Town of Moraga

Draft Specific Plan

Moraga Center

January 2010~~December 2009~~

Special Opportunities

To provide limited Lamorinda traffic generating sustainable development that is consistent with the character of the community, the Moraga Center Specific Plan presents two additional important opportunities. One opportunity is for the development of a small hotel and/or bed and breakfast and the other opportunity is for the development of a multi-generational community center/gymnasium.

As a four-year college with graduate programs in liberal arts, business and education, Saint Mary's College of California attracts approximately 200,000 visitors each year. Visitors include but are not limited to prospective students and families, parents of currents students, prospective faculty and staff members, athletic teams and fans, and guests of the college. With no overnight accommodations available in Moraga, these visitors and the visitors of Moraga residents must stay outside the Town. Providing for the development of a small hotel in Moraga would be both beneficial to Town residents' for their guests as well as the numerous guest of the College.

In addition, the Moraga Center Specific Plan has been identified as a potential site for the development of a 20,000 square foot multi-generational community center/gymnasium. The Moraga Parks and Recreation Master Plan calls for the development of ~~such a facility in Moraga and the use would be permitted in the community commercial area should the Town decide to pursue its development.~~ a community center use on an appropriate site based on a community-wide search. The list of permitted uses in the Community Commercial District (Table 4-3) could accommodate such a use, as could the Planned Development District."

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A similar rare opportunity exists at the Moraga Ranch. Distinct in its architectural style, the Moraga Ranch is a collection of red painted wood framed buildings with white trim and characteristic white ranch fencing. Located at a key intersection in the Specific Plan area, the Moraga Ranch is home to several existing businesses and ranch related activities. In addition, two recently renovated buildings on the ranch property present immediate business opportunities. Substantial infill opportunities also exist on the ranch property. One suggestion for new commercial development in this area is a small winery producing wine from locally grown grapes and providing related goods and services.

Conclusion

The MCSP was designed to address a number of important issues in the Town of Moraga. It provides for the economic and physical revitalization of the existing shopping center through reinvestment and increased residential and commercial development. It meets the needs of residents by providing increased shopping and dining opportunities and a range of housing options especially senior housing for an aging population. It helps local employers attract and retain necessary employees by providing housing opportunities for the local workforce. It addresses the traffic impacts of new development on neighboring jurisdictions and it recognizes special opportunities for recreation and hospitality.

i) *Transit.* Provide a comfortable and attractive central transit stop with park and ride facilities, passenger amenities, and pedestrian/bicycle connections to new and existing residential developments

j) *Historic Preservation.* Preserve historic architecture to the extent possible at the Moraga Ranch and incorporate it into the overall design of the area.

k) *Creek Protection.* Protect the creek area with appropriate development setbacks to protect its riparian environment and address flood risks. Consider incorporating the creek into a linear park feature connecting Moraga Road to the Moraga Way/School Street area, with pedestrian/bicycle connections across the creek as appropriate.

l) *Orchard Preservation.* Encourage clustered housing design on the Moraga Ranch property to protect some of the remaining orchard areas, particularly those areas that are most visible from Moraga Way and Moraga Road.

The preservation of orchard trees is encouraged throughout the MCSP area, where feasible and not in conflict with development objectives.

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CD 6.5 Moraga Center Area.

Use the Moraga Center Area Specific Plan to create a community focal point and mixed-use activity center of businesses and higher density residences with a unified 'village' character. Provide a land use and zoning plan, design theme and circulation system (traffic, pedestrian and bicycle) for the entire Moraga Center area, including the Moraga Center shopping center; commercial uses in the Country Club Drive/School Street area (including the Moraga Barn); commercial uses on the east side of Moraga Road; the historical buildings, creek area and orchards in the Moraga Ranch; the proposed new Town Center facility; areas of potential new residential development; and adjacent existing residential neighborhoods. Consider also the pathways connecting between the Specific Plan Area and other Town facilities and attractions, including Moraga Commons, the Moraga Library, school facilities, Saint Mary's College, Hacienda de Las Flores, and the Rheem Park area.

C. Specific Plan Objectives

Objectives for the MCSP include:

- Revitalization of the existing Moraga Center through increased residential development in and around the Center.
- Expansion of retail opportunities in the vicinity of the existing Moraga Center.
- Creation of a mixed use Village that serves as an activity center for the community.
- Provision of residential housing densities that are adequate to help meet the Town's fair-share of affordable housing goals.
- Control of maximum peak hour traffic volumes at levels equal to or less than those predicted in the Town's General Plan EIR for the MCSP area.

- Recognize development opportunities for~~Provision of~~ a community center/gymnasium to address many community-wide needs for recreational facilities.

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of the existing retail and commercial services in the MCSP area and envisions the infill of the undeveloped parcels in this area as well as the potential redevelopment and enhancement of the existing facilities. The Mixed Retail/Residential area would encompass the land located between Laguna Creek and School Street and its extension to Moraga Road; this area is bounded on the southwest by Moraga Way. In designating this sector as Mixed Retail/Residential, this land use encompasses the existing "Ranch" complex and includes, in addition to new and enhanced commercial development, residences which could range in density between 12 and 20 du/ac.[3] Properties in the commercial area could be developed for community-serving recreational uses such as a community center/gymnasium or similar use. ~~The site next to the intersection of the school Street Extension and Moraga Road could be developed for community-serving recreational uses such as a community center, gymnasium or similar use (Alternative A); an alternative site for this facility – Alternative B – is located north of Laguna Creek across from the Moraga Commons and west of Moraga Road.~~

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- *Office:* Although the General Plan does not explicitly identify a subcategory land use for "Suburban Office", the notion of defining appropriate locations and densities of development for office uses is included in the General Plan in Policy LU3.1.d. It is also noteworthy that this classification is currently provided for in the Town's Municipal Code (Title 8 Planning and Zoning, Chapter 8.44 Suburban Office District). This land use type is accommodated within the southern part of the MCSP area, located generally southeast of Moraga Way and School Street, and south of Country Club Drive. This area encompasses most of the existing office facilities in the area; some existing commercial uses and assisted/congregate care housing are also found in this area. The diagram identifies office uses as "Mixed Office/Residential" which allows for a combination with residential uses, at densities between 12 and 20 du/ac. This use envisions the development of professional and administrative offices, educational use and possibly a small specialty or boutique hotel[4] (the hotel use may also be accommodated in sub-area 1, the Moraga Ranch).

