

# *Indian Valley Project*

## *Project Description* *(Application Appendix B)*

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*December 12, 2016*

*Joan E. Bruzzone, Applicant*

## TABLE OF CONTENTS

|   |    |
|---|----|
| <b>1.0 INTRODUCTION</b> .....   | 1  |
| <b>2.0 PROJECT SITE</b> .....   | 4  |
| 2.1 Regional Setting.....   | 4  |
| 2.2 Local Setting.....  | 7  |
| 2.3 Physical Characteristics of Site.....                               | 8  |
| <b>3.0 CONSISTENCY WITH EXISTING PLANS, POLICIES AND ORDINANCES</b> ... | 9  |
| 3.1 2002 Moraga General Plan Designation & Policies.....                | 9  |
| 3.2 2013 Moraga Zoning Designations & Standards.....                    | 13 |
| 3.3 Relationship to MOSO.....   | 14 |
| 3.4 Relationship to Moraga Center Specific Plan.....                    | 17 |
| 3.5 Ridgelines, Scenic Corridors and Viewsheds.....                     | 19 |
| 3.6 Compliance with Moraga Design Guidelines.....                       | 21 |
| <b>4.0 PROJECT ENTITLEMENTS</b> .....                                   | 21 |
| 4.1 Town of Moraga Current Applications.....                            | 21 |
| 4.2 Town of Moraga Future Applications.....                             | 24 |
| 4.3 Other Agencies - Future Applications.....                           | 25 |
| <b>5.0 PROJECT OBJECTIVES &amp; BENEFITS</b> .....                      | 27 |
| <b>6.0 PROJECT COMPONENTS</b> .....                                     | 29 |
| 6.1 Single-Family Housing & Semi-Rural Character.....                   | 29 |
| 6.2 Open Space Protection.....  | 28 |
| 6.3 Park Facilities.....  | 30 |
| 6.4 Site Grading & Phasing of Improvements.....                         | 31 |
| 6.5 Infrastructure, Access & Public Services.....                       | 31 |
| 6.6 Project Transportation Modes & Anticipated Volumes.....             | 33 |

### APPENDICES:

1. Conceptual Development Plan (Plan Set Sheets 1 through 22), P/A Design Resources, Inc., December, 2016 (Application Appendix A).
2. Conceptual Development Plan Application, P/A Design Resources, Inc., December 2016.
3. Application Completeness & Town Policy Consistency Analysis, Loewke Planning Associates, Dec. 2016 (Application Appendix C).
4. Lot Size and Distribution Analysis, Loewke Planning Associates, December 2016 (Application Appendix S).
5. Computer Generated Visual Study, P/A Design Resources, Inc., in concert with Mark Szabo, dated Dec., 2016 (Application Appendix T).
6. Archaeological Survey, William Self Associates, Inc., Dec. 2016.

# Indian Valley Project Description

December 12, 2015

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## 1.0 INTRODUCTION

The Indian Valley Project is a unique 71-lot clustered housing community with a significant open space amenity, located on the north side of Canyon Road in Moraga, California. A complete Conceptual Development Plan (CDP) Application and Plan Set (Appendix 1) have been prepared for the proposed Indian Valley Project (the “Project”) identifying seventy-one (71) traditional single-family homes sensitively clustered within a semi-rural setting, along with approximately 1.5 miles of trails, utility, water quality, storm drainage and landscape improvements.

The Project calls for the improvement of all lots, utility systems and grading within a 140.9-acre site (the “Project Site”), representing 31% of the total 452.6 contiguous acres<sup>1</sup> owned by the Bruzzone Family within the Indian Valley area. All 71 clustered private lots, roadways and utilities will be accommodated within 50.2 acres, or 36% of the overall Project Site. As a result, the Project open space amenity represents nearly two-thirds of the entire Project Site. The Project also calls for limited improvements within an additional 2.3 acres of Canyon Road public right-of-way adjoining the Project Site. The Project Site and the adjoining street right-of-way are located entirely within the voter-approved Contra Costa County Urban Limit Line.

Following approval and development of the Project, an undeveloped remainder parcel of 311.7 acres (the “Remainder Parcel”) will remain within the Town of Moraga, adjoining the Project Site. The Remainder Parcel is not a part of the Indian Valley Conceptual Development Plan Application, and will continue to be used for agricultural and open space purposes, consistent with applicable laws.

The proposed residential lots range in gross area from just over 10,000 square feet to almost 4.7 acres, with an average size of 24,234 square feet (as shown in Appendix 4 and further itemized on Sheet 2 of Appendix 1). All 71 lots are organized along a central spine roadway (“Indian Creek Way”) within the central, lower valley portion of the Project Site where the average predevelopment slope is less than 20 percent, as shown in Appendix 1 on Plan Set Sheet 9. As shown in Figure 1 below, the residential lots, site grading and related improvements are clustered within the 140.9-acre Project Site which is situated east of the Indian Creek riparian corridor, and substantially below (west of) Indian Ridge. It is anticipated the common areas within the Project Site will be owned and managed by a homeowners association, with responsibility for slope maintenance immediately beyond the private lots assigned to a geological hazard abatement district (or “GHAD”). Impacts to habitat resources within the Project Site will be mitigated in accordance with state and federal resource agency standards. Compensatory habitat mitigation, including

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<sup>1</sup> The contiguous Bruzzone Family ownership has been accurately measured by the Project civil engineer based on Title Report documentation at 452.6 acres; the Contra Costa County Assessor lists the estimated acreage at approximately 450.49 acres.

protection through recordation of an easement, may be provided on a portion of the Remainder Parcel directly adjoining the Project Site or an alternative offsite location. Table 1 provides an overall summary of the Project land uses:

|  | <b>Acres</b> | <b>Lots</b> |
|--|--------------|-------------|
| <b>Indian Valley Project Components</b>              |              |             |
| Internal Lots & Streets                              | 39.5         | 71          |
| Private Roads  | 10.7         | 0           |
| Public ROW Dedication                                | 0.2          | 0           |
| Parcel A Open Space                                  | 61.6         | 0           |
| Parcel B Open Space                                  | 28.4         | 0           |
| Parcel C Open Space                                  | 0.5          | 0           |
| <b>Project Site Total</b>                            | <b>140.9</b> | <b>71</b>   |
| Permanent Roadway & Trail Improvements in Public ROW | 1.3          | 0           |
| Temporary Grading Improvements within Public ROW     | 1.0          | 0           |
|  |              |             |
| <b>Remainder Parcel (Not A Part of Project)</b>      | <b>311.7</b> | <b>N/A</b>  |
| <b>Bruzzone Family Ownership</b>                     | <b>452.6</b> | <b>N/A</b>  |

**Table 1: Indian Valley Project Land Use Summary**

The Moraga General Plan was amended in 2002, following two years of review and completion of a comprehensive update process, resulting in a reduction in the allowable density within the 107.8-acre valley floor portion of the Project Site designated “Residential”. The allowable density was reduced from 2.0 DUA (dwelling units per gross acre) to 1.5 DUA (see CDP Plan Sheet 5 for General Plan designations). As shown in the table on line 3 of the attached application Completeness & Town Policy Consistency Analysis (Appendix 3), the maximum development potential within this “Residential” designated area was reduced by the Town in 2002 from 215 units (based on 2.0 DUA) to 161 units (based on 1.5 DUA). The proposed Indian Valley Project places 67 (94%) of the 71 total proposed residential units within this area designated “Residential 1.5 DUA” (based on the building envelopes identified in the Conceptual Development Plan). These 67 lots represent only 42% of the 161 units allowed within the area under the reduced density policy of the 2002 General Plan.

As further described in Section 3.0 below, other portions of the Project Site and the Remainder Parcel are designated on the General Plan Map as “Non-MOSO Open Space” (a total of 44.1 acres) and “MOSO Open Space” (a total of 298.58 acres). As documented on line 7 of the attached Completeness & General Plan Consistency Analysis (and detailed in Appendix 4), the Project places 4 lots within the Non-MOSO Open Space designated area (#10, #11, #17 and #27), and no lots within the MOSO Open Space designated area. Overall net density for the 140.9-acre Project Site is approximately 1 unit per 2 acres (0.50 DUA).

# Indian Valley

## Conceptual Development Plan

TOWN OF MORAGA, CALIFORNIA



**PA** Design Resources, Inc.  
 Planning • Engineering • Surveying  
 3021 Citrus Circle, Suite 100  
 Walnut Creek, California 94598-2626 TEL (925) 210-9300

**Figure 1: Indian Valley CDP Overall Layout**

As detailed in Section 4.0, the current entitlements sought for the Indian Valley Project consist of a Conceptual Development Plan (CDP), Hillside Development Permit and Use Permit. Consistent with Town policies and Zoning Ordinance standards, a General Development Plan, Vesting Tentative Map, Precise Development Plan, Development Agreement, and related actions will follow approval of the CDP application. These current applications have been submitted to the Town of Moraga in furtherance of the Vesting Tentative Map which will follow. General Plan Housing Element Goal H4 (part of the 2015 Housing Element, as certified by State HCD in 2015) calls upon the Town to “*Minimize governmental constraints on the development of housing*”. Nevertheless, Municipal Code Sections 8.48.080-150 continue to constrain the processing and entitlement of the Indian Valley Project, which satisfies all applicable policies and standards.

The intent and goal of this application is to prepare and submit a Vesting Tentative Map for processing and approval, based on the General Plan Land Use Designation and corresponding Zoning currently in place. However, because the Town has adopted a conditionally staged, three step process, where a Vesting Tentative Map will not be accepted until the Conceptual Development Plan has been reviewed and approved, the applicant is precluded from initially filing a Vesting Tentative Map as is otherwise allowed by the State Subdivision Map Act. It should be made clear that it is the stated goal of the applicant to seek approval of a Vesting Tentative Map for this project.

Specifically, these Town zoning regulations mandate the sequential processing of three separate “stages” of applications, beginning with the CDP. Section 8.48.110D precludes submittal of the Vesting Tentative Map until the Conceptual Development Plan has been approved, and a General Development Plan has been filed: “*The application for approval of a tentative subdivision may be together with the general development plan.*” Therefore, while this CDP has been separated from the Vesting Tentative Map application by local statute, it is nevertheless linked to and an integral part of the vesting process as provided for in Chapter 4.5 of the California Government Code (Sections 66498.1 – 66498.9).

A series of independent technical studies have been completed and will be filed with the Town of Moraga for peer review as part of the environmental review process, consistent with the California Environmental Quality Act (CEQA). The Indian Valley Project is a “Residential Development Project” as defined in Section 65928 of the California Government Code. The basic objectives and benefits of the Project are enumerated in Section 5.0 below, consistent with Section 15124 of the CEQA Guidelines. Details of the Project design and the improvements necessary to fully implement the Project are discussed in Section 6.0. Finally, as documented in Section 7.0, the Indian Valley Project has been designed to achieve full consistency with the 2002 Moraga General Plan, the Moraga Zoning Ordinance, the voter-approved 1986 Moraga Open Space Ordinance (MOSO), and all other official Town policies currently in effect. As such, the Indian Valley Project does not require any Zoning or General Plan amendments. As outlined above and detailed on line 7 of the attached Completeness & Town Policy Consistency Analysis, the proposed lots have been clustered in order to further reduce grading and other impacts to biological, hydrological and aesthetic resources on the Project Site. Development of the Project Site has been designed to protect the physical and biological resources both within and adjoining the Project Site, including Indian Creek and its associated riparian corridor, wetlands and drainages, and biological movement corridors.

