may have.

H

Hillis 12:31

Carrie, thank you for coming tonight. So I understand that one of the items on your agenda tonight, I think it's item 5.2 is regarding zone zero and what the and what Mo, F, D may choose to do with regards to implementing that policy in Moraga and Orinda. I just as you do, have the opportunity here tonight with a with a number of our residents attentive to this subject. Can you just go over exactly what zone zero is, and then a partner to that question is this development as it's been reviewed, compliant with zone zero, or if we were to approve this development tonight, would it be required at at the point where it ultimately got town approval to comply with zone zero, if it was subsequently implemented by moft?

M

MOFD 13:24

Yes, sir. So zone zero is a state designation a couple years ago. And forgive me, I can't remember the Senate bill or assembly bill where the state of California directed the State Board of Forestry and Fire Protection to create the rules for zone zero. Zone zero is the law of the land today, zone zero cannot be enforced by any fire agency until the board of forestry writes those rules, Mo, F, D, we have the two foot non combustibile zone that we do enforce. There's a lot of discussion, especially after what's happening in Southern California, what zone zero will look like I BHS wildfire prepared home through our insurance commissioner have given some guidance what they think it should look like. If the board of forestry makes it look like that, it remains to be seen, but basically that zone zero is no nothing combustibile within five feet of your structure, and the end of the deck is considered part of the structure, so it would be from the edge of the deck as well. Yes, this project will meet the zone zero. I can't require it because it's not in a fire hazard severity zone. It's in an area that has not been mapped or declared designated by Cal Fire as being in a fire hazard severity zone. So one of the things that we went through and our technical review, where we recommended and said, Hey, to make this the safest building possible, and the applicant agreed, we will put zone zero in there,

H

Hillis 14:56

and then follow up. Zone zero is not a. Uh, a resident or a building. Specific plan for implementation. It's a community wide in order to be effective, is that, can you elaborate on that?

M

MOFD 15:10

Yes, sir, that's very correct. For zone zero to be effective. What we're trying to do is prevent the structure to structure ignition. We know how fire is going to enter our community through those pathways that I talked about. So it's also the Ember cast that's produced from that fire coming from the open space areas that land in our community, finding that receptive fuel bed. So there's two things that we have to do. It's not just zone zero, it's not just home hardening. It's combination of those two items that are going to protect our community, to prevent those embers from landing on stuff and starting our house on fire. Once one house starts on fire, as we saw down south, when the lots are small and you have structures that close together, you get structure to structure ignition. So one house doing it and being compliant doesn't change how fire behavior is going to potentially be on that block if those homes are close together.

H

Hillis 16:06

Thank you. And last question along these lines, Chief Whitaker previously had indicated that one of the limitations that mo F D had had with some of the other special districts surrounding our area, East Bay Mud and East Bay Regional Parks was that there were issues with them recognizing Mo, F, ds prominence in terms of enforcing vegetation clearance, maintaining fire roads. Have there? Has there been an improvement in recent years with them accepting mo F d s regulations on keeping fire routes which are supplemental evacuation routes, in addition to our main roads

M

MOFD 16:51

clear, there is still debate between the agencies on mo F d s authority, we have worked with them to get them to understand the importance of meeting our standards, especially where their lands abut or adjoin our developed properties. It is getting better. Is it perfect? Is it fully compliant with the code? No, but we're hoping we will get there.

H

Hillis 17:15

Please keep the council, this council informed. If there's anything that we can do to help to encourage our counterparts in these special districts to keep our community safe.

M

MOFD 17:25

Yes, sir, I will thank you.

W

Woe 17:27

Thank you. Other questions, Graham,

T

Thiel 17:31

thank you for your time coming out here today. I have a couple general questions as it pertains to a multi family development project, such as the one that's before appeal here today, and in comparison or contrast to a single family residential development project that we might expect. Would you say that a new multi family development of this type would be, say, safer or more resistant than a single family residential home development,

M

MOFD 18:02

there are different codes that apply to a large project like we're talking about, versus a single family resident, the different construction types, the life safety systems being multiple floors exceeding the capacity of Our ladder truck. So that's why we're putting stairwells. That's why we're building all these other things. And when I say it exceeds the ladder truck that's allowed for in the code, that's not, hey, I'm granting an exception. The Code realizes that because numerous places throughout the state have buildings that the ladder trucks can't get to parking for whatever reason that that big piece of equipment can't get close enough to the building. So that's why the codes allow for multiple stairwells, multiple ways to get to the roof to evacuate residents from the building in case of a fire. That's why we have sprinkler systems. And when those conditions happen, we now see additional sprinklers, not just in the living spaces or the evacuation spaces, but also void spaces, ceiling spaces, stuff like that.

T

Thiel 19:11

Got it and based upon your understanding of the project, would you mentioned building structure type? Is this a more fire resistant building structure type for a multi family building than, say, a single family residential home, yes, sir, yes. And you also said that, per your review, you reviewed the life safety systems. Are there more fire and life safety systems in a multi family building like this than one would find in a new single family home development?

M

MOFD 19:38

Yes, sir. In a single family home development you would have residential sprinklers, and that's it. Somebody may put an alarm system in as part of a burglar alarm system. This will be required to have pull stations, Audible, visible, smoke detectors and enunciation panels and stuff. To notice the residents that, hey, there's a fire in the building, you need to evacuate,

T Thiel 20:05

understood, and you'd mentioned accessibility, search rescue. Evacuation is a multi family development like this, easier to search rescue evacuate from than multiple single family home developments,

M MOFD 20:21

they each present their unique challenges. Single what we call in our three single family resident, narrower hallways, more furniture, more obstacles for the firefighters and a zero visibility environment where a large project like this has wider hallways, because those hallways are also evacuation corridors where there can be nothing that blocks those so now we have more room for the firefighters to search, a little bit better visibility, more sprinklers to keep that fire in check. So depending on how somebody single family residence is set up. Yes, this could be better.

T Thiel 21:02

So would it be fair to say that from a resiliency standpoint, this would be a more resilient structure than a single family home, and in parallel, a structure that would be more resistant to a source of fire than a single family home.

M MOFD 21:19

It could be, sir, it would depend where the new single family dwelling is going. Is it going in a very high fire hazard severity zone where it's going to

T Thiel 21:27

have to in the exact same location, in the

M MOFD 21:30

same No, the project that we're talking about is going to be built safer because it's an unmapped zone. It's not a fire hazard severity zone. It doesn't have to have the Ember resistant construction. It's not going to have to meet the zone zero requirements that all the stuff I talked about, fire and life safety systems for this building, this building will meet that where a single family resident wouldn't be required to

T

Thiel 21:56

meet that understood. Thank you for that. And last question, give you an understanding of the evacuation means and methods for this specific neighborhood would a development like this cause any material change to your plans for evacuation of this particular neighborhood? No, sir. Okay. Thank you.

W

Woe 22:16

Brent, Lisa, do you have any questions?

M

Maglio 22:21

No, all my questions were answered, but I would just like to thank you for being here tonight on behalf of the council and the residents here,

W

Woe 22:30

Chief, I also thank you. I do have a question, and it concerns, you know, characteristics of Moraga and Orinda relative to other locations that have experienced terrible fires, Paradise, Tubbs in Santa Rosa. Things are too early. It's too early to think about Los Angeles. But are we at same type of risk? Is less risk more risk? Is there anything that can be characterized. And I upfront recognize and state that there is no one design case or no one scenario. It's an infinite number of scenarios, and you get the reaction will be commensurate to that.

M

MOFD 23:18

Yes, sir, I think the risk that we face here in Moraga is definitely different than the risk that the residents in North Orinda face, or the residents in Paradise, or some of these other areas that we've seen these major catastrophic fires. We do have a lot of open areas, but our open areas that immediately border the area for the most part, and I'm thinking, kind of east of us, Bollinger Canyon, out in that area, are grass covered hills. They're not brush covered they're hills. They're not hills that have 14 foot high brush and tall trees intermix where it's a continual field bed from the native vegetation right into our residents. That's where our field breaks have come in and removed a lot of that hazardous vegetation and created that fuel break to slow it down. So some areas, yes, we do face a significant wildfire risk from entering in our community. But remember, our risk is really during a Diablo wind event. That is our peak, you know, time of year where we are really concerned. Now, can we still face a wildfire event outside of that? Absolutely, we have fires outside of those, but they're not going to rapidly spread produce the embers in front, you know, miles in front of that flaming fire front, like we do in a wind event.

W

Woe 24:36

And is it likely that we'd ever have a flame front across a wide enough side of Moraga that you might require full evacuation of the town, sir.

M

MOFD 24:55

I mean, that's kind of a what if scenario. Could I dream a what if scenario that. There's five miles open fire line approaching us. Yeah. Is it realistic? Maybe? Maybe not. It depends. What are our resources? What is the weather that day? Are we a draw down? Do I have a whole bunch of resources in Southern California and other fires, or is it like the Merrill street fire or Meryl circle fire, when we had predicted weather and we had a whole bunch of pre positioned resources right here in the Bay Area that we were immediately able to grab that helped, you know, suppress that fire and keep it in check. So it's really hard to, you know, what if it, and I'm sorry, that's about the best

W

Woe 25:40

I understand. Like I said, you know, infinite number of scenarios, right?

H

Hillis 25:48

Sure. So one of the issues that was experienced in LA, specifically in the Palisades, was essentially like what you would experience in your home if you turn on all your faucets at the same time, and the water pressure decrease decreased significantly. I know that some of the in the community have asked questions about whether or not specifically this development, if the addition of this development, might somehow contribute in the in the event of a fire to the same type of situation. I don't think it was specific to water pressure. I think it was more whether or not there's enough. Not there's enough water. So to those two questions, is there, is there enough water to extinguish a fire with the addition of this development, and do we have any remedies to the situation that I raised, which is the decrease that even if we have enough water, a decrease in the water pressure if all of our fire hydrants were utilized at the same time.

M

MOFD 26:46

So one of the things we do when we review the projects is we say, Okay, your project's this big, this many square feet, you have to have so many gallons per minute to one supply your sprinkler system to supply the firefighting resources that we're going to need to put out that structure if it were to catch fire, what we don't look at is, Okay, what if there's 10 other structure fires in the area? That's not how the systems are designed. That's not how the code allows us to look at the problem. So right now, we have sufficient water building that structure, it meets all the water requirements for hydrants, and we have this numerous places throughout the district where it's old infrastructure and building to a modern standard, they may not meet the water flow requirements that's required. Now we got to looking at, look at alternate means and measures. Water tanks have to come in. There's a whole bunch of other stuff. This project does not trigger that it meets the water requirements. The hydrants, there's enough hydrants there. There's more than the required hydrants that are there. I hope that answers your question,

W

Woe 27:58

sir Steve chief, again. Thank you so much. We will not delay you to your your next meeting. Oh, sorry.

T

Town Manager 28:10

Thank you, Mr. Mayor, Members of the Council, since we have chief Isaac here, a very good question. So one of the things that we talked about when the fires were taking place down south with the police chief, fire chief and I were in some discussions was to ensure that all of our storage tanks, the reservoirs and all that sort of thing, were full and there was enough capacity. And we were assured that's the case. Also in communication with the general manager of the East Bay MUD there they updated their an informational brief about how secure our region is, or if something like this were to happen up here, we put it in the packet. We'll put it on our website, but you can go to the East Bay MUD web page, and you'll have information about your local reservoir water tanks and that type of thing. So we're not criticizing what happened down south, but we are in a good position here in terms of having water that would be available if we had a fire, not just here, but anywhere in Moraga, and also chief we are, I don't know if you mentioned, but due to mutual aid agreements, we have firefighters from Moraga and Orinda who are working down south, and we appreciate their efforts.

M

MOFD 29:21

Yes, sir, we do have one engine with four personnel down there, then we have four additional personnel and what we call single role or overhead assignments.

T Town Manager 29:32
It's appreciated. Thank you.

W Woe 29:34
Thank you. Chief is is Chief King available? Thank you. Applause.

W Woe 29:48
She Thank you very much

C Chief King 29:49
evening, Mr. Mayor, Members of the Council, how are you this evening? And to our guests, I apologize for having my back to you. It's not my normal. I apologize for that. I. Of where to start. We're here to talk about evacuation. That's why I'm here. It's obviously not something that we ever want to do. If I'm if I'm calling for an evacuation of a portion of our community, that means something really bad is going on. Be it a fire? We had a call for an evacuation when we had the sinkhole in 2016 at Riemann center, when the traffic signal dropped and sheared off a four inch pg&e gas main, and obviously we did an evacuation in 2019 for the Merrill fire. Some differences there that I'll go into, but the one thing that I do know is that evacuation is not just a Police Department issue. It's not just a town issue. It's a community responsibility. We all have a responsibility in evacuations. The first thing that everybody needs to do is ensure that you're registered with the community warning system, because that is the system that we will use to notify our residents of an evacuation, being aware of what's going on. So obviously in red flag days and high weather days where there's probably a higher probability of a fire or something like that, we need to be aware of that. It also starts with hardening our homes. I know at my house, I actually back onto open space, and I spend about four days every year, weed eating about a 15,000 square foot area of city of Clayton property that's adjacent to my home to ensure that the Contra Costa County firefighters that would respond to my neighborhood have have a safe space to work. We've also cut down vegetation around our home and and cleaned out other areas of our yard to ensure that it's safer and should a fire come through, we have a better chance of our home surviving and then basically going through. And one of the things that we have mailed out twice to all of our residents is the LA Miranda guide to wildfire preparedness and evacuation. There are five pages in this document all having to do with evacuation. Great tips, great information, whether it's having a go bag, all of your material ready, what have you so then we move forward to an incident. What we would do? The first thing that happens is, is that, in the case of a fire, a member of my staff, whether it's me, Lieutenant borbiially, or any of our officers, we're attached to the fire command post. We're working hand in hand with the fire department, and we're constantly monitoring the incident, the weather and conditions, to see if they're changing and to see what we need to do. And by law evacuations are called by law enforcement, but we would do so upon the advice of the fire commander at the time too, based upon what the fire is doing so as we watch it, one of the things that we will do is we will call it sooner than later, because I know in any community,

you need time to go. There's a certain period of time, albeit much shorter than it used to be, for for us to call CWS and for CWS to process the request out to to our residents. So we have to, we have to take that into account. However, as I referred to the 2016 incident that was before CWS, and it took about 20 minutes for Detective Mooney to work with the dispatch center to just identify the area that we needed to evacuate, and then for them to develop the reverse 911, list to call in 2019 at the Merrill fire officer Yanga made the Call to dispatch, and there were calls going out from CWS within five minutes. So we have, we have very much advanced our technology and and improved upon the ways that we do call for them. So our town, along with Orinda, was one of the pilot communities for what is called zone what was used to be called zone Haven, and now is Genesis, and that is a process where we developed evacuation zones for for communities. It started in Moraga and Orinda. It then went to El Cerrito, and it is now spread throughout California. So what you had in the in the previous slide was an was Brent. Can you go back one? So you can see, you can see where Moraga is, but you can see that we're not the only ones using it. This is, you know, a portion of both Contra Costa Alameda and a little bit of San Joaquin County up at the top. And so, if you look at maps in LA right now, LA County uses, uses the same system and its use throughout the Western United States, then you go to the next one. So this is what our town looks like. And you can if you this particular development is located in zone 13 and and, but you can see how it's split up. We actually have revised this twice to ensure that na. Neighborhood integrity and that were basically it made sense. We used to have 24 we started with 24 zones. We're down to 21 you go the next slide. So this is an example of what we what we use, and the book that every law Marinda police officer carries in their car. And every firefighter in LA Miranda has. It's basically a pre planned map and information of each evacuation zone. And this tells us what the estimated population is in that zone, how many vehicles we think we have, how many structures, and the size of it. And then down in the lower left is a list of critical facilities in that in that zone. Can you go the next one, please? So what this tells me is, is, if I have to evacuate this zone, this tells me, or whoever the officer in charge is, where we need to assign officers and personnel to direct traffic. And it even is so minute, it tells us how many traffic cones or barricades we need to facilitate that evacuation through those intersections? Thank you, Brent, so that to give you an idea, so I worked with Chief Whitaker Candace, Anderson's office had a hand in it, and we're now. This is completely funded countywide through the measure x funds that we all pay a little extra sales tax with and when we do the when we use this, we will evacuate our community by zone. It's one of the reasons why people look at me and they say, Well, why don't we use Nixle to notify people? Well, when I send out a Nixle blast, it goes out to about 22,000 addresses, either email, text or or via the app. So I don't want to notify all 22,000 people that we need to evacuate, because I don't need all 22,000 of them. And there are some in in Lafayette and Orinda that also subscribe. I don't need, I don't need everybody evacuating at the same time, because, for example, if we have a fire, say, at Lafayette Reservoir, starting to come over into the camp Leno neighborhood, and I need the Campo lindo neighborhood to get out, as well as a couple of other neighborhoods close to that. The last thing I need is maybe the residents on Tharp and Camino Pablo and everything also trying to evacuate. Because I don't. They don't need to. There's not a danger for them. If the fire progresses, then we will expand the zones, and we actually train train doing that with both both police and fire. There's been a lot of talk about what we call temporary refuge areas, and comments have been attributed to both chief Whitaker and I that our evacuation plan is for everybody go to Safeway and we're going to spray water over them if I have to put people in a temporary refuge area. A, it's really bad, and B, we failed. That's our absolute last resort. We do not want to do that. But the reality is, is that we may have a situation where we can't get people out, and then we would have to resort to something like that, but we are going to call for evacuations early and try and do our very best to facilitate people getting out of our community, or at least out of the portion of our

community that is in danger. And that's, I think, a very important distinction I really do not want, for example, the camp Leno neighborhood, to go down to the football field at Camp Leno High School and hang out there because it's a refuge area. Accordingly.