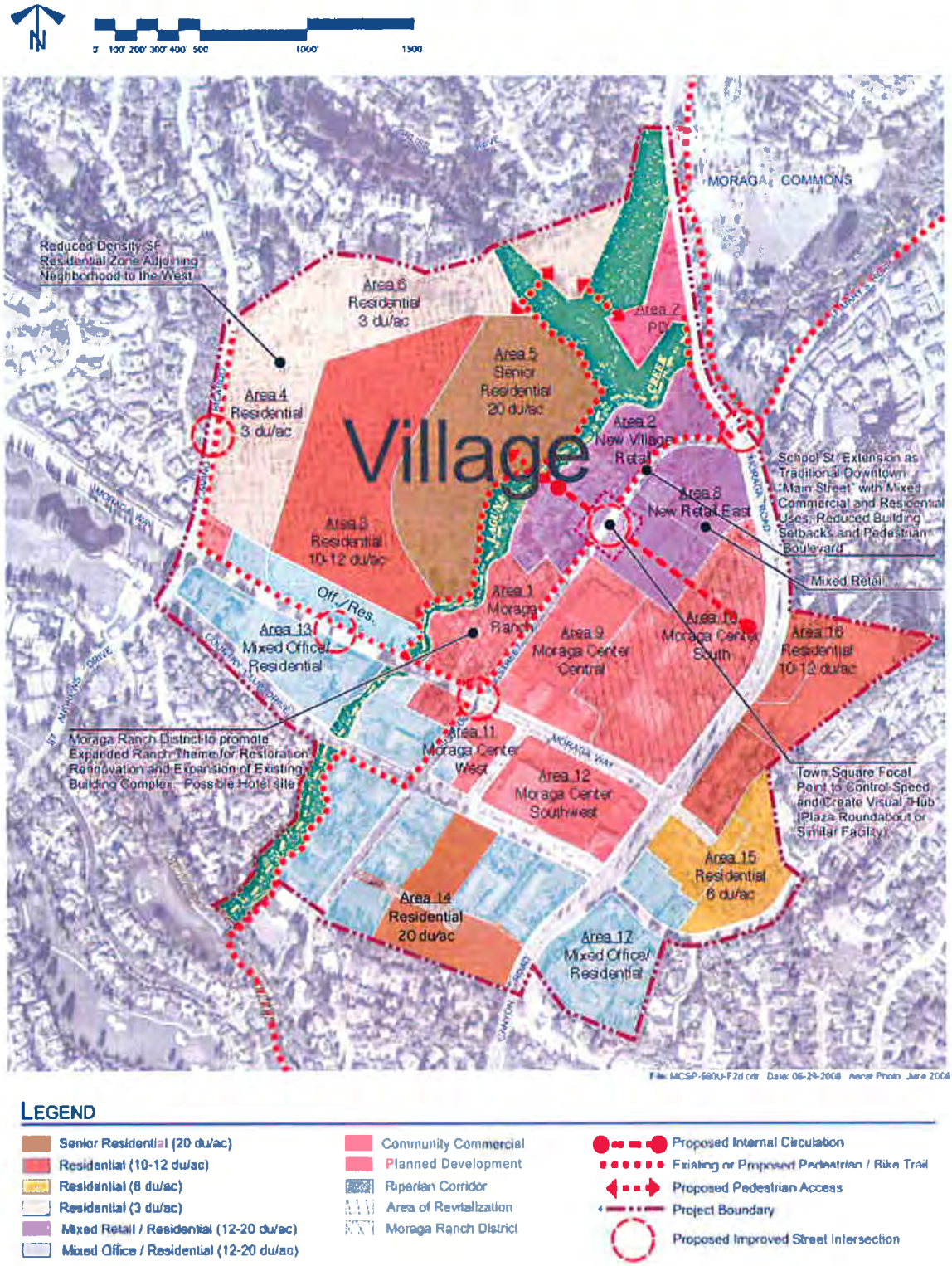
- *Residential:* The residential land use included in the MCSP area encompasses four densities ranging from lower to medium and higher. In addition to the aforementioned "Mixed Retail/Residential" and "Mixed Office/Residential" land uses which envision residential densities from 12 to 20 du/ac., the following categories which are generally consistent with the General Plan goals (LU1.2) are included:

  - Lower Density - 3 du/ac.
  - Medium Density – 6 and 10-12 du/ac.
  - Higher Density – 20 du/ac.

[3] This density range is somewhat higher than that contemplated in the General Plan which called for a maximum of residential density of 20 du/ac in the Specific Plan areas (Policy LU1.2); this includes a density bonus.

[4] This proposed "overlay" relates to the fact that the existing zoning for the property is residential and thus, this overlay, would permit Mixed Office/Residential development.