## **2.0 PROJECT SITE**

As shown in Table 1 above, the Project has an area of 140.9 acres, and calls for improvements within an additional 2.3 acres of public right-of-way. The Project is located in southern Moraga, located within walking distance of local shopping, schools and public services. While close to services and amenities, the Project Site is uniquely situated between the Indian Creek riparian corridor and a locally prominent ridgeline, Indian Ridge, within a private valley. As further described below, the valley portion of this Project Site has been classified for “Residential” development since the first General Plan was adopted in Moraga in 1979. Consistent with all applicable policies of the current Moraga General Plan, the Project calls for development of 71 traditional single-family homes and related improvements clustered in a semi-rural setting. All improvements have been sensitively designed and located so as to avoid and /or minimize effects on the local environment (see attached Completeness & Town Policy Consistency Analysis).

As detailed in the following sections, all of the individual homes will be clustered within the valley portion of the Project Site, and configured to avoid impacts to the Indian Creek corridor, Indian Ridge, and hillside amenities present. The Project Site is identified in the "Housing Sites Inventory" of the January 2015 Moraga Housing Element<sup>2</sup> as having a capacity to accommodate 150 housing units (or more than twice as many as proposed). As detailed below, the certified EIR prepared for the 2002 Moraga General Plan, and the final adopted version of the 2002 Moraga General Plan, identify a development range of between 190 - 244 homes on this site (2.7 - 3.4 times larger than the proposed Project).

**2.1 Regional Setting.** The Project Site is contained within the Town of Moraga municipal boundary, the Orinda-Moraga Fire District service boundary, the East Bay Municipal Utility District (EBMUD) Water Service Area Boundary, and both the Moraga School District (K-8) and Acalanes Union High School District (9-12) boundaries. The Project Site is also situated entirely within the voter-approved Contra Costa County Urban Limit Line. It is accessible directly from Canyon Road, a public street classified on in the Moraga General Plan as "two-lane arterial" level roadway. Canyon Road provides access southwesterly with connections to Oakland and Highways 13 and 880. Canyon Road changes names to Moraga Road at the intersection of Moraga Way, where it then provides connections to St. Mary's Road and Highway 24 in Lafayette and Orinda. As shown in Figure 3, the Lafayette-Moraga Regional Trail extends along Canyon Road past the Project Site, providing convenient bicycle and pedestrian connections into the Moraga Center and throughout other parts of Moraga and Lafayette, as well as to the Valle Vista Staging Area located on EBMUD property, southeast of the Project Site. The Project will potentially extend a new trail, from the terminus of the regional trail by over 2,000 feet to the southwest, where it will potentially connect with a trail extending over an additional full mile northwesterly along Indian Creek.

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<sup>2</sup> Jan. 28, 2015 Moraga Housing Element (reviewed by HCD 2/11/15) Appendix B, Table B-3, Page 5-113.



**Figure 2: Regional Setting of the Indian Valley Project**

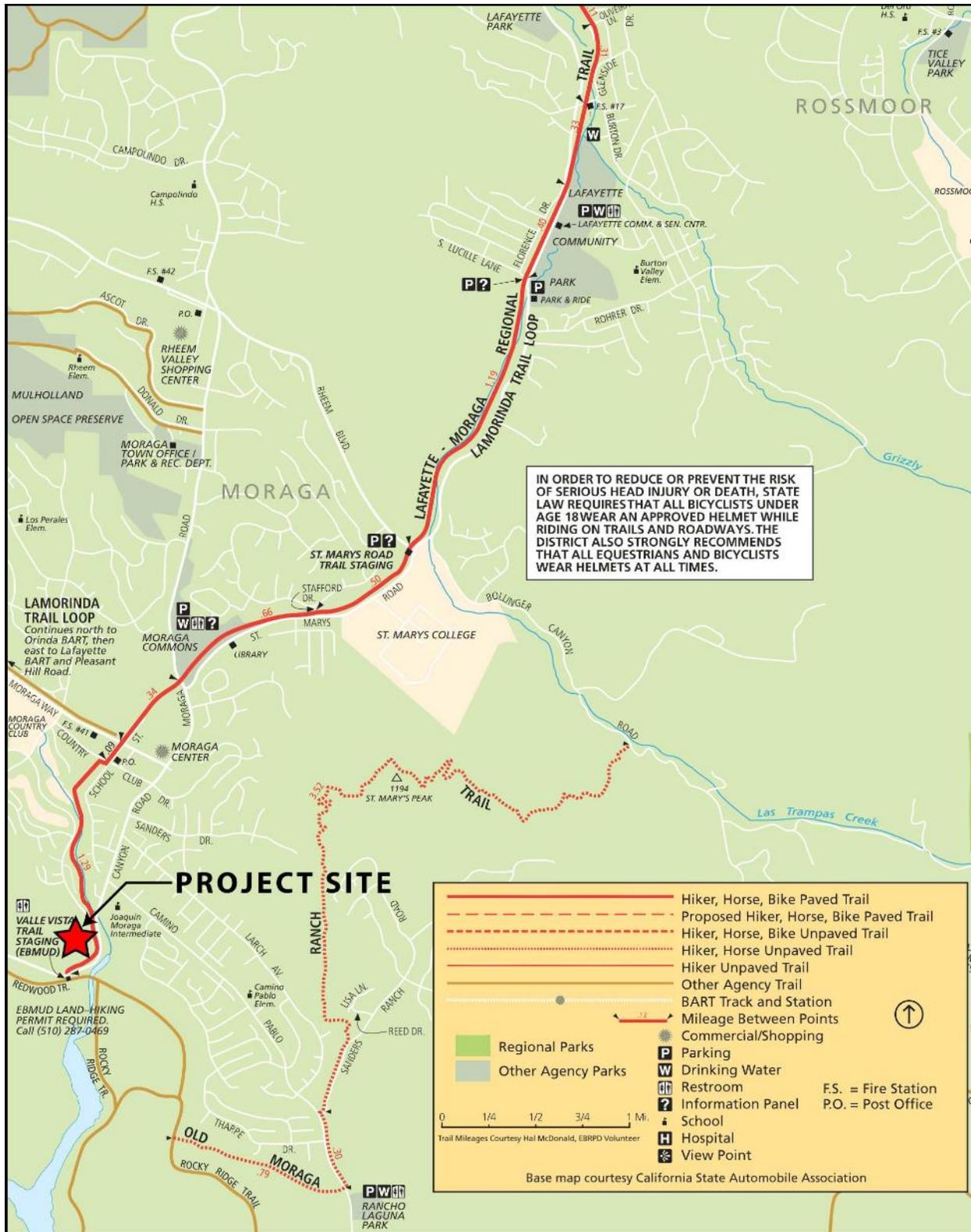
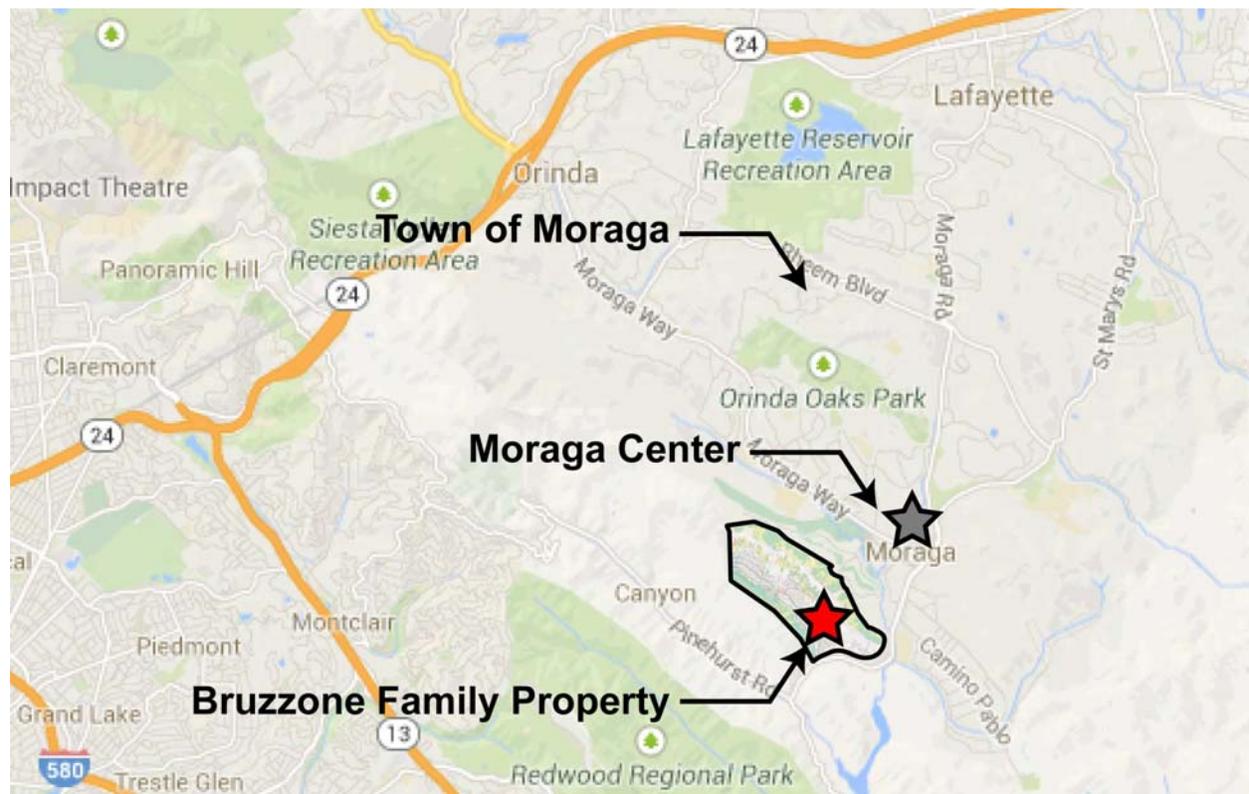


Figure 3: Relationship of Indian Valley Project to Lafayette-Moraga Regional Trail

**2.2 Local Setting.** Located within the southwesterly portion of Moraga, the Project Site is within walking distance (less than one mile) of the Moraga Center “downtown” area (see Figure 4 below), where community services and businesses are located. The Moraga Center currently contains approximately 600,000 square feet of existing commercial buildings on roughly half of its total 189 acres. Adopted by the Town in early 2010, the Moraga Center Specific Plan (MCSP)<sup>3</sup> provides policy direction for revitalization and expansion of the Moraga Center as a “mixed-use village” to include new retail, office, entertainment, and higher density housing. Section 3.4 below provides a summary of the key policies and feasibility-based implementation programs called for under MCSP.



**Figure 4: Local Setting of Indian Valley Project**

The Indian Valley Project Site is also situated within walking distance of the following local public schools and services: (a) Joaquin Moraga Middle School is less than 0.5 mile to the east at the corner of Canyon Road and Camino Pablo; (b) Camino Pablo Elementary School is 1.0 mile to the east on Camino Pablo; (c) Los Perales Elementary School is 2.0 miles to the north on Corliss Drive; (d) Miramonte High School is 2.0 miles to the

<sup>3</sup> The Moraga Center Specific Plan was adopted in January 2010 following certification of a project-level EIR, and incorporation of a focused Retail Market Assessment prepared by Economic & Planning Systems, Inc. (EPS).

northwest on Moraga Way; and (e) The Moraga Post Office is 1.2 miles north on Moraga Way at School Street.