C Chief King 38:29

I don't want the people say who live on Ascot to drive down to ream center and hang out in the parking lot there. I want them to get the heck out of dodge, because that's what we need them to do. And because if they're still in town, they're still potentially in danger, or at least in that area of town where we're dealing with with whatever the emergency is, because of this we've been doing since I've been chief drills for evacuation. Our first drill was with the Moraga Country Club neighborhood, where we tested a contra contra flow model on Moraga way, and I've been in discussion with previously, Chief Whitaker and now chief Isaacs about talking to our member of Congress to see if that wouldn't be a good topic for an earmark for funding, because that would go along very well with our Smart signals program. For those of you don't know what contra flow is, that's where we take both lanes of traffic and have them go the same direction they do it in the southern United States, if a hurricane is coming into play, where they've got to double the capacity the roadway to get people out. We we tested that with the residents of the country club. It actually worked pretty well. It was very labor intensive for us, so before we could put it into play, we would actually need to set the street up with signals and the equipment to do it safely, because to do it right now, it wouldn't work well, because I think it took us 85 people to run the drill last time, because you're blocking driveways and adjoining Street. Brent and everything. But we will continue to do those those drills. We'll also continue to push out information to our community. As I said, we've put out the wildfire guide twice. It will go out a third time in the next year. Our department also sent out postcards to every address. Those of you who live in town, it was green. It looked like that, had your evacuation zone on it, and also information about how to sign up for the community warning system in Nixle, we'll continue to do that. We're also working with laumer in the cert, who does incredible classes for for residents, for emergency preparedness, highly recommended if people haven't, haven't taken advantage of that. So currently, as I, as I said, we have funding for a smart signals program that we're working on with Lafayette and Orinda, and when that is in play, that will allow us to control all the traffic signals in all three cities. So if, in fact, we had an evacuation of our town or into our town. We talk about evacuating people out, but we could also have to evacuate people in if there was an issue in Orenda, for example. So we would be able to turn, for example, all of the traffic signals outbound on Moraga way green. Same thing with Moraga Road. We've all sat in Moraga Road, gone down the hill and and I swear to God, I think Lafayette Meyers Moraga traffic coming into town, but sorry, Lafayette, but we would be able to control those signals. Turn them all green. So you are on green signals all the way to mount dabba Boulevard and facilitating people out and going on to the freeway if, if necessary. We also I was earlier in my career. Obviously, I was at the Oakland Hills fire, both the Saturday fire and the Sunday fire. I know what it looks like. I've been there. I lost a friend in the fire, an Oakland police officer. So one of the things that we found two issues at the Oakland Hills fire is is that we all couldn't talk we have fixed that with the East Bay Regional communication system. All of our police and fire departments in Alameda and Contra Costa counties are all on the same channel or on the same radio system. We can talk to to each other at at any time, if needed. I happen to be the chair of the board of that authority this year, and I can tell you, we're actually now in the process of we just developed a \$67 million capital improvement plan to upgrade the system so it works even better for our first responders and local government users throughout the two counties, huge improvement, especially in an emergency. Also East

Bay MUD ensured that all of the hydrants are standardized, so all the fire departments in the two counties, or people who would be coming in here for mutual aid, all can use the fire hydrants. That was not the case in Oakland in 1991 chief Isaacs mentioned their work along the evacuation routes, which I think is incredibly important, ensuring that vegetation is cut back from them. So when we do have to evacuate, it makes it safer for our residents to do so. And in Orinda today, if you looked on next door, there was talk on minor road that there's, I think PG and E was doing construction, and they closed it down, and they were detouring on one lane roads. One of the things that we have worked out with public works is when we do road construction in this town, they have to be able to open that road up in 10 minutes, especially during the fire season. So when we had, we had road construction going on. I know there were a lot of concerns this past summer, past two summers, as we're doing a lot of construction, is, is that? And this started when we were working on the Canyon Road bridge. And so they knew that at the bridge they had to have it open if, literally, if, if Marauder in the fire got a call to go out to Canyon, they had about five minutes to get the bridge open for the fire apparatus. We've done the same thing with our construction contracts. So if we, if it is a day that, you know, we're concerned, something happens, and we've got road construction going on on one of our main routes going out of town, we can get that road opened up in about 10 minutes. And then one of the things that we've also that I've learned during this process and listening to concerns of people, and I think I've read every letter that's come in to you, and is there's obviously a lot of misinformation in our community about evacuations and how we can do that. So the police department not because of this project, but because of the information that we've gleaned from individuals who have expressed concern is we're going to be holding a town hall meeting in the next couple of weeks to discuss evacuation issues and whatever else people want to talk about, and that that will be scheduled in the near future, working with the town manager to. To facilitate that, and obviously we'll have the fire department with us too. So with that, I'd be open to any questions that you may have.

H

Hillis 45:10

Carrie, have a number of questions for you, chief. First, I just wanted to talk a little bit about your experience. So how long have you been the police chief for Moraga?

C

Chief King 45:22

I've been the police chief in Moraga since February of 2016

H

Hillis 45:26

and prior to that, I believe you came from East Bay region.

C

Chief King 45:29

I started in law enforcement in 1982 I worked for the University of California police as a dispatcher and a civilian employee. I worked for East Bay Regional parks police for 29 years, all the way up to Lieutenant. I was a watch commander, SWAT team commander, air support commander, you name it. I did it. And then I came here in October of 2014 and was honored to take over for a previous chief Bob preview in in February of 2016

H

Hillis 46:00

Thank you. So needless to say, you have some experience. With emergency response. So a few other questions along the lines of that. First, I also just want to say for our residents, if you all don't have an emergency plan for your family, I would take the the this as a teachable moment. Just advise you all to develop one. In my house, we have six people that live there, two dogs, 10 chickens. And we have an emergency plan. We know where we're going. We have backup communication. We have supplies to last several days. This is something that all of us living in a community in the Bay Area should have. That being said, I would also so the Department of Homeland Security has a website called ready.gov R, E, A, D, y, dot, G, O, V, that will tell you all of the things that you need to put together for your own emergency kit. With that said, Chief, I know that in one of the interviews you had recently with the press, you talked about some improvements that are going to be coming to Moraga. What a Moraga way? Can you just address some of the

C

Chief King 47:03

Sure so our public works director credit, where credit Stu has an incredible idea to try and put some type of a multi use trail alongside Moraga way and and by doing that in an emergency that could be used as an additional traffic lane, which would, which would enhance our smart signals program, and potentially, if we also were to to obtain funding for a contra flow program, that could potentially mean three lanes outbound. It's not something that's going to happen tomorrow, but, but Mr. Knapp, is an incredible idea, and I know is is starting to work towards it.

H

Hillis 47:42

Thank you. So you also mentioned la Meyer and dessert. I understand that La Mer de cert also has funding available for residents to to be able to actualize some emergency response. Can you talk about what some of the preparation materials?

C

Chief King 47:57

Absolutely So la Meyers, Sir, actually sells water barrels and fire extinguishers and and first aid kits and all sorts of different, different materials. They also work with, with the mosd to supply gutter guards. Those are free of charge, also screens for both your your vents under at the lower portion of the house and attic vents to ensure that if there is a fire, your mesh screening there is tight enough so embers can't get through it. So and you also don't have the problem with embers dropping into a dry gutter that potentially is half full of dry leaves or something like that. They also on their website, as as does Homeland Security. They have a great they have a lot of great information about emergency preparedness items for a go bag. Much of that was also included in the wildfire guide. Thank you. And if people who are here don't have one there, I brought a stack, and they're on the table out in the lobby,

H

Hillis 49:00

so the fire department is distinct and separate from the town of Moraga. They're a special district. So what is, what exactly is the town and the town of Moraga Police Department's role in emergency response and evacuation? So we

C

Chief King 49:15

work hand in hand with fire district. We do it every single day on minor incidents such as maybe a medical call at somebody's home to we work together. We had a house fire earlier this week on camel Ford, and our officers responded right with fire. They worked in a unified command and did whatever we needed to either affect rescues or or address the situation at hand and that, and we do that day in and day out.

H

Hillis 49:44

More questions, two more questions. So the Another question is, regards to what I was asking with Chief Isaacs, do you incorporate the fire roads? Just those that go through East Bay Regional Park? Land or through East Bay Mud. It's part of your evacuation planning.

C

Chief King 50:04

We could depending upon the situation. Here's the thing about evacuations is, is that I would love to be able to go out to each residence and say, in case of emergency, you need to pull out of your driveway, turn right, take the next left and go straight. I can't do that, because every situation is different. If I have a fire, as we talked about earlier, coming down into the camp a lindo neighborhood, our response and how we're going to send people is going to be completely different than, for example, the Merrill fire that we had, or if we had a fire, say, in the Mulholland Ridge area, right in the middle of town. And so it would, it is definitely something, you know, every it's all incident dependent. So would we use those not I can, I could. I can't. I can. What if a time where we would it would not be a preferred option, because while I would have no issue with me driving on it, somebody who perhaps is not as comfortable driving or might not do as well on it, and we might end up with a mishap and cause a bigger problem.

H

Hillis 51:16

Thank you. And this is my last question, yep, so we already have an evacuation plan, clearly, as we've been discussing. So I believe you've said in the press that that evacuation plan you believe would help us to be safe. So the town is also initiated an emergency evacuation study for the for the the entire county, again, as I think the public has heard through multiple different things tonight, Moraga really punches above our weight in terms of the policy changes we are able to affect, not only for our town, but for our county and even the state. So what is the distinction between these if one already makes us safe, what's the additive

C

Chief King 51:56

value of the other? So so each community now has literally a book like this with the Genesis program, because we, we have, three years ago, rolled it out county wide, and it was funded for the two first two years by county fire, and now it's being funded through measure x. So everybody already has this. What a county evacuation plan would do would be to overlay these and it would look at Coordinated traffic issues and how different communities could coordinate, ensure that we were communicating in times of an emergency. So for example, if there were multiple incidents going on, we would want to ensure that, say, Pleasant Hill was not evacuating people into an area of Concord that wasn't safe or that was blocking resources coming from Concord. So I think it, you know, the RFP is not out yet. I understand that it will have a fairly robust public process, but I don't, I don't know what that is yet, because it's not on the street yet, but, that is what I believe in the early meetings that I was involved in that

W

Woe 53:05

we discussed. Thank you,

M

Maglio 53:07

Lisa, do you have any questions? I just have a follow up question on that, and I would like you to clarify. I'd like you to clarify.

W

Woe 53:21

No, get your mouth closer to the microphone.

M

Maglio 53:24

The county wide plan, correct? And is Moraga? I think they call it an annex of that part of the county wide plan, or is it the Moraga portion of the county wide plan?

C

Chief King 53:34

The county wide plan, as I understand it, and again, it hasn't been developed yet, but I think it's going to overlay all of the each of the different cities will have a plan for their community, as we do, as Lafayette does, as Orenda does, and then on top of that, then the county plan will overlay and work in conjunction with the individual municipalities, coordinated by the office the County Office of Emergency Services.

M

Maglio 53:59

So with that, that doesn't mean that our current plan is out of date.

C

Chief King 54:03

No, it should. It should enhance. We can never do too much planning for this. You know, I talked about the drills that we do, and the drills aren't just for our residents, you know, virtual drills or whatever. They're also for my police officers. They're also for our firefighters. The command post at one of our one of our virtual drills is incredible. We we have fire fire behavior programs running. We have police officers learning all about the genesis program and how to and community warning system is with us. So it's all about we can never have too much planning. Never have too much training in this topic.

W

Woe 54:42

So thank you. Thank you, Graham, do you have a question?

T

Thiel 54:45

I do. I can keep it brief. First, thank you for your commitment to our community. I have every confidence in you and your officers in case of an emergency, given the extent that you've informed us of the planning in place, we'd like to ask a more specific. Have a question about the area in and around this development, or the development under appeal? Are you your officers town or of the community made you aware of any present traffic safety in need of mitigation.

C

Chief King 55:18

We get, I get traffic complaints every day. Separate, separate. Some of them come from me. Sure. Separate from complaints, right? You know, we there is probably not a street in town that I don't get complaints about whether it's cars going too fast in our residential area, I get complaints about people running the stop sign right there. I don't recall any major accident history right there.

T

Thiel 55:47

And other than that, so it's it's not something that that that jumps out at me, but Mike can certainly check understood. And as a follow up, given your understanding of the proposed development under appeal, do you foresee or anticipate any potential traffic safety issues that would require further mitigation?

C Chief King 56:07

One of the things that we have in talked with public works about is obviously parking in the area. We have businesses in the area, so we'll have to ensure that there's sufficient on street parking turning over for for business use. So we don't have, for example, we don't want all the parking spaces in front of CC's block, 24/7, by people who live in the area. It's just that's not fair to our businesses. We I foresee some, some additional traffic in the area, because I think over what the office complex, the trips that the office complex would generate. And I don't have specific numbers, I'm just, I'm surmising here for a moment. There may be a there may be additional traffic trips in the area, but that intersection right there is currently a four way stop. So we're, we're, we're, you know, assuming people abide by the stop signs. That's a what if Sometimes this town, but we that should help mitigate some of the, some of the potential traffic issue. Because we're, people are stopping right at that corner. It's not, you know, we're not speeding, speeding out, or anything like that, understood.

T Thiel 57:22

Excellent. Thank you. And I look forward to your town

W Woe 57:26

hall, Ryan. I just one question, Chief, and that is, is Moraga unique and not being able to evacuate the whole town simultaneously?

C Chief King 57:39

No, I live in Clayton. There is no way the city of Clayton could evacuate all of us at once.

W Woe 57:47

You know, any town that is past that

C

Chief King 57:51

is possible, that's, you know, there's a little town in Riverside County called Idlewild that they talk about. It's a very interesting town in that they've had a number of fires in the area, and that community rallies for wildlife or wildfire preparedness, vegetation management. Everybody's house is hardened because they've had a fire through there before, much different than our town. Sorry, folks. There's a lot of work to be done, but, but there, I read an article recently about them, and it seemed that they had a pretty good system, but they're about 1000 people, less than 1000 people, I think, if I recall,

W

Woe 58:36

thank you so much, and I'm very happy that you're going to schedule a town hall to broaden the message again, okay, so it's I invite staff to begin the presentation.

T

Town Manager 58:55

Okay, Mr. Mayor, Members of the Council. Thank you to the two chiefs. The police chief said, in the next two weeks, it'll be a little bit longer than that, but to have a public town hall and public safety will begin. If Council is supportive, we'll go ahead and get that in motion. All right, okay, so at this point, as the mayor indicated now, we're going to do the staff presentation on this appeal, and we'll go through the process here. Let me just tell you how we're going to do it. It'll be eight components. We're going to first talk about the housing policy paradigm shift that's taken place in California. Why in the world are we here? Many of you are wondering, How did a project like this come forward? We'll explain to you the evolution how we got there, then our we'll talk description of the project, the timeline of the many years and getting to this point, actions taken by the planning commission. We'll talk about the appeal and the town response to the appeal, an issue dealing with air quality during the construction of the project has been raised in the last couple days. Case, we will address that, and then the town attorney will talk about what the council is allowed to do tonight, and this is what's called a de novo review. We'll explain what that means. Then we'll hit on the staff recommendations. We'll bring everybody up to speed, and then from there, we'll go to the next part of the hearing, and that will be the appellant and applicant makes a presentation, and so on, and then we'll get to the public comment. So bear with us. We have to follow the process on this hearing. Okay, so I'm going to look, I should be looking at Council, I'm looking at the audience as well, please. But this meeting is for the council, but also for the public. So if you're wondering, for those of you who've been in Moraga for a long time, how did properties like this that were historically office or commercial or some other use, how did they get to have residential the state of California has passed a series of laws over the last many years, shifting and allowing for infill housing. Housing now is allowed in most zones in California, not all, but most single family lots are now allowed to have up to four housing units on them. SB, nine. SB, 10. The town of Moraga eats each city and town in California, we have what's called the Reina housing unit requirement. It's the regional housing needs allocation. We have a relatively small number compared to other cities of our size, with our square miles, our geographic location, our population. The your target for us used to be 277 units. It's now 1118 so that's a big jump for Moraga. There are many other cities in Contra Costa County of our size that they have several 1000 housing units they have to come up with. So we have to come up with 1118 it was a very involved process.