Figure 4-2: MCSP Illustrative Land Use and Circulation Plan



LEGEND

- Senior Residential (20 du/ac)
- Residential (10-12 du/ac)
- Residential (8 du/ac)
- Residential (3 du/ac)
- Mixed Retail / Residential (12-20 du/ac)
- Mixed Office / Residential (12-20 du/ac)
- Community Commercial
- Planned Development
- Riparian Corridor
- Area of Revitalization
- Moraga Ranch District
- Proposed Internal Circulation
- Existing or Proposed Pedestrian / Bike Trail
- Proposed Pedestrian Access
- Project Boundary
- Proposed Improved Street Intersection

The lower density residential uses have been limited to the northern portion of the MCSP area (sub-areas 4 and 6) as a transition between existing off-site residential uses to the north and the planned medium and higher density uses within sub-areas 3 and 5. Clustered development shall be encouraged to protect riparian areas and scenic corridors while allowing development of all parcels in accordance with maximum allowable density.

The majority of medium density housing areas are located east of Moraga Road (sub-areas 15 and 16) and northeast of Moraga Way and Camino Ricardo (sub-area 3). It is envisioned that these sub-areas could accommodate compact (attached or detached), residential dwellings which would be attractive for niche market households.[5] Medium density housing located adjacent to Camino Ricardo (sub-area 3) would be buffered from the roadway with an intervening area of lower density housing (sub-area 4). Medium density housing located immediately adjacent to Country Club (sub-area 15) would be up to 6 dwellings per acre and set back from Country Club using the natural topography and landscaping to buffer the new housing from lower density housing located across Country Club Drive. Medium density housing in sub-area 16 would be constructed on the portion of the area located immediately adjacent to Moraga Road. The steeper portion of this sub-area would be left undeveloped because of the steepness of the hillside and would create a natural buffer between adjacent lower density residential uses.

Finally, the planned higher-density housing uses have been located northwest of Laguna Creek (sub-area 5) on the flat to gently sloping areas that adjoin and overlook the planned and existing commercial areas. The residential development which would take place on these parcels would contribute to meeting market demands for niche market housing and/or Senior Housing. Higher density housing would also be possible on the vacant lands located adjacent to Country Club and School Street in sub-area 14. To ensure compatibility with adjacent low density residential, access to this undeveloped area will be provided from Country Club and/or School Street and a landscaped buffer will be provided between the new uses and the lower density residential uses to the south.

- *Recreation/Public Service:* Areas are shown on the plan which may accommodate ~~are designated for~~ recreation/public service uses. The specific nature and function of all of these are not specified at this time, but could include a community center/gymnasium, pocket parks, public art, outdoor performance and exhibit areas, and the like. These~~is category~~ uses also includes those open space areas along Laguna Creek and its tributaries that are to be protected for wildlife habitat and flood protection while accommodating visual accessibility.

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[5] The concept of housing focused on particular niche markets has emerged in recent years to characterize housing which is developed to accommodate and be affordable for teachers, students, police and fire and other active members of a community who otherwise cannot find housing in the area.

A "Town Square" focal point is planned at the intersection of the School Street extension with a new Village roadway that would cross Laguna Creek. The Town Square should include a fountain, public art or other prominent visual element, and will serve to slow traffic (through use of a plaza or similar facilities) entering the downtown area from Moraga Way and Moraga Road.

The new Village roadway should be designed to minimize disruption to Laguna Creek, while providing visual continuity to the creek setting for motorists and/or pedestrians. The internal circulation may be augmented by additional footbridges depending on need and actual development plans. As a transitional use with lower densities, Sub-areas 4 and 6 should have separate local access from Camino Ricardo and at a minimum emergency vehicle access through the Village.

Residential uses within the Village area (sub-areas 2, 3, 5 and 8) should include higher density (10-20 du/ac) housing, such as senior and work force components, within convenient walking distance of the commercial core. A range of design alternatives, density options, and housing products are encouraged within these areas. If designed as an integrated development, this higher density component may incorporate internal recreational facilities in lieu of public neighborhood park facilities. The "transitional" lower density component is called for in sub-areas 4 and 6, which adjoins an established single-family neighborhood to the northwest. East of Moraga Road, sub-areas 15 and 16 should accommodate medium density (6-12 du/ac) housing, designed to achieve compatibility to existing office and residential uses to the north, south and east. Development within sub-area 16 will need to accommodate a grade transition to the east.

The existing Laguna Creek channel with its oak woodland and riparian habitats is recognized as an important natural resource and site amenity which should be protected and developed with appropriate setbacks. Adjoining residential and commercial uses, however, should take full advantage of the natural views and quiet creek side setting offered by this amenity, with plazas and dining areas placed adjoining the creek.

The Lafayette-Moraga Regional Trail shall be extended within its current alignment along the west side of the School Street right of way, as a primary "pedestrian and bicycle boulevard"; however, the trail alignment may be moved to a location adjoining the creek, subject to an appropriate agreement between the EBRPD and the property owner. ~~or immediately adjacent to Laguna Creek away from School Street once development density increases, to address local recreational needs as well as to provide community opportunities for bicycle access.~~ Improvements shall include bicycle parking, seating areas and local connections over Laguna Creek into the residential side of the Village. Additional trail connections may be extended to support residential development within the Village.

The unique setting and architectural character of existing buildings within the Moraga Ranch are considered an important asset of the planning area. Sub-area 1 includes approximately 6 acres northwest of Moraga Way and the School Street extension where enhancement, renovation, and expansion of existing buildings are encouraged for

accommodation of specialty retail uses. This area can accommodate additional retail space, and specialty uses such as a bed and breakfast or boutique hotel. The actual mix, shape, size and configuration of new and remodeled buildings should focus on use of this site as an "amenity" to improve the sustainability of overall economic development within the Village area.

Sub-area 3 shall be developed for a range of specialty housing uses, with the flexibility to accommodate compatible specialty office uses along the frontage of Moraga Way to a variable depth of approximately 300 feet. The boundary between Sub-areas 3, 4, and 5 may be adjusted to provide flexibility for optimization of market opportunities and to accommodate necessary grading, consistent with the unique development standards contained in this Specific Plan.