**2.3 Physical Characteristics of Project Site.** The 140.9-acre Project Site and the adjoining affected public right-of-way consist of a valley which extends just over one mile in a northwesterly direction from Canyon Road. Indian Creek and a densely vegetated riparian corridor extend along the southwest side of the valley. Topography within the valley where development is proposed is very gentle, predominated by slopes of less than 10%. The average predevelopment slope within the “footprint” of all proposed development (grading, lots, and improvements) is less than 20%, as shown in Plan Set Sheet 9. The low point on the Project Site (at approximately elevation 520’) occurs at its southwest corner where Indian Creek approaches Canyon Road. The high point within the Project Site occurs adjoining Lot 44 at its northerly end, furthest from Canyon Road. The building envelopes identified on the Conceptual Grading Plans (Sheets 14-16 of the CDP) for Lots 44-48 are specified as having a maximum elevation of 752’, which is between 210’ and 270’ vertically below the adjoining (offsite) segment of Indian Ridge, and over 500’ horizontally west of Indian Ridge. Indian Ridge rises from an elevation of roughly 800 feet just north of Canyon Road to almost 1,150 feet roughly one mile to the northwest. As documented on line 44 of the attached Completeness & Town Policy Consistency Analysis, the southerly portion of Indian Ridge (approximately 6,000 lineal feet as shown on CDP Plan Sheet 7) located easterly of the Project Site is designated as a “Major Ridgeline”, whereas the northerly portion (the remaining 1,500 lineal feet) is designated as a “Minor Ridgeline”. Indian Ridge forms a continuous, uniform physical barrier which visually separates the Indian Valley Project Site from all of the existing development in the Town of Moraga situated to the east and northeast. No lateral or “minor ridgelines” occur on the Project Site.

The predominant vegetation community on the Project Site is non-native annual grassland which occurs throughout the valley portion of the Project Site and extends along the southwest-facing slope of Indian Ridge on the adjoining (excluded) Remainder Parcel. Other vegetation communities include coast live oak woodland, Central Coast riparian scrub, northern coyote brush scrub found along the Indian Creek corridor, and the decayed remnants of an abandoned walnut orchard found in the central portion of the valley. Riparian vegetation also occurs within several of the small intermittent drainages which extend westerly and southwesterly across the Project Site, connecting with Indian Creek. As shown on CDP Plan Sheets 10 and 11, proposed development has been carefully designed to avoid alteration of these natural drainages. Coast live oak woodland and northern coyote brush scrub also occurs along the northeast facing slope of Indian Ridge on the adjoining Remainder Parcel.

The following technical reports and supporting documentation have been prepared to accompany the Project Applications for use in preparing the environmental document:

- Conceptual Development Plan Application, P/A Design Resources, Inc., December 2016.

- Indian Valley Project Plan Set P/A Design Resources, Inc., December 2016 (Application Appendix A).
- Application Completeness & Town Policy Consistency Analysis, Loewke Planning Associates, December 2016 (Application Appendix C).
- Preliminary Storm Water Control Plan, P/A Design Resources, Inc., Dec. 2016 (Application Appendix D).
- Conceptual Architectural Plans, Hunt Hale Jones Architects, Dec. 2016 (Application Appendix E).
- Computer Generated Visual Study, PA Design Resources, Inc. in concert with Mark Szabo, December 2016 (Application Appendix F).
- Geotechnical Report, ENGEEO, Inc., December 2016 (Application Appendix G).
- Trip Generation and Access Review Memorandum, Abrams Associates, December 2016 (Application Appendix H).
- Biological Report entitled “Biological and Wetlands Assessment for the Indian Valley Property, Moraga, Contra Costa County, California” prepared by Sycamore Assoc., LLC, dated Jan. 2003 and revised Dec. 31, 2003 (Application Appendix I).
- Biological Addendum prepared by Marylee Guinon, LLC and Oberding Environmental, Inc., dated June 2015 (Application Appendix J).
- Biological Report entitled “Botanical Assessment of the Indian Valley Property, Moraga, Contra Costa County, California” prepared by Sycamore Associates, LLC and dated March 2004 (Application Appendix K).
- Addendum to Botanical Assessment of the Indian Valley Property, Moraga, Contra Costa County, California” prepared by Marylee Guinon LLC and Olberding Environmental Inc., dated June 2015 (Application Appendix L).
- Biological Report entitled “California Red-legged Frog Focused Surveys for the Indian Valley Property, Moraga, Contra Costa County, California”, prepared by Sycamore Associates, LLC and dated December 2003 (Application Appendix M).
- Addendum to California Red-legged Frog Focused Surveys for the Indian Valley Property, Moraga, Contra Costa County, California”, prepared by Sycamore Associates, LLC and dated June 2015 (Application Appendix N).
- U.S. Army Corps of Engineers Jurisdiction Delineation for the Indian Valley Project, Contra Costa County, California, prepared by Olberding Environmental and Marylee Guinon LLC dated September 2014 (Application Appendix O).
- Archaeological Survey and Records Search for Indian Valley Project, prepared by William Self Associates, Inc., dated December 2016 (Application Appendix P).
- Public Economic Cost/Impact Analysis, prepared by David Bruzzone, (Application Appendix Q).

- Preliminary Title Report, Fidelity National Title Company, (Application Appendix R).
- Lot Size and Distribution Analysis, prepared by Loewke Planning Associates, dated December 2016 (Application Appendix S).

### **3.0 CONSISTENCY WITH EXISTING PLANS, POLICIES & ORDINANCES**

**3.1 2002 Moraga General Plan Designation & Policies.** The current 2002 Moraga General Plan contains the principal goals, policies and implementing programs to guide development of the Project Site. As noted above, the Housing Element was updated in 2015, replacing the 2010 Housing Element and relying in part on the adopted 2010 Moraga Center Specific Plan. Additional applicable Town policies are contained in the Design Guidelines, the Scenic Corridor Guidelines, the Guidelines for Minimizing the Impacts of Development, and the Guidelines for Single-Family Residential Neighborhoods (SFR). The proposed Project was comprehensively evaluated with respect to these goals, policies and implementation programs in the attached application Completeness & Town Policy Consistency Analysis (Appendix 3). The analysis demonstrates that the proposed Indian Valley Project achieves consistency with each of these policies and programs through design details and by compliance with the identified ordinances and procedures.

Considerable discussion focusing on accommodation of housing on the Project Site took place between 1998 and 2002, as the current General Plan was being comprehensively updated. As referenced above and summarized in Table 2 below (and detailed in Appendix 3), the permissible housing density for the 107.8-acres designated “Residential” and located within the valley portion of the Project Site was originally approved as part of the 1990 General Plan at 2.0 units per gross acre. The 2002 General Plan reduced the approved density limit on this portion of the site to 1.5 units per gross acre, resulting in a reduction of development potential on these 107.8 valley floor acres from 215 to 161 single-family homes.

The boundaries of the current 2002 General Plan land use designations are shown in Figure 5 below, and accurately plotted on the CDP (CDP Plan Set Sheet 5). Small portions of the 107.8-acre Project Site (along the east and west edges) are designated “Moraga Open Space Ordinance” (MOSO), corresponding to the 1986 voter-approved initiative. Section 3.3 below summarizes the MOSO policies and standards applicable to the Project Site. No residential building envelopes are proposed within the MOSO designated lands.

The General Plan designates 44.11 acres of the combined Project Site and Remainder Parcel as “Non-MOSO Open Space”. As shown in Figure 5, the Project Site adjoins (and in places includes a small portion of) Non-MOSO Open Space land adjoining Indian Creek. In addition, three smaller pockets of Non-MOSO Open Space designated property occur below (southwest of) the MOSO-designated portion of the Project Site. Consistent with the site-specific geotechnical and engineering analysis prepared for the CDP application, a total of four (4) residential lots are proposed within the Non-MOSO

Open Space designated portion of the Project Site, representing approximately 6% of the units in the Project (the equivalent of one unit per 11 acres of land designated Non-MOSO Open Space within the combined Project Site and Remainder Parcel).

The EIR prepared by the Town in support of the 2000 Moraga General Plan update identified a development potential of 237 units on the combined Project Site and Remainder Parcel using the original density of 2.0 units per Residential acre. The Town's estimated development potential for this combined property was reduced to 190 units with adoption of the 2002 General Plan amendment based on its reduced Residential density of 1.5 units per acre. The 71 units proposed on the Project Site represent approximately one-third (between 30% and 37%) of the current General Plan's holding capacity for the combined property. The density of development within the Project Site (140.9 acres exclusive of public right-of-way) is 0.50 unit per net acre. The overall gross density within the combined Project Site and Remainder Parcel is 1 unit per 6.4 acres. Table 2 provides a comparison of these development potentials for the combined Project Site and Remainder Parcel under the 1990 General Plan and 2000 General Plan EIR, the current 2002 General Plan, and the proposed Indian Valley Project:

| General Plan Designation                    | 1990 General Plan & 2000 GP EIR <sup>4</sup> |                    | 2002 General Plan |                  | Proposed Project <sup>5</sup> |           |
|---|--|--------------------|-------------------|------------------|-------------------------------|-----------|
|   | Acres <sup>6</sup>                           | Units <sup>7</sup> | Acres             | Units            | Acres                         | Units     |
| Non-MOSO OS                                 | 44.1   | 8.8                | 44.1              | 8.8              | 11                            | 4         |
| MOSO OS                                     | 298.6  | 14.9–59.7          | 298.6             | 14.9–59.7        | 33                            | 0         |
| Residential 2 DUA                           | 107.8  | 215.6              | 0                 | 0                | 0                             | 0         |
| Residential 1.5 DUA                         | 0  | 0                  | 107.8             | 161.7            | 97                            | 67        |
| <i>Calculated Unit Yield</i>                | 450.5  | <b>239 - 284</b>   | 450.5             | <b>185 - 230</b> | 140.9                         | <b>71</b> |
| <i>Official Town Estimate of Unit Yield</i> |  | <b>237</b>         |                   | <b>190</b>       |                               |           |

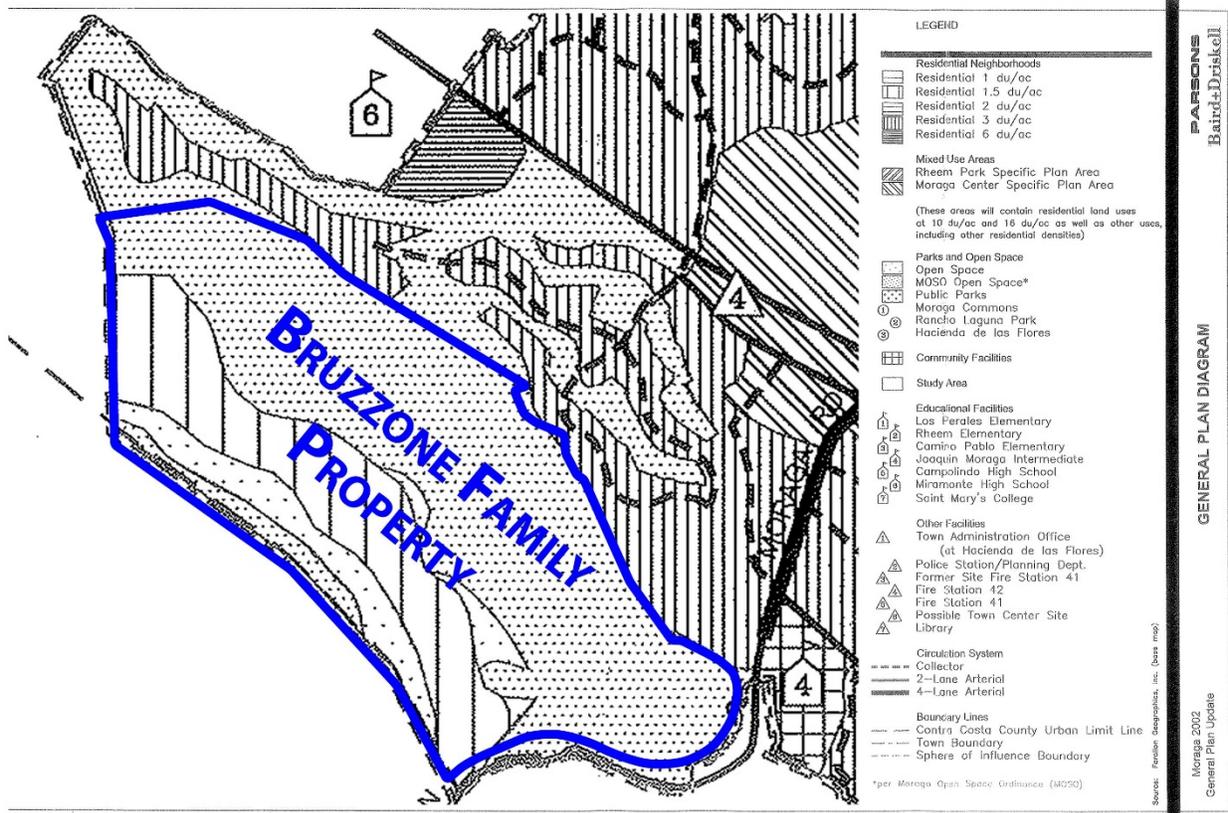
**Table 2: Comparison of Moraga General Plan Development Yields and Proposed Indian Valley Project**

<sup>4</sup> General Plan calculations are based on the combined Project Site and Remainder Parcel, totaling 450.5 acres according to Assessors Records and reflected in the Moraga General Plan (actual acreage is 452.6).