We do. We did get, we do have that number. So the town of Moraga, in many meetings like this, with audiences like this struggled with this issue. And the main thing that I've been here two years, and what I've heard and what I've watched and reading the record is those of you who live here, those of you that govern over here, you remain committed to protecting our open space, ridge lines, hillsides and existing single family neighborhoods. It's been said over and over protect all that we have to produce more housing. Don't go into the open space. Don't go onto the hillsides, and don't go on the ridge lines, and don't change the single family home neighborhoods. The governing board here and the different councils that sat here over the years, that was their main mantra, and we'll talk about the consequence of that. It created tremendous community stress dealing with this reality. This reality was came from the state, not from the community, so local policy actions were taken in this chamber over the last several years to respond to this new paradigm reality. The Moraga center specific plan has gone through a series of revisions. Those of you have been following this project you've been in the meetings where they talk about that, the town of Moraga, like nearly every other city in California, now has an inclusionary housing ordinance. Ours is not as aggressive as many. It's 10% for low income units, not very low, but low income 10% many other cities require more than 10% we now have housing opportunity sites in which we specify where the housing will go. The School Street property is one of those housing opportunity sites. It was many years of discussion to get to that point. There's a comprehensive Advanced Planning Initiative which resulted in our new housing element. The housing elements updated every several eight year eight year cycles, and we have a certified housing element. We were one of the first in the county to have the state certify our housing element. We have some neighboring cities that are in lawsuits and struggling with that. The council in this chamber, not that long ago, updated the general plan. So we have 15 year general plan that goes from 2025 to 2040 so 40. It spells all this out as a consequence. We now have housing proposals that are in front of us. So we're complying with the laws and the direction from the state of California. We've done all this now. We're getting applications. We have individuals companies buying or they already have property. They're buying property, and they're coming forward with proposals. The School Street proposal is one of those. Don't worry. I'm not going to go in all these details, but this slide shows you the changes within the Moraga specific plan area of which School Street is part of this is infill development. A lot of housing units are planned for this area, infill center of town, not on the edge of town, not in a high fire risk area, and not in a single family neighborhood, close to some single family neighborhoods, but not in it, and definitely not in Hillside open space, ridge line area. So all the different chain. Just the general plan allowing for mixed use, residential, office, retail, that type of thing. Two key things to point out now, the town attorney will be talking more about this. This is important at the state of California with the Housing Accountability Act, it spells out that housing development project that conforms with the town's objective development standards cannot be denied or limited in density, except in very, very limited circumstances. We've had many meetings in this chamber at the planning commission level, council level, explaining that the second component of this act is that public meetings such as this one, including study sessions for projects are limited to a total of five. That's all that we can have. That's state law. It's not Moraga law, density bonus. There's density bonus. I mentioned at the local level. We have a 10% inclusionary housing ordinance. The state of California provides incentives too. Now the housing development project provides for a certain amount of affordable housing, then that project is entitled to certain benefits, including increased density beyond that of the community. And for the Moraga specific plan area, it's 12 to 24 units. Is the base. You can get a density on top of that, the number of there are a number of incentives and concessions that we have to provide by state law. When affordable units are part of a proposal, there's waivers and reductions to our existing local development standards. Again, that's not our law. This is state law, and there's also modified parking requirements. The

state is pushing back hard against communities that try to have a lot of parking requirements. So our planning, or, I'm sorry, acting planning director, Brent horn, you will now talk about the project and briefly go through all this, and I'll control the

5

Speaker 1 1:06:55

clicker for you. Thank you. Good evening. So the project is located in the raga center area, west of the intersection of Country Club drive and School Street. The surrounding neighborhood is comprised of a mixture of uses, which include a school and churches to the south, offices and residences to the north, and the Moraga Country Club residential development to the west. Lafayette Moraga regional trail and Laguna Creek are located on the west side of the property. The project is located within rocket center specific plan area at 13 it's currently comprised of three separate parcels that would be merged together, creating a single, two acre parcel. The existing office buildings are at 1640 and 1660 School Street would be demolished. The 1600 School Street office building at the corner of Country Club drive and School Street would remain. The reconfigured driveways and surface parking lot would be reconfigured slightly as well, and they be shared with all the uses there. Next slide. So when is Jeff Isaacs chief Isaacson had mentioned, we went through a technical review committee process with this project. We distributed the application to various agencies, including public works and the police department, and got comments from them and provided those to the applicant so that they could revise their project and bring it to a level where we could take it forward to a planning commission meeting. Next slide, so here is the project plans. The property boundaries are shown in red. This is the project site plan. It shows the first also shows the first floor of the building, which includes the parking garage, where there's gonna be 80 parking spaces, and it has surface driveways that would be shared between the two office buildings. And you can see to the to the to the west. Here is where the Lafayette Margaret trail is, and a creek further to the west as well. The residents, the nearest residents, will be more than 100 feet away from the proposed building. And next slide so this is the second level floor plan the overall building will have 15 one bedroom units, 34 two bedroom units and 16 three bedroom units. It has shared amenities, such as an outdoor courtyard which is on the second floor, which is shown in green. There shared workspaces and a wellness center the floors, the third and fourth floors are also a very similar floor plan to this as well. So this diagram shows the building height. The overall height they're requesting is 49 feet. And this is to the top of the parapets. The main roof will be about 47 feet, six inches, and that's in the yellow, yellow zone. It'll be an inch, a foot lower in the in the green zone and in the in the blue zone, or two feet lower than that, these are the south elevations facing School Street and the East elevation facing the interior parking lot. Can you please go back? Each of the units has at least 50 feet of private outdoor space in the form of balconies or patios. Materials include mist of wood siding, dark gray and white, off white, smooth stucco, board and concrete, enhanced metal panels and green screen. Next slide, these are the North elevations facing Lafayette Moraga trail. That's the upper one. And West Elevation facing the sackland school property has the same materials here on this site as well. Overall, the building design conforms with the objective design standards. And we'll let the applicant go over more details of their architecture and their presentation. So landscaping includes a variety of trees and shrubs and grass species, and it's been reviewed for conformity, conformity conformity with Appendix B of the town's design guidelines, as a majority of the plantings will be from that next time tree removal on the project is 39 trees are going to be removed, including five redwood trees located along the property line shared with sackland school. These trees need to be removed, per the arbis report, due to extensive root systems which extend to the foundations of existing buildings, proposed storm drain located underneath

trees and increased liability to people and property due to growth of trees. Next slide. Project Approval also includes grading of the project site, approximately 4200 cubic yards. The purpose is essentially to prepare the site for for the building new landscape areas and bio retention and storm water areas and parking lots. A geotechnical investigation was done, and it was by the applicant and in peer reviewed by the town Institute Technical consultants.

 Woe 1:11:40

Next slide, right. Excuse me, could you get a little bit closer to the microphone? Sure, move just move it back, and you move it back. Yeah. Okay.

5

Speaker 1 1:11:54

So density bonus. So the base density is 24 units per acre. The site's two acres, allowing a base density of 48 units. Five of the units will be restricted to very low income. Therefore, the applicant is entitled to density bonus of 32.5% Additionally, they are granted additional 2.4 units under the town's local density bonus inclusionary requirement. So that gets them a total of 33 units per acre, or 66 units total. They're entitled to two incentives or concessions, which they are requesting none and then they but they are requesting two density bonus waivers, and they will be using the parking standards of state density bonus law. So the two waivers requested are to exceed the 40 foot, 45 foot height limit by four feet for a proposed height of 49 feet to the top of the parapet, and exceed the three story height limit by one story for a total of four the waivers are requested to accommodate additional number of units and for additional height needed for the first floor parking. So the project timeline, the applicant had originally approached, approached the town in early 2018 with a different project where they were taking 1600 School Street office building and going to convert that to residential condos. They actually had a study session before the planning commission at one point. They came back later in in December with a new project, as they acquired more of the property, and that's when they submitted the application for this current project. They the picture down on the bottom of the slide shows the initial submittal. They revised that initial submittal after talking with with staff, to from 59 feet to 49 feet. So they reduced 10 feet off there, off the building there, and they changed the design of the building as well adding residential units to the ground floor, which helps activate the building along the street. They held an informational session with the planning commission on May 21 and then October 29 the public hearing was before the Planning Commission where the project was approved, and then on November 9, the project was appealed, and tonight, we have the council meeting here. So just to follow up on the initial meeting, that was the after the informational session with the planning commission staff met with sackland School to better understand their concerns about the project and obtain some operational information about the school related to their drop off and pick off pickup operations. A traffic study was prepared by tjkm to assess the project's impact on local roads. We requested an update to their arborist report to get a better discussion about the removal of redwood trees and then a biological study was prepared by LSA regarding the project's potential impacts to biological resources. At the planning commission meeting after public hearing, the planning commission made findings that the projects consistent with the general plan housing element, MCSP and zoning ordinance. Meyers, this review was for the design review grading and density bonus, and the town was unable to make findings that the project would have a specific adverse impact on public health or safety based on the objective, written policy and standard so at that point, the Planning Commission approved the project.

5

Speaker 1 1:15:22

Brent so after the planning commission meeting, the applicant modified their plans. They modified the very low income units to be one one bedroom two three bedroom units and one three bedroom unit proportional with the market rate units. And that's something that the planning commission had conditioned in their approval. So the size of the very low income sorry, the size of the very low income unit floor plans were revised to not be more than 20% smaller than the average size of the market rate units. One of the market rate floor plans was revised to move the laundry units out of interior storage area. And then eight plant species were replaced with more fire resistant varieties. And I'm going to go back one here. So actually, I think we skipped through a slide. So this were, these were the conditions that they added the planning commission added to the project, which was some clarifications to the plans, window finishes, storm water locations, utility meter screening, plant some larger trees along the shared property line with the sackland school, location of street trees and maintenance agreements related to storm water, landscaping and parking. And here's where it mentions that they reclassified the the low income units, so the project is covered under the comprehensive Advanced Planning Initiative. The project is consistent with CEQA and does not require additional review. And we're going to go over this a little bit more in the appeal discussion. And the cap informatic EIR includes mitigation measures that are applied to this project that were developed with the section 15183, consistency analysis. And these are the mitigation measures. As part of the update to for this hearing, we updated the the environmental document to include the additional wildfire mitigation measures, which are wFR two and wFR three at the bottom of the slide. So that's Whoops.

T

Town Manager 1:17:31

Okay, Mr. Mayor, Members of the Council. Now we go to the next piece. Here. We talk about the appeal. I do want to know for council's benefit, if you you were putting all this together here. It took almost eight years from the time the applicant came to us and said, Okay, I'm looking at buying this property. We'd do this. So eight years. And then prior to that, it was eight, maybe 10 years from the time the Council started talking about the specific plan. So 16 years to get to this point. Part reflect what's going on in the state, but also the, I forgot to mention, the strong desire in this community to redevelop the Moraga center area, to remove the or to make it better. Let me just say that so many, many, many years, many discussions get to this point. So as Mr. Horn mentioned, the planning commission did approve the project in October. There was a subsequent appeal, and that's why we are here tonight. I'm going to list what those six allegations in the appeal are, and then our assistant town attorney will talk about the town's response to that. Okay, so six allegations, they're in the staff report. The first one is that the Planning Commission is obligated to issue a written decision without a written decision, the appeal period is not running. We'll address that. The second allegation is that the project does not qualify for the requested state and town density bonuses and the waiver of height and story requirements or requirements, and it does not comply with affordable housing requirements. That's that allegation. The third allegation is the staff report's conclusion that the project would have less than significant impacts on evacuation emergency response plans is erroneous. The fourth allegation is the EIR consistency analysis. Where'd it go as to the evacuation and emergency response plans in the event of a wildfire is conclusory and unsupported. The fifth allegation is even if the proposed project is consistent with the EIR, new information shows that the impacts will be more significant than described in the prior EIR. And the sixth, last allegation is conflict of interest of a couple members of the planning commission or of the planning commission. So having said that, I'm going to turn over to Karen Murphy, she will provide the town response to each one of those allegations. Thank you.

S

Speaker 2 1:19:55

Good evening, council members. Make sure you can do. So with respect to the first project appeal item, that is that the Planning Commission is obligated to issue a written decision, and without such a decision, the appeal period isn't running. And as noted in detail in the staff report and as well on the slides, the planning commission did follow standard procedure in making a decision by motion, including the amendments to the project resolution that were addressed by Mr. Horn and and that motion was to approve the project. It was subsequently executed by the chair of the Planning Commission, and the appeal was timely filed with respect to the second issue, there are a number of sub issues, but the general contention is that the project does not qualify for the state and town density bonuses and the waivers of height and story as it does not comply with affordable housing requirements. The first contention is that the project does not dedicate 10% of the total units to very low income housing, and pursuant to state density bonus law, the 10% of the units is a is calculated against the base density, which in this case, it does meet that 10% requirement. In addition, there were some comments made about whether it's consistent with the ordinance due to the number of bedrooms that the affordable units have, and the project was revised by the project applicant, as conditioned by the Planning Commission to require one, one bedroom, three two bedroom and one, excuse me, yeah, three two bedroom and one three bedroom affordable unit, and That is proportionate to the number of market rate units in the project. The next issue with respect to the compliance with the Affordable Housing requirement is that the low income units are not reasonably

dispersed throughout the development. And the project proposes two very low income units on the first floor and one unit each on floors two, three and four. And since the units will be separated on different floors of the building, they would be in compliance and dispersed the next contention. And we've addressed it before, but I'll just, I'll just briefly repeat it is that the low income units are not comparable in terms of bedroom count. As noted earlier, the project has been revised in order to include a proportionate number of units, affordable units based on bedroom count. In addition, the appeal maintains that the very low income units are more than 20% smaller than the market rate units. And although the original plans were consistent with the town's interpretation of the ordinance, the applicant has since revised the plans and now the units are no smaller than 20% of the average size of the market rate units, and that is in compliance with the town's ordinance. And lastly, their appeal notes that a number of the units did not have in Unit laundry facilities, and one of the units did not show laundry facilities on the plan, and that was an error, and that's been revised. All of the units in the project, including the affordable units, do include laundry facilities. And the third item in the appeal is that the staff report, and this is the planning commission staff report conclusions that the project would have less than significant impacts on evacuation and emergency response plans is erroneous, and I'd like to clarify that the CAPI EIR, which has been mentioned by Mr. Horn and that analyzed the entire program of which this project falls under, addresses hazards generally and also hazards related to wildfire. And the general hazards analysis did conclude that the impacts would be less than significant. However, the wildfire fire hazards analysis did determine that the impacts related to wildfire and evacuation would be significant and unavoidable, and the town prepared a consistency analysis that addressed both of both of those issues, so that issue is clear in the consistency analysis and also addressed in the staff report. The fourth issue is that the EIR consistency analysis as to evacuation and emergency response plans in the event of wildfire is conclusory and unsupported. And first, I will note that, pursuant to state law and the secret guidelines, secret does mandate that projects which are consistent with the development density established by zoning community plan or just. General policies, General Plan policies for which an EIR was certified shall not require additional environmental review except as may be necessary to examine project specific impacts that are peculiar to the project or its site. So in compliance with this provision of state law, the the town prepared a consistency analysis looking at the EIR, and concluded that all of the impacts, including wildfire, were consistent with the EIR with specifically with respect to wildfire. In this case, the site is not in a very high fire hazard zone, and was was clearly part of the studied how the housing units that were studied in the EIR. In fact, the the EIR studied over 1700 units, and this is would be 66 units, conservatively. However, when staff was preparing for the appeal, we did revise the consistency analysis to include two wildfire mitigation measures as Project conditions of approval, and those involve construction on red flag days and landscaping. And then with respect to the fifth issue, the appellant made three arguments with respect to new information being provided in the record. One is respect with respect to planning initiatives. And the town has not under taken planning efforts to mitigate hazards. And the Cappy EIR did evaluate new and amended safety plan element goals, as well as the additional general plan EIR, General Plan policies, and the general plan EIR did conclude that the housing elements adoption would still result in a significant unavoidable impact on emergency response, but but those on any ongoing planning efforts are not new information that would impact that analysis. A second piece of new and new information that was raised in the appeal is an oral statement from the police chief John King, and at the planning commission, he made a comment about evacuation, and the appeal notes that the statement said that resident that if many evacuation zones need to evacuate at once in a wildfire situation, residents will not be able to evacuate. And town staff did go back and listen to Chief King's statements, and the appeal does misconstrue those statements. And that rather, he stated that any evacuation would be done in an incremental matter manner. So it wouldn't be done all at once, but it would be done

incrementally in accordance with the town's emergency plans, and that is consistent with the statements he made tonight. And again, this is not significant new information under Sequa. Lastly, there was a third issue that was raised with respect to a traffic incident. And in addition, that is does not constitute significant new information, as all of the analysis doesn't all of the capit EIR analysis does take into account your traffic incidents that may occur so that. And then the sixth issue that was raised is a conflict of interest on the planning commission. And the appeal noted that two commissioners work for development companies, and the fact that two commissioners work for development companies Does, does not constitute a legal conflict of interest. It's not some financial interest, and there's no evidence of a bias of the

S

Speaker 2 1:28:51

planning commissioners. So that concludes the town's response to the six appeal issues. And then I would also like to note that a letter came in from sackland schools attorney regarding air quality impacts and town staff and consultants did have an opportunity to look at that. Look at that letter, and LSA did prepare a response to the comments, which should be in front of council members and as well. I think that there are copies available for the public as well, but the you know, in summary, the conclusion is that the air quality mitigation measure regarding construction impacts does not apply to this project, that the project was not required to do a health Risk Assessment because the criteria were not met for this project. And in addition, on top of that, the project is compliant with all Bay Area Air Quality Management District standards through conditions of approval. So even if that mitigation measure were applied, you know, they were, they would comply with all of the standards. And. Um So in summary, no further environmental review on that issue is required. Thank you, Karen. And then I have one more slide, and that is just to note the de novo review aspects of this approval and or this appeal, excuse me, in addition to the appeal, the council is being asked to take action on the project as a whole. That Council is hearing it as if new. So the resolution in your packet does include approval, a recommendation for approval, of the design review, the grading plan, as well as the density bonus, and the two requested waivers, as has been noted earlier the when staff reviewed the application, it meets all of the objective criteria for the project and and that there was that in town, staff's opinion, there's that the town could not deny or lower the density of the housing because findings could not be made that the project would result in according to state law, the requirement is that a specific adverse impact to public health or safety that can not be mitigated, and that's based on objective criteria that would be In our that would be in the town's policies, and I will turn it back over to the town manager, Mr.

T Town Manager 1:31:27

Mayor, Members of Council. Now we're at the recommendation piece again for the public. Thank you for your patience. It's a very serious matter. There's so we have to go through this process to explain to the council and to the public what the project is, what's at stake. So we're at the point now where we do the recommendation. So a lot of time and effort and energy and thought and expense has gone into getting to where we are based on the information that that's in front of us. As your staff, your attorneys, your professional staff, public safety staff, we are recommending that you adopt a resolution that's in the packet, which would do the following, to deny the appeal, to support the planning commission recommendation as amended and approve the project. And there's components of it involving the design review, the grading, permit, density bonus, with the two development waivers involving building height and number of stories. That concludes this presentation. If you have questions of staff, we're happy to answer that, but you have yet to hear from the appellant and the applicant.