Sub-area 7 includes approximately 3.6 usable acres of relatively flat land fronting on Moraga Road, directly across from the Moraga Commons. This site provides a strong aesthetic amenity adjoining the creek system, and is potentially suitable for a range of specialty residential, commercial or other land ~~desirable recreation and public service~~ uses, subject to review under the Town's Planned Development process. Sub-area 7 may be connected to remaining Village neighborhoods via a series of trail linkages. ~~A commercial recreational use, such as a community center/gymnasium, as identified in the Land Use Plan, could provide a valuable community and neighborhood amenity at this location.~~

Sub-area 8 includes approximately 8 acres of under-utilized land at the southeast corner of Moraga Road and the planned School Street extension. This site represents an opportunity for the development of an additional retail anchor use or series of smaller complementary shops. Development on this site is encouraged to achieve market potential with an increased floor area ratio commensurate with building heights of 35 feet. The building setback from Moraga Road should conform to the standards contained in this Specific Plan. Buildings adjoining School Street should be placed directly adjoining the sidewalk, in accordance with the "downtown" theme of the Village shopping district. ~~This site also provides a possible location for the community center/gymnasium as identified in the Land Use Plan as does Sub-area 2.~~

Remaining opportunities for intensification of retail, cultural, entertainment, recreational and office uses within the existing Moraga Center are encouraged, and should be supported by compatible architectural elements, increased building height and FAR development standards, and consideration of shared parking credits between commercial uses within the MCSP area. Additional opportunities for strengthening pedestrian access and bicycle parking should be provided, with appropriately planned connections west into the Village, and south toward Country Club Drive and along Moraga Road. The Specific Plan should also incorporate the flexibility to consider a range of compatible market-based uses, including targeted residential development such as senior, workforce and other higher-density housing, on parcels outside of the Village, including sub-area 14.

Table 4-8: Permitted Uses – Recreation/Public Service

~~PLANNED DEVELOPMENTRECREATION/PUBLIC SERVICE~~
Planned Development~~Recreation, Cultural & Public Assembly Uses~~
- ~~Recreation facilities~~
- ~~Cultural facilities~~
- ~~Community centers/public facilities/gymnasium~~ - Any land use may be authorized if it is in harmony with other authorized uses and serves to fulfill the function of the planned development district while complying with the General Plan

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For uses not listed in the tables above, the Town Planner may determine that a proposed use not listed is allowable as follows:

The Planner may determine that a proposed use is similar to and compatible with a listed use and may be allowed, only after first making all of the following findings:

i. The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the district;

ii. The use will be consistent with the purposes of the applicable land use area;

iii. The use will be consistent with the General Plan; and

iv. The use will be compatible with the other uses allowed in the land use area.

A determination that a use qualifies as a "similar use" and the findings supporting the determination shall be in writing. When the Planner determines that a proposed, but unlisted, use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this plan apply. The Planner may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Planning Commission for a determination at a public meeting. Decisions regarding a "similar use" determination may be appealed.

J. Development Standards

This subsection describes standards for the development of the plan area. Table 4-9, Development Standards: Community Commercial, Office, Mixed Retail/Residential and Mixed Office/Residential sets forth minimum development requirements for Commercial, Office and Mixed Use areas in terms of lot area, coverage, floor area ratios, height, and setbacks. Table 4-11 Development Standards: Residential provides standards for residential units, either one per lot, or more than one per lot. The intention of these

standards is to provide quantifiable guidance on the development desired to be achieved in each of the land use categories.

Table 4-9: Development Standards: Community Commercial, Office, Mixed Retail/Residential and Mixed Office/Residential

Development Requirement	Community Commercial and Office	Mixed Retail-Residential and Mixed Office-Residential
Minimum Lot Area (sq. ft.)	10,000	10,000
Minimum Lot Frontage (feet)	100	100
Minimum Lot Depth (feet)	100	100
Maximum Residential Density[6]	N/A.	20
Maximum Building Height (Primary)	35	45
Maximum Building Height (Accessory)	N/A.	12
Maximum Stories	2	3
Minimum Front Yard Setback (feet)	0	0
Minimum Side Yard Setback (feet)		
- Interior	0	0
- Corner	0	0
Minimum Rear Yard Setback (feet)	0	0
Minimum Building Separation (ft.) (a)		
- 2 stories	N/A.	25
- 3 stories	N/A.	35
Maximum Floor Area Ratio Factor (FAR)	0.64	0.856
Maximum Lot Coverage (%)	60	60

Table Notes:
(a) Where two different building heights are adjacent, taller building controls separation.

[6] Density bonuses may be granted as required by the State of California (SB 1818) for developments that provide affordable housing.

Table 4-10: Development Standards: Residential

Development Requirement	1 Dwelling Unit per Lot	More than 1 Dwelling Unit per Lot but not including 20DUA
Minimum Lot Area (sq. ft.)	10,000	10,000
Minimum lot width (ft.)	80	80 average
Minimum lot depth (ft.)	100	90
Maximum Building Height (ft.)	35	35
Minimum Front Yard (ft.)	20	20 15 (secondary frontage for corner lots)
Minimum Side Yard (ft.)	10	10 20 average (for 3 story structures)
Minimum Rear Yard (ft.)	15	15
Minimum Private Open Space	N/A.	>= 5~~10~~% of each dwelling units floor area (minimum 50~~100~~ sq. ft. & minimum dimension of 5 ft.)
Minimum Building Separation (ft.) (a) - 2 stories - 3 stories	 N/A. N/A.	 25 35
Maximum Lot Coverage (%)	60	60
Maximum Floor Area Ratio (FAR)	(b)	(b)
Maximum Stories	2	3

Table Notes:

(a) Where two different building heights are adjacent, taller building controls separation.