<sup>5</sup> The Proposed Project calls for development of 71 homes on the Project Site of 140.9 acres; the Remainder Parcel measures 311.7 acres as listed in Table 1.

<sup>6</sup> Acreage figures are based on the legal description contained in the Title Report and engineering-level measurements as documented in the Conceptual Development Plan.

<sup>7</sup> Unit yield estimates for MOSO-designated areas within the Project Site and Remainder Parcel are based on the General Plan's range of between 1 unit per 5 acres and 20 acres. The development potential for all Non-MOSO Open Space-designated areas is calculated at 1 unit per 5 acres based on geotechnical and engineering analysis.



**Figure 5: Current General Plan Designations**

As shown in Table 2 and depicted in Figure 5, the combined Project Site and Remainder Parcel contain 450.5-acres (as estimated in the Moraga General Plan), and include 298.6 acres which are designated MOSO Open Space, 44.1 acres designated as Non-MOSO Open Space, and 107.80 acres designated as “Residential, 1.5 units per acre”. In 2002 the Town re-designated the 107.80 acres from 2 DUA to 1.5 DUA, but did not revise the table in Policy LU1.6 (see line 7 of the attached application Completeness & Town Policy Consistency Analysis). Therefore the Project has been compared with the standards applicable to both the 1.0 and 2.0 DUA designations.

The Project contains 71 residential lots ranging in size from 10,080 square feet to 4.7 acres (204,410 square feet). As documented in Appendix 4, the average lot size is 24,234 square feet. None of the proposed residential building envelopes are within areas substantially designated MOSO Open Space. Four (4) lots are within areas designated Non-MOSO Open Space, and the remaining 67 lots are in areas designated Residential 1.5 DUA. As shown in Table 3, the Project satisfies the applicable minimum lot size and percentage mix standards for all three land use designations. The 20% (greater than the 10% base standard) of minimum 10,000+ square foot lots within the 1.5 DUA area is authorized under Policy LU1.6(b) by Town Council approval of the overall Project, based on the fact that the “total allowable number of lots have not been increased in the aggregate”.

| General Plan Designation       | Minimum Lot Size Allowed LU1.6(e) <sup>8</sup> (sq. ft.) | Minimum Lot Size Proposed (sq. ft.) | Mix of Lot Sizes Proposed |                                     |
|--------------------------------|--|-------------------------------------|---------------------------|-------------------------------------|
|                                |  |                                     | N0.                       | Percentage By Category <sup>9</sup> |
| MOSO Open Space                | 15,000   | N/A - None                          | 0                         | 0%                                  |
| Non-MOSO Open Space            | 15,000   | >40,000                             | 4                         | 6%                                  |
| 1.5 DUA<br>(2 DUA<br>Standard) | 20,000   | >20,000                             | 35                        | 49%                                 |
|                                | 15,000   | >15,000                             | 18                        | 25%                                 |
|                                | 10,000   | >10,000                             | 14                        | 20%                                 |
| Total:                         |  |                                     | 71                        | 100.00%                             |

**Table 3: Project Lot Mix**

No units are proposed for transfer onto the Project Site pursuant to Policy LU1.6a. No clustering on lots of less than 10,000 square feet is proposed pursuant to Policy LU1.6c. Consistent with Policy LU1.6(d), smaller lots have been arranged within the more level portions of the Project Site which have a predevelopment average slope of under 10%.

Based on the foregoing, the Project is fully compatible with all provisions of LU1.6 and no modifications to this policy are required or proposed. As noted above, the complete analysis of all Town goals, policies and implementation programs is presented in the attached application Completeness & Town Policy Consistency Analysis (Appendix 3).

**3.2 2013 Moraga Zoning Designations & Standards.** The Zoning District boundaries applicable to the Project Site are consistent with those identified on the General Plan Land Use Diagram, with two important distinctions. First, as noted above, the “Residential” designated portion of the Project Site was reduced in permissible density with adoption of the 2002 General Plan from 2.0 to 1.5 units per acre. Because the Town did not concurrently rezone the affected 107.8 acres, this portion of the Project Site remains zoned “2.0 dwelling units per acre” (2-DUA). Consequently, the development standards of the 2-DUA District apply to the Project Site, subject to the lower density limitations of the General Plan (as reflected in Table 2).

Secondly, the current Zoning Map shown in Figure 6 below<sup>10</sup> does not reflect the Planned Development (PD) and Density Transfer (DT) flexibilities imparted through the General Plan and detailed on the earlier official Zoning Map dated February 13, 1991 (Figure 7).

<sup>8</sup> A minimum in lot size within MOSO and Non-MOSO designated areas of 15,000 square feet is authorized under LU1.6(e) based on a project’s provision of a major recreation amenity; however, while the Indian Valley Project provides extensive trail improvements, it contains no lots within the MOSO Open Space area, and all Non-MOSO Open Space lots are over 40,000 square feet in size.

<sup>9</sup> LU1.6(b) authorizes the percentage mix of any lot size category to be increased by no more than 20% of the specific percentage listed as long as the total allowable lots are not increased in the aggregate.

<sup>10</sup> Dated by the Town as August 23, 2013.

Consequently, each of the Zoning Districts shown in Figure 6 must be interpreted to reflect both density transfer and planned development provisions as stipulated in the General Plan and Zoning Ordinance. The official District designations are as shown in Table 2 below:

| Zoning District | Corresponding General Plan Designation | Indian Valley Project Site Acreage Affected | Remainder Parcel <sup>11</sup> |
|-----------------|--|---|--------------------------------|
| OS-M-PD-DT      | MOSO Open Space                        | 33  | 268                            |
| OS-PD-DT        | Open Space                             | 11  | 33                             |
| 2DUA-PD-DT      | Residential 1.5 DUA                    | 97  | 11                             |
| <b>Total:</b>   |  | <b>140.9</b>                                | <b>311.7</b>                   |

**Table 4: Current Zoning Districts Applicable to the Indian Valley Project Site**

**3.3 Relationship to MOSO.** The Moraga Open Space Ordinance of 1986 (“MOSO”) limits development of housing to a density of between 1 unit per 5 and 1 unit per 20 acres. Approval of densities above 1 unit per 20 acres requires Town approval based on a determination that the intended development area is not subject to a “high risk” of slope failure or other physical limitation to accommodation of housing. MOSO also requires that proposed homes not be placed on sites having an average slope in excess of 20%, and be setback a minimum of 500 feet from “major ridgelines” within MOSO, such as Indian Ridge. Development is also prohibited on “minor ridgelines” which may occur immediately adjacent to and extending into MOSO Open Space if slopes exceed twenty percent (20%) and the elevation of these minor ridgelines is greater than 800 feet. The minimum lot size in MOSO areas is 40,000 square feet, subject to adjustment by Planned Development (PD) clustering and density transfer provisions.

As shown in the CDP Plan Set and detailed in attached Appendix 3, a detailed geotechnical and engineering analysis has been prepared for the proposed Indian Valley Project. The Analysis demonstrates that subject to approval of the proposed design, the Indian Valley Project is consistent with all applicable provisions of MOSO. Specifically, no homes are proposed within the area designated as MOSO Open Space, and no development of any kind is proposed on or adjoining designated major ridgelines. A limited quantity of grading is proposed within MOSO designated areas within the Project Site, adjacent to residential uses and infrastructure, in order to mitigate potential geotechnical hazards.

<sup>11</sup> Acreages based on detailed Title Report documentation showing a combined 452.6 acres for the Project Site and Remainder Parcel.