W Woe 1:32:28

Okay, Scott, thank you and thank you to all the staff. This obviously represents a heck of a lot of work. You know, we've been at this now for an hour and a half. What we would next do is ask questions of staff, and once those questions are complete, we would open up the public hearing, at which time the appellant would get a chance to talk for 10 minutes, and then the applicant gets 10 minutes.

W Woe 1:32:57

Are we ready for a break? For a five minute break? Let's take a five minute break.

H Hillis 1:33:09

They're cold outside.

W Woe 1:33:12

I am not in more ways than one, I'm not going to be able to satisfy everybody tonight. This is going to go on for a while. You know? In five minutes I want to start again at seven minutes after there are bathroom, two bathrooms out here. Stretch your legs. You.

W

Woe 1:38:22

Thank you for your cooperation. Okay, we now have the opportunity for questions of staff based upon their presentation. Brent, you have any questions? Lisa, yeah.

M

Maglio 1:38:42

Okay. I was wondering if you could explain in detail more about why CEQA does not require additional review.

S

Speaker 2 1:38:57

Yes, of course. Thank you. And the reason that CEQA does not require additional review beyond the consistency analysis, is basically one of that set forth in CEQA guidelines, 15183, and that's the section that was used for the analysis here. And I'll read the whole thing. I noted a little bit of it before, but that basically your CEQA mandates that projects that are consistent and for which an EIR is certified shall not require additional environmental review, except as might be necessary to examine whether there are project specific, significant effects that are peculiar to the project. And the goal of this in Sequa is consistent with the housing legislation that the town manager mentioned, which is to streamline the review of housing projects that are consistent, and the reduce the need to prepare repetitive Environmental Studies. And so when so town staff and in reviewing. Ing the project and is set forth in the consistency analysis determined that there were no projects, project specific, significant effects that are peculiar to the project or site that weren't already addressed in the environmental analysis that was done in 2023 for the CAPI EIR,

M

Maglio 1:40:18

thank you. And another question is, with regard to the consistency another I have to lean forward, bring the microphone, first meeting, I'll get it down. Can you clarify with respect to the consistency analysis, what the statement of overriding consideration does? Why do we do that?

S

Speaker 2 1:40:44

Oh, of course, that's that's a great question. Thank you, and I don't think I addressed that. So I'm glad that you asked that question. And when the town completed the Cappy EIR in 2023 and certified that EIR, as I noted there were several significant and unavoidable impacts that were determined through that EIR. So in order for the town council to adopt the zoning and the housing element and all of the policies that have been mentioned here today, town wide, not just for the site that we're talking about the town council needed to adopt something called a statement of overriding considerations. And basically that statement in this case noted that the benefits of the project, in this case, the zoning and the housing element outweighed the impacts of the project, and the reasons for that were based on the need for housing, and also compliance with state law that the state was requiring adoption of a housing element, requiring that the town met its rental obligations, so the town was required to comply with those obligations.

M

Maglio 1:41:57

Thank you. And can you discuss in just a little bit detail I know, and everyone knows that we're probably not going to be able to build 1118 houses in eight years, and it's my understanding that we at least have to try get our process streamlined, etc, etc. What happens if we don't do our due diligence in doing so. What are the ramifications to us as a town?

S

Speaker 2 1:42:26

Thank you. And the town's obligations under state law are, first of all, to zone and plan for that number of units which the town has done in the housing element, and then and adopt a housing element, and I will add that for communities that don't have adopted housing elements, there are risks in terms of what's called builders remedy projects, where applications can come in with projects that do not comply with the general plan and zoning, and there's limited discretion of communities to deny those projects, as well as loss of various grant funding, and then after adoption of the housing element, the town does have an obligation under state law to process projects within the housing opportunity sites and in the in the area zone for housing in accordance with the laws, including the Housing Accountability Act that I noted, as well as the town manager noted. So those are the ongoing obligations. I will note that HCD that California Housing and Community Development, you know, has ramped up their enforcement. And this is somewhat new and prior housing element cycles. There wasn't a lot of enforcement, but now, but now the state is checking in with cities regarding compliance with their housing obligations.

M

Maglio 1:43:48

Thank you, Mr.

T

Town Manager 1:43:50

Mayor, sure, if I may add, and we talked about in the staff report, so we've seen a shift before that was sort of like an empty threat from Sacramento that if you don't do this. Now, they are suing cities. Huntington Beach is a good example, and they're telling us we have a certified housing element that's a big deal because we have the housing opportunity sites and we've done the right things here in Moraga, but now we're being told that there will be fines in the 10 to \$50,000 per unit range for not moving forward on your adopted housing element. So we don't know if that's for real, but we do know we're also subject to have our state gas tax money that we receive, that have that cut off, lose infrastructure money for our streets and our roads, loss of money for storm drain work, and then we won't, won't be competitive if we go after state grants, you have an item on the agenda here for a TVA grant, quarter million dollars for Moraga Road improvements. So if we start to turn projects down and not go forward with the housing element, we there's a lot at stake, a lot a lot of money, a lot of infrastructure impacts.

W

Woe 1:44:57

Scott just just confirming something and. And I'll let you, when you say we'll if we don't go forward, that's with the housing element as already defined and approved,

T

Town Manager 1:45:09

right, right, right. It's not, not implying this project per se. But if we don't make progress and showing that we're producing housing units per our zoning. Now, I'm not saying it will absolutely happen, but based on what's happening throughout the state and how it will be perceived, and the direct feedback we as your staff have received from HCD, they're watching and they've there's a neighboring city which is struggling with HCD right now, so we're trying to give you the objective information to the best of our ability, if you turn down projects and we don't move forward, we don't produce units. We're not producing affordable units. We run the risk that we would lose funding and have penalties and fines. But I'm not saying that will happen, but based on what's going on out there, it's very likely to happen. Do you have a follow on?

M

Maglio 1:46:05

Is there one, just short follow up, and is it an additional possibility if we don't move forward in a reasonable manner and meet our obligations, could the state or take over our building and planning abilities.

T Town Manager 1:46:23

Ultimately, I was talking with a resident at the break and saying, How could this be? The state's already done that all these laws, and the fact that we're here in this room and you have these folks this upset, the state has already taken away a lot of local control from governing boards such as you, so you either play ball and have control over your destiny, have control over the community's destiny, or you get out of the way and then let the state come in and dictate. I think what

W Woe 1:46:49

Lisa, what you're referring to, is what I understand, is that, in case they signed planning for a town to

T Town Manager 1:46:57

a judge, yeah, I don't know that could be but we're not there yet. We have 510, years from now, maybe we'll be in that situation. So that's you understand,

W Woe 1:47:08

that's a that's a threat that I've heard in association Bay Area government meetings, yeah.

T Town Manager 1:47:12

And for the folks in the room here, we work closely with League of California Cities and our other cities in Contra Costa County and the LA Miranda cities, the three of so we work together. Very clearly. We've made it known to your assembly member, your state senator, how upset you are. They get it. This is the landscape. We have a super strong economy here in the Bay Area. Lots of jobs continue to be created, but we're not producing housing. We have a housing crisis on steroids, especially in this region. Most of the people that have middle class jobs here, that work in the stores and the restaurants and all, they can't live here, this project will help that. It's a drop in the bucket, but it will help it, but it's up to you. Council. You make the decision you feel is in the best interest of the community, and you let the chips fall where they will with respect to how the state reacts.

W Woe 1:48:01

Thank you.

M

Maglio 1:48:03

No further questions. Graham, yeah,

T

Thiel 1:48:05

I have three questions of staff through Mr. Horn, just one clarification and recap of the six allegations with attorney, and then just a quick confirmation with town manager, Brian, I had written this down before you went through it, but just wanted to talk through, are there any material changes in the project, as understood by planning staff? From what the planning commission unanimously approved in October, of what you reviewed, anything specific to the exterior design, setbacks, material changes, etc. Besides the landscaping,

S

Speaker 1 1:48:45

yeah, I think the one it's all pretty much consistent. They had a condition that they wanted, and I'd have to look at it, it's to have, like the window trims, be dark, make sure that they're dark, but be beyond that. And then the reconfiguration of the low income, very low income units, reallocation of those. But, yeah, I think in the landscaping, like you mentioned, but overall, it's pretty consistent. Again, there were some conditions about just double checking the storm water and making sure that that's on site, but it's pretty similar to to what was brought before the planning commission

T

Thiel 1:49:19

got it. And would you characterize the changes required by the Planning Commission to be, say, positive or beneficial made to the interior with unit counts, relocation and sizing?

S

Speaker 1 1:49:33

Yeah, I think they're, they're good changes, yeah.

T

Thiel 1:49:37

Second question regarding to the height, or the request to exceed height, just so I understand, I know you guys have had extensive conversations in the planning process with the applicant, and that was to accommodate the ground floor covered parking correct the

S

Speaker 1 1:49:54

additional height. Yeah, for that, and then, because they need additional height for for the parking. Area, and then also just for the additional units that are allowed under the state density bonus law understood.

T

Thiel 1:50:05

And just from, from my curiosity, was there any discussion for below grade parking? I know there's often a cost and complexity associated with that and additional excavation and time.

S

Speaker 1 1:50:15

Yeah, I don't, I don't recall if there was any discussion about that we've run in. I mean, we've had many conversations in planning where people generally it's like a non starter for a lot of developers here, they don't So, Mr.

T

Town Manager 1:50:30

Mayor, Council Member, we did talk with the applicant, and we talked with almost every potential applicant here. Can you do underground parking so you only have three levels or two levels. But the problem here in North problem, the challenge in Moraga is the groundwater, water table and expense. So can it be done? Absolutely, it's very expensive. And for to get a return on investment, the rents would have to be higher. And the rents here don't support that. That's least the the well, we've been told in the analysis that we have, could you push the applicant try to get there? Perhaps what the project wouldn't move forward would not be economically feasible. It's economically feasible in other parts of the Bay Area, where rents can be higher, and also the cost of land here is really quite high. So that's the answer the question. It's a mathematic it's a math question understood.

T

Thiel 1:51:17

And the other math we're looking at is a plus or minus four foot for basically parapet and mechanical enclosure and screening

S

Speaker 1 1:51:25

correct the for the parapet, the enclosure and screening are technically exempt under our code from height requirements. So it's just to the top of the parapet.

T Thiel 1:51:35

Got it 49 feet. Thank you. And last question in listening through in the October Planning Commission, there was some concern about when the traffic study was executed. Can you do you know the date of when the traffic study, time of year, time of day, when it was performed?

S Speaker 1 1:51:52

I can. It's in here. But originally it was going to be right before spring break, and so then we moved it back a couple weeks to the middle of the week. I think Nate might have that

S Speaker 3 1:52:07

good evening. I think if I heard correctly, your question was about what you are. Yeah, tell them who you are. My name is Nate Levine, Senior Engineer, registered civil engineer, as well as traffic engineer. Also Moraga resident, helping oversee the traffic study that was prepared by TJ cam, which is the consultant for this project. Initially they, I guess the question was, there was a question or concern about what time of day or hours that the data was collected, if I understand correctly, is that correct? So we collected hours during the am and pm peaks, which are standard protocol for any traffic study, that's a window between essentially 6am to 8am in the morning and 4pm to 6pm in the afternoon. I understand that there can be some concerns that there's other little, small peaks throughout the day, but generally speaking, and what we saw with the data for this area, as well as the data for the traffic that that was accurate for the study, as well as consistent with what is also done within the industry. Great.

T Thiel 1:53:07

Thank you so much for one being here and speaking acutely to the information gathered and was that conducted on a school day, during school times,

S Speaker 3 1:53:15

school day with school in session, and we typically try to pick Tuesdays, Wednesdays or Thursdays, as those are higher days where monday and friday may be lower days. So we did collect this on, I believe, a Tuesday understood.

T Thiel 1:53:28

And perhaps this might be a question back to you, Brent, we've basically done the traffic study. Call it testing before. Is there any requirement to test after, to show that our say, guesstimate here is in alignment with the expected traffic from the proposed development that's under appeal

S Speaker 3 1:53:47

from a from an environmental standpoint, no, not necessarily, unless of its conditioned sometimes you may do a post analysis if it's a condition of approval. That's not the case here,

T Thiel 1:53:58

understood, and I think for the benefit the audience, we did hear chief King state that there's no perceived traffic safety issues currently, nor is there any anticipated traffic safety issues.

S Speaker 3 1:54:09

So as part of the environmental study that was conducted, they did review safety at the intersection studies, which are local to the project. There were a handful of areas that were identified that could benefit from improvement or mitigation, and those are going to be improved as part of this project. They're primarily about safety to bicycles and pedestrians.

T Thiel 1:54:31

Got it so that is included in the project and its current understanding that that we're reviewing for

S Speaker 3 1:54:38

for its appeal, those improvements would be part of the conditions of approval understood?

T

Thiel 1:54:42

Excellent. Thank you. I do have just a quick recap for town attorney, if you don't mind. Okay, okay, so on the six points, and I don't know if I need to read them back into the record, but just so I've got a clear understanding number one, planning commission obligation to issue. Decision without a written decision. The appeal period is not running. That is say null and void. Is that fair?

S

Speaker 2 1:55:10

That that is fair? I think we do want to respond to the issue as well and clarify that the town did comply with its procedures, but at this point, it's a de novo hearing, and the town council is acting

T

Thiel 1:55:21

a new understood, and as you explained in great detail already, point number two, project doesn't qualify for requested state and town density bonuses and the waiver of the height and the story requirements. Doesn't comply with affordable housing requirements that is determined to be in compliance and addressed with planning commission additional conditions of approval. Correct. Correct. Number three, staff's report conclusion that the project would have less than significant impacts on evacuation emergency response plans is erroneous. We both had Chief of Police for town of Moraga and Moraga Fire Department state that there's no significant impact nor change to evacuation in light of their understanding of this development

S

Speaker 2 1:56:02

that's That's correct with respect, with respect to the hazard section the wildfire evacuation did conclude in the Cappy EIR that the impacts were significant and unavoidable. Understood that hasn't changed, and that

T

Thiel 1:56:18

has not changed, right? Which both, Chief of Police and Fire spoke to briefly on four in compliance and with the consistency analysis, and there's also been enhanced conditions of approval to satisfy item number four, that's correct, and then item number Five, even if the proposed project is consistent with the IR, new information shows the impacts will be more significant than described in the prior EIR that is similarly null and void and also addressed by yourself, town attorney and chief King this evening,

S

Speaker 2 1:56:57

yes and staff's determination, the in from the three pieces of information that were provided in the appeal did not constitute significant new information. Excellent.

T

Thiel 1:57:06

And for item number six on no conflict of interest with the two planning commissioners, there is no conflict of interest. And that is irrelevant,

S

Speaker 2 1:57:16

in my understanding, that's correct, as this is a de novo review.

T

Thiel 1:57:20

Great. And last question town attorney, Scott, am I correct that town of Moraga was one of the first towns in the state of California to have their housing element approved? Mr.

T

Town Manager 1:57:34

Mayor, Members of the Council, I can't say in the state, but we were, I think, the fifth or sixth in Contra Costa County. So out of the 19 cities and towns, we were in the first wave that got

T

Thiel 1:57:44

in the first wave, September of 2023, and I think in the reporting, we were one of the first eight dozen approved by the State of California.

T

Town Manager 1:57:53

Perhaps, perhaps we were in the front quarter. Okay?

W Woe 1:58:00
Trenches, yeah,

S Speaker 2 1:58:02
yes, in trenches. So Southern California goes at a different time than northern California, but we certainly were early on in our jurisdiction, in our area. Great.

H Hillis 1:58:12
Thank you. No further questions, okay, yeah, thanks, sir. Thank you. I have some questions primarily related to electrical solar, that those types of things, I know there's a state law that requires new developments to have a certain portion of their power load served by solar. I don't know if that applies to rentals. Will the development have solar to offset any of its usage?

S Speaker 1 1:58:41
Yeah, so I looked into this, a the building's not required to have solar. It's going to have to be solar ready, and then it's going to need to meet title 24 and in meeting title 24 it might have to have, you know, to achieve that, that standard, it might need to have solar panels on it is to meet that requirement.

H Hillis 1:59:00
So if it does turn out to be required to have solar, I know that as part of our energy resiliency initiative, which in part is to deal with the event of an emergency where we have power shut offs or power outages, that there can be a micro grid that can provide emergency power to certain parts of the town. Would this development, or any other developments in the Moraga center, be linkable to that micro grid that might be included with the backup at the library?

S Speaker 1 1:59:36
Yeah, I don't have an answer for that. As far as how this project would fit into that scenario, all right,

H

Hillis 1:59:42

when we get an update on that, I'd appreciate just a backup on what the scope would be for coverage, for the micro grids, and whether or not any of the new developments in either of the primary development spots at ream center or at Moraga Center are can be included in that, because I think that is key in the. Up in the usefulness of the micro grid. The other question I have, while the prior council had indicated an intent to move towards more electric centric appliances and such and new developments, and while we've held on that policy for the time being, is the intent going to be in this development for the ranges, the heaters and others, to be electric, or is it going to be electric and gas?

S

Speaker 1 2:00:33

There hasn't been a requirement for either one. I think the the developer is still determining how they're going to proceed. As far as that goes.

H

Hillis 2:00:41

Okay, do we know whether or not it, in the absence of solar or battery backup, whether or not there will be any type of backup generation that's available for this building?

S

Speaker 1 2:00:55

There's none that I'm aware of. You can, you can ask the applicant. Okay, thank you.