(b) Floor Area Ratio (FAR).

(1) The maximum gross floor area for dwelling units which may be allowed shall be in accordance with Table 4-11. To determine the floor area allowed, the floor area ratio (FAR) is multiplied by the lot size, measured in square feet. Where one dwelling unit per lot is proposed, then the maximum dwelling unit square footage shall equal 5,000 square feet.

(2) Small size, studio and one-bedroom units are encouraged.

(3) In the 6 and 12 dwelling unit per acre districts, FAR shall be calculated on a pre-subdivision basis.

(c) In residential districts other than the 3DUA District, the minimum area, width, depth, yard requirements shall apply to the pre-subdivision site area and not any subsequently created individual lots.

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Table 4-12: Minimum Development Standards: Residential 20 DUA

All development shall meet or exceed the **minimum** requirements identified in the table below:

	Development Standard	Minimum Requirement
1.	Site Area	3 acres
2.	Number of Residential Dwelling Units	60
3.	Square Feet Per Residential Dwelling Unit	300
4	Square Feet Per Dependant Senior Residential Dwelling Unit	100
5.	Average Site Width	200 feet
6.	Average Site Depth	200 feet
7.	Site Building Setback	20 feet from all Site boundaries to any architectural projection on a building.
8.	Creek Building Setback	50 feet from top of bank or 50 feet from the edge of riparian vegetation that is protected by a state or federal agency, whichever is greater except that projects subject to Discretionary Review shall at a minimum comply with the setbacks required by any state or federal agency.
9.	Pervious surface area (including natural or landscaped area)	30% of site area
10.	Natural area or area landscaped area with living plants	20% of site area
11.	Private outdoor area for each Residential Dwelling Unit	20 square feet attached or immediately adjacent to each Residential Dwelling Unit with a minimum dimension of 4 feet.
12.	Number of required parking spaces	1 space per studio or 1-bedroom Residential Dwelling Unit, 2 spaces per 2- or 3-bedroom Residential Dwelling Unit, 2.5 spaces per 4 or more bedroom Residential Dwelling Unit and 0.3 spaces per Dependant Senior Residential Dwelling Unit.
13.	Parking for Senior Citizen Housing *(Example: A 150-unit senior citizen housing project could be served by: (a) 150 spaces; or (b) 113 spaces plus 1 permanent service vehicle; or (c) 75 spaces plus 2 permanent common service vehicles. A 50-unit senior citizen housing project could be served by: (a) 50 spaces; or (b) 38 spaces plus 1 permanent service vehicle; or (c) 25 spaces plus 2 permanent service vehicles.]*	The minimum parking ratio provided for in Section 8.34.060A(12) above, shall be reduced by 25% for each passenger vehicle made available permanently for use by the residents of each 75 such units or fraction thereof, provided that not less than 0.5 space shall be provided for each Residential Dwelling Unit served.
14.	Parking space dimensions	As required by Moraga Municipal Code Section 8.76.050

C. Development Review and Approval Process

Upon approval of the Moraga Center Specific Plan by Town Council resolution, the Plan will enter into effect. Subsequent to the Plan being approved, a Design Review or Subdivision Application will be the next step in the development process for development proposals on less than 10 acres. Each parcel of 10 acres or more shall be processed consistent with the requirements of the Planned Development District of the Town of Moraga. In areas identified for higher density housing, an opportunity will exist, consistent with the Municipal Code, for the ministerial review and approval of exclusively residential development at a density up to 30 dwelling units per acre for senior housing or 20 dwelling units per acre plus applicable density bonuses for non-senior housing. Similarly, proposed uses in existing building in the MCSP area that are consistent with the Permitted Uses identified in the Specific Plan may be implemented without a Permitted Use permit from the Town.

To fully implement the MCSP the town will adopt new ordinances to establish the 10 and 20 dwelling unit per acre residential districts and the new mixed use district. In addition, the Town will modify existing ordinances to create a permitted use determination exception for uses consistent with Permitted Uses specified in the Specific Plan. Lastly, the Town will adopt a density bonus ordinance consistent with state law.

D. Implementation Tools that the Town to Consider

As noted above, the Town must take certain actions to implement the Specific Plan such as modifications to existing ordinances. In addition, the Town may wish to consider the following tools to implement the plan.

- Application Processing Fee Waivers for Affordable Housing: Consider waiver of fees as a means of encouraging and improving the feasibility of this uses.
- Authorize use of Development Impact Fees from project development within the Moraga Center Specific Plan Area: Consider distribution of impact fees collected from projects within the specific plan area solely for needed infrastructure and capital improvements inside the MCSP area.
- Financing Mechanisms: Consider use of federal, state or regional agency grant monies to help fund construction of local infrastructure, including improvements to intersections identified in the EIR as requiring upgrades, Moraga Road frontage, Moraga Way frontage, the new School Street/St. Mary's Road intersection, storm drainage facility improvements, and other critical facility improvements needed to support retail and residential expansion within the MCSP area. Consider use of CCTA return-to-source funds to help finance a shuttle program linking the MCSP area with St. Mary's College to reinforce local shopping opportunities and further reduce external vehicular trips. Consider possible use of sales and property tax revenues collected by the Town from Moraga Center retail and office uses over a period of time to partially offset the cost of infrastructure and facility improvements

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needed to support new and expanded business opportunities within the MCSP area.