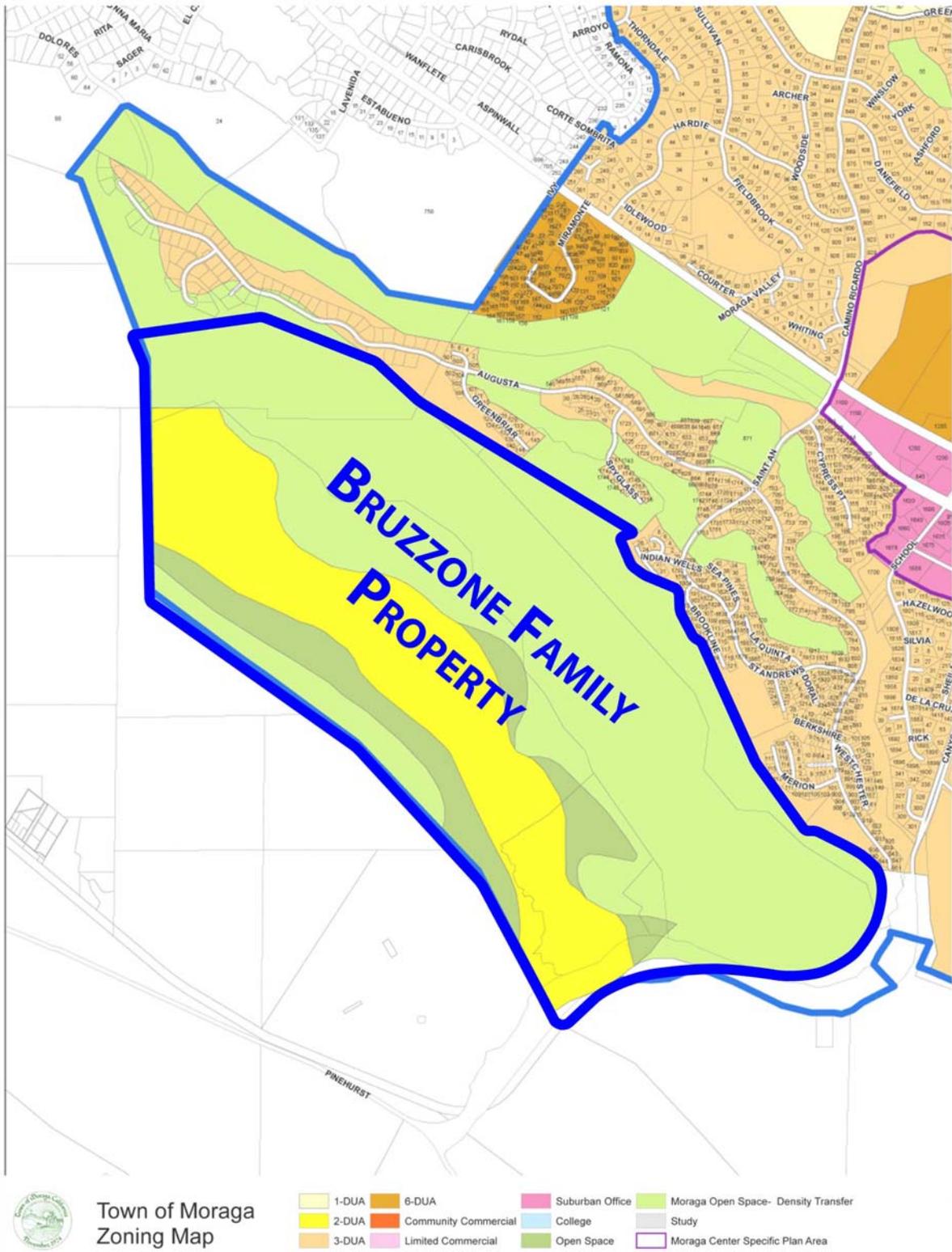


Figure 6: Current Summary Zoning District Boundaries

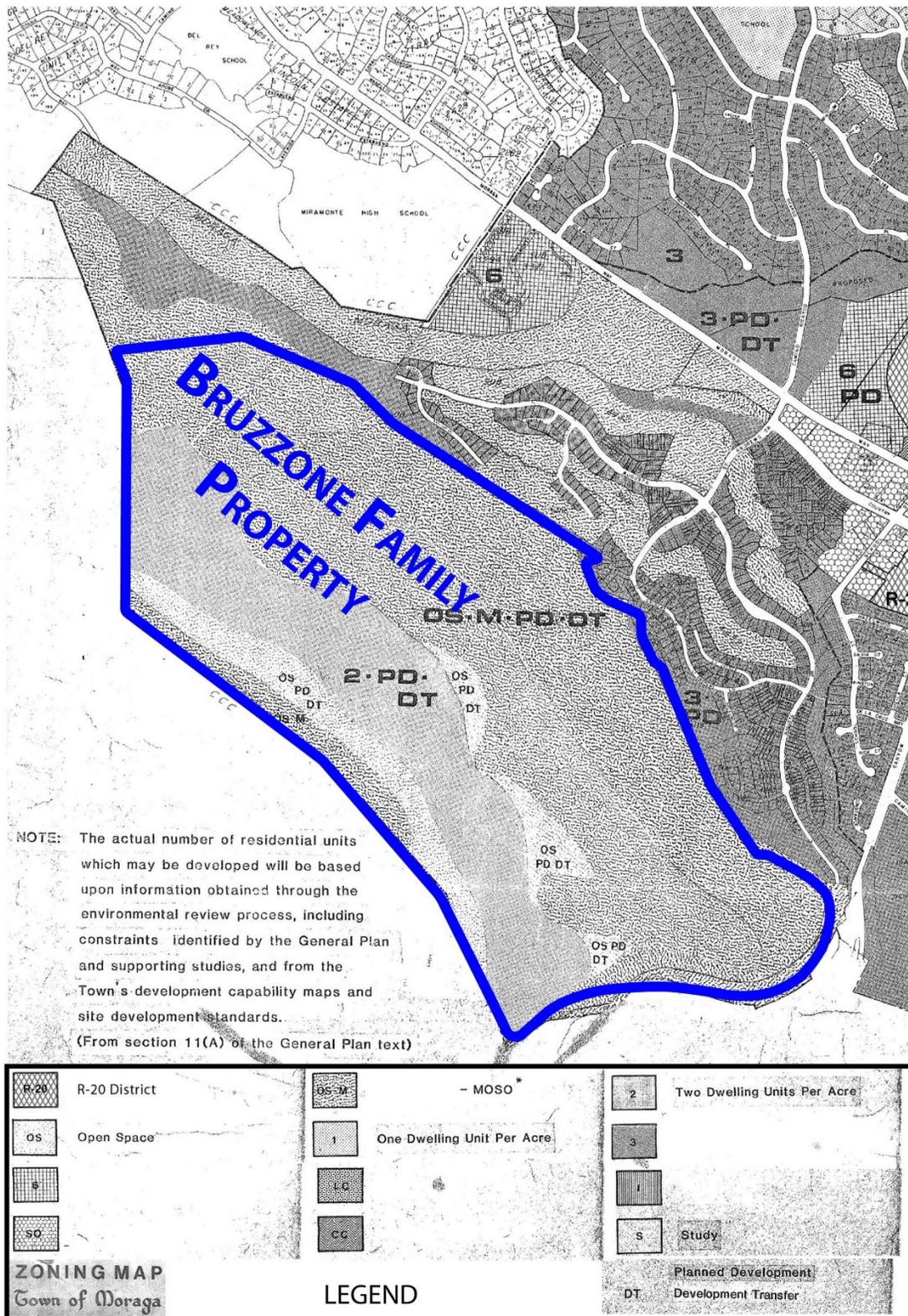


Figure 7: Official 1991 Zoning Map

**3.4 Relationship to Moraga Center Specific Plan.** The Project Site is situated less than one mile south of the Moraga Center (on the extension of Moraga Road named Canyon Road), within convenient walking distance of shops, services and offices. The Moraga Center currently contains approximately 600,000 square feet of existing commercial buildings on roughly half of its total 189 acres, and is planned for revitalization and expansion according to the terms of a recently adopted specific plan. Adopted by the Town in early 2010, the Moraga Center Specific Plan (MCSP)<sup>12</sup> provides policy direction and development standards for revitalization and expansion of the Moraga Center as a “mixed-use village” to include new retail, office, entertainment, and higher density housing. The adopted Land Use Diagram for the MCSP is shown in Figure 8.

The MCSP summarizes the community’s primary economic development goal for the specific plan as follows:

*“By allowing up to 90,000 square feet of new retail/entertainment space and 50,000 square feet of new office space, the Town hopes to capture a meaningful portion of the approximately 75% of the current taxable purchases that are presently made by Moraga residents outside of town.”*

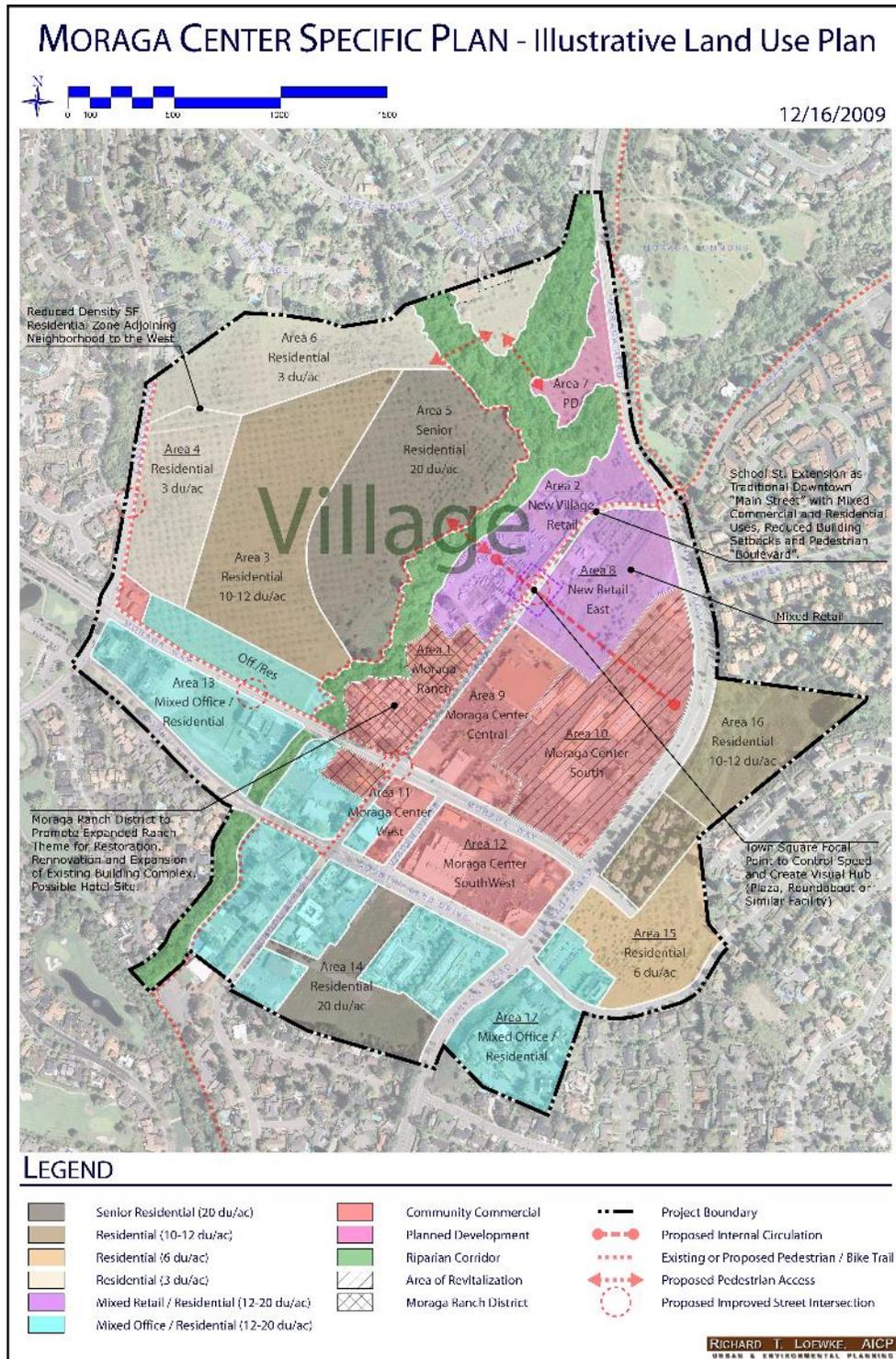
The Retail Market Assessment prepared for the MCSP identifies the contributing value of future single-family housing on the few remaining vacant low-density housing sites in Moraga, including the Indian Valley Project Site, in supporting this planned economic revitalization of the downtown. The Vision Statement for the specific plan underscores the importance of accommodating additional nearby housing to:

*“Provide a critical supplemental demand for retail and service uses within walking distance of the existing and planned commercial areas of the MCSP, thereby establishing and maintaining improved sustainability for a healthy and attractive downtown.”*

The 71 traditional single-family homes in the Indian Valley Project are expected to contribute to the economic health of existing businesses in the Moraga Center, as well as to the overall feasibility of the planned downtown revitalization program. Physical proximity, along with ease of access to the Lafayette-Moraga Regional Trail along School Street are expected to contribute to a high level of downtown retail sales capture from future Indian Valley Project residents.

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<sup>12</sup> The Moraga Center Specific Plan was adopted in January 2010 following certification of a project-level EIR, and incorporating a focused Retail Market Assessment prepared by Economic & Planning Systems, Inc. (EPS).



**Figure 8: Moraga Center Specific Plan**

**3.5 Ridgelines, Scenic Corridors & Viewsheds.** As discussed in Section 2.3, Indian Ridge rises from an elevation of roughly 800 feet just north of Canyon Road to almost 1,150 feet roughly one mile to the northwest. As documented on line 44 of Appendix 3, the southerly portion of Indian Ridge (approximately 6,000 lineal feet as shown on CDP Plan Sheet 7) located easterly of the Project Site is designated as a “Major Ridgeline”, whereas the northerly portion (the remaining 1,500 lineal feet) is designated as a “Minor Ridgeline”.

Indian Ridge screens Indian Valley entirely from adjoining residential development to the north and east. As shown in Figure 9 below<sup>13</sup>, Indian Ridge is a linear geographic feature which has no connecting secondary or “minor ridgelines”. Figure 9 depicts Indian Ridge in relationship to other MOSO-designated major ridgelines in Moraga. As shown in this diagram, Indian Ridge is the only such major ridgeline within southwestern Moraga. The black filled circles on this diagram correspond to the approximate alignment and extent of this “Major Ridgeline”. The shaded area represents the approximate 500-foot setback called for under MOSO between the ridgeline and planned future development.

As shown on CDP Plan Sheet 7, the 500-foot development setback line is measured from the actual ridgeline (orange line) which has been accurately plotted based on current flown topography using 5-foot contour intervals. This diagram demonstrates that all proposed residential development (homes, grading and other improvements) will be substantially below the 800-foot contour and substantially outside of the 500-foot Major Ridgeline setback.