W

Woe 2:01:04

Okay, thank you. One quick question, and maybe I just didn't see it, but in looking at the plan view at the first floor or garage level, I see maybe one indoor and one outdoor. EV charger seems, seems low to me. Am I wrong off on that? And I guess if you don't know, I'll ask the applicant,

S

Speaker 1 2:01:27

yeah, you can. I would check with them, but they'll have to meet building code as far as that, as far as that goes, as far as providing, right?

W

Woe 2:01:35

Okay, I have no other questions, so I will now officially open the public hearing. Are we done with questions for staff? Okay, so I will now officially open the public hearing

W

Woe 2:01:52

as a reminder outbursts of any kind will not be tolerated. This includes clapping and booing. Should this occur, I will attempt to create order by first use in the gavel, and if outbursts continue, I will recess the meeting until we can achieve order. I now invite the appellant to approach the podium to present the appeal as a reminder, the appellant has 10 minutes, and the town clerk will begin the time air at the start of the presentation. Applause. My timer. Good evening, Cheryl.

S

Speaker 4 2:02:26

Welcome, Hello. Sorry. I'm setting my own timer. I try to keep track of things. My name is Cheryl sadness. I am a 14 year resident at Moraga. My family and I have lived here for a long time. We're very involved in community. We have a resident at Moraga Royale who we care about and we are pro affordable housing, as you will see from our appeal, there were a number of questions that were asked of our first responders this tonight that there were no real answers to, and that's Because Moraga has not studied wildfire evacuation and emergency response, our first responses don't know the answers to those questions because the town of Moraga has not done its homework. It is your responsibility as our town council to study wildfire evacuation and and make sure that our first responders and us are not in the dark about these issues. We only have 10 minutes. I'm going to give my husband five. So I'm trying to only take five. I encourage you to review the extensive written comments submitted, including a letter from our experts, who are former Sheriff's Department Sonoma county law enforcement, as well as comments of Chief Whitaker, written comments submitted to Orinda regarding their evacuation study, which failed to consider the realities of wildfire. All right, first and foremost, Moraga needs to enforce its own ordinance. You've heard tonight and you've read in the staff report that the applicant has complied with the local affordable housing ordinance and has complied with the conditional resolution. It is not the units, the affordable housing units, the five units, are too small. They are more than 20% smaller than the market rate units, the average size, the math is in our written comments. I'm showing you here. Got one bedrooms too small? Two bedroom, two small, three bedroom there were there are six units where no square footage data was provided at all. But based on the square footage data that was provided, the three bedroom unit is too small. So what does that mean? The town ordinance that it has to enforce that we've heard a lot about how important it is to enforce is not being enforced by the town the staff report was wrong, and the original staff report to the planning commission failed to catch the. Issues. Thanks to a planning commissioner who asked questions, who actually looked at the documents, they that we got some conditional approval requirements. The affordable units are located. They're not dispersed throughout the facility. They're in the southern part, in the least attractive areas by trash. They're in the noisiest part, they're street facing on the ground. The three two bedroom units are placed by the trash with obstructive views, all in the same place on the second and third floors. Moraga's Message to affordable housing applicants who want to rent these units is, we don't really care if you get

nice housing that you'd want to live in. The people who get the luxury units, they get nicer units. The applicant has developed beautiful, beautiful properties. This is the Nova, which is the senior project that we've all keep hearing about them developing. It's a luxury unit. This is the Blue Oak in Lafayette, another luxury unit. The developer, the applicant, understands that presence of the units is important. Town of Moraga should care about that. Second of all, there are some basic truths that need to be understood here. The Town staff report is incorrect and cannot be relied on, and if that is all you're looking at to make decisions, then you are not making the right decisions. How do I know I looked at the documents behind the report. You haven't complied with your ordinance. If you haven't complied with your ordinance, you don't give the bonuses we're talking about. That makes this a 48 unit structure, three stories, no height bonus, no density bonus. What's the town going to do to enforce it? Are we going to get revised plans? Are we going to hold the developer to what they're supposed to do? Are we going to double check? Are we going to make sure they're rented? I don't know. And then finally, the town has entirely failed to consider the impact of this or other proposed developments on wildfire evacuation and emergency response. This is where the proposed development is when you hear that it's more than 2000 feet from a very high fire hazard zone and it's no big deal, first of all, that relates to Ignition only. This is where that project is. That is where the adopted very high fire hazard zone is. More importantly, Orinda has done the work, and in fact, they didn't do the work well enough, and a court forced them to go back to the drawing board. Do you see the black, maroon, deep area on this map? That is the town. That's the area immediately north of Moraga. We are south of that on Moraga. Way that dark area indicates neighborhoods that will be severely constrained in wildfire evacuation. Orinda has gathered this data. Moraga has not done anything to gather this data. All right, I'm going to cede my time to my husband. Okay?

5

Speaker 5 2:08:06

I'm going to move on to some of the CEQA issues. I want to read a statement from the case law a program EIR may service the EIR for a subsequently proposed project, to the extent it contemplates and adequately analyzes the potential environmental impacts of the project that's center for Sierra Nevada. Conference, conservation, 202, Calab fourth, 1156, 2012 case consistent that with that as a sequel guidelines, section 15168, subdivision C, this is applicable to the town's consistency analysis, which is based on section 15183, the draft EIR, which is being relied on for the consistency analysis, cannot be used by the town as the predicate To satisfy this sequel exception or exemption under 151183, that's because, if again, like Cheryl said, if you look at the documents behind the conclusions and the document, here is the draft EIR from January, 2020 23 if you look At wFR, one, wild fact, wildfire, impact one you will see a discussion of the analysis that was done with respect to evacuation. Now there was, there was contemplation of that issue, okay, that's clearly in the documents. Was it adequate? Was it adequate under the case law? We don't think so. Sierra Club. This is county of Fresno, six, Cal fifth, 502, California Supreme Court case for 2018 says a significant discussion of significant impacts, and this is deemed to be a significant and unavoidable impact, requires not merely a determination of whether an impact is significant, but some effort to explain the nature and the. Magnitude of the impact wFR one does not discuss the magnitude. It discusses an incremental increase in traffic congestion. We don't know what that is. That's an ambiguous term. With the addition of the 1117 units that are part of the build out the additional housing stock. There's no discussion of how bad the evacuation impacts will be, how much longer it's going to take us to get out of town with those 1100 17 units. That's what needs to be done. That analysis has not been not been done. So the draft dir is insufficient to support the 15183, consistency analysis. Again, if you look at wFR one, two, got to read the document. You look at the threshold for significance if located in or near state responsibility areas or lands classified as very high severity zones, with the project substantially a pair and adopted emergency response plan or emergency evacuation plan. There is no discussion of a specific adopted emergency plan within the draft Dir. There is no discussion of how that evacuation plan would be impacted. Will it take 30 more seconds to get it get to Orinda or get to the 24 would it take four hours more, no analysis has been done whatsoever, so that the draft EIR does not provide an adequate foundation for the analysis of the threshold of significance, which is required in an informational document for all of you, for the public, to determine what the impacts are, how severe they're going to Be, and to respond to them appropriately when you're making decisions like this has not been disclosed. It was not done, and that is a significant problem. The EIR, like I said, it does not look at the magnitude of the impact. I don't have much time here, so I'm going to go very quickly. The fact that there was no adequate analysis done is indicated very clearly in the final EIR. The final EIR, if you look at that, the town staff says in the next phase of planning, the town will prepare an evacuation analysis that will analyze segments and intersections along identified possible evacuation routes that are likely to be the most congested during evacuation event that has not been done. The town said in the next phase of planning, we've skipped over that. Now we're here trying to approve a specific project. Where is that next phase of planning that has not been done? The town said it was going to do that. It hasn't done that. The town should keep with its promises. I guess that's my Yeah. Thank you. Okay,

W

Woe 2:12:49

I invite the the applicant to come up and respond. Would you like us to start with those slides?

S

Speaker 6 2:12:59

Not yet. Okay, we'll pass it off to Paul Farrell, the CEO of form, for 1010, minutes. Thank you. First, I want to thank you the council members for being here this evening. I also want to thank staff. I want to thank the police chief, fire chief, Director of Public Works, those that have worked with us through the utilities on what has turned out to be about a two and a half year comprehensive effort to try our best to bring a project that we can be proud of and in front of you tonight, I tremendously understand the severity and the seriousness and the threat of this project to our community. I am a morocc resident. I live here. I'm raising my three children. My three children all go to Margaret schools. Two of them are at Los Perales. One of them is right behind, going to be at Los Perales soon. What I love about our community is our open space. It's what I fell in love with. I've been on the board of save MT Diablo for 10 years. I'm a land use attorney, and I've also understood that there's a threat to open space and outward development if we don't be responsible from local communities to build an infill development projects. I care about the residents and the growth of our community. I also care about having local control over developments that are built, so that local developers, hopefully, like me, who take care and passion over the projects and really care about what they're building, continue to do so with the passion that it deserves, so that we don't lose sight of really what we're building here, I tremendously respect and empathize each community member that's here and voicing their opinions tonight. I respect the comments that are brought up, and I also respect and truly appreciate that we have to work as a community forward so that these types of threats are solved for, so that our safety as a community is truly cared for. Since it's a de novo hearing, I'm going to pass this over to form four. I'm. Paul Farrell will give his comments, but thank you again for having me this evening.

S

Speaker 7 2:15:13

Yeah, hi. My name is Paul. Paul Farrell. I'm with form for architecture, Mayor, council members. Thank you for your time and listening to this appeal tonight, I'm going to run through the architecture presentation, kind of expand on what Brian horn has already kind of gone into. And I want to start out by just sort of thanking the city. You know, it's been a highly collaborative process with Brian and Afghan, who left, and the rest of the staff and my client has also been sort of highly collaborative in working with the city and sort of developing a design for an apartment building that I think far exceeds what you might find in a normal developer project. So is this controller?

S

Speaker 1 2:15:54

No, you give it a shot. It's a PDF, so I'm not sure if it's going to work. Okay, yeah,

I'm just going to run through here. So, you know, we understand that the building here is obviously one of the larger buildings that's being developed in Moraga. So we tried our best to break down the massing as much as we could. You sort of see that there's going to be a base, a middle and a top, so that there's no element to the building that's sort of more than two stories. So that's one, one sort of trick we tried to do, sort of also in the horizontal mass scene. As we look at the elevations, when we get into it, you're going to see that it's also broken down in the horizontal direction as well. So again, we're trying to do all we could to fit into this sort of, kind of unique, eclectic context we're surrounded by, you know, community buildings, commercial buildings, a school, a couple churches. So it's it's not just a simple residential area. It's actually a very mixed use areas that we feel like the building fits into, that I'll just go to the next year. This is a view looking back towards the other direction, down School Street, sackland schools, off to the left. And the purpose of this image is really to talk about the fencing and screening and the lush green that we've introduced along the streetscape with the new trees. And then a view looking at the back of the property along the creek, as you remember, probably from the site plan, that part of the building really opens up. So it's, you know, it's not just a wall. You're going to have a second story element that's going to have vegetation on top. It allows the sun to still get through to the creek in the in the in the path along the way as well. And so, you know, into 2022, we made our first submittal to planning. So it's been over two years. Now, it's been a bit of a long process, but we started out with a bunch of different project, and actually working with staff, we ended up, you know, I think improving upon it. On the left, it shows the original design, where we had a, you know, a massive garage that took up the entire thing so around, you know, from the street, around the edges, you just saw garage. But after, you know, discussions with planning, we ended up lining the first floor from the street edge in a long sack with units, sort of activating the street, hiding the garage, tucking it away. We relocated the entry point to the garage from the street to actually on site, which I think helps with, you know, just general circulation, flow and for the local community, elevation wise, we started out with, I would consider it much more traditional. Style of building, which had a roof that sloped and so that increased the height significantly. So after again talking to planning, we sort of pulled it back, lowered the height limits, brought the flat roof introduction into it, which actually sort of works with a lot of the architecture that's across the street and down the street. There's nothing that actually looked like the top top image. So we modernized it a bit, and just lowered the height 10 feet as a result. And this is just section drawing, sort of showing some of the other moves we made. We talked about the sloping roof going to a flat roof, which lowered it significantly. But we also then, in version C on the right there you see that we pulled in the lower floor, pulled back the upper floor, really tried to improve the distance, get the building to feel like it's breaking down more, and the perspective looking up to the building is improved. And then just kind of going into the site context a bit showing kind of the setbacks of the building from both the creek side, from the street side, activating the street level with the liner units that go along there, improving that sort of pedestrian feel, introduction of street trees along there, introducing an entry point that sort of activates the corner of the building. Again, we wrap the parking hid it from the street side to improve it. And then this is just an overall site context. You can see just generally, we're like 330 feet from single family residences to the south there and to the west, we're about 150 feet across the creek line. And then you can see all the buildings that surround are very much similar to our building in the sense that they're commercial type buildings, a little larger, more, more i. A mixed use area, which we think is why it's appropriate for this building to fit into this and these are just a couple section cuts showing kind of the distance back if you were in one of those single family residences looking at our project, and just showing kind of the equivalency if there was an adu built within 50 feet or 100 feet your view, would you know you would generally be

blocking the view of our building. And then just as we went through the process with planning, we showing Sun studies. The bottom the bottom layer is the new project. The upper one is the existing where you can see there's actually a lot of trees on the existing site that we're removing. So the shadow study doesn't really show much difference between the two. And this is it, the middle of the year, in June. And then we did it also for December, the wherever the sun is at the lowest point. And, you know, so almost the top and bottom don't really look much different based on the building being there. And then, just to, just to give some clarification on how we work and how we create these renderings, you know, we work in a BIM BIM program. We're literally modeling it down to the inch. It's the same program we used to do the construction drawings. So there's all the renderings. Reliability of the sections are reliable in that sense of understanding the project. And see just a couple shots looking at the entry point of the building. We've got a little public plaza there outside the lobby, clear glass of the lobby, very welcoming environment. They'll probably be some sort of ornamental tree at that center area. And then looking down the street, we sort of have this issue where we have access to units with patios along that street edge, again, trying to activate it more. But also we had to sort of balance the idea that people have a bit of privacy at their patios. So they're up, they're actually up a few steps. There's some planting along the edge as well to sort of bring this lush green element down the sidewalk. And then this is just looking back the other direction, kind of giving you a sense of the stairwell that sort of separates the patios from the actual sidewalk. And just another shot here. And just to look at the materials, it's, you know, warm palette with natural wood gray and white stuccos, the wood walkways there as well, and some board form concrete on the concrete on the garage walls. And then we're also introducing some green screen along the base of the garage to sort of soften it up a bit, bring a bit of natural landscape to it. And then this was just two schemes we looked at with the planning staff. The upper one was the first idea where we introduced tree grates. Street trees along the edge, still maintaining at least five foot of distance at the tree line or at the tree spot in the sidewalk would widen, obviously. After that, then we discussed another option of actually bringing the trees into the street, sort of parking between them. I don't think we're really we're sort of open to either direction and working with the city, but these are just two options we were considering, and that's generally the end of the presentation, I also want to make comment that we we did make improvements to the plans. After planning commission, we brought the we improved the BMRs. We increased the sizes and proportionally, made it proportional to the one, twos and threes, as was requested.

W

Woe 2:23:16

I think there are two primary issues I'd like to get some clarification on before we go to public comment. One of them is for you guys, and that is so there's been the accusation that the very low income units are inappropriately sized, low, small.

S

Speaker 7 2:23:39

Yeah, I'm not sure where that's coming from, because the math is that they are 20% they are no less than 20% of the average of the, you know, the one bedroom, right? BMR is almost exactly 20% smaller than the average one bedroom across the project. The two bedrooms and three bedrooms are the same, so I'm not sure where. Okay, so the concern is there

W

Woe 2:23:59

possibly just the math equation that is used. We, you don't,

S

Speaker 7 2:24:04

I don't know it in our package, we show the numbers, I'm not sure what, and

W

Woe 2:24:09

then the other one is more for staff and maybe legal. You know, there, there have been some questions about whether the IRS is valid or not, and

S

Speaker 7 2:24:21

can you want to am I? Should I go back and just wait?

W

Woe 2:24:24

I anybody have questions for the applicant

T

Thiel 2:24:28

itself? Is there time for that? Well, it isn't

W

Woe 2:24:31

identified, but, but I think we should allow it, but I

T

Thiel 2:24:36

have a brief follow up to yours as far as the BMR units, not the size, but the location. Is it a convention of stacking, or is there any deliberate intent to locate them in a certain Yeah.

S

Speaker 7 2:24:50

I mean, like in all these housing projects, we try to bring efficiency by stacking stuff. We have the first two on the ground floor, which are the larger one and the smaller one, which, from my point of view, is actually an. Spot, because they get a patio, which is unique to the rest of the project. The other ones, the two bedrooms are in the middle. You know, they stack on all three floors beyond that. So wherever we put them, we're likely going to stack them, stack them

T

Thiel 2:25:12

behind units. Yeah, understood. And then just small follow up. Any changes in the material palette as presented and what was unanimously approved by the planning commission.

S

Speaker 7 2:25:21

No, no changes, okay, yeah, we didn't have any I'll

T

Thiel 2:25:25

ask one more. Sorry, guys, yeah, with the potential reposition of street trees and the bump out of the trees into parking, is that something that's been reviewed with Moraga fire for access parking, trucks, ladder, etc. Yeah, I don't

S

Speaker 7 2:25:41

think we got to that level. I mean, it was just an i It was an idea we threw out there as an option for the city to consider, and we're sort of open

T

Thiel 2:25:48

to either way. So there is a potential for that to, yeah, change, okay, if working

S Speaker 7 2:25:53
with planning, we staff, we can do

T Thiel 2:25:55
that. Understood. Thank you.

W Woe 2:25:57
Any more questions of the

H Hillis 2:26:01
applicant, so just follow up on my question to staff earlier, is there an intent to pursue solar for this development?