- Capital Improvement Programs: Explore preliminary design for new School Street/St. Mary's Road intersection and potential allocation of funds for public improvements to this intersection.
- Streamlining of the Entitlement Process for Individual Projects: Prepare necessary legislation to implement MCSP policies calling for establishment of permitted uses without supplemental findings, creation of zoning chapters to carry out the maximum 12 DUA and 6 DUA Districts.
- Use of MCSP EIR: Require supplemental environmental documentation for new development projects within the MCSP only where necessary to address site-specific issues of potential significance; the certified MCSP EIR shall be relied upon to provide environmental clearance for all other area-wide and cumulative issues.
- Special Incentives for Moraga Ranch: Consider processing fee waivers and other mechanisms to encourage further building improvements and expansion of approved uses within the Moraga Ranch Sub-area 1.
- Traffic Budget Credit for Replacement of Existing Uses and Trip Reduction: Page 34 references the intent to provide a square footage, dwelling unit or equivalent credit when replacing an existing traffic generating use with a new use, or when reducing external vehicular trips (outside of Moraga) through other means. This policy should be implemented with more specific language including a formula for establishing the amount of additional retail and office space authorized.
- Schedule: The Town will work with property owners and other interested parties to complete proposed program details and implementing legislation for each of the foregoing policies within the next 12 months. It is recognized that these programs are critical to accommodating the Town's 2007-2014 RHNA and creating the opportunity for retail expansion to positively affect current sales tax leakage in Moraga.

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E~~D~~. Infrastructure Improvements

Upon approval of the specific plan, the Town shall enter into negotiations with the property owner(s) for a period of up to 12 months to consider a development agreement for the Moraga Center. Given that revitalization of the existing Moraga Center shopping center is a key component of the specific plan, the Town and property owner(s) shall consider entering into an agreement that would create financial incentives and potentially allow the property owner(s) to use expenditure associated with the revitalization of the existing center to offset future fees that would otherwise be due to the Town of Moraga. One approach that could be considered is a plan that would create a stronger incentive for improvements to be made sooner rather than later.

CEQA FINDINGS OF FACT

AND

STATEMENT OF OVERRIDING CONSIDERATIONS

OF THE

TOWN COUNCIL OF THE TOWN OF MORAGA

FOR THE

MORAGA CENTER SPECIFIC PLAN

Adopted _____ 2009

**TOWN OF MORAGA
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

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1.0 INTRODUCTION AND BACKGROUND

These Findings and Statement of Overriding Considerations have been prepared in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines (14 California Code Regulation [CCR] Section [Sec.] 15000 et seq.). The Town of Moraga is the lead agency for the environmental review of the Project and has the principal responsibility for its approval. The Project covered by these findings and relevant CEQA documents is the Moraga Center Specific Plan (MCSP).

1.1 THE PROJECT

The Moraga Center Specific Plan (MCSP) Project and four alternatives have been evaluated in the Environmental Impact Report (EIR). A description of the MCSP Project and four alternatives is provided in Chapter 2 of the Draft EIR (DEIR). An analysis of potential environmental impacts of the Project and alternatives is provided in DEIR Chapter 4. Amendments to the impact discussion and analysis are provided in Final EIR (FEIR) Chapter 7.

CEQA Guidelines Sec. 15126.6 requires a discussion of a reasonable range of alternatives to the Project or to the location of the Project. An EIR need not consider an alternative whose implementation is remote or speculative. An EIR is required to describe and comparatively evaluate a range of reasonable alternatives to a project, or location of the project, that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen significant effects of the project.

As discussed in the DEIR, significant impacts from implementation of the Project can be reduced to a less than significant level with implementation of mitigation measures. There are six impacts that remain significant even with implementation of identified mitigation measures:

- Transportation, Traffic, and Circulation, three impacts; and,
- Air Quality, three impacts.

As described below, the Town intends to adopt a modified version of the MCSP that provides for a level of residential development midway between the Project (720 units) and Alternative 4 (560 units) as analyzed in the EIR. The impact discussion and Findings for the Project apply to the modified version of the MCSP that the Town intends to adopt. At a reduced level of residential development, the adopted MCSP is expected to have reduced environmental effects compared to the Project described and analyzed in the EIR.

The following is a summary of the MCSP Project and Alternatives as described and analyzed in the EIR, followed by a description of the modified MCSP the Town intends to adopt, and a rationale for selecting the modified MCSP and not adopting the Project or one of the Alternatives.

Project – The Moraga Center Specific Plan (MCSP) is a planning document for a 187-acre urban infill area in the Town of Moraga. The MCSP includes revitalization and renovation of the aging Moraga Center Shopping Center and Moraga Ranch, adding 90,000 square feet (sf) of new retail and entertainment space with a 75-room hotel and 50,000 sf of new office space. The pedestrian-friendly commercial core of the MCSP will be supported by new residential development at densities ranging from low (3-6 dwelling units per acre [DUA]) to compact (10-12 DUA) and high (12-24 DUA). Buildout of the Project will add 320 compact single-family residential units, 100 St. Mary's College (SMC) faculty/student/staff residential units, 300 active senior residential units and 150 congregate care/assisted living units. A 30,000 sf Community Center will complement increased activity associated with new residences and address community-wide recreational needs.

Alternative 1 - No Project Alternative – Under the No Project Alternative (Alternative 1), no new development will occur and no existing uses will be replaced or intensified on the lands located in the MCSP area, including development envisioned under the 2002 General Plan. The No Project Alternative is included to provide baseline or existing conditions to compare the Project and Action Alternatives (Alternatives 2, 3 and 4).