The placement of all homes and related residential improvements are also set back substantially from Canyon Road, a “scenic corridor” as designated in the Moraga General Plan. Canyon Road is the only designated scenic corridor within the vicinity of the proposed Project. As shown in Figure 1, the nearest residential lot boundary is over 300 feet from Canyon Road. While a mix of single and two story homes are proposed within the Project, the home on Lot 1 will be limited to one story in order to minimize the visible building mass as viewed north along Indian Creek Way from the intersection of Canyon Road. The proposed home sites are also situated behind a knoll which parallels Canyon Road, thereby visually screening most improvements. The set of three before and after development Photo Simulations presented in Appendix 5 demonstrate that the proposed Project will not have a substantial effect on the visual character of the Canyon Road viewshed. As depicted in the simulations, the planting of trees and shrubbery will be visible along the westerly portion of the Project frontage, while the entry monuments and roadway improvements associated with Indian Creek Way will also be visible to people traveling directly opposite the Project entry. Views of Indian Ridge and the adjoining slope will be unaffected by the Project. Consistent with all applicable General Plan policies, vistas of Indian Ridge as seen from the scenic corridor will therefore be completely unaffected by the proposed residential development which is situated within the valley.

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<sup>13</sup> The map shown in Figure 9 was prepared by the Town of Moraga as part of the official MOSO Interpretation Guidelines as adopted in 1986.

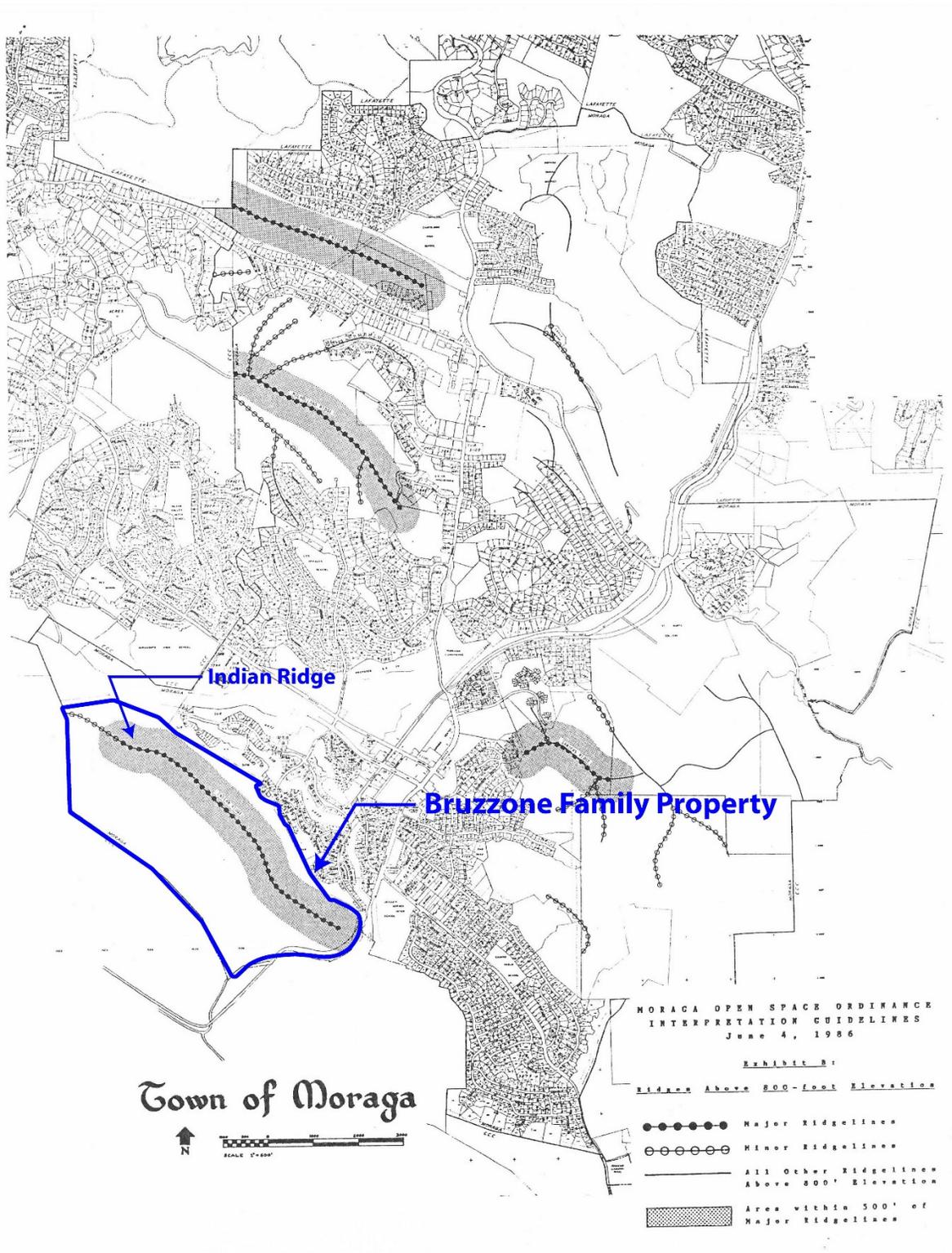


Figure 9: Official Moraga Ridgelines Map

**3.6 Compliance with Moraga Design Guidelines.** Consistency with all applicable policies contained in the Moraga Design Guidelines is summarized in attached Appendix 3 (Application Completeness & Town Policy Consistency Analysis), and further detailed in the notated Subdivision Application Form for the Conceptual Development Plan, on Pages 8 through 11 and in the 22-sheet Conceptual Development Plan set.

## 4.0 PROJECT ENTITLEMENTS

The following known and anticipated discretionary permits are listed by agency pertaining to full implementation of the Indian Valley Project.

### 4.1 Town of Moraga – Current Applications.

- a) **Conceptual Development Plan:** The Conceptual Development Plan (CDP) Application has been applied for concurrently with the other Town of Moraga applications listed below. This filing satisfies all requirements of both Municipal Code Section 8.48.090-100. This application provides the design and engineering details to satisfy the first step of sequential Planned Development review process mandated by the Town of Moraga. As explained in Section 1.0, while this CDP has been separated from the Vesting Tentative Map application by local statute, it is nevertheless linked to and an integral part of the vesting process as provided for in Chapter 4.5 of the California Government Code (Sections 66498.1 – 66498.9).

This application is supported by accompanying Scenic Corridor Exhibits (Appendix 5) demonstrating (as referenced in Section 3.5 above) that as designed the proposed residential development will not adversely affect views from Canyon Road. It is also supported by attached Appendix 3.

Preliminary information on the design and placement of all residential structures is included in the CDP Application, as required by Code. Additional, more detailed architectural design information will be submitted for formal review and approval by the Design Review Board as part of the Future Applications.

The CDP Application includes information on the proposed compensatory habitat mitigation strategy designed to avoid, minimize and mitigate for potential impacts to state and federally listed species, as further shown on CDP Plan Set Sheet 11, the Wildlife Avoidance & Biological Monument Corridor Exhibit. Compensatory habitat mitigation, including protection through recordation of an easement, may be provided on a portion of the Remainder Parcel directly adjoining the Project Site or an alternative offsite location.

- b) **Hillside Development Permit:** Consistent with the provisions of Municipal Code Section 8.136.050, all information otherwise required for processing of a Hillside Development Permit is contained as part of the Conceptual Development Plan Application. A separate Hillside Development Permit application is therefore not required. Note, however, that because the average pre-development slope of that

portion of the Project Site proposed for development (within the “footprint” of grading and all improvements as shown in Figure 1) is less than 20%<sup>14</sup>, application for the equivalent of a Hillside Development Permit is not required in this case.

Nonetheless, the Hillside Development permit Fee has been submitted to cover the event in which the Town determines now, or in the future, that a Hillside Development Permit will be or should be required.

- c) Use Permit:** Consistent with Municipal Code Sections 8.52.040-060 and 8.52.110-140 Use Permit approval is requested to fulfill the requirement for approval of a limited number of housing units as “conditional uses” within that portion of the Project Site zoned Non-MOSO Open Space (there are no homes proposed within the MOSO Open Space designated areas). This application is being processed concurrently with and as an integral part of the Conceptual Development Plan Application. The documentation in this Project Description and the Project Application support the requested Use Permit authorization and the residential density proposed for that portion of the Project Site zoned Non-MOSO Open Space.
- d) Environmental Information Form & Review Pursuant to CEQA:** Consistent with the Town’s procedures as outlined in the Application Form for processing of a Conceptual Development Plan and Sections 15060(d) and 15081 of the California Environmental Quality Act (CEQA) Guidelines, it is requested that an environmental impact report (EIR) be prepared for the proposed Indian Valley Project. The EIR should incorporate documentation contained in the certified program-level EIR for the 2002 Moraga General Plan Update, as well as the certified project-level EIR for the 2010 Moraga Center Specific Plan. In addition, it should utilize the current site-specific environmental documentation contained in the Project Application, as listed above and summarized below, in order to focus the EIR. The EIR shall consider the entire proposed Project, including consideration of the potential environmental effects of implementing the Project based on its current and anticipated future applications. Along with the current applications, the applicant has provided the above listed technical studies providing extensive background information with respect to a number of environmental issues, including the following:
- (1) Biological Reports.** The Biological Reports consist of three reports prepared by Sycamore Associates LLC in 2003 and 2004, together with a comprehensive Addendum prepared by Marylee Guinon, LLC in 2015. The reports prepared in 2003 and 2004 document comprehensive botanical surveys conducted in 2003 for special-status plant species, focused U.S. Fish and Wildlife Service (USFWS) protocol-level surveys conducted in 2003 for California red-legged frog (*Rana aurora draytonii*), and identify various special-status wildlife species considered to have a moderate to high potential

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<sup>14</sup> The average pre-development slope within the Project Site footprint is less than 20%.

to occur within the Study Area. The Addendum to the 2003 and 2004 reports was prepared in 2015 to update and augment the reports to address the proposed development of the Project Site. The Addendum includes a review of the previous reports and other pertinent literature, updated record searches and the results of reconnaissance-level surveys conducted in 2014. The Addendum also identifies potential impacts and recommended mitigation to reduce potential impacts to a less-than-significant level. Particular attention has been given to the potential for impacts to Alameda whipsnake (*Masticophis lateralis euryxanthus*) (state and federally listed) and California red-legged frog (federally listed). This portion of Moraga has been identified as being situated within the critical habitat area for Alameda whipsnake.