S Speaker 7 2:26:09
Yes, yes, yeah. I mean, and would there be, I'll let Jeff also confirm some of these things. I don't want to speak for the ownership.

H Hillis 2:26:16
And would there be any either natural gas, propane or battery backup, as we get

S Speaker 6 2:26:28
further into the projects and the DDS and CDs and we'll start evaluating it comes down to the electrical versus any sort of gas design, but the appellant put two of my projects up on 375 I didn't have to, but I electrified that entire building, which is 50 units of senior housing. So I'm always looking at sustainability means, and then looking not only at what my requirements are from a title 24 standpoint, but what can I do ethically within the building?

H

Hillis 2:26:57

Thank you so and then I had another follow up from the staff with the intent to be also electrify these units in terms of the appliances, or is that still in development?

S

Speaker 6 2:27:07

Again in development? I just don't have enough information to make a commitment today at the diocese, but we'll take a hard look and really understand it. It's going to be about the grid as well.

H

Hillis 2:27:17

Thank you. And then I have a general question, which is so I think I saw in a business journal that you have a development in San Jose, the developments in a lot of different communities. So can you just get into what your your general development philosophy is? Think you talked about a little bit about being part of save Mount Diablo, and also, why did you choose this community and not just to live in, but for for this particular development?

S

Speaker 6 2:27:47

Yeah, that's a lot of questions. My dad started in construction when he was 14 years old, because he didn't have a mom and a dad, and labor was what I started in. And you can see my boots. I started in construction when I was 14 years old with a with a shovel and a hammer, and I learned my development philosophy doesn't matter. Then I believe in the fair treatment of labor, I believe in the fair treatment and the responsibility of a developer to understand the community issues that face community, local and state level, so that I can hopefully be a part of the beneficial impact, so that the community can grow in ways that leads to fairness, equality and opportunity for those that live within and without of it, I do have projects in San Jose. We're retrofitting the Bank of Italy project right now into 120 affordable apartment units, not complete affordable but by this standard, have multiple other projects in Danville, Lafayette, Orinda and other areas. I'm focused on senior housing because I believe that in order to have my friends be able to move back to our community, they need downsizers to have a viable solution other than Florida, Arizona or Brent wood or outside of the community. They want to be close to their friends, they want to be close to their grandchildren. And that means that developers like me owe responsibility to give a viable alternative to their living mechanisms. So I work in rental housing. I work in for sale housing. I work in high rise in certain regards, in San Jose, but from a level of looking at it at the highest level, I truly believe that as a developer, I owe a commitment to understand the state issues that we face within the affordable housing crisis, and it's my responsibility of being a Moraga resident to hopefully bring projects that start solving for. For the crisis as it has been outlined by the state and mandated to us within the housing element updates and the arena requirements for which we have to comply without losing control to and I will make my final point, save our hills, because I believe in the balanced development, that infill development projects are the only way we're going to maintain control, and we're actually going to have spaces like car ranch, and we're actually going to have spaces where our children, our grandchildren and those beyond us can actually walk in these hillsides and experience the beauty for what this has always been, which is Natural beauty. Thank you.

W

Woe 2:30:40

Jeff, real quick. EV's charging stations.

S

Speaker 6 2:30:43

Yes, the market's going that way, so it's within the side, but we make almost everything EV ready at this point and work within it. Okay? Thank you. You're welcome.

W

Woe 2:30:55

Does staff have any comments on what was presented? And this is going to help us make a decision tonight. The next we're not yet to rebuttal. Just hang on. It's just second we got we got questions from us. Thank you.

S

Speaker 2 2:31:15

Thank you. With respect to the EIR from 2023 that was certified in 2023 and no challenges were made against that EIR, that EIR is deemed valid at this point, and with respect to the size of the size of the units, I would turn to Mr. Horn to address that comment.

S

Speaker 1 2:31:40

Okay, so you know, looking at the calculations of the one bedrooms, so the average is 880 square feet. Of the one bedrooms, 20% of that is 704 square feet. The BMRs are 707, square feet. So they're above that. The two bedrooms are 1009 square feet average. The if you take 20% of that, it's 875.2 the BMR is 876

W

Woe 2:32:14

Brent, I think the question is, do you guys certify that what's being proposed meets the criteria?

S

Speaker 1 2:32:22

Yeah, we've Yes, sir, review the plans. Yes, okay, that's,

W

Woe 2:32:26

that's really what I'm asking. Okay, Scott, Mr.

T

Town Manager 2:32:30

Mayor, Members of the Council. One of the statements was, our question was about the applicability of the evacuation plan, right? I'm gonna have our LSA consultant address two of the three pieces of this. It's important to remember that the current general plan, housing element and evacuation plan, they do anticipate the full theoretical build out of the community, not that we'll reach that. But in looking at how to base those three policy documents you assume maximum development. So I'll ask our LSA consultant to talk about the general I'm sorry, to talk about the general plan and the housing element and planning in general, and how you deal with theoretical development.

S

Speaker 8 2:33:15

Hi everybody. My name is Florentino cartoon. I am a Senior Project Manager with LSA. I have been doing CEQA for quite a while now. I do proudly call it my career, and before I start, I do want to remind everybody that as CEQA practitioners and CEQA documents do not advocate for or against the project. It just presents the facts for decision makers and the public. To the point here, when we do general plan EIRs, or housing element EIRs, or even CEQA documents related to a project like this one, under CEQA, we look at what we call the maximum development potential. Therefore, when we look at scenarios, for example, in the cap EIR, which is the housing element EIR, the scenarios did look at full build out of all of those units. So when we reach conclusions like something is significant and unavoidable, there's multiple steps that go into that, and those steps are usually outlined in the methodology section of those subject areas. And we do look at all applicable regulations, whether they are federal, state or local regulations that a project would have to comply with when we do a programmatic EIR, obviously, we're not always going to know what the specifics of future projects are going to be, and we do allow for future studies to be conducted, and that's part of secret that allows for what we call tearing right? So we didn't know for sure whether it would be a 66 unit apartment or a 230 unit apartment that would come in for this housing opportunity site. So within the Sequa up. Programmatic EIR approach, we allowed for a project applicant to come in and say, Hey, here's my project, and then the CEQA practitioners, along with the city, get to determine whether that project is within the scope of the EIR. So in this case, it was found that is within that scope. I hope this answers your questions.

T

Town Manager 2:35:25

And Mr. Mayor, Members of Council, final comment on this site. We already have office buildings. And the net change from the existing office buildings, the two that are there, that are going to be replaced, they'll have, they theoretically have X number of human beings that can be their X number of visitors. And so we'll that'll be lost, and then we'll have a new development, and that'll have X number of human beings. So it's not like it's raw land, okay? The evacuation plan anticipates theoretical build out.

W

Woe 2:35:58

And Scott, just to maybe, hopefully, maybe wrap this up, there was the sort of speak demand that the town is supposed to be, you know, doing specific evacuation studies to show how much additional time is going to be required to evacuate. Basis, addition to this building, is that required anywhere?

T

Town Manager 2:36:20

Not, specifically, but we absolutely take into consideration all the different land uses and what it means on not just the impact on evacuations, but Parks and Rec services and all the other quality of life infrastructure. You know, we have severe challenges on an infrastructure that we're dealing with, with the incredible work we're doing on the street repairs and all that sort of thing. So we don't look at each of these in a vacuum. It's all connected. But we had your two chiefs here. And if I look at the right camera and look people in the eye, look these folks in the eye, your existing evacuation plan is serving the community well, this development will not have a notable negative impact on the evacuation plan. Those are just facts. I don't want to get caught up in the emotion of the issue, but we have the financial integrity of the community on the line here, so your professional staff is telling you factual evacuation plan can accommodate to this. Okay, whether or not it's a good project, another topic, but the plan can accommodate it, and the updated plan that's taking place county wide. We'll go through and look toward the future. Remember also Council and members of the community. We have a housing element. We have a general plan. We have all kinds of investment policies, other policies. They're not forever, they're for a period of time. And then we revise them and update them accordingly. So the existing evacuation plan has a solid foundation. It needs to be updated, not because of this development, it's just, it's a good, good, good management. I agree. Thank you.

W

Woe 2:37:52

Okay, so now we come back to rebuttals after public comments. Okay, so it's not time for members of the public to provide comments. Your time and right to be heard will be respected. In an effort to do this, I'll go down the list and call five names at a time. When you hear your name called, please line up down the middle of the aisle

W

Woe 2:38:16

and to wait for your turn to speak. And when you are done speaking, please return to your seat. In order to keep the aisles clear. We're doing this to try to speed the process up. Once all five individuals have spoken, I will call the next five until the end of the sign up sheet has been reached, and then I will move on to calling names from comment cards or will that have been submitted, and I'll call these in no particular order. Lastly, for those who wish to comment but did not sign up or complete a comment card, you will be given the opportunity to raise your hand, and you will be caught on to provide comments. For those who raise their hands, please clearly state your name at the start of your comment for our official meeting record as a reminder, you will have two minutes to give your comment. The town clerk will begin the timer at the start of your comment, and you will hear an audible beep and see a red light when your time is up. If you speak past your loud time, no, we won't pull you away. You will be allowed to finish your last sentence. However, if you continue to speak, I'll ask you to end your comment and leave the podium. We all want to be heard, so please be respectable, respectful of your neighbor's time. Please pay attention as your name is called. Please line up down the middle of the aisle. So we will now start this. Chet Martin, William Weber, Jim Hauser, Barry, bear and David O'Connell. If you each line up

S

Speaker 9 2:39:57

and you are Chet Martin, it's. Lived in Moraga for four years and retired engineer and lawyer. The town's emergency operation plan defines natural hazard rankings, wildfire event high categories. The bottom line is that I believe the proposed building would be in a very high danger.

W

Woe 2:40:21

Microphone on, pardon me, yeah, yeah. It's on, yeah.

T

Town Manager 2:40:26

If sorry, may I start all the speakers. Please don't be afraid they might come right up to it and speak in it, to it very clearly.

S

Speaker 9 2:40:33

Thank you. May I start over? Yes, you may. Thank you. Chet Martin lived in Moraga four years, I'm a retired engineer and lawyer, and I've looked at a whole lot of documents, including the town's emergency operations plan that is defining natural hazard rankings high category Cal Fire and the MO F, D has classified high carry category as very high danger severity zones. And I believe the apartment building would be in one of those high danger zones, section 1.2 of the ELP defines operational priorities. The first one is saving lives, and that relates to this sequential evacuation that I just don't find makes any sense. You don't want to leave some people not evacuating. And in the area we're talking about school street has a dead end at and does not go to Canyon. There is one exit that goes to Canyon and there, there is just going to be a lot of traffic at the corner of country lane and and Country Club lane and School Street. So I just don't think some of these things are realistic. I would hope that the \$1.49 million grant that the county has would enable a separate good study to be conducted, and that would be taken into consideration with the town's emergency evacuation plan. I've looked at the drawings. One more thing, there is a base of green at the bottom, which to me sounds very flammable, and vegetation there, and there are also wood panels which don't make any sense on the building. Thank you, Chad, thank you.

S

Speaker 10 2:43:00

Good evening, Mr. Mayor and council members. My name is William Weber. I reside at 185 Willowbrook lane, and I'm here in support of the 1600 School Street project this evening. My residence is three blocks from this project, and I'm here primarily to speak in my professional capacity with perspective, I serve as a consultant in the California State Assembly, where I handle consulting responsibilities for the Housing and Community Development Committee and the local government committee. So I'm on the front line of all the issues that you've been discussing here, the positions that have been made by the state, and there's been some concerns about whether or not this would be something that HCD would support, would be consistent with our arena and with our housing element. In my capacity, I do work with the Department of Housing and Community Development. I can't speak for them, but I know from my experience, and I ask you to look at that, that this is very much a project that would be something they would support, knowing it would be consistent with our arena, knowing it would be consistent with our housing element. And the most important thing I want to take away, have you take away from this is we want to keep the state out of Moraga as much as possible. Wealthy communities are being made an example of across the state. Huntington Beach is at the front lines. You've seen what's been transpiring down in the peninsula. Looking for creative ways. We do not want to be a target. There's efforts now being made to empower the Housing Accountability unit even further within HCD, to make to to give more concern, more influence to the Attorney General, and that's what we want to continue to try to avoid. That's why I ask you to support the 1600 School Street project. Thank you for your time.

W

Woe 2:44:41

William, thank you Good seeing you again. Jim, Mayor and Councilman and

S

Speaker 11 2:44:50

manager, Town Manager. Thank you for the opportunity. I also want to add a thank you for what you endeavor to do and the jobs. You've selected, and the leadership roles you've selected, you are live, living in the crucible of decision decision making. You have to figure out a way to balance individual needs, community needs, economic needs, and now with the state mandates, mandates, I bring another perspective, not as an expert, but as a citizen that has lived through a fire. And I hope you'll give me just a little latitude. My wife and I were burned out in the Tubbs fire. We had 15 minutes to live. Sorry, we had 15 minutes to leave. The house was completely burned down by the fire department's records at between one and one half hours after we left. Maybe. So give that two or three, you know. And at any rate, here's what you can anticipate, and then I've got about three recommendations for you to consider, and I'll be done, first of all, as a result of the obvious, awful fires down in Southern California, we had more to say and recommendations, but so many people have said it, and now the whole communities and state and country is aware of what's going on. So with that, a thorough review at all levels is time consuming. It's an intense and it's expensive. One of the comments earlier that I heard was that Lafayette as an example, your brother or sister city has a top tier fire egress and Ingress, Ingress study, and that individual with her viewpoints, thinks that you're not up to that standard. You're not you personally, you the town's not up to standard. I would say to you that in this it, you're not going to get to get to my one recommendations. Make sure it's top drawer. That piece is top drawer because you're talking about lives. Jim, yes,

W

Woe 2:47:09

once we're done, I'll meet with you and I'll get the other recommendations from you.

S

Speaker 11 2:47:13

Okay, just, just Yes sir. I want to be respectful of the other folks, and that's, that's fine. I will just once it one second. Yeah, okay, thank

W

Woe 2:47:27

legally, we have to stick to the three to the two minutes.

S

Speaker 11 2:47:29

Yes, I understand that more than you understand. I've been on both sides this. And the point I want to make is that it's it's so vital that the work you do and your tremendous staff and everybody does is great work, but it has to be top drawer. It has to be beyond,

W

Woe 2:47:54

beyond reproach. Jim, thank you so much. I will, I will get together with you.

S

Speaker 11 2:47:58

Thank you very much. I appreciate you. David,

S

Speaker 12 2:48:07

thanks, Jim, my comments probably cut into our link with yours a little bit. I'm David O'Connell. I'm the Head of School at the sackland school, right next door to the project. Been to a couple of these meetings so far, so far, and we did submit a letter with a study that was done, an environmental study that was done about the health risk to the children on campus. And so I want to just share some comments with about that. But I want to start with the sackland School is not interested in stopping housing development or per se, this, this project itself. I'm not in love with it, but I know you guys are in a tough position. We understand that it will contribute to the town's ability to fulfill its housing goals and obligations. Nevertheless, there has been no site specific analysis of air quality or health impacts on the school community, including it's over 140 pre K through eighth grade students from months long construction activities taking place literally steps away. This omission is wrong from a legal policy and probably ethical standpoint. The CAPI EIR specifically envisioned a case by case determination of whether additional impact analysis is necessary for a particular project and location. It states that there were construct that it states that where construction will occur within 1000 feet of sensitive receptor population. So that's children, and maybe you know some of my staff, a Health Risk Assessment HRA should be performed to gage whether emissions and diesel exhaust, toxic air contaminants from heavy construction equipment will adversely impact sensitive children, receptors which all of the student body, which is everybody on my campus, for reasons unclear to us, no such project specific analysis was. Done for this project, even though it was it's immediately adjacent to the school. For this reason, sackland felt it was necessary to engage in a land use attorney and an air quality consultant to evaluate the situation. I'm asking you guys to press pause on this project and hire to do an analysis of the actual health problems that may come from the construction going on next to the school. Thank you very much. Thank you, David.

W

Woe 2:50:30

Okay, that takes us on to the next group. Sue Bullock, Rick Carter, Virginia Falconer and Robert Stagg.

S

Speaker 13 2:50:49

Hello. My name is Susan Bullock. I've been a Moraga resident for 29 years, and I'm here to support the appeal of the project at 1600 School Street. A comprehensive analysis of the fire risk needs to be completed, and an effective evacuation plan needs to be developed before any more construction occurs. Our safety is literally in your hands tonight. I'm really grateful to the town officials. You've done a lot of work about the the certified housing plan and preparedness and fire mitigation, but there's more that has to get done. And specifically, I believe we need to to address the critical road access. The town's population is already disproportionately reliant on Moraga way, and the general plan will bring more units to that. We saw that earlier tonight. So in fact, another 283 units have for plans for those have already been submitted, and they're at various stages, so there's quite a lot already underway, and the town's approval of this project seems to be narrowly tied to it having not sufficient impact. But really a comprehensive study needs to be done that looks at all the housing and the environmental, the traffic and, most importantly, the evacuation needs of the community. I think I have to respectfully disagree with the comments made earlier about the current plan. It doesn't give me any comfort. I think it's far more likely that if there's a wildfire, people are going to jump in their cars clog up Moraga way and it's really going to be a disaster. So I acknowledge that housing is sorely needed by the state, but it should not come at the cost of lives, the deaths in paradise in Southern California really bring this risk into clear focus for us, and the safety of the Braga residents should be the town Council's highest priority, and I really hope we can count on you for our safety.

W

Woe 2:52:44

Thank you very much.