Alternative 2 - General Plan Development Level Alternative – Under the General Plan Development Level Alternative (Alternative 2), the number of new residential units is consistent with that evaluated in the Moraga 2002 General Plan EIR. Alternative 2 does not include the MCSP proposed Community Center because it was not specifically identified in the General Plan buildout for the MCSP area. Because this level of development was already analyzed and approved by the Town of Moraga, no new discretionary land use decisions would need to be taken by the Town. The maximum potential development "capacity" is 16,000 sf of new community commercial space, 38,000 sf of new suburban office space, and 339 conventional single-family housing units at densities up to 6 DUA. The General Plan EIR assigned 323 residential units to the MCSP area. The MCSP EIR includes consideration of an additional parcel and its associated 16 residential units located east of Moraga Road across from Moraga Center. Therefore, Alternative 2 considers 339 new housing units to be consistent with the levels of development potential in the General Plan EIR if the additional parcel was included in the MCSP area. Alternative 2 includes less new commercial and office space due to the fewer dwelling units and associated population increase compared to the Project. Renovation and revitalization of Moraga Center may still occur, but may not be as economically feasible as under the Project. Intersection improvements will occur at Moraga Way and School Street, Moraga Road and School Street, and the proposed town square or "village" area. A 2.5-acre recreation area will be located in the northeastern area of the project boundary and the Laguna Creek riparian corridor will be maintained and enhanced with a pedestrian/bike trail.

Alternative 3 - The 400 Unit Alternative – The 400 Unit Alternative (Alternative 3) is the minimum development required to meet the Town's "fair share" housing goals known as the Regional Housing Need Allocation (RHNA) as established by the Association of Bay Area Governments (ABAG). Under Alternative 3, fewer residential units and less retail space will be developed than the Project. Alternative 3 includes up to 50 single family homes built at 3 DUA, 100 compact residential condominiums or townhouses built at 10-12 DUA, 100 SMC faculty/student/staff residential units at 12-20 DUA, 150 senior housing residences at up to 20 DUA, and 60 congregate care/assisted living units. The medium to higher density units will be

represents about 90 percent of the household growth projected by ABAG through 2030, and about 135 percent of the employment growth.

Moraga has 210 approved but not occupied residential units, and it was assumed that by 2030, an additional 590 residential units and 10,000 sf of commercial uses would be built. In Lafayette, development approved but not occupied includes 20 residential units, and 95,000 sf of commercial/civic uses. Lafayette was assumed to add 820 residential units and 380,000 sf of commercial use by 2030. Orinda has 270 residential units approved but not occupied, and miscellaneous recreational uses. Orinda was assumed to add 330 residential units and 420,000 square feet of commercial uses by 2030.

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1.2 MCSP PROJECT TO BE ADOPTED

The Town of Moraga intends to adopt a modified version of the Project as described above. The MCSP to be adopted shall be considered "the Project" in terms of these Findings, and consists of land use designations and zoning that would allow a level of residential development midway between the Project and Alternative 34 as analyzed in the EIR. The MCSP Project to be adopted generally has reduced environmental impacts compared to the Project analyzed in the EIR due to a reduced level of development.

The modified MCSP to be adopted provides for greater flexibility in the type and location of the mix of housing type ultimately developed in the Plan Area. This flexibility allows for future developers to be more responsive to the evolving housing needs of Moraga and market conditions. The reduced number of residential units as compared to the Project described and analyzed in the EIR provides for reduced impacts to traffic and air quality in Moraga and adjacent communities. ~~while reducing the level of incompatible~~and provides greater compatibility ~~development~~ with existing low density residential areas contiguous ~~with~~to the MCSP Area. ~~Buildout of the modified MCSP is expected to be more compatible with existing low single-family residential areas in the vicinity.~~

The MCSP to be adopted by the Town includes revitalization and renovation of the aging Moraga Center Shopping Center and Moraga Ranch. The adopted MCSP will include up to 90,000 sf of new retail and entertainment space, ~~with a~~up to ~~7~~585 ~~-rooms~~ for a bed and breakfast/boutique hotel and up to 50,000 sf of new office space. The MCSP will include up to 150 assisted living/congregate care units. ~~-A 30,000 sf Community Center~~ of up to 20,000 square feet will complement increased activity associated with new residences and address community-wide recreational needs. The pedestrian-friendly commercial core of the MCSP will be supported by up to 630 new residential units at densities of 3-~~3~~20 DUA (up to 30 DUA with available density bonus for senior residential). Residential development under the Plan includes ~~40~~65 traditional single-family detached homes at 3-6 DUA ~~and 10,000 sf minimum lot sizes~~ along Camino Ricardo. Other residential housing includes ~~148~~up to 300 active senior dwelling units at up to 30 DUA ~~near Laguna Creek~~ ~~150 assisted living/congregate care units;~~ up to ~~100~~165 compact single-family housing units at 10-12 DUA in a central "Village" setting; and up to 100 ~~SMC faculty/student/staff residential units or~~ workforce housing units. Minimum residential unit types have been identified in the MCSP, including 40 single family detached homes, 148 active senior units, and 100 compact single-family homes. ~~To provide flexibility to meet the demands of future housing markets and affordable housing needs as buildout in the Plan~~

~~area occurs, the MCSP to be adopted will include up to 242 unspecified dwelling units.~~ The ultimate residential development in the adopted MCSP will be ~~limitedcapped~~ ~~toat~~ ~~thea~~ number and mix of types of residential units that are expected to generate no more than the level of peak hour, peak direction traffic generated by buildout of the development levels anticipated for the MCSP area in the 2002 General Plan.

1.3 REASONS FOR NOT ADOPTING THE PROJECT OR ACTION ALTERNATIVES

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The Town decided to not adopt the MCSP as described as "the Project" in the EIR, and develop and adopt a modified MCSP with residential development levels between the Project and Alternative 4. The reasons the Town intends to adopt a modified MCSP with up ~~620~~630 residential units are that, based on information and analysis in the MCSP EIR and comments received from the public, the modified MCSP is expected to:

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- Enhance flexibility to meet future housing needs and changing market conditions in Moraga as the MCSP area is built d~~out~~s over the planning horizon;
- Reduce the densities of residential development along Camino Ricardo that are potentially incompatible with existing low-density single-family residential communities in the adjacent areas.
- Reduce peak hour vehicle traffic generated by buildout and occupation of the MCSP Area to levels at or below those levels project for the buildout of the 2002 General Plan;
- Reduce potential to result in a carbon monoxide (CO) "hotspot" due to increased traffic congestion; and
- Reduce contributions to emissions of air pollutants for which the region is in a non-attainment status, including ozone (O_3) precursors and fine particulate matter (PM_{10}).