- (2) Jurisdictional Delineation:** An investigation of the geographic extent of areas potentially subject to U.S. Army Corps of Engineers (USACE) jurisdiction under Section 404 of the Clean Water Act (wetlands and other waters) was prepared according to USACE guidelines by Olberding Environmental, Inc. and Marylee Guinon, LLC, and is included in the Addendum. The jurisdictional delineation survey covered the entire Project Site, the Remainder Parcel, plus an additional area along a portion of Canyon Road right-of-way that may require infrastructure improvements. The survey results are reflected on the Jurisdictional Delineation Map that shows the location and size of all wetlands and waters potentially jurisdictional by the USACE. The jurisdictional delineation will be submitted to the USACE for verification. The Indian Valley Project is being designed to avoid, minimize and mitigate for potential impacts to jurisdictional features.
- (3) Archaeological Survey Records Search:** An archaeological survey and records search has been prepared by William Self Associates, based on a current records search, consultation with the Native American Heritage Commission, and an archaeological survey. The records search has been conducted through the California Historical Resources Information System, Northwest Information Center (NWIC) at Sonoma State University, and covers the entire Project Site plus a minimum one-quarter mile radius adjacent thereto. In accordance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, qualified WSA archaeologists have conducted an intensive pedestrian archaeological survey of the Project Site and surrounding area as a means of evaluating potential impacts to cultural resources. The Cultural Resources Analysis records and evaluates the existence of any historic (over 45 years of age) or prehistoric archaeological sites on appropriate Department of Parks and Recreation Primary Record (DPR 523) and associated forms.
- (4) Traffic Analysis:** A preliminary study of traffic and transportation systems was prepared by Abrams Associates, Traffic Engineering, Inc. The 2016 analysis is based on review of the Conceptual Development Plan, a site visit, and traffic volume counts along Canyon Road. It addresses sight-distance and safety at the Project entry, current conditions and traffic volumes along Canyon Road,

- existing and planned bicycle lanes and pedestrian movement, an estimate of peak and daily traffic added by the proposed Project, and an assessment of the proposed Project's effects on safety and service levels.
- (5) **Geotechnical Report:** A preliminary engineering level geotechnical report has been prepared by ENGEO Inc., working closely with PA Design Resources. The report discusses soil conditions, identifies the potential for safety risk associated with landslides, faulting, ground shaking and liquefaction. Guidance is provided for the design of earthwork and building foundations.
- (6) **Computer Generated Visual Study:** Prepared by PA Design Resources, Inc. in concert with Mark Szabo in December 2016, this analysis includes three detailed photo simulations of the completed Project as viewed from the public vantage points along Canyon Road. It demonstrates that the Project will not have an adverse effect on the scenic corridor, or affect vista of Indian Ridge.
- (7) **Site Photos:** Prepared by P/A Design Resources, Inc. in December 2016, this set of photos accurately reflect existing conditions for use in documenting baseline conditions for environmental review purposes.
- (8) **Preliminary Storm Water Control Plan:** A preliminary storm water control plan (SWCC) has been prepared by P/A Design Resources, Inc. (December 2016) to identify the drainage systems and areas affected by the Project, as well as the detention and water filtration systems required and accommodated in the CDP Plan Set to satisfy all applicable Town and County standards.
- (9) **Economic Analysis:** A preliminary Public Economic Cost/Impact Analysis was prepared by David Bruzzone to evaluate the impacts of off and on-site public services and facilities as it relates to the proposed development shown on the Conceptual Development Plan.

## 4.2 Town of Moraga - Future Applications.

- a) **General and Precise Development Plans:** The applications for General and Precise Development Plan approvals will be filed following approval of the Current Applications, to accompany the Vesting Tentative Subdivision Map and preliminary Improvement Plans, and will contain all information required pursuant to Municipal Code Section 8.48.110 (General Development Plan), and Municipal Code Section 8.48.120 (Precise Development Plan).
- b) **Subdivision Application & Vesting Tentative Subdivision Map:** A Town of Moraga Subdivision Application will be filed for approval of a Vesting Tentative Subdivision Map (VTM) in accordance with the provisions of Government Code Section 65452, et seq. The VTM Application will include details of the proposed habitat mitigation strategy including the location of the compensatory mitigation site(s). The Vesting Tentative Map application has been separated from the

current CDP application by local statute; however, consistent with Chapter 4.5 of the California Government Code (Sections 66498.1 – 66498.9, the Subdivision Map Act) it is nevertheless linked to and an integral part of the sequential development plan review process initiated with the filing of the CDP application. This CDP Application is therefore also linked to the future Vesting Tentative Map under the provisions of the Subdivision Map Act.

- c) **Tree Removal Permit:** Consistent with the provisions of Municipal Code Section 12.12.110, the Subdivision Application and Vesting Tentative Subdivision Map will confirm the location of all trees proposed for removal on the Project Site, together with plans for planting of replacement trees. A separate Tree Removal Permit application will therefore not be required. Note also that a Tree Survey and Arborist's Report are to be included as part of the current environmental technical studies prepared for the Project, and that this same level of detailed information is already reflected on the CDP plan set to support a full environmental assessment pursuant to CEQA.
- d) **Design Review of Architectural products:** The preliminary design and placement of all residential structures are shown in the CDP Application materials (Current Application), as required by Code. Additional, more detailed architectural design information will be submitted for formal review and approval by the Design Review Board subsequently.
- e) **Encroachment Permits:** Encroachment Permits will be applied for, consistent with the information in the Current Applications and environmental documentation to make improvements for utility lines, intersection improvements and related safety improvements at the Project entry and along Canyon Road between the Project entrance and the existing bridge over Moraga Creek.
- f) **Development Agreement:** Concurrently with processing and approval of the above discretionary entitlements, the property owner may also submit a request for approval of a Development Agreement pursuant to Sections 66864-65869.5 of the California Government Code. The purpose of the Development Agreement would be to extend the term of and strengthen the protections afforded to the Indian Valley Project under the other listed entitlements. There would be no exemptions or variances sought from local regulations, and the Development Agreement would further delineate the benefits this unique housing project will bring to the community, to serve in part as the basis for its adoption.

### 4.3 Other Agencies - Future Applications.

- a) **San Francisco Regional Water Quality Control Board – Water Quality Certification:** Application will be filed for Water Quality Certification under Section 401 of the Clean Water Act for construction or operation of facilities that would result in a discharge into waters of the U.S. It is also possible that the Project

would require approval of a National Pollutant Discharge Elimination System Stormwater Discharge Permit, depending on status of Town of Moraga Regional Municipal Permit.

- b) U.S. Army Corps of Engineers, San Francisco District:** Application for a Permit under Section 404 of the Clean Water Act will be applied for to authorize placement of fill within jurisdictional wetlands/waters, and subject to a formal verification of the preliminary jurisdictional delineation prepared by Olberding Environmental, Inc. and Marylee Guinon LLC.
- c) California State Historic Preservation Office:** Consultation under Section 106 of the National Historic Preservation Act will take place with respect to any historic structures identified within the Indian Valley Project Site. Note that a Cultural Resources Assessment has been completed and is being filed as part of the supporting environmental technical studies accompanying the Current Applications.
- d) U.S. Fish & Wildlife Service:** Section 7 Consultation under the Federal ESA, is anticipated based on the technical studies prepared for the Project, the analysis of potential Project effects, and Corps of Engineers jurisdiction.
- e) California Department of Fish and Wildlife:** Application for a Lake or Streambed Alteration Agreement under Fish and Game Code Section 1602 will be applied for to authorize any activity that would modify lands subject to CDFW jurisdiction. Application for an Incidental Take Permit under Section 2081 subdivision (b) of the Fish and Game Code for impacts to species listed under the California Endangered Species Act (CESA) will also be sought.

## 5.0 PROJECT OBJECTIVES & BENEFITS

As detailed in the foregoing sections, the Indian Valley Project does not require any amendments to the Moraga General Plan or Zoning Ordinance. The Project Site is situated within the voter-approved Contra Costa County Urban Limit Line and is designated in the 2015 Moraga Housing Element as a listed site for production of up to 150 single-family housing units. As detailed in Section 3.1, the Moraga General Plan identifies a potential for development of between 185 and 239 dwelling units on the Project Site. However, the proposed Indian Valley Project design and supporting documentation call for development of 71 traditional single-family homes, or less than one third of the number contemplated under the current General Plan. The design of this reduced-scale proposal has been informed through the preparation of extensive site-specific environmental studies (as provided in the Current Applications), along with both planning and engineering level analysis, in order to avoid impacts and provide for a sensitive community design. The basic objectives of the Indian Valley Project are therefore as follows:

- Create an economically feasible and environmentally sensitive housing project based on the concept of clustering homes within the valley portion of the Project Site and avoiding significant disruption of sensitive habitat areas or other environmental features.
- Provide a minimum of 71 traditional single-family homes efficiently, and yet sensitively organized along a central spine roadway and connecting private streets in order to support the cost of site improvements, environmental mitigation and other Project costs.
- Maintain adequate separation and proper screening from Canyon Road in order to achieve consistency with Town policies and standards relating to scenic corridors.
- Minimize development within MOSO Open Space areas on the Project Site, consistent with the Moraga Open Space Ordinance and Town Guidelines for implementation of MOSO. No residential lots are proposed to be located within areas designated as MOSO Open Space. No Project improvements of any kind occur above the 800-foot elevation or within 500 feet of the Indian Ridgeline.
- Provide a substantial recreational opportunity as part of the Project, which will potentially take the form of improvement of the following major trails: (a) Potentially an approximate 2,000 foot extension of the Lafayette-Moraga Regional Trail along Canyon Road to the Project entry; (b) A new one+ mile long trail which will extend along Indian Creek utilizing an improved emergency vehicle access loop; and (c) A 6 foot wide path which loops back one + mile along Indian Creek Way to the Lafayette-Moraga Regional Trail to create a two mile loop within the Project itself. These recreational opportunities will be further detailed with each progressive stage of the Town's development review process, and may be considered for potential public use and dedication as part of the Vesting Tentative Map, as further explained in Section 6.3 below.
- Provide an emergency vehicle access (EVA) across lands owned by the Project sponsor, in order to establish a safe and reliable means of access for emergency services and evacuation of all homes within the Indian Valley neighborhood. The proposed EVA will meet Town of Moraga and MOFD access standards including an all-weather surface and locked access gates to prevent unauthorized vehicle use. The EVA will parallel the internal (private) spine roadway, and concurrently serve, possibly, as a full-time trail facility.
- Maintain an adequate open space buffer with defensible "wet zones" along the southwesterly side of the Project (adjoining Indian Creek) to minimize the risk of wildfires, consistent with CDF standards and guidelines.
- Provide necessary improvements along Canyon Road as may be necessary to ensure safe movement of vehicles and bicyclists, and to accommodate delivery of utilities to serve the Project.

- Conduct grading to remediate landslide risks and create geotechnically safe residential lots, house pads, and streets. The overall Project design calls for an environmentally sensitive and balanced cut and fill on site in order to minimize impacts both on and off Project Site.
- Provide surface water detention and bioretention basins to prevent continued historic erosion of creek channel banks, control stormwater runoff from developed areas and provide for biofiltration to manage water quality and increase infiltration to groundwater. The Project design includes a series of localized basins, a series of grassy swales, natural surface water energy dissipation structures, and controlled outfall systems.
- Protect the highest quality biological resources on site including the Indian Creek riparian corridor and drainage stream corridors that flow from the upper watershed into Indian Creek. The Project design includes bridging the drainages and designing the storm drain outfalls to outflow to Indian Creek outside the actual creek channel via existing drainages.
- Establish a homeowners association (HOA), Geologic Hazard Abatement District (GHAD) or other privately funded mechanism to maintain private roads, open space, and drainages within the Project Site.
- Reserve a major portion of the lands currently owned and managed by the Bruzzone Family outside of the Project Site (Remainder Parcel) for their continued use including, but not limited to, agricultural and open space uses, consistent with all applicable laws. The CDP identifies two local points of continuing access to the Remainder Parcel which extend through proposed private open space which will be owned and managed by the Indian Valley Project homeowners association.
- Support the economic feasibility of implementing the approved nearby Moraga Center Specific Plan (MCSP) project through generation of substantial additional discretionary expenditures from the 71 proposed traditional single family homes in the Indian Valley Project. The importance of added marginal discretionary expenditures from the Indian Valley Project is documented in the January 2010 certified project-level EIR for the MCSP, and the associated 2006 Retail Market Assessment prepared by Economic & Planning Systems, Inc. (EPS). The EPS Market Assessment specifically outlines the opportunity for a high “capture rate” level from retail purchases by future residents of the Indian Valley Project (the current sales tax “leakage” in Moraga is estimated at 75%), and quantifies increased support for implementation of the MCSP at “6 percent, or over \$4.4 million” annually. This added economic support and enhanced capture of expenditures will ultimately facilitate the expansion and sustainability of the Moraga Center, including its ability to provide the infrastructure and market demand and accommodate future development of needed affordable housing, as relied upon in the Moraga Housing Element.

## **6.0 PROJECT COMPONENTS**

### **6.1 Single-Family Housing & Semi Rural Character.**

The Indian Valley Project includes preliminary architectural elevations and floor plans, as well as a Conceptual Landscape Plan. These plans are consistent with the current Town of Moraga 2010 Design Guidelines as detailed in Appendices A, B and C. Homes in the Project will be designed to have a semi-rural feel featuring distinct styles of architecture typical of the new homes in Moraga. As noted in Section 4.2 above, the Subsequent Approvals will include application to the Town's Design Review Board for detailed approval of all architectural products.