S

Speaker 14 2:52:53

Hi. My name is Bob Stagg. I live at two Sylvia court, and I also support the appeal, first because of the fire and CEQA issues that have been raised, and secondly, because I do not believe the location can safely handle the plan density this development would approximately double the number of housing units in the Small School Street area. There is already a lot of traffic on School Street, especially during the week, when sackland and JM schools begin and end their day during these peak times, School Street is very crowded by cars, bikes, scooters, children, parents, and we've witnessed near accidents the traffic, traffic associated with the development will exacerbate this already dangerous situation. It became clear to me when the person got up and talked about the traffic study, what the problem was, and why there was such a disconnect between the town's traffic study and all of us that live on School Street and know what the traffic's like. That's because he said it ended at 8am and didn't start again till five. That's not when the traffic is on School Street. It's when the school starts and stops, which is was not measured by the traffic study, a traffic study that measures that needs to be repeated. Third, it is not an appropriate way to accomplish the housing element goals. Specifically, this development would create a four story, 66 unit apartment building that would only provide five of the 1118 below market units Moraga supposed to construct, if this same ratio is used for all 101,118 you will have to build 224 four story buildings in Moraga to accomplish that fourth. There's a current excess of apartments in this area. There, on January 9, according to Zillow, there are 62 apartments for rent in LA Mirinda, 15 of those in Moraga, and 481 apartments for rent in Walnut Creek. If you add 66 more, there's an excess of 600 apartments in the area. Finally, thus, this is the wrong development. Brent for Moraga in a location that would not be safe, thus please vote in favor of the appeal. Thank you, Bob.

S

Speaker 15 2:55:13

I'm Virginia Falconer, and I live in Moraga. I have heard lots of good comments, so I'm not going to reiterate them. I will just simply say that our fate is in your hands. We can't count on the state to properly provide for our evacuation, nor can we count on the county we so we have to turn to you, and it's your job to do a fair assessment of evacuation safety. I think that the zone by zone evacuation proposal is wishful thinking, because if you've looked at the fires going on in Southern California, admittedly, they may have more wind than we do, but we do have wind, and we have a lot of grasslands surrounding us, and I feel that it may not be possible to evacuate zone by zone. So in the small, single house fire, perhaps, but not in a wildfire. So I'd like you to take that into consideration. Look not at just the trees and the minutia that we heard about, meeting all the town the state requirements, but look at the broader picture, and please consider our safety.

W

Woe 2:56:31

Thank you very much. Rick Carter did not come up, so move on to the next group. Julie Stagg, Lisa Disbrow, Rose Baxter, Roberto Alvarez del Blanco, excuse me and Jacqueline Barnes,

S

Speaker 8 2:56:53

Hi, Julie Stagg, I just want to quickly say that it's this location that is particularly a problem. A lot of good comments have been made in general, which we all agree with and we can work around. But this location is particularly a problem. Therefore I support the appeal and oppose the development as planned, because of the reasons outlined in the appeal, and because of the impact that this amount of density would have on JM and Sackland school, pedestrian and traffic safety in the location. It's really a problem. Then we do have to redo the study. I also am very concerned about the four-story buildings, immediate proximity to the young children's school and the year-round creek. It is one of the places that wildlife can go and get fresh water any time of the year. We don't have many of those. We have to consider the wildlife and those of us who supposedly care about nature, thank you. The already congested street parking in the area, particularly at peak school times and when very large community meetings and gatherings take place, which often happened for many of our huge community groups right there on School Street, and the unintended consequences of taking up all the traffic on the street and the near areas. I'm also concerned about the building being out of character for the town and the neighborhood, and the potential noise that will come from all those lovely balconies. I'm also concerned about a lot of other things, but it was written. Thank you so much for what you're all trying to do, and together we'll get through this.

S

Speaker 16 2:58:38

Is there a timer? Where do I see it? Yeah, but where do I see it so that I know when you're running out of time? Thank you. Bring the microphone closer to you. Gotcha. There you go. Hi. I'm Lisa Disbrow. I've lived here 25 years, grateful to live in Moraga, and I just want to say that I fully endorse the appeal. I have no confidence in the plan as promoted today. You spent two and a half hours telling us about it and only gave the appealing group 10 minutes. I think that was an error. You should have given them more time. I would like to say that as a teacher, I've lived through a construction site with terrible air quality control for my students and staff, and it was horrific. And I want to support that there is this EIR air quality evaluation, the school traffic study. I'm very concerned about the WF evaluation. I think the location of the units is just terrible for our city, and I think there needs to be more comprehensive studies on the roads and the evacuation plan, and furthermore that there's no empirical data has been provided that high density housing can make housing affordable. This is a governance problem at the state level being imposed on Moraga. We are losing local control that's been admitted and feeding the dragon will not prevent the dragon from continuing to eat you up. Eat us up. We need safety, not compromise.

T

Town Manager 3:00:27

Thank you very much.

S

Speaker 17 3:00:33

My name is Jacqueline Barnes. I live at 1785 School Street. My house is the closest house on School Street to this proposed development. My husband and I moved into our residence in 1995 in August 2024 our homeowner's insurance was canceled non renewed because of the perceived high fire impact risk for all the reasons stated by Julie Stagg concerning the amount of traffic and volume of children and other pedestrians on school street during the school drop off and pick up time, plus all the events that happen at the Orthodox Church directly Across from my house, I support the appeal. Thank you.

W

Woe 3:01:24

Thank you very much. Jacqueline,

S

Speaker 18 3:01:27

Hi, I'm Rose Baxter. I have a three minute talk, and I just want to say I read the E I d for the sequel. I'm appalled to read the statement of overriding consideration, because it it addresses the fact that the town has made the decision to forego safety and care about economic, legal, social, technical and other considerations to justify the approval of the housing element and get rid of any potential mitigation for, you know, the significant impacts that it's going to create. To me, that's just appalling. The risks are already here in our town. The nature of wildfire is being redefined with climate change. Our news outlets give us images of conflagrations we've all seen. The new nature of wildfire looks like reading Oakland Hills, Sonoma paradise, Santa Cruz, Denver, Lahaina, Los Angeles. It just keeps happening. We need to complete the county study and get the results, then mitigate the inadequate evacuation routes that we have, and then build chief King is doing great work. I think we need to truly study the proposal of widening the end the bike lane and creating an emergency evacuation lane that you send out the pamphlet, and we all have our go bags, but there's nowhere to go. We need a lane. We need to build lanes before we build houses. Do I have any more time? I have more time? We were lucky. I watched the Merrill fire happen from my second story window that backs to Canyon. We were lucky that night, the winds were only 20 miles an hour. There were no other major fires nearby, as chief King said, the resources came in, and that was mostly grass and not trees, like they said, We were lucky. Palisades was lucky last year, but they weren't lucky. This year, they had an evacuation, and then they were able to come home, and their houses were still there anyway. Thank you. I appreciate your consideration.

W

Woe 3:03:34

Thank you very much. I don't see Roberto Alvarez del Blanco, so that moves on us on to the next five. Heidi tend, Mike Rydell, Chris avant, and I don't get the first name, but the second name looks like it's the Naz, v, e, v, n, a, z, z, okay, I'm sorry. First name starts with Lucina. Yep, you're me. I have, I have terrible writing so and and collects.

S

Speaker 16 3:04:27

Okay, great. Hi. My name is Heidi tend, and I appreciate all the hard work that you have been doing. And I just urge that you really listen to the wire wildfire safety issues that we're worried about. I've been a Moraga resident for over 45 years, and I've seen a lot of change. I work at St Mary's College, and I support the appeal set forth by Cheryl and Rose abnet, and I pose the approval of the 1600 School Street project. I. I've always been concerned about my ability to evacuate safely in the event of a wildfire. Even more so in the wake of the Southern California fires, the news feeds were frightening, catastrophic and heart wrenching. I actually evacuated when there was the Merrill fire, even though my area wasn't called upon to leave. I feel that have having a zone evacuation plan sounds possible on paper, but is never going to work. Once people see fire, they panic and chaos and mass exodus will take place. All the main roads out, four narrow two lane roads, to be exact, are going to be clogged, and the great majority of residents will be stuck in gridlock. Sheltering in place also sounds like a scary option, and that's provided that you can actually get to the shelter in place locations. The 1600 School Street project will essentially cut off and limit the residents of School Street and their ability to either evacuate or get to the shelter in place locations, because it will clog the exit routes. Again, I extremely am concerned about the town's hasn't sufficiently studied the impact of the School Street luxury apartment development, and and the site specific wildfire and mitigation studies must be completed first before giving the green light for any new projects. Thank you.

W

Woe 3:06:33

Thank you. Okay, come on up.

S

Speaker 19 3:06:42

Lucy. Lucina, renaza, Sheila court, I just want to remind everybody that the school street neighborhood is pretty small. We've got 62 single family dwelling units, and we have two entrance exits School Street at Country Club and then de la Cruz way at Canyon Road. So think about the plans to get out. I also wanted to say I agreed with all the things that Julie Skaggs said and all the problems with the traffic. I also understand the housing element and what we have to do, but I don't think we have to do it all right on this place. It's too many units in that one and the way it's designed, I think we could have a smaller project there, but there are also many other housing opportunity sites that we'd be better positioned for a project like that. It was interesting to see these from the architect, to see the slides. And you never see the streetscape in the project relating to the neighborhood. You know, you just go down the street a little bit, you'll see the single family homes. You'll see how it fits with that. It doesn't fit. So I would like to see consideration with that, but most of all, the whole evacuation problem, thanks. Thank you.

S

Speaker 20 3:08:17

My name is Chris avant. I'm a resident of Moraga and a father of a child at sackland school. What I don't understand is the objection to doing a specific study on evacuation. Clearly, the police chief has good intentions, has a good plan is diligently working towards a solid evacuation plan, but there was no specific study or simulation that he could point to, and they have that ability to produce these studies. So I'm just I'm just at a loss as to why the town wouldn't just make that study happen. It seems really important, and I just want to encourage that we allocate the funds and make that happen, because it's the risk is just way too high to not do that. So we're proceeding the you know, unless this appeal is successful, proceeding forward with these 1000s, 1000 plus homes without this plan in place, it makes no sense. I'm I do not understand if anyone who lives on School Street understands how the traffic surges in the morning and in the afternoon, how the churches are there, and sackland is there. And then we're adding 66 new homes in addition to that, which is continually gets clogged up on that corner. And then lastly, I wanted, so I do believe additional study of traffic needs to happen. Something's off there. And then I'd like. Also talk about the trees they're taking out five large redwood trees. The ei EIR report talked about a raptor study. We know there's hawks nesting in the trees nearby. So at the last hearing, it was agreed that the there would be larger trees planted. There's no specificity around the size of those trees that I've seen in any of these reports. And so it's just been agreed to town threads, rubber stamped it. There's no specificity. So I think that needs to happen as part of the approval. So I support the appeal.

W

Woe 3:10:44

Okay, I don't see. Are you Anne? Oh, good, come on up. Okay. I didn't know

S

Speaker 21 3:10:52

if I was there was someone else coming. My name is Anne kletz, and I've lived here in Moraga on School Street for 18 years. My biggest Well, first of all, I want to say I'm really, really inspired by my neighbors, who are smart, considerate people, and they've put a lot of effort into thinking about this situation in a really balanced way. And so I just want to say I'm so proud of all of you. I think you know my the feeling that I get, I'm not an expert, but the feeling that I get is that we are going about this business as usual, that this is a normal time. This is this is a planning as usual. These are not usual times. We can see that by what we just witnessed was in Southern California. And what I want to really recommend is that we imagine the unimaginable. We have to imagine the unimaginable in this day and time, to save lives, to save livelihoods, to save homes.

S

Speaker 21 3:12:17

We may have done a lot of work on that plan, but again, for me, it's a plan

S

Speaker 21 3:12:25

and a usual plan, and these are unusual times. So please, please for everybody's safety, imagine the unimaginable plan for that. Thank you. Applause.

W

Woe 3:12:45

Them. Thank you very much. Okay, Rachel Smith, Emily bergfield, Deborah bergfield, and even gold and Pat tidmarsh, I think a

S

Speaker 22 3:13:12

lot of those folks are outside. It's going

W

Woe 3:13:18

to take a minute come on up to the podium. Mr. Sure, first come, first serve. Hi.

S

Speaker 22 3:13:28

I'm Emily Bergfeld, Morocco resident. I'm deeply concerned that the town has not sufficiently studied the impact of this project on evacuation and emergency response in the event of a wildfire, and I request that the council delay consideration of this project until both a site specific environmental impact report and the CCTA countywide emergency evacuation study are completed. I'm deeply concerned about my ability to evacuate safely if there were a wildfire. And my family and I support this appeal and oppose this project at this time. Thank you.

W

Woe 3:14:13

Thank you. Hi. I'm

S

Speaker 18 3:14:16

Debra Bergfeld, my husband and I have lived on Sheila court, which is in the School Street Neighborhood, for about 41 years.

S

Speaker 2 3:14:26

We had AAA insurance for about 30 years, and it was canceled approximately a year ago. So I think there has been sort of an assertion here that somehow this 1600 School Street project is not in a high fire danger zone. I think that's been mentioned more than well many times, and I think it's absolutely ludicrous. I mean, it is very close to very close to a severe fire danger zone, as evidenced by all of the insurance cancelations that have taken. Place, I want to really commend my neighbors, who I think have made amazing, thoughtful, careful, well reasoned comments about fire evacuation. It has been suggested that the that the police and fire have a great evacuation plan. I that was actually stated, I think that's ludicrous. This, whatever evacuation plan they have has not been tested. I don't see how it can be considered a great evacuation plan if there are so many mitigating factors, and I thoroughly agree with the comments that have been made that once people see flames, there is definitely going to be utter panic. And any plan that is considered at this point is just going to be right out the window. It's absolutely ridiculous. I feel that comprehensive study needs to be done. As many others have stated, I think this project should be put on hold until a the countywide study can be completed and that is my comment. Thank you.

W

Woe 3:16:06

Thank you very much. Deborah,

S

Speaker 23 3:16:09

good evening, Mr. Mayor and members of the council. My name is Ivan gold. I've lived in Moraga since 1988 and in my house on Sanders drive since 1991 I join in points three and four of the appeal you've heard from many of my neighbors, eloquently and passionately regarding the deficiencies in the wildfire risk and evacuation and emergency response elements. You listening to everybody tonight on this side, what I have heard is incrementalism and siloing of the issues as the neighbors are urging a comprehensive and cumulative examination needs to be made of the tension between the housing element, which I understand, the state mandate, and the safety of the residents. The general plan from 2002 has a safety element, and the safety is paramount. But you know what's really ironic about the 2002 general plan? As you read through the safety element, the town was worried about land movement, you don't see the word wildfire, but you know where you see the word wildfire? You see it in your own draft of a hazard mitigation plan, and under wildfire, I'll read to the council and everybody here your own statement. The town is surrounded on three sides by wild lands and park areas, which also function as the wildland urban interface zones in the event of a significant wildfire, the town has very limited escape and evacuation routes, and some areas have limited cell phone reception, meaning that during an emergency, some residents will not be able to get traditional phone based alerts and will require assistance during An evacuation, the cell sites in town have been reinforced to increase their resilience in areas of preemptive preemptively burned in a prescribed manner, but the town and its residents remain at risk from a large wildfire incident. The town is taking proactive steps to increase its readiness, but recognizes that large areas of high and very high fire hazard zones must be recognized as a vulnerability. Those are your words, not theirs. Thank you, Ivan, thank you. Applause.

W

Woe 3:18:40

Brent, okay, I'm sorry did is Pat tid Marsh here, apparently not. Okay. LAUREL Lee. Andrew Falco, Meredith, advant Casey, rain and Tad scales. I

S

Speaker 24 3:19:27

think, first of all, well, I'm Andre Falco. I'm a resident of Moraga, in a school tree neighborhood. Thank you for the really cold hospitality out there. It's chilly out there. I apologize for important meetings such as this. Please choose a larger venue. My perception is that the town council is not taking care of its constituents if it does not side with the appeal the count. Town Council is trying very hard to avoid possible losses from the state of California and losing control of however, we have only had two public hearings before this project got approved by the by the by the Town Planning Commission. That is three less than the max allowable we could have used. You could have used those three extra hearings to do more due diligence, the planning commission is rushing this project through for no justifiable reasons. There is almost nothing for the town to gain from this project to appease the state mandate the low income unit, percentage and quality, quantity and quality of the units spit in the face of both the spirit and the letter of the mandate. I am personally a product of low income housing, and I'm offended by this project's plans. The rental units do not help anyone get close to their American dream. There's already a glut of rental apartments. People want to own three the added population quantity at this time endangers everyone's evacuation safety. This could be fire, earthquake, toxic smoke from the refineries to the north. We collectively need to learn from Paradise Eaton and Palisades communities before we jump into building again in fire danger areas. This is what all the environmental studies are for. The Town Council has a chance to slow down a little bit, do appropriate due diligence and avoid having future blood on their hands or the perception of it, the legal and physical peril, risk that this project poses is not worth the benefits. Please side with applicants.

W

Woe 3:21:36

Thank you very much. Andrew,

S

Speaker 25 3:21:40

hi. My name is Meredith avant, and I'm here to represent the nearly 200 people that are on sacklands campus Monday through Friday. I am one of the faculty members, and I have two children there. I also live on School Street. I've lived in three different houses on School Street. I'm very familiar with the traffic patterns at school street, and I happen to know that and well, let me just give you an example. My two children, ages eight and 10, walk to school at 815, in the morning. They walk home from school when they're dismissed at three o'clock. I have literally pulled a middle schooler from JM from being hit by a car, and I have seen multiple incidents where this happens almost daily. It's immoral that you call your traffic study conclusive of what actually happens on School Street. There are more people in this room that live on school street than there are not they are here because this is going to affect our lives as a faculty member, as a parent at sackland, as somebody who has lived on School Street in three different houses. There is no under I cannot understate. I mean, I cannot say how much this development is going to affect my life. My house is at the corner of De La Cruz. Even trying to get out of my driveway on a daily basis is like trying to get out of a gauntlet. The other thing I would say is that I own a construction company. Most, almost all the houses that we have remodeled and built in this are in the East Bay. A lot of them are in the LA Miranda area. I understand air quality and toxins related to demolition. Those buildings at 1600 are very old. It will adversely affect sensitive, sensitive community or sensitive people and the children that are on this campus. You guys need to think about their health and safety when you make a report, when you when you get a report done to test the health and safety for them. Thank you very much. And I really hope you will take all of these considerations to heart instead of just blanketly accepting what seems to be already accepted here tonight. Thank you.