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Based on the consideration of the information and analyses in the MCSP EIR, including public comments, the Town is deciding to not adopt the Action Alternatives considered in the EIR for the following reasons:

Alternative 2 (323 units):

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- With residential development limited to low-density single-family housing, Moraga would not be able to address existing needs for workforce, affordable, and senior housing under Alternative 2;
- Without a Community Center, Alternative 2 would not address an existing need for community recreational facilities and meeting space; and
- With lower levels of commercial, office, and retail development, Alternative 2 is the least economically feasible of the Action Alternatives, and is unlikely to meet the economic development needs of Moraga, such as capturing retail sales tax

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leakage and providing the economic base to renovate the aging Moraga Town Center.

Alternative 3 (400 units):

- By providing for the minimum land use designations needed to satisfy affordable housing needs in Moraga, Alternative 3 provides no flexibility to meet evolving market and demographic trends in Moraga for new housing, and therefore provides less flexibility to meet the needs of the Town and developers during the planning period; and

- With substantially less residential development, Alternative 3 is considerably less economically feasible because it is less likely to result in a critical density needed to support the renovation of the existing Moraga Town Center and support the new commercial and retail uses. Consequently, Moraga is less likely to meet isits economic goals in the MCSP of reducing sales tax leakage and renovating the aging shopping center.

Alternative 4 (560 units):

- Compared to the modified MCSP to be adopted, Alternative 4 provides less flexibility for the Town and developers to meet evolving housing needs as market conditions and demographics change in Moraga during the planning period;

- With less residential development, Alternative 3 is less economically feasible and less likely to support the renovation of the existing Moraga Town Center and new commercial and retail uses. Consequently, Moraga is less likely to meet isits economic goals in the MCSP of reducing sales tax leakage and renovating the aging shopping center.

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Table 1.1-1 (DEIR Table 4.F-4)

Development Projects Under the Approved Baseline Condition

Location	Project	Use	Size*
Lafayette	Hidden Oaks	Single-Family	21 DU
Lafayette	Lafayette Mercantile	Office; Retail	33 ksf; 22 ksf
Lafayette	Lafayette Library & Learning Center	Library	30.3 ksf
Lafayette	Veteran's Building	Civic Building	10.5 ksf
Moraga	Kimberly	Single-Family	2 DU
Moraga	Crossbrook	Single-Family	3 DU
Moraga	Corliss Drive & Moraga Road	Single-Family	1 DU
Moraga	500 Rheem Blvd.	Single-Family	1 DU
Moraga	229 Rheem Blvd.	Single-Family	1 DU
Moraga	Country Club Extension	Single-Family	68 DU
Moraga	Los Encinos	Single-Family	10 DU
Moraga	Palos Colorados	Single-Family	123 DU

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~~1.21.4~~ TOWN OF MORAGA GENERAL PLAN EIR

The MCSP EIR utilizes the 2000 Town of Moraga General Plan Update EIR, which is incorporated into this EIR by reference, State Clearinghouse Number 2000032129. The 2002 Moraga General Plan and the EIR is available for review at the Town of Moraga Offices located at 329 Rheem Boulevard, and 2100 Donald Drive, in Moraga, CA 94556 (925) 888-7050. Electronic copies of the 2002 General Plan and 2000 EIR are available online at www.moraga.ca.us.

The Town of Moraga certified the EIR on April 11, 2001 and adopted the General Plan on June 4, 2002. The General Plan EIR identifies significant impacts due to the growth accommodated in the General Plan and includes mitigation measures to reduce impacts to less than significant. As stated in the DEIR and FEIR, implementation of the Moraga 2000 General Plan Update may result in significant and unavoidable impacts with respect to traffic and circulation impacts to Highway 24 at the Caldecott Tunnel, and intersections in Lafayette and Orinda (General Plan EIR Impacts 4.E-1, 4.E-4 and 4.E-5).

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~~1.31.5~~ CEQA REQUIREMENTS

Pursuant to CEQA, discretionary decisions by public agencies regarding public projects are subject to environmental review. The purpose of an EIR is to identify significant environmental effects of a project and project alternatives, and to indicate the manner in which those significant effects can be mitigated or avoided (Sec. 21002.1(a)). When feasible, public agencies are required to mitigate or avoid the significant environmental impacts of projects they approve.

The Town of Moraga prepared the EIR as the lead agency for the MCSP site pursuant to CEQA and CEQA Guidelines (California Administrative Code Sec. 1500 *et seq.)*. Environmental effects that must be addressed include the significant adverse effects of the project, growth-inducing effects of the project, and significant cumulative effects of past, present, and reasonably anticipated future projects. The FEIR for the MCSP was published on March 26, 2009. The Moraga Town Council has certified that the FEIR:

- Has been completed in compliance with CEQA;
- Was presented to the Town Council, the decision-making body;
- Was reviewed and considered, including the information in the FEIR and written comments and oral comments, by that the Town Council; and
- Reflects the lead agency's independent judgment and analysis.

The Town of Moraga has eliminated or substantially lessened significant effects on the environment where feasible as shown in the findings provided in this document. The Town of Moraga has determined that remaining significant effects on the environment found to be unavoidable under Sec. 15091 are acceptable due to overriding concerns presented in these findings.