The landscape design concept is to maintain a semi-rural character for the property by protecting the ridgelines and viewsheds and emphasizing and complementing the existing oak woodland and riparian corridors with additional planting of trees of similar species. All proposed plan material shall be in accordance with the recommendations by the Moraga Beautification Committee as noted in Appendix B of the Moraga Design Guidelines with special emphasis on California native, fire resistive and drought-tolerant species local to the area.

All lots adjacent to open space have been designed to maintain a 'wet band' per the Moraga-Orinda Fire District recommendations, a minimum of 30 to 100 feet in width, where setbacks will allow. Newly planted trees shall be kept a minimum of 15 feet from all exterior walls. All proposed planting areas within the residential community shall have an automatic sprinkler system utilizing matched precipitation heads along with drip irrigation and automatic multi-programmable controllers equipped with rain sensors with an automatic shut-off device. All planting and irrigation shall comply with the California Water Efficient Landscape Ordinance, AB 1881.

### **6.2 Open Space Protection.**

The proposed Project provides a significant open space amenity, representing nearly two-thirds of the entire Project Site. The Project also satisfies all applicable requirements of the Moraga Open Space Ordinance (MOSO) and current Guidelines for Interpretation of MOSO, as well as the Town's Zoning and General Plan standards for protection of non-MOSO Open Space, as detailed in attached Appendix 3. As noted above, no homes are proposed to be placed within the MOSO-designated areas on the Project Site. Major portions of only 4 lots occur within the Non-MOSO Open Space designated areas on the site. The Project's development "footprint" (including grading, roadways, and other improvements) has been minimized in size through the reduced number of lots and by clustering. The average predevelopment slope within this footprint is less than 20%.

Indian Ridge is located on the remaining lands owned and managed by the Bruzzone Family, east of the Project Site. The ridge will continue to be protected according to the provisions of MOSO. Compensatory habitat mitigation, including protection through

recordation of an easement, may be provided on a portion of the Remainder Parcel, the Project Site, or an alternative offsite location. A geologic hazard abatement district (GHAD) will be applied to a small portion of the Project Site for purposes of slope maintenance.

### **6.3 Park & Recreational Facilities.**

As noted above, the CDP for the Indian Valley Project includes detailed plans for extensive new trail facilities. The Project currently contemplates a possible extension of the existing Lafayette-Moraga Regional Trail adjoining its frontage on Canyon Road. The new trail would continue southwesterly from the current terminus of the Lafayette-Moraga Trail, over 2,000 feet, to a point near the Project entrance. The Project also currently contemplates a possible second new trail which would extend from the end of the first trail adjoining the Project entrance, northwesterly over a distance of one full mile adjoining Indian Creek. This second new trail would be provided along the alignment of the EVA adjoining Indian Creek, and extend north to the Moraga Town Boundary. This "Indian Creek Trail" provides over one mile of trail extension, and is consistent with the "proposed" Moraga Trails Master Plan. If eventually made accessible to the public, these two trails could fulfill an objective of the EBRPD August 2013 plan of Existing and Proposed Parklands and Trails, by providing a critical potential linkage of "Potential Regional Trail #23" which could ultimately connect the Lafayette-Moraga Regional Trail with Tilden Park. These recreational opportunities will be further detailed with each progressive stage of the Town's development review process, and may be considered for potential public use and dedication as part of the Vesting Tentative Map.

The circulation pattern for vehicular and pedestrian ways are shown throughout the Conceptual Development Plan set. It is best illustrated on CDP Plan Set Sheet 20, the Circulation Pattern Exhibit for Vehicular and Pedestrian Ways. This sheet shows the complete vehicular circulation of the internal street pattern and its' intersection with Canyon Road and its relation to and surrounding public streets. This sheet also shows and calls out pedestrian ways in the form of a potential extension of 2,000 feet of the 10' wide Lafayette/Moraga Regional Trail along Canyon Road and the new 20' wide trail/EVA extending over an additional full mile northwesterly along Indian Creek. This 20' wide trail connects to a 6' wide meandering pedestrian trail that then extends back along Indian Creek Way to Canyon Road and the Lafayette/Moraga Region Trail creating over a two mile pedestrian loop within the Project.

See CDP Plan Set Sheets 18 and 19 for additional sections and details of the streets and trails.

### **6.4 Site Grading & Phasing of Improvements.**

The Project may be built in phases by one or more builders over a period of up to 20 years. As detailed in CDP Plan Set Sheets 14-16, the initial phase includes conceptual grading of the Project Site, site preparation, recontouring for drainage and roadways,

improvements to roadways, and grading of the lots and pads. Construction of individual homes will be phased as the market conditions allow. The total quantity of earthwork required for completion of the Indian Valley Project is estimated at 800,000 cubic yards, not including remedial earthwork required for geotechnical stabilization. This earthwork will be balanced on the Site.

## **6.5 Infrastructure, Access & Public Services.**

The foregoing "net" volume of total cut is expected to be absorbed into the placed fill volume in final design, in order to achieve a no net import or off-haul condition. The Project includes limited improvements to Canyon Road designed to satisfy current minimum Town and MOFD standards for public safety. The improvements will include localized travel lane widening and paving along the frontage of the Site adjoining the entry, and utility construction between the Project Site entry and the Moraga Creek Bridge. Utility lines, including water, sewer, telephone, cable and gas will be placed in trenches, and fire hydrants will be placed at intervals along the roadway, as determined by the MOFD.

The Project will connect to an existing Central Contra Costa Sanitary District (CCCSD) gravity flow trunk sewer in Canyon Road. The existing service capacity of the CCCSD trunk line is adequate to accommodate the Project. EBMUD will provide water service from existing District facilities, and an extension of the trunk line in Canyon Road. PG&E will provide gas and electric service from facilities extended along Canyon Road.

Agencies listed below will provide public services and utilities to the Project:

- Schools: Moraga School Dist. (MSD) & Acalanes Union High School Dist. (AUHSD).
- Fire Protection and Emergency Services: MOFD.
- Police Protection Services: Moraga Police Department (MPD).
- Water: East Bay Municipal Utility District (EBMUD).
- Wastewater: Central Contra Costa Sanitary District (CCCSD).
- Solid Waste & Recycling: Allied Waste Industries & Pleasant Hill Bayshore Disposal.
- Recycling: Valley Waste Management, Inc.
- Parks and Recreation: Town of Moraga and EBRPD.
- Communications (Cable, Internet, Phone): AT&T and Comcast.
- Gas and Electricity: PG&E.

The Project will include extension of existing, domestic water, wastewater, gas, electric, and communication lines to serve new homes. Lots will be served from the wastewater system by gravity flow, and a sanitary sewer pump station will be constructed on the Site near the entry. A force-main sanitary sewer line will be constructed from the pump station to the existing CCCSD sewer facilities in Canyon Road near Camino Pablo. No onsite water storage is proposed for the Project.

As noted above, it is contemplated that a homeowners association (HOA) and Geological Hazard and Abatement District (GHAD) will be created to maintain portions of the Project Site outside of the residential lots (but within the Project Site). The HOA will be responsible for maintaining improvements in common areas and managing the common area parcels. The Town will review, as part of subsequent approvals, the HOA's Conditions, Covenants, and Restrictions (CC&Rs) that will govern the HOA.

The purpose of a GHAD is to provide an independent public entity to oversee geologic safety by means of prevention, mitigation, abatement, and control. A Plan of Control (POC) will govern the Indian Valley Project GHAD. A POC is a legally required guiding document for the operation of a GHAD, prepared by a Certified Engineering Geologist. A typical POC contains a monitoring schedule, prioritization of GHAD involvement, the scope of the GHAD's responsibilities, and a list of items not covered by the GHAD. Supplemental property tax assessments will fund the GHAD, triggered by the initial sale of the individual lots. The Project may enter into an existing GHAD with other developments in the vicinity or form a new GHAD.

Streets in the Project Site will consist of an interior residential spine road and cul-de-sacs, with a connecting emergency vehicle access (EVA) route. On-site roads are classified as Residential Streets with 36 feet of pavement within a 64-foot right-of-way. Connecting private common driveways will be built as 20-foot paved sections with approved turn-arounds. A small additional dedication to Canyon Road will occur with recordation of the Final Map in order to provide an adequate connection at the Project entry. All of the internal private Project streets will be owned and maintained by the HOA.

A Preliminary Storm Water Management Plan (SWMP) has been developed to meet Regional Water Quality Control Board (RWQCB) and Town of Moraga C.3 NPDES permit requirements. The Project will use bioswales along roadways, and retention and detention features to maintain stormwater runoff rates and volumes to pre-development levels. Bioswales are proposed to capture runoff adjacent to impervious surfaces, allowing surface water to slow and infiltrate to groundwater before reaching the basins. Appropriately sized and situated detention and bioretention basins will prevent receiving streams from being subjected to peak discharges above those before construction. Detention and retention features will increase groundwater infiltration and filtering of sediments and nutrients before discharge to streams. The on-site bioswales, retention and detention basins will be designed to maintain downstream restored stream channels; and reduce pollutants, erosion and sedimentation that can degrade streams, wetlands, riparian, and aquatic habitats. Measures expected to be incorporated into the Project include the following Best Management Practices (BMPs):

- Maximizing vegetated areas while minimizing impervious areas.
- Designing irrigation system volume, rates, and spray patterns to avoid or minimize runoff.
- Reducing directly connected impervious areas to maximize vegetated areas.
- Educating the public on reducing fertilizer, herbicide, pesticide, and fungicide use.

- Educating the public on avoiding discharge of solvents, cleansers, detergents, oils, and other sources of pollutants into the storm drainage system.
- Revegetating disturbed areas with a mix of native plant species to establish vegetative cover to stabilize hillsides, reduce erosion and sedimentation, and promote infiltration of runoff.

## 6.6 Project Transportation Modes & Anticipated Volumes

Each of the 71 residential lots within Indian Valley Project is designed to accommodate a traditional single-family home. The internal private streets are designed to accommodate both pedestrian and bicycle movement, and connections are provided to the extended Lafayette-Moraga Regional Trail (which will potentially continue through the Project as the Indian Creek Trail). The Project is expected to generate the vehicular traffic as shown in Table 6 below:

|                     | <b>Proposed Project<br/>(71 Homes)</b> | <b>2000 Moraga<br/>General Plan EIR<br/>(239 Homes)</b> | <b>2002 Moraga<br/>General Plan (185<br/>Homes)</b> |
|---------------------|--|---|---|
| Average Daily Trips | 685                                    | 2,299   | 1,784   |
| PM Peak Hour Trips  | 72                                     | 241   | 187   |

**Table 6: Anticipated Traffic Volumes for Project and General Plan Buildout**

Based on the figures shown in Table 6, it is clear that the Indian Valley Project will generate roughly one-third (1/3) the volume of average daily and peak hour trips previously anticipated in the adopted General Plan and its supporting EIR. These volumes are also well below the 100 peak hour vehicle threshold identified by the Contra Costa Transportation Authority (CCTA) for preparation of a detailed traffic analysis.

### APPENDICES:

1. Conceptual Development Plan (Plan Set Sheets 1 through 22), P/A Design Resources, Inc., December, 2016 (Application Appendix A).
2. Conceptual Development Plan Application, P/A Design Resources, Inc., December 2016.
3. Application Completeness & Town Policy Consistency Analysis, Loewke Planning Associates, December 2016 (Application Appendix C).
4. Lot Size and Distribution Analysis, Loewke Planning Associates, December 2016 (Application Appendix S).
5. Computer Generated Visual Study, P/A Design Resources, Inc., in concert with Mark Szabo, dated Dec., 2016 (Application Appendix T).
6. Archaeological Survey, William Self Associates, Inc., Dec. 2016.