W

Woe 3:23:56

Thank you, Ted's come on up Ted.

S

Speaker 26 3:24:02

My name is tad scales. Thank you for the time. You guys have a tough job. You got 15,000 bosses here in one side, and you got the state on the other pulling your arms. So hats off to you. One of the things I wanted to get a handle on, and I'm asked three or four questions here, you don't have to respond right now, but at some point you should what surveys have you done to ensure that the public opinion here is being represented to the state? Because none of that was represented here in this meeting, none of those results if, in fact, those surveys were conducted. Second, what specifically have you done to push back on the state. And the reason I'm asking this question is kind of simple common sense. I don't see this kind of mandate going down in Beverly Hills. I don't see it in some of the very high end areas. But strangely, we got 1000 unit mandate in this town, and what we do here with this 66 unit one. Set the precedent for the rest of these units that are supposed to be built, and that's pretty scary. What we're talking about is an increase in population density, and that is something that I will guarantee you right now is a big lever to push back. Why Pacific Palisades and Pasadena and I guarantee you the state is on real high alert. And if they aren't, the insurance companies are, it's going to make insurance not only harder but more expensive to get in this town. I guarantee you. I also agree with everybody's assessments of the of the evacuation concerns and the reason on the Fourth of July, it takes 45 minutes to an hour and a half just to get out of that area. And nobody's in a panic. So how do we expect that we're going to add an additional 100 or 200 cars from that unit, or in the long term, another 1000 to 2000 cars. It takes 45 minutes to get from here to Lafayette, sometimes just on a reasonable day, and that's not in panic. So if you add panic into this, in the additional cars, we're gonna have serious problems, and that and alone alone will also add to higher insurance costs and safety. Thank you. Todd.

W

Woe 3:26:20

Haley ran, ran, and Henry Munster, okay. John McGrath, Jeff Farah, Yuri, gold. Your is gold, something

S

Speaker 27 3:26:40

I'm not cutting I'm Jeff Farah. I live at on Rick court cul de sac, off of school street, and I support the appeal and oppose the approval the project. Our family is concerned that the town has not sufficiently studied the impact of the development, proposed development, on the evacuation, emergency response in the event of a wildfire. I want to share a letter I wrote to the lamerna la Miranda weekly, dear editor, I'm deeply concerned about the safety of our community in the event of a wildfire, particularly in light of recent decisions by the Moraga planning commission the October 29 2004 approval of a four story apartment complex at the intersection of School Street and Country Club raises serious questions about the ability to evacuate safely and officially during emergency. History has shown us the catastrophic consequences of poorly planned evacuations during the 2018 campfire in paradise 885 lives were lost, as read as residents were trapped in gridlock, unable to escape the fire. Similarly, the 1991 tunnel fire in Oakland Hills claimed 25 lives. Fire trucks and ambulances were unable to navigate the congested roads. These tragedies highlight a harsh reality in an emergency, a phased and orderly evacuation is described by our police is not realistic. Safety must be our top priority. Improving large scale development without thoroughly addressing the impact on emergency response and evacuation protocols is not just irresponsible, but it put lives to danger. While growth and development are important. They must be balanced with the realities of our town's geography, infrastructure and wildfire risk. Want to add on to say that the ongoing fires in Los Angeles provide a stark reminder the challenges we face. Evacuation efforts were hampered as clogged streets forced residents to abandon their cars and run to safety, leaving bulldozers to clear the roads of their vehicles. This real life example underscores the urgency and importance of ensuring our evacuation plans are in place and viable. I support the appeal and pose the approval of the project at this time.

S

Speaker 28 3:28:29

Thank you. Thank you, Jeff. My name is Henry Munster. I live on Country Club drive across the street from the project, and I concur with all the prior speakers about the amount of traffic is already very dense, and I just feel four stories is too tall for this town, because I don't know of Any other buildings that are that tall, and I had trouble with a prior development across the street where I got a lot of flack about my parents of my house and some things around it, and I expect more of this From this project. So if either the tenants or anyone connected with the property doesn't like what they see when they look down on me, I think they should make some or be responsible for building some kind of shield so they don't have to look at me. And I just agree with everyone that spoke before me about the fire problem and the amount of traffic is just too much for this small area. So I agree with the appeal.

W

Woe 3:30:00

You, Henry, thank you very much.

S

Speaker 29 3:30:09

Yuri, gosh, I live in Moraga. My kid goes to Sakhalin, and I'll echo everybody who was before me. The fire safety is concerned. The study we've done is probably not enough. Just by the time it was done, how it was done, number of people who live in area versus number of people who are in area. If you look at Sakhalin, how many people are there, if you look at the church, how many people attended, all of that should be into account when you're trying to evacuate. Ideas that people will follow order and chaos, not very likely. So people will go fast. People will try to escape. Thank you.

W

Woe 3:30:48

Thank you. Yuri is John McGrath here, okay, Garvin Stevens, Ming Chen, Christer Williams, Kristen Williams, Kendall Haynes and Remy Adams,

S

Speaker 30 3:31:23

what up Stevens? My name is Gavin Stevens. My name is Gavin Stevens, Campbell indo, class of 1999 I just want to just go. I'll be quick. I support the appeal and very against the development. The development seems to benefit pretty much no one except the developers. I really believe that additional safety studies on many levels need to be completed before anything is moved on. Thank you. Thank you.

W

Woe 3:31:54

Gavin mingy, or I'm sorry,

S

Speaker 31 3:31:57

I'm Kristin Williams. I've lived in Moraga for 14 years. And just in case it wasn't noted, there were over 150 people outside at 551, I think there's probably only about 30 left. There weren't enough chairs, there was no heat, there was not enough amplification of noise, and there were a lot of elderly people and somebody in a wheelchair, and nobody was helping them. And I seriously encourage you to do a better job next time accommodating the public for a public hearing on such an important topic, even if every single person in Moraga follows a zoned and staged evacuation, we are going to run into the brake lights of the Orinda residence the placement of Moraga does not allow us to be in control of our full evacuation of danger, and that hasn't been taken into consideration, and it could be if we could put a pause, not a stop, on this development, and actually do a study that allows for a real world simulation that includes other towns that will be in between every Moraga resident and safety. I support the appeal. I strongly oppose the Planning Commission's approval of this project as it is. The Planning Commission gave the developer all the acreage of this parcel for dwellings, but did not require the developer to build on all of the acreage. So because of that, they are requesting a waiver for the fourth floor that is unnecessary. They have the acreage they can put all of the units on the acreage they have inside of the design standards that Moraga already has published, they are choosing to leave that space for further profit. It is the role of elected and appointed officials to keep the town compliant with housing. Housing is a problem. It is not your role to ensure that Moraga is the most profitable town for development, and that is what is being asked of you by the planning commission, I disagree.

W

Woe 3:34:09

Thank you, Kristen. Come on up you next. If there's empty space in front of you, come to the podium, please.

S

Speaker 32 3:34:20

Sounds good. All right. My name is Remy Adams. I live in Sansara, and I've lived in Morocco for about 12 years. I am here because I actually support the appeal. You know, when I moved here, I was very, very concerned about evacuation. I mean, this was a very, very big concern. And now all these years later, this will be the fourth development that has come in, fourth major development that's come in very, very close to my home and many of these other homeowners here. And every time we hear that there is like no environmental. Impact. I don't know how that is impossible. It's not even an observable, observable truth. This is a very, very serious issue, and if people here believe that there is no impact, then they moved here today. Literally, if you come, as I already said, at three o'clock on Moraga Road. It is a linear parking lot. You literally can't move. The other thing is, I'm actually worried about the spread of resources. We have one fire department. Who do you think is going to get the priority when that building may be burning down, the 66 unit building? Do you think it's going to be all of us, individual homeowners, in our individual homes, or is it going to be putting out a blaze on a 66 unit building that is a Towering Inferno for our small town? I'm concerned about that. I also have questions about some of the things I heard tonight, how we were going to have that we will be evacuated in zones. Well, that's great, but what about when we have like, five or six zones burning at once? We've seen that with Pacific Palisades. We've seen that in Altadena. We've seen that all over the country. It won't actually necessarily be nice and tidy, and also with the two way roads, that idea needs to be stress tested. I'm really concerned about that. And how we get new resources in here if we have a two lane kind of evacuation out? There's so many problems I feel with that. We really need to discuss that one last thing, the canyon skyline, access road. You know that someone else mentioned gauntlet that could be a gauntlet of fire, that might be to ground zero. We might not be able to get out of here through that way at all that really concerns me. Remy, thank you very much. Sorry about that.

W

Woe 3:36:52

So no. Kendall Haynes and Okay, don don laror, I, a R, W, A, T, H,

S

Speaker 33 3:37:04

R, wood, R, wood, okay.

W

Woe 3:37:10

Andre bent knee. Andre Bentley, excuse me, it's getting late. Patricia Baxter, Leslie F Adam Williams, okay, thank you.

S

Speaker 33 3:37:28

Look at infrastructure that works eastbound. Richmond, bridge, three lanes flows like crazy. I've been over there and having to sit there hours. Look at infrastructure that doesn't work. Westbound bike lane, 1000s of cars sitting there burning gas every day. Look at infrastructure that works. What are people saying here? There's no way out of here. People are going to die. Are the police going to shoot the person who's getting out of line. How many Range Rovers and BMWs were pushed aside by the front end loader when they were abandoned because there was no infrastructure that works? And the point was made that this is the tip of the iceberg. I don't actually care about this development today, but 1000 units, 15 times that, with no possible way of getting out and 45 minutes, only 45 minutes to get down to Orinda. Good, good. You got a good time on that. And then people are taking the back roads. They're going over Hall, they're going those people are all dead. So getting infrastructure that works, that's your responsibility. Thank you.

S

Speaker 34 3:39:07

Hi, I'm Patricia Baxter scali, and I want to say I've called into a couple of these town council meetings discussing this project, and I've heard the word NIMBY, NIMBY, NIMBY. And I want you to know this what you've heard here tonight. This is not about NIMBY. This is about people fearing for their lives. Needs to be taken seriously. We've heard a lot about fire insurance being canceled for people who live on School Street, and anybody can pull up an AI tool and see what the rating for Moraga is on fire. It's major, major impact from fire in this community. And there's a little slider on this one that shows you it's only going to get worse over the next 30 years. It'll get drier, it'll get hotter, it'll get worse. So I hope you're requiring any developer to pay for fire. Insurance, water pressure. I didn't hear an answer to the question tonight, are we going to have enough water pressure if suddenly our entire community is at risk? I'd like to know that a study should be done about that, and I'm with people who would like this thing to be put on pause until we can get some serious studies done, particularly about the evacuation. I know it's difficult. I know you have to run a bunch of different scenarios. It can be done. We need to know how long it's going to take to get out of here. And lastly, this horrible site we've seen in Southern California. I really do think the state of California is going to be rethinking forcing communities to develop a high density projects. And I've got a quote from a woman who is the Gavin Newsom's climate advisor, and she says first things should be considered as building fewer homes in high risk areas, but local officials, these are her words. Who approve where homes get built have a strong incentive to encourage development even in risk prone areas, because it means more property tax revenue. The Los Angeles fires could force state and local officials to recalculate where new construction takes place. I think we'll have that conversation continuing to do policy the way we have, as if this is an outlier, is just devastating

W

Woe 3:41:31

Patricia. Thank you very much.

S

Speaker 35 3:41:41

Thank you town council members. I'm Adam Williams. I'm a 14 year Moraga resident and the School Street neighborhood and a developer. I have developed projects in California, and I'm familiar with CEQA and the various requirements to study and in certain instances mitigate impacts. As a developer, I'm sympathetic to the goals of the applicant, and I certainly support the larger goal of increasing affordable housing in California. However, I'm here tonight to support the appeal brought by Cheryl and Rose sadness and safe Moraga for reasons ably articulated by many speakers already tonight, I expect our town council to hold a high bar for studies that relate to safety, inclusive of both fire safety and air quality. It's clear that these site specific and county wide studies have not been completed, nor have impacts been fully understood, and I request that until they have, you do not move forward with approval on the 1600 School Street development. Thank you.

W

Woe 3:42:50

Thank you. So I'm looking for Andre Bentley or Leslie F, and if not, we're going to go on to Ali. We're down to about the last six or seven on this list. Leslie F, Ally, Superman. Cheryl sabins, Robert sabins,

W

Woe 3:43:19

okay, then Michael Gagnon and John Panetta, you should treat this like a game show. Come on down.

5

Speaker 36 3:43:36

Good evening, council members. My name is Allie Saperman, and I'm speaking tonight on behalf of the Housing Action Coalition. After thorough review, we determined that the project at 1600 School Street meets our high standards for addressing the housing, the regional housing shortage, affordability and displacement crisis. Moraga is required to build over 1000 new units to meet their state required regional housing needs assessment or RENA. The city has already designated this site for housing in the housing element. 1600 School Street will help meet RENA. This project will add 66 new homes, including five below market rate units, to an area lacking multi-family housing. Its thoughtful design enhances the neighborhood's character, blending with nearby greenery, trails and outdoor spaces, features like a bike room with direct trail access and a living sidewalk to promote green transportation and community interaction. Our only feedback for the project is that we wish it was taller so it could include more housing. We also commend the project team for incorporating significant community input over the last two years, resulting in improved height massing and streetscape design to better align with community feedback. As an SB 330 project that meets all objective standards, this project is legally required to be approved by HCD and the Attorney General's office. It pays close attention to SB 330 projects, and it is important that the town does not risk penalties. We urge that the council uphold the law and move forward without delay. Thank you.

5

Speaker 37 3:45:13

Thank you. Ali, hi. My name is Michael Gagnon. I live at eight to eight School Street. So stone's throw from the development. It is in my backyard, but I don't oppose it because it is there. I do look at all of our plans for growing the community, and one of the things I've noticed is there's a high focus on we had a plan. You know? What's the limits? How many density we how much density we want to apply. I don't see a lot of I haven't heard anything with this, with this development about mixed use. We don't have any new commercial or real retail development going into it. Live work is kind of the new thing. We don't have transportation in town. We should not be doing any development that does not incorporate some sort of a foot traffic and live work type of thing. The other thing is, we have, I don't really agree with the whole requirement to put aside the planning that we've done because they meet certain exemptions. I also kind of don't like your math, 66 units, and 10% of them are going to be, you know, low below market value or low income, and it doesn't quite add up. And I know there's exemptions, you're looking at, like, what 30 like, the original plan for the area is 35 so you're looking at, oh, you only need you know 3.5 you're looking at 8% of this unit is actually going to be low income. I would love to see it increased to actually meet 10, 10% and keep this in mind for any new developments as well. You kind of want to keep this as a community that's going to work, not something that's going to be just disjointed, Frankensteined up and built up really tall. Thank you.

W

Woe 3:47:06

Is G is John Panetta here? I've got one speaker card. Do we have more speaker cards two? Let's see if we get through these two, and then we'll take a break. Maria Cataldo and Douglas home. Maria Cataldo Douglas home. Are they outside? Maybe wait? Are they watching a football game out there or something? I us. I think she's coming before Douglas home,

S

Speaker 38 3:47:47

Doug home, raga 20 years ironically, my corporate offices were at 1660 School Street. Moved out about six months ago, and when we saw this fiasco coming down the chute. But that's not my point. I was watching this on TV, and I had to come down because the elephant in the in the living room, as they say, has not been hit. Insurance. All of us are on the Cal FAIR Plan. There are no insurance companies writing policies in California. This job, I'm a builder, is going to need two fire policies. One's a builder's risk policy during the construction of it. The other one is a permanent policy when it's done. I sincerely doubt that the CAL FIRE plan is going to allow 66 new units to be put on the state coffer plan. If they can get an insurance company, a private insurance company, to write those policies, I can guarantee you they're going to cost a bloody fortune. And who's going to pay those fees? The renters also, it's going to be us, because, as we're finding out from LA, it's going to be, it's actually not a state plan. It's the insurance carriers are going to have to pull the resources and charge us for the damages. Okay, here's the other real nasty little thing to know. Over the past decade or so, a good, goodly amount of these high density housing complexes around the bay area have been the victims of arson, particularly the ones in Oakland have gone up several times. This is a target. We don't know who's doing it. I certainly don't, but who's going to protect that building, a stick frame, four story building, from being a victim of arson in the middle of summer, when it's under construction, when that thing goes up, this whole neighborhood is gone, make no mistake. So these fires in LA if there's anything good that comes out of them, it's an opportunity now to stop, perhaps push back on Sacramento for a minute and say, Look, we need to take a look at this and reassess the game has changed. Thank you.

W

Woe 3:49:49

Thank you. Last. Last one is going to get to it.

W

Woe 3:49:56

Maria Cataldo, I'm not here. In that Okay, so we have one action to do, and that's to extend the meeting. Have a motion to extend the meeting to 11 o'clock. It's going to take a while. So moved second all those. This is a motion to extend to 11. All those in favor, aye. Motion carries five zero. Let's take a five minute break. I've held you guys more than two hours. You've been all very patient. Thank you very much. We'll reconvene at 25 after